

"HUMBOLDT COUNTY CANNABIS CULTIVATION COMPLIANCE INITIATIVE"

The People of the County of Humboldt do ordain and enact as follows:

Section 1. Title

This measure shall be known and may be cited as "Humboldt County Cannabis Cultivation Compliance Initiative."

Section 2. Statement of General Purpose

This initiative measure establishes a reasonable regulation of land use and associated environmental aspects of agricultural activity within Humboldt County related to the planting, cultivation, harvesting, processing, storage, drying, packaging, transportation, distribution, and sale of cannabis within Humboldt County.

Section 3: Findings and Declarations

The people of Humboldt County find and declare as follows:

- (a) Over the years the decline of the fishing and timber industries within and adjacent to Humboldt County has had an adverse impact on the economy within Humboldt County; the agricultural products of Humboldt County were reported in 2004 at approximately \$320 million, but dropped to under \$150 million in 2008, as reported to the State of California..
- (b) The geography, climate, and micro-climates of Humboldt County make it an excellent location to farm cannabis.
- (c) As a result of these circumstances, cannabis has been farmed in Humboldt County without the benefit of any planning and zoning regulations.
- (d) The unregulated farming of cannabis in Humboldt County impacts the environment of the County and, therefore, the health, safety and welfare of the residents and the visitors to the County.
- (e) The unregulated farming of cannabis in Humboldt County diverts the use of some land which could be used for other agricultural production.
- (f) The unregulated farming of cannabis in Humboldt County sometimes occurs without the benefit of review by the California State Water Resources Control Board, the California Department of Forestry and Fire Protection, and/or the California Department of Fish and Wildlife.
- (g) The unregulated farming of cannabis in Humboldt County sometimes occurs in violation of regulations of the California State Water Resources Control Board, the California Department of Forestry and Fire Prevention, and/or the California Department of Fish and Wildlife.
- (h) Regulation is needed to maintain adequate stream flows, protect water quality, and prevent the construction of fish barriers to avoid adverse effects on protected salmon and steelhead trout.

(i) Activities within Humboldt County associated with the planting, cultivation, harvesting, processing, storage, drying, packaging, transportation, distribution and sale of cannabis require the use of both human resources and natural resources of Humboldt County that impact the health, safety and welfare of the residents of, and visitors to, Humboldt County.

(j) Lawful and responsibly regulated cannabis cultivation presents a tremendous opportunity to preserve Humboldt County's rural character and to protect agricultural timber production, open space and natural resources consistent with such regulated cannabis cultivation within reasonable and environmentally conscious limitations.

(k) The governmental policies and actions of Humboldt County should promote sustainable and commercial activities that protect the environment and preserve the rural character of the county while stimulating value-added businesses and industries that will enhance long term prosperity for the residents by reasonably regulating the cultivation of cannabis to protect the health, safety and welfare of its residents and the people of the State of California.

(l) A framework of clear rules and regulations is necessary to promote voluntary compliance and to provide effective and efficient enforcement mechanisms to address necessary local and state permits for the cannabis industry as such may be permitted by California law from time to time.

(m) Rules and regulations for the cannabis industry in Humboldt County can encourage compliance with state law regarding protection of the environment including the regulations of the State Water Resources Control Board, the State Department of Forestry and Fire Prevention, and the California Department of Fish and Wildlife, all to the benefit of the residents of Humboldt County and the people of the State of California.

(n) Regulation of the cultivation of cannabis would likely diminish the availability of unlawfully produced cannabis and controlled substances to minors, and reduce the overall impact of illicit drug-related activities within Humboldt County.

(o) This initiative preserves local control over land uses through general plan policies and updates and zoning regulations, and ensures compliance with all applicable state and local requirements for cannabis cultivation through a program administered by the County Agricultural Commissioner that allows for on-site inspection, laboratory testing of crop harvests, registration and certification of compliant cultivators and gardens, and implementation of best management practices based on collection of data permitting evaluation of Cumulative Watershed Impacts.

(p) Responsibility for administering existing laws and regulations that are implicated by cultivation activities, such as building permits, fire inspections, property tax assessment, law enforcement, water, planning approval, etc., remain with the various state, county and regional agencies having jurisdiction and enforcement responsibility over those subjects.

(q) The ordinance is not intended to and does not authorize cannabis cultivation or other cannabis-related activities for uses that violate California law.

(r) This ordinance is intended to authorize outdoor cannabis cultivation only for uses lawful under California law applicable at the time. The zoning and land use restrictions contained in this ordinance are intended to operate as restrictions on the location and area that may be cultivated based on parcel size, while assuring compliance with applicable environmental procedures.

(s) All cultivation of cannabis shall be subject to the County's compliance and oversight program requiring on-site inspections, registration of cultivators and cultivation sites, and presentation of documentation or other proof satisfactory to the Agricultural Commissioner that all permits, licenses and approvals required by all governmental agencies having jurisdiction over the

person, property, use, activity, or other matter or thing required by law as a condition precedent to commencement or recommencement of cannabis cultivation or related activities at the site have been obtained and are current and valid.

**Section 4:** Chapter 3 of Division 1 of Title III of the Humboldt County Code is hereby amended to read as follows: (Text to be inserted into the Humboldt County Code below is indicated in **boldface italics** while text in standard type is existing text in the Humboldt County Code.)

SECTION C: INDEX OF DEFINITIONS OF LANGUAGE  
AND LEGAL TERMS

313-135 GENERAL RULES FOR CONSTRUCTION OF LANGUAGE

135.1 The meaning and construction of words and phrases as set forth shall apply throughout the Zoning Regulations, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained in these Zoning Regulations, in which case the Zoning Regulations definition shall prevail. The following general rules of construction shall apply to the textual provisions of the Zoning Regulations: (Former Section CZ#A312-1)

135.1.1 Headings. Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Zoning Regulations. (Former Section CZ#A312-1)

135.1.2 Illustrations. In case of any difference of meaning or implication between the text of any provision and any illustration, the text of the provision shall control. (Former Section CZ#A312-1)

135.1.3 Shall, May, and Should. "Shall" is always mandatory and not discretionary. "May" is permissive or discretionary. "Should" is advisory, in that it, like "may," is not mandatory, but "should" indicates a policy preference of the County. (Former Section CZ#A312-1)

135.1.4 Tense, Number and Gender. Words used in the present tense include the past and future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary. The masculine gender includes the feminine and neuter gender, and neuter includes the masculine and feminine, and feminine includes masculine and neuter. (Former Section CZ#A312-1)

135.1.5 Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows: (Former Section CZ#A312-1)

135.1.5.1 "And" indicates that all connected items or provisions shall apply.

135.1.5.2 "Or" indicates that the connected items or provisions may apply singly or in any combination.

135.1.5.3 "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

135.1.6 "Used" includes "arranged for," "designed for," "occupied," or "intended to be occupied for." (Former Section CZ#A312-1)

135.1.7 All public officials, bodies, and agencies to which reference is made are those of Humboldt County unless otherwise indicated. (Former Section CZ#A312-1)

135.1.8 References to other laws and regulations. Whenever this Code refers to sections of this Code, State Law, or other statutes or regulations, the reference shall be construed to include any

successor or amended provisions which have been adopted to replace, renumber, or otherwise change the section(s) reference from that which is contained in this Code.

### 313-136-161 DEFINITIONS (A - Z)

#### 313-136 DEFINITIONS (A)

**Abutting:** Land having a common property line or separated only by any alley, easement or private road. (Former Section CZ#A312-3)

**Access:** The place or way by which pedestrians and/or vehicles have usable ingress and egress to a property or use. (Former Section CZ#A312-3)

**Access, Coastal Lateral:** A recorded dedication or easement granting to the public the right to pass and repass over the dedicatory's real property generally parallel to the mean high tide line. (Former Section CZ#A312-3)

**Access, Coastal Public:** Public rights-of-way to and along coastal beaches and tidelands. (Former Section CZ#A312-3)

**Access, Coastal Vertical:** A recorded dedication or easement granting the public the privilege and right to pass and repass over the dedicatory's real property from a public road to the mean high tide line. (Former Section CZ#A312-3)

**Accessory Building:** (See, Building, Accessory)

**Accessory Use:** (See, Use, Accessory)

**Acreage:** Land customarily measured in terms of acres rather than square feet. The number of acres, extent in acres.

**Address of Convenience:** Nonresidential activities associated with any profession, occupation, or hobby, having no employees, receiving no deliveries at the address, and utilizing a private residence only for receiving mail, phone calls, or related record keeping (typically a mobile business). No more than one (1) truck or other motor vehicle of no larger than three-fourths (3/4) of a ton shall be permitted in conjunction with any Address of Convenience. (Former Section CZ#A312-3)

**Additional Incentives:** Means such regulatory concessions as specified in California Government Code Subsections 65915 (d) and (b). These include, but are not limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive resulting in identifiable cost avoidance or reductions offered in addition to a Density Bonus. See, Section 313-112.1, Residential Density Bonus, for further discussion. (Former Section CZ#A314-12.1(B)(1); Added by Ord. 2167, Sec. 25.4/7/98)

**Adequate Off-Street Parking:** Parking facilities sufficient to meet anticipated parking demand generated by a use or activity. (See, Section 313-109.1, Off-Street Parking, for parking requirements.)

**Administrative Official:** The Director of Community Development Services and/or other Planning Division employee designated by the Director. (From Section INL#312-5; Ord. 519, Sec. 205, 5/11/65)

**Administrative Services:** (See, Civic Use Types, Administrative, in Section D: Use Types.)

**Affordable Rent:** Means monthly housing expenses, including a reasonable allowance for utilities, for rental Target Units reserved for Very Low or Lower Income Households, not exceeding the following calculations:

A. Very Low Income: Fifty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (Former Section CZ#A314-12.1(B)(2)(a); Added by Ord. 2167, Sec. 25, 4/7/98)

B. Lower Income: Sixty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (Former Section CZ#A314-12.1(B)(2)(b); Added by Ord. 2167, Sec. 25, 4/7/98) (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(2); Added by Ord. 2167, Sec. 25, 4/7/98 )

**Affordable Sales Price:** Means a sales price at which Lower or Very Low Income Households can qualify for the purchase of Target Units, calculated on the basis of underwriting standards of mortgage financing available for the development. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(3); Added by Ord. 2167, Sec. 25, 4/7/98)

**Aggrieved Person:** Any person who, in person or through a representative, appeared at a public hearing, held by Humboldt County in accordance with these Zoning Regulations, or who, by other appropriate means prior to action on a development permit, or variance, informed the County of his or her concerns about the application for such permit or who, for good cause, was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority. (Former Section CZ#A312-3)

**Agricultural Activities:** (See, Agricultural Use Types, in Section D: Use Types.)

**Agricultural Land, Boundary of Transitional:** (See, Section 313-35.1, Transitional Agricultural Lands.)

**Agricultural Land:** "Agricultural Land" shall mean all real property within the boundaries of Humboldt County which is designated in the General Plan, Local Coastal Program, or any plan element (in these regulations, "designations" or "planned") and/or zoned for agricultural use. Such designations or zones shall include, but not be limited to Timber Production Zones (TPZ), Agricultural General (AG), Agricultural Exclusive (AE), and any other agricultural designations of zones which may exist or be established by the County in the future. (From Section INL#316.2-1(a); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2138b, Sec. 1, 1/14/97)

**Agricultural Land, Non Prime:** Agricultural lands that are now in use for crops, grazing, or that are suitable for agriculture, other than Prime Agricultural Land, as defined in these

regulations. (Former Section CZ#A312-3)

**Agricultural Land, Prime:** Per California Government Code Section 51201(c), or any successor provision thereto, with which it is intended that the following definitions be consistent: (Former Section CZ#A312-3)

A. All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classification;

B. Land which qualifies for rating 80-100 in the Storie Index Rating;

C. Land which supports livestock used for the production of food and fiber which has an annual carrying capacity equivalent to at least one (1) animal unit per acre as defined by the United States Department of Agriculture;

D. Land planted with fruit or nut bearing trees, vines, bushes or crops which have a nonbearing period of less than five (5) years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200.00 per acre.

**Agricultural Land, Transitional:** A wetland that has been altered for production of crops, including pasture, hay, or other forage, but where hydrophytes typical of non-farmed wetlands will predominate if farming is discontinued. In Humboldt County, these areas are typically diked former tidal marshes or clearly defined non-tidal sloughs used for hay or pasture. (Former Section CZ#A312-3)

**Agricultural Operation:** "Agricultural Operation" shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture, the raising of livestock, fur bearing animals, fish or poultry, and any commercial operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market. (From Section INL#316.2-1(b); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 1138b, Sec. 1, 1/14/97)

**Agricultural Use Types:** (See, Agricultural Use Types in Section D: Use Types.)

**Airports:** (See, Civic Use Types, Extensive Impact Civic Uses, in Section D: Use Types.)

**Alley or Lane:** A public or private way permanently reserved as a secondary means of access to abutting properties and not intended for general traffic circulation. (Former Section CZ#A312-3)

**Ambulance Services:** (See, Civic Use Types, Essential Services, in Section D: Use Types.)

**Amendment:** Any change, modification, deletion, or addition to the wording, text or substance of the Zoning Regulations or any change, modification, deletion, or addition to the application of the Zoning Regulations to property within Humboldt County, including any alteration in the boundaries of a zone, when adopted by ordinance passed by the Board of Supervisors in the manner prescribed by law. (Former Section CZ#A312-3)

**Anadromous Fish Stream:** (See, Streams, Anadromous Fish) **Animal Hospital:** A building where animals are given medical or surgical treatment for compensation, and boarding of animals is incidental to such treatment. (Former Section CZ#A312-10)

**Animal and/or Fish Product Processing:** The preparation for wholesale distribution of animal and/or fish products, including but not limited to, slaughtering, fat rendering, fertilizer production, tanning, seafood packing and canning, and distillation of bones. (Former Section CZ#A312-18)

**Animal and/or Fish Waste Product Processing:** The processing of animal or fish waste and by-products including but not limited to animal manure, animal bedding waste, byproducts from fish packing and a similar by-product of an animal raising agricultural operation, or commercial fishing or fish processing operation, for use as a commercial fertilizer or soil amendment and including composting operations. (Former Section CZ#A312-18)

**Aquaculture:** The culture and husbandry of aquatic organisms, including, but not limited to, fish, shellfish, mollusks, crustaceans, kelp, and algae. "Aquaculture" does not include the culture and husbandry of commercially utilized inland crops, including, but not limited to, rice, watercress, and bean sprouts. (See also, Industrial Use Types, Aquaculture, in Section D: Use Types.) (Former Section CZ#A312-3)

**Automobile Repair:**

A. Major: General repair, rebuilding or reconditioning of engines, including removal of same; motor vehicle, truck or trailer collision service, including body, frame or fenderstraightening or repair; over-all painting or body shop. (Former Section CZ#A312-3(a))

B. Minor: Upholstering, replacement of parts and motor service, not including removal of the motor, to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including any operation under "automobile repair, major." (Former Section CZ#A312-3(b))

**Automobile Service, Gas or Filling Station:** A commercial activity which provides servicing, washing and/or fueling of operating motor vehicles, including minor repairs, and the sales of merchandise and supplies incidental thereto. (Former Section CZ#A312-3)

**Automobile Wrecking:** The dismantling or wrecking of used motor vehicles or trailers, or the storage, or sale, or dumping of dismantled or wrecked vehicles or their parts. The presence of five or more non-operating vehicles on any lot or parcel of land for a period exceeding 30 days, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard. (See also, "Wrecking and Salvage Yard.") (Former Section CZ#A312-3)

313-137 DEFINITIONS (B)

**Bankfull, Channel:** The water surface elevation attained by a stream flowing at capacity, i.e., at a stage above which banks are overflowed. When the water fills the channel to the bankfull stage, its surface is level with the flood plain. (Former Section CZ#A312-4)

**Barn:** A building used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises. (Former Section CZ#A312-4)

**Beach:** A shore consisting at least partly of unconsolidated material deposited by the motion of waters. Most often that material is sand, but may be cobbles or shingle, such as a boulder or rocky beach. (Former Section CZ#A312-4)

**Bed and Breakfast Establishments:** (See, Commercial Use Types in Section D: Use Types.)

**Bedload, Average Annual:** The average amount of gravel that is carried downstream in a normal year and deposited during the high water season. (Former Section CZ#A312-4)

**Berm, Earthen:** A mound or embankment of earth, together with necessary retaining structures. (Former Section CZ#A312-4)

**Block:** All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus of dead end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts. (Former Section CZ#A312-4)

**Bluff or Cliff Areas:** A bluff or cliff is a scarp or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding or excavation of the land mass. The cliff or bluff may be simple planar or curved surface, or it may be step-like in section. For the purposes of this ordinance, "cliff" or "bluff" is limited to those features having vertical relief of ten feet (10') or more, and "sea cliff" is a cliff whose toe is or may be subject to marine erosion. (Former Section CZ#A312-4)

**Bluff Edge or Cliff Edge:** The upper termination of a bluff, cliff or sea cliff. When the top edge of the cliff is rounded away from the face of the cliff as a result of erosion processes related to the presence of a steep cliff face, the edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a step-like feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. (Former Section CZ#A312-4)

**Bluff, Coastal:** Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified as a State Coastal Commission appeals area. (Former Section CZ#A312-4)

**Board of Supervisors:** The Board of Supervisors of Humboldt County, California. (Former Section CZ#A312-2)

**Boarding House:** A dwelling or part thereof where meals and/or lodging are provided for compensation, by agreement for definite periods of time, for three or more persons who do not constitute a family. (Former Section CZ#A312-10)



**Boating Facilities:** (See, Natural Resource Use Types, Boating Facilities, in Section D: Use Types.)

**Borrow Pit:** An excavation created for the surface mining of rock, unconsolidated geologic deposits or soil which is used off-site. (Former Section CZ#A312-4) Boundary of Transitional Agricultural Land: (See, Transitional Agriculture Land Regulations at Section 313-35.1, Transitional Agricultural Lands.)

**Boundary of a Wetland:** (See, Wetland, Boundary of)

**Building:** Any roofed structure intended for use as human shelter, or shelter or enclosure of animals or property. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground or foundation up, each part is deemed a separate building (does not count towards minimum size yard requirements). (See also, "Structure") (Former Section CZ#A312-4; INL#312-15; Ord. 519, Sec. 215, 5/11/65)

A. Accessory: A detached subordinate building located on the same lot as the building or use to which it is accessory. The accessory building is incidental and subordinate to the use of the principal building or to the principal use of the lot. (Former Section CZ#A312-4)

B. Detached: Any accessory or main building that does not share at least ten feet (10') of a common wall with any other accessory or main building. (Former Section CZ#A312-4)

C. Height. Heights of buildings and structures shall be measured from the average elevation of the ground covered by the structure to the highest point on the roof. Other objects projecting from or attached to the roof, such as chimneys, stacks, air conditioning equipment, parapet walls, and conventional television antennae are not included in calculating the highest point. (Former Section CZ#A312-10)

D. Main: A building in which the principal use of the building site is conducted. (Former Section CZ#A312-4)

E. Site: One lot, or two or more lots when used in combination for a building or permitted group of buildings, together with all yards and open spaces as required by these regulations. (See also, Lot.) (Former Section CZ#A312-4)

**Building Type:** The structural types and arrangements of buildings, and the arrangement of uses within them. (Former Section CZ#A312-4)

**Building Type, Mixed Residential-Nonresidential:** A group of building types that comprise the following:

A. Limited: A building containing one or more dwelling units (1+du) in any vertical or horizontal arrangement and in which principal nonresidential use types are located only at the ground level, or at any level below the ground level of the building or structure. (Former Section CZ#A312-4)

B. Unlimited: One or more buildings containing one or more dwelling units (1+du) in any vertical or horizontal arrangement and in which principal nonresidential use types may be located on any level of the building. (Former Section CZ#A312-4)

Building Type, Nonresidential: A group of building types that comprise the following:

A. Detached: A single main building, freestanding and structurally separated from other accessory buildings, located on a lot or building site which contains no other main building. (Former Section CZ#A312-4)

B. Attached: Two or more main buildings placed side-by-side with at least ten feet (10') of common wall, located on a lot or building site or portion thereof which may be either occupied or unoccupied by other main buildings. (Former Section CZ#A312-4)

C. Multiple/Group: Two or more main buildings, which may be attached, freestanding or both, located on a lot or building site or portion thereof, which may be either occupied or unoccupied by other main buildings. (Former Section CZ#A312-4)

**Building Type, Residential:** A group of building types that comprise the following:

A. Single Detached: One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or building, located on a lot or building site which is unoccupied by any other dwelling unit or main building. (Former Section CZ#A312-4)

B. Duplex: Two (2) dwelling units with at least ten (10) feet of a common wall, structurally separated from any other dwelling unit or building and located on a lot or building site which contains no other dwelling unit or main building. (Former Section CZ#A312-4; Amended by Ord. 2167, Sec. 1, 4/7/98)

C. Multiple Unit: A building containing at least three (3) dwelling units in any vertical or horizontal arrangement, located on a lot or building site which contains no other dwelling unit or main building. (Former Section CZ#A312-4)

D. Manufactured Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width, or forty (40) feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; except that a manufactured home constructed to the standards required by the County Building Regulations for a Single Detached Residential Building Type shall be classified as a Single Detached Residential Building Type. The manufactured home building type includes mobile homes. (Former Section CZ#A312-4)

E. Ancillary Residential: A dwelling which is not the principal residence or main building on a lot or parcel, such as a second residential unit, guest house, caretaker's residence, farm laborers' residence, etc. (Former Section CZ#A312-4)

**Bus Depots:** (See, Civic Use Types, Extensive Impact, in Section D: Use Types.)

### 313-138 DEFINITIONS (C)

**Camp, Labor:** (See, Residential Use Types, Labor Camp, in Section D: Use Types.)

**Camping Party:** "Camping Party" as used in this Code has the same meaning as stated in Sec. 18203.2 of the California Health and Safety Code (Camping Party), which is a person or group of not more than 10 persons occupying a campsite for not more than 30 days annually. (Added by Ord. 2167, Sec. 2, 4/7/98)

**Campground, Public:** (See, Commercial Use Types, Visitor Serving Facilities in Section D: Use Types. (See also, use type descriptions for: Recreational Vehicle Park.)

*"Cannabis" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.*

**Caretaker's Residence:** (See, Residential Use Types, Caretaker's Residence, in Section D: Use Types.)

**Cemetery:** Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including, but not limited to, columbariums, crematories, mausoleums, mortuaries and chapels when operated in conjunction with and within the boundary of the cemetery. Cemetery also includes any activity or business designed for the benefit, service, convenience, education or spiritual uplift of property owners or persons visiting the cemetery, if the activity or business is operated in conjunction with and within the boundary of the cemetery, and is both compatible with the purpose of the cemetery and incidental thereto. (Former Section CZ#A312-5)

**CEQA:** The California Environmental Quality Act, commencing with Section 21000 of the Public Resources Code, or any successor provisions thereto. (Former Section CZ#A312-5)

**City:** Any incorporated city in Humboldt County. (Former Section CZ#A312-2)

**Civic Use Types:** (See, Civic Use Types in Section D: Use Types.)

**Clinic:** Any place, establishment, or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import. Such clinics may operate either independently or in connection with any other use, and shall be for the purpose of furnishing at such clinics advice, diagnosis, treatment, appliances or apparatus

to persons who are not residing or confined in the clinic, and who are afflicted with bodily or mental disease or injury. (Former Section CZ#A312-5)

**CNEL-Ldn:** Means "Community Noise Equivalent Level - Day-Night Average Level." (See, California Government Code Section 65302.)

**Coach, Commercial:** A structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial purposes, which is required to be moved under permit, and shall include a trailer coach. (See, Section 18218, Health and Safety Code, or any successor provision thereto). (Former Section CZ#A312-5)

**Coastal Access:** (See, Access, Coastal Public)

**Coastal Access Program:** Includes the policies of the Land Use Plan for acquiring, improving and managing access within the Coastal Zone.

**Coastal Commission:** The California Coastal Commission, formerly known as the California Coastal Zone Conservation Commission, or any successor agency thereto. (Former Section CZ#A312-5)

**Coastal-Dependent Development or Use:** (See, Development or Use, Coastal-Dependent)

**Coastal-Dependent Recreation:** (See, Commercial Use Types, Coastal-Dependent Recreation, in Section D: Use Types.)

**Coastal-Related Development:** (See, Development, Coastal-Related)

**Coastal-Development Permit:** (See, Permit, Coastal-Development)

**Coastal Streams:** (See, Stream, Coastal)

**Coastal View:** (See, View, Coastal)

**Coastal View Area:** (See, View Area, Coastal)

**Coastal Zone, Humboldt County:** The portion of the California Coastal Zone, as defined in the Public Resources Code, which lies within the jurisdiction of the County of Humboldt and as mapped by the California Legislature on 7.5-minute USGS quadrangle maps. (Former Section CZ#A312-5)

**Collector Road:** (See, Classification of streets in Division 2, Section 4 of Title III of the Code.)

**College:** A college, junior college or university supported by public funds, or a private college, junior college or university which gives comparable general academic instruction and degrees. (Former Section CZ#A312-5)

**Commercial Coach:** (See, Coach, Commercial)

**Commercial Recreation Facilities:** (See, Commercial Use Types, Commercial Recreation, in Section D: Use Types.)

**Commercial Timber Use Types:** (See, Commercial Timber Use Types in Section D: Use Types.)

**Commercial Uses, General Description of:** (See, Commercial Use Types in Section D: Use Types.)

**Communication Equipment Building:** (See, Building Type, Nonresidential, Communication Equipment)

**Communication Transmission Facilities:** (See, Civic Use Types, Generation and Transmission Facilities, Minor; and Civic Use Types, Electric Distribution Lines, Major, in Section D: Use Types.)

**Community Care Facility Use Type:** (See Residential Use Types, Community Care Facility, in Section D: Use Types.) (See also, "Family Day Care Center" and "Family Day Care Home")

**Conditional Use:** (See, Use, Conditional)

**Consolidated Play Surface:** Any impervious area, including but not limited to irrigated turf, or open space land suitable for informal recreation opportunities and/or informal sports activities. (Also see, "Useable Open Space".) (From Section INL#312-21.3; Added by Ord. 2103, Sec. 1, 1/9/96)

**Construction, On-Site:** Actual construction of the permitted development. "Construction" also includes earth moving activities, such as excavation, compaction and the creation of fills and embankments which are required to prepare a site for construction of structures, roads, landscaping and other improvements. Excavations, fills, grades or embankments which of themselves constitute engineered works such as dams, road cuts, fills, catchment basins or levees are on-site construction. Roads are improvements. (Former Section CZ#A312-5)

**Convalescent Home:** (See, Private Institution or Rest Home)

**Corner Lot:** (See, Lot, Corner)

**Cottage Industry/Cottage Industry Use Type:** (See, Industrial Use Types, Cottage Industry, in Section D: Use Types.)

**County:** The County of Humboldt. (Former Section CZ#A312-2)

**Court:** An open, unoccupied space, not including a yard. The space shall be on the same lot with a building or group of buildings that are bound on two or more sides. (From Section INL#312-19; Ord. 519, Sec. 219, 5/11/65)

**Coverage, Ground:** (See, Lot Coverage)

**313-139 DEFINITIONS (D)**

**Day:** A continuous 24 hour period, commencing at 1-minute past midnight unless otherwise specified.

**De Minimus Waiver:** The waiver of some Coastal Development Permit requirements for development that 1) is consistent with the certified LCP, and 2) involves no potential for any adverse effect; either individually or cumulatively on coastal resources or public access to coastal resources where acquired through use or legislative authorization. (Added by Ord. 2167, Sec. 3, 4/7/98)

**Density:** A means of describing population distribution over an area of land. Density is typically expressed as a number of dwelling units or uses allowed on a given amount of acreage (for example: one to seven units per acre (1-7du/a); one dwelling per twenty acres (1du/20a)). Density does not set minimum parcel size; that is done by the zoning. Other types of densities include: (From Section INL#312-22.1(a); Former Section CZ#A312-6)

A. **Density, Minimum Parcel Size:** The smallest parcel size allowed by the plan or the zone (example: 40-acre minimums or, 20 through 160 acres per parcel). (From Section INL#312-22.1(c))

B. **Density, Planned:** The density anticipated to be achievable and appropriate for a given area; the density specified for the area in the General Plan, Community Plan, or Local Coastal Program Plan. (From Section INL#312-22.1(b))

**Density Bonus:** Means a minimum density increase of at least twenty-five percent (25%) unless a lesser percentage is elected by the applicant over the otherwise Maximum Residential Density under the certified LCP. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 313-111. For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(4); Added by Ord. 2167, Sec. 25, 4/7/98)

**Density Bonus Housing Agreement:** Means a legally binding agreement between a developer and the County to ensure that the requirements of the Residential Density Bonus Section are satisfied. The agreement, among other things, shall establish: the number of Target Units, their size, location, terms and conditions of affordability, and production schedule. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(5); Added by Ord. 2167, Sec. 25, 4/7/98)

**Density Bonus Unit:** Means those residential units granted pursuant to the provisions of the Residential Density Bonus Section that exceed the otherwise Maximum Residential Density for the development site. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(6); Added by Ord. 2167, Sec. 25, 4/7/98)

**Developed Lot:** A lot on which development has occurred. (Former Section CZ#A312-6)

**Development:** On land, in or under water:

A. the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; (Former Section CZ#A312-6)

B. grading, removing, dredging, mining or extraction of any materials; (Former Section CZ#A312-6)

C. change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; (Former Section CZ#A312-6)

D. change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and (Former Section CZ#A312-6)

E. the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to Public Resources Code Section 4511 and following. (Former Section CZ#A312-6)

**Development or Use, Coastal-Dependent:** Any development or use in the Coastal Zone which requires a site on, or adjacent to, the sea to be able to function at all. (Former Section CZ#A312-6)

**Development, Coastal-Related:** Any use in the Coastal Zone that is dependent on a Coastal-Dependent development or use. (Former Section CZ#A312-6)

**Development Regulations:** Those elements of the zoning code which regulate aspects of physical development; including, but not limited to density, lot size, building type, building height, lot coverage and setback requirements. (Former Section CZ#A312-6)

**Dike:** A bank constructed to control or confine tidal waters. (See, "Levee" for banks which control non-tidal waters.) (Former Section CZ#A312-6)

**Diking:** The construction, maintenance and repair of dikes. (Former Section CZ#A312-6)

**Distance Between Structures:** The shortest horizontal distance measured between the vertical walls of two structures. (Former Section CZ#A312-6)

**Division:** The Planning Division of Humboldt County Community Development Services.

**Drainage Course, Natural:** Any well-defined channel, other than a coastal or non-coastal stream, with a distinguishable bed and bank showing evidence of having contained flowing water indicated by deposit of rock, sand, gravel, or soil, including, but not limited to, an ephemeral stream which flows only in direct response to precipitation.

(Former Section CZ#A312-6)

**Drainage Works:** Any combination of dikes, levees, tidegates, floodgates, spillways, or natural or artificial drainage channels which are constructed, operated, or maintained for the purpose of preventing or reducing tidal or surface water inundation of land. (Former

Section CZ#A312-6)

**Dredging:** The removal, from a body of water, a wetland, or a drainage course, of either original or recently deposited bottom material, or any other excavation in a body of water, a wetland, or a drainage course. (Former Section CZ#A312-6)

**Dune:** A low hill or bank of drifted sand. (Former Section CZ#A312-6)

**Duplex:** (See, Building Type, Residential, Duplex)

**Dwelling:** (See, Building Type, Residential)

**Dwelling Unit:** A room or combination of rooms including one and only one kitchen (unless otherwise specified in these regulations), and designed or occupied as living or sleeping purposes for a person or family. (Former Section CZ#A312-6)

### 313-140 DEFINITIONS (E)

**Earthen Berm:** (See, Berm, Earthen)

**Easement:** A recorded right or interest in the land of another, which entitles a holder thereof to a use, privilege or benefit over said land. (Former Section CZ#A312-7)

**Emergency Vehicle:** (See, Vehicle, Emergency)

**Employee, Farm:** (See Farm Employee)

**Energy Facility:** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy. (Former Section CZ#A312-7)

**Environmental Impact Report (EIR):** A report which analyzes the environmental effects of a proposed project pursuant to the CEQA. (Former Section CZ#A312-7)

**Environmentally Sensitive Habitat Areas:** (See, Habitat Areas, Environmentally Sensitive)

**Equivalent Financial Incentive:** Means a monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

A. A Density Bonus and an Additional Incentive(s); or (Former Section CZ#A314-12.1(B)(7)(a); Added by Ord. 2167, Sec. 25, 4/7/98)

B. A Density Bonus, where an Additional Incentive(s) is not requested or is determined to be unnecessary. (Former Section CZ#A314-12.1(B)(7)(b) ); Added by Ord. 2167, Sec. 25, 4/7/98)

(See, Section 313-112.1, Residential Density Bonus, for further discussion.)

(Former Section CZ#A314-12.1(B)(7); Added by Ord. 2167, Sec. 25, 4/7/98)



**Expansion:** An alteration of a structure that results in an increase in size, either in extent or bulk, or an increase in area or volume. (Former Section CZ#A312-7)

**Exploration or Prospecting:** The search for minerals by geological, geophysical, geochemical or other techniques, including but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quality of the minerals present. (Former Section CZ#A312-7)

**Exterior Side Yard:** (See, Yard, Side, Exterior)

**Exterior Wall:** (See, Wall, Exterior)

**Exterior Lot Line:** (See, Lot Line, Exterior)

**Extractive Use Types:** (See Extractive Use Types in Section D: Use Types.)

### 313-141 DEFINITIONS (F)

**Family:** A person living alone, two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit. "Family" includes domestic employees. "Family" does not include a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house. (Former Section CZ#A312-8)

**Family Day Care Center:** (See Residential Use Types in Section D: Use Types.) (See also, "Community Care Facility" and "Family Day Care Home.")

**Family Day Care Home:** (See Residential Use Types, Family Day Care Home, in Section D: Use Types.) (See also, "Community Care Facility" and "Family Day Care Center.")

**Farm Employee:** Any person who derives more than half of his total livelihood as an "agricultural employee" as defined by the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975, (California Labor Code Sec. 1140.4(b). (Former Section CZ#A312-7)

**Farm Employee Housing Use Type:** (See, Residential Use Types, Farm Employee Housing, in Section D: Use Types.)

**Farming:** The management or cultivation of land for the production of crops, livestock, or timber. (Former Section CZ#A312-8)

**Farmed Wetland:** (See, Agricultural Land, Transitional)

**Feasible:** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Former Section CZ#A312-8)

**Federal or Federal Government:** The Government of the United States of America. (Former Section CZ#A312-2)

**Feed Lot:** A large yard with pens or stables, other than those part of a typical livestock ranch, where cattle, sheep, or similar animals are kept for finishing, shipment or slaughter. (Former Section CZ#A312-8)

**Fill:** A deposit of earth or other material by artificial means. (See also, Fill of Wetlands.) (Former Section CZ#A312-8)

**Fill of Wetlands:** Earth or other substance or material, including piling, placed for the purpose of erecting structures thereon, placed in a wetland or a submerged area. (Former Section CZ#A312-8)

**Finding:** A specific determination made relative to a given set of circumstances upon which a subsequent decision will be predicated. (Former Section CZ#A312-8)

**Finished Grade:** (See, Grade, Finished)

**Fire Station:** Any structure used for the purpose of housing fire trucks, fire-fighting personnel and related equipment owned and operated by a district providing fire protection, or a fire protection entity organized pursuant to Health and Safety Code Sections 14825 and following. (Former Section CZ#A312-8)

**Fish Waste Processing:** (See, Animal and/or Fish Waste Product Processing)

**Fish and Wildlife Habitat Management:** (See, Natural Resource Use Types, Fish and Wildlife Habitat Management, in Section D: Use Types.)

**Flag Lot:** (See, Lot, Flag)

**Flea Market:** (See, Swap Lot.)

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas as a result of the overflow of inland or tidal water and/or the unusual and rapid accumulation or run-off of surface waters from any source. (Former Section CZ#A312-8)

**Flood, 100-Year (or Base Flood):** A flood having a one percent (1%) chance of being equaled or exceeded in any given year. (Former Section CZ#A312-8)

**Flood Hazard Areas or 100-Year Flood Plain:** Those areas subject to inundation within the 100-year floodway and flood plain as identified on the Federal Insurance Administration's Federal Insurance Rate Maps (FIRM) for Humboldt County. Tsunami runup areas identified on U.S. Army Corps of Engineers 100-year recurrence maps, by other scientific or historic studies and other known areas of tsunami risk. (Former Section CZ#A312-10)

**Flood Plain:** The area subject to inundation by a 100-year or base flood. (See also, Flood Hazard Areas.) (Former Section CZ#A312-8)

**Flood Plain Fringe:** The part of the flood plain outside of the floodway. (Former Section CZ#A312-8)

**Floodgate:** A structure located within a levee or dike with a valve designed to permit one way drainage of surface water from land to a wetland, river, or estuary and to prevent inundation of the land. (See also, Tidegate) (Former Section CZ#A312-8)

**Floodway (or Regulatory Floodway):** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Former Section CZ#A312-8)

**Floor Area:** The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surfaces of the exterior walls of principal or accessory buildings. (Former Section CZ#A312-8)

**Front Lot Line:** (See, Lot Line, Front)

**Front Yard:** (See, Yard, Front)

**Frontage:** The length of any property line of a lot, which lot line abuts a legally accessible street or other right-of-way. (Former Section CZ#A312-8)

**Garage, Private:** An accessory building or a portion of a building designed for the storage of operating motor vehicles, camping trailers or boats belonging to owners or occupants of the site and their guests, including a covered parking space or carport. (Former Section CZ#A312-9)

**Garage, Public:** Any building or portion thereof or premises, except those herein defined as a private garage, used for the storage or care of operating motor vehicles, trailers and/or boats or where any such are equipped for operation or repair or kept for remuneration and hire. (Former Section CZ#A312-9)

**Garage, Storage:** Any structure or portion thereof or premises, except those herein defined as private garages, used exclusively for the storage for remuneration or hire of selfpropelled vehicles, trailers and boats.

**General Plan:** The Humboldt County General Plan. (Former Section CZ#A312-2)

**Generator, Wind:** (See, Wind Generator)

**Geologic Hazards:** Any of the following: (Former Section CZ#A312-9)

A. Seismic hazard areas delineated on fault maps as subject to potential surface rupture, on soil maps indicating materials particularly prone to shaking or liquefaction and in local and regional seismic safety plans;

B. Landslide hazard areas delineated on slope stability maps and local and regional geologic or safety plans;

C. Beach areas subject to erosion; and

D. Other geologic hazards such as expansive soils and subsidence areas.

**Grade:** The average of the finished ground level at the center of all walls of a building. (Former Section CZ#A312-9)

**Grade, Finished:** The finished surface of the ground after grading for development. (Former Section CZ#A312-9)

**Grade, Natural:** The surface of the ground prior to the grading for development. (Former Section CZ#A312-9)

**Greenhouse:** A facility for indoor propagation of plants, constructed with transparent or translucent panels. (See, Section 313-69.1, Accessory Structures. (Former Section CZ#A312-9)

**Ground Level:** Ground level shall mean and include the natural or finished grade, surface or contour of a site. (Former Section CZ#A312-9)

**Guest House/Guest House Use Type:** The Guest House Use Type refers to living quarters within a detached accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises, which living quarters have no kitchen facilities and are not otherwise used as a separate dwelling. (See also, Residential Use Types, Guest House, in Section D: Use Types.) (Former Section CZ#A312-9)

### 313-143 DEFINITIONS (H)

**Habitable Room:** (See, Room, Habitable)

**Habitat Areas, Environmentally Sensitive:** Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments, including: (Former Section CZ#A312-10)

A. Areas of special Biological Significance as identified by the State Water Resources Control Board;

B. Rare and endangered species listed in Sections 670.2 or 670.5 of Title 14 of the California Code of Regulations, or Sections 17.11 or 17.12 of Title 50 of the Code of Federal Regulations, pursuant to the Federal Endangered Species Act as rare, threatened or endangered;

C. All coastal wetlands and lagoons;

D. Tidepools and near-shore reefs;

E. Sea caves, islets and offshore rocks;

F. Kelp beds;

G. Indigenous dune plant habitat;

H. Federally designated wilderness and primitive areas;

I. Rivers, creeks, and associated riparian habitats; and

J. Rookeries for herons and egrets.

**Hazard Area, Flood:** (See, Flood Hazard Areas or 100-Year Flood Plain)

**Hazard Areas, Geologic:** (See, Geologic Hazard Areas)

**Hazardous Industrial Use Type:** (See, Industrial Use Types, Hazardous Industrial, in Section D: Use Types.)

**Heavy Commercial Use Type:** (See, Commercial Use Types in Section D: Use Types.)

**Heavy Industrial Use Type:** (See, Industrial Use Types, Heavy Industrial, in Section D: Use Types.)

**Hearing Officer:** The Director of Community Development Services or the designee of the Director, Zoning Administrator, Planning Commission, or other designee of the Board of Supervisors. (Former Section CZ#A312-2; Ord. 946, Sec. 2, 10/2/73)

**Height, Building and Other Structures:** Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof. Chimneys, stacks, vents, flagpoles, conventional television reception antennas, elevator, ventilating and air-conditioning equipment, solar water heating equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in calculating the measurement. (Former Section CZ#A312-10)

**Higher Order Street:** (See, Classification of streets in Division 2, Section 4 of Title III of the Code.)

**Home Occupation:** An accessory use of a nonresidential nature which is performed within a dwelling unit, by an occupant of the living unit and which is clearly incidental and secondary to the residential use of the dwelling unit. Home occupations are subject to the Home Occupation Regulations in this Chapter. (Former Section CZ#A312-10)

**Home, Rest:** (See, Rest Home)

**Horse Keeping:** (See, Stable, Private and Stable, Public)

**Hospital:** An institution which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and which maintains and operates 24-hour

inpatient services for the diagnosis and treatment of patients. Any hospital shall be properly licensed by all applicable local, State and/or Federal agencies. (Former Section CZ#A312-10)

**Hospital, Animal:** A building where animals are given medical treatment for compensation and where the boarding of animals is incidental to such treatment. (Former Section CZ#A312-10)

**Hotel:** Any building or portion thereof containing living quarters or dwelling units and designed for or intended to be used by transient guests, whether the compensation or hire be paid directly or indirectly, and shall include resort hotel, lodging house, rooming house, dormitory, residence club, fraternity, sorority and other similar uses. (Former Section CZ#A312-10)

**House, Boarding:** (See, Boarding House)

**Housing Cost:** Means the sum of actual or projected monthly payments for all of the following associated with for-sale Target Units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(8); Added by Ord. 2167, Sec. 25, 4/7/98)

**Housing Development:** Means construction projects consisting of five or more residential units, including single family, multifamily, and manufactured homes for sale or rent. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(9); Added by Ord. 2167, Sec. 25, 4/7/98)

**Humboldt County Coastal Zone:** (See, Coastal Zone, Humboldt County)

**Hydrophytic Plant:** (See, Plant, Hydrophytic)

### 313-144 DEFINITIONS (I)

**Incidental Public Service Purposes:** Includes, but is not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines, that temporarily impact the resources of a habitat area. (Former Section CZ#A312-11)

**Industrial Use Types:** (See, Industrial Use Types in Section D: Use Types.)

**Industry, Coastal-Dependent:** (See, Industrial Use Types, Coastal-Dependent, in Section D: Use Types.)

**Industry, Coastal-Related:** (See, Industrial Use Types, Coastal-Related, in Section D: Use Types.)

**Industry, Cottage:** (See, Industrial Use Types, Cottage Industry, in Section D: Use Types.)

**Industry, Hazardous:** (See, Industrial Use Types, Hazardous Industrial, in Section D: Use Types.)

**Institution, Private:** (See, Private Institution)

**Instruction, Commercial:** Schools or classes operated within a building to give instruction in any art, profession, trade or business, for compensation, and including but not limited to, instruction in cosmetology, hairdressing, barbering, bartending, music, dancing, typing, shorthand or other business skills, electronics or engineering. (Former Section CZ#A312-11)

**Intensive Agriculture:** (See, Agricultural Use Types, Intensive Agriculture, in Section D: Use Types.)

**Interior Side Yard:** (See, Yard, Side, Interior)

### 313-145 DEFINITIONS (J)

**Junk Yard:** (See, Wrecking and Salvage Yard)

### 313-146 DEFINITIONS (K)

**Kennel:** Any premises, except those accessory to an agriculture use, where five or more small domestic animals, not sick or injured, are boarded for compensation or cared for or trained for hire, or are kept for sale or breeding purposes. (Former Section CZ#A312-13; Ord. 519, Sec. 237, 5/11/65)

**Kitchen or Kitchenette:** Any space used or designated to be used for cooking and preparing food, whether the cooking unit be permanent or temporary and portable. (Former Section CZ#A312-13)

### 313-147 DEFINITIONS (L)

**Labor Camp/ Labor Camp Use Type:** (See, Residential Use Types, Labor Camp, in Section D: Use Types.)

**Land, Non Prime Agricultural:** (See, Agricultural Land, Non Prime)

**Land, Prime Agricultural:** (See, Agricultural Land, Prime)

**Land, Transitional Agricultural:** (See, Agricultural Land, Transitional)

**Landforms, Natural:** Bluffs, cliffs, rock outcrops and other geomorphic features. (Former Section CZ#A312-14)

**Lateral Access:** (See, Access, Coastal Lateral)

*“Lawful cultivation of cannabis” means the limited intensity agricultural land use for cultivation of cannabis within the unincorporated areas of Humboldt County for uses authorized under the laws of the State of California, as such laws may be amended, supplemented or superseded from time to time, and in a manner that complies with all state and county laws, administrative rules and regulations applicable to cultivation and cultivation-related activities, including activities and uses accessory, incidental or related to the planting, cultivation, harvesting, storage, drying, packaging, transportation, and distribution of cannabis and products thereof, subject to compliance with the restrictions on parcel size, registration, and compliance with ordinances, rules, and regulations of the county.*

**LCP:** (See, Local Coastal Program) Levee: A bank constructed to control or confine non-tidal flood waters. (Also see, “Dike” for banks which control tidal waters.) (Former Section CZ#A312-14) Licensed Premises: Premises licensed by the State Alcoholic Beverage Control Board for the sale and consumption on the premises of alcoholic beverages. (Former Section CZ#A312-14)

**Living Quarters:** One or more rooms in a building designed, intended for or used by one or more individuals for living or sleeping purposes, but which does not have cooking facilities. (From INL#312-42; Ord. 519, Sec. 241, 5/11/65)

**Loading Space:** An area, other than a street or alley, on the same lot with a building or group of buildings which is permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials. (Former Section CZ#A312-14)

**Local Coastal Program (LCP):** The land use plans, zoning ordinances, and zoning district maps of a local governmental entity, which, when taken together, meet the requirements of, and implement the provisions and policies of, the California Coastal Act at the local level. (Reference: Section 30108.6, Public Resources Code.) (Former Section CZ#A312-14)

**Lot:** Either of the following:

A. A parcel of contiguous real property shown as a delineated parcel of land with a number or other designation on a map of subdivision recorded in the Humboldt County Recorder’s office; or (Former Section CZ#A312-14(a))

B. A parcel of real property, not described in (A) above, that qualifies for a certificate of subdivision compliance pursuant to Government Code Section 66499.35. (Former Section CZ#A312-14(b))

**Lot Area:** (See, Lot Size)

**Lot, Corner:** A lot abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees, but not less than 45 degrees. The front of a corner lot shall be the portion of the lot adjacent to the shorter street frontage. (Former Section CZ#A312-14; INL#312-43(b); INL#312-76(b))

**Lot Coverage:** The percentage of lot size covered by the vertical projection of any structure, excluding any structure not extending above grade. (Former Section CZ#A312-14)



**Lot Depth:** The horizontal distance between the rear lot line and the midpoint of the front lot line, measured back from said midpoint in the mean direction of the side lot lines. (Former Section CZ#A312-14)

**Lot, Double Frontage:** A lot, other than a corner lot, with more than one lot line abutting a road right-of-way. (See also, Lot, Through) (Former Section CZ#A312-14; Added by Ord. 1853, 12/20/88)

**Lot, Flag:** Lots with narrow street frontage and a long driveway or strip of land connecting with the street. (Former Section CZ#A312-14)

**Lot, Interior:** A lot other than a corner lot. (Former Section CZ#A312-14)

**Lot Line:** Any property line bounding a lot. When the specific lot line definitions are not applicable due to irregularity in the shape of the lot, lot lines shall be determined by the Administrative Official subject to review by the Planning Commission. When a road, street or highway does not have a right-of-way of record, either by deed or map, the lot line shall be deemed to be twenty-five feet (25') from the centerline of the traveled way. When a State highway does not have a right-of-way of record either by deed or map, the lot line shall be deemed to be thirty feet (30') from the centerline of the traveled way. (Former Section CZ#A312-14; Added by Ord. 1853, 12/20/88)

**Lot Line, Exterior:** A property line abutting a public or private road or street. (Former Section CZ#A312-14)

**Lot Line, Front:** The line separating the front of the lot from the street right-of-way. The front of a corner lot shall be the portion of the lot adjacent to the shorter street frontage. When a lot or building site is bounded by a public street and one or more alleys or private easements or private streets, the front lot line shall be the lot line that is nearest to the public street. Where a lot fronts on a public road which does not have a right-of-way of record, see the definition of "Lot Line" to determine the location of the front lot line. In the case of a flag lot, the front lot lines shall also include the lines or portion of lines necessary to ensure adequate vehicular turnaround, as determined by the Director in conjunction with the Department of Public Works. (Former Section CZ#A312-14; INL#312-43(b); INL#312-76(b); Amended by Ord. 1853, 12/20/88)

**Lot Line, Rear:** The record lot line most distant from and generally opposite the front lot line. Exception: In the case of an interior triangular or wedge-shaped lot, it shall mean a straight line ten feet (10') in length which: (a) is approximately parallel to the front lot line; and (b) intersects the two other lot lines at points most distant from the front lot line. Where the rear lot line abuts a street which does not have a right-of-way of record, see the definition of "Lot Line" to determine the location of the rear lot line. (Former Section CZ#A312-14 ; Amended by Ord. 1853, 12/20/88)

**Lot Line, Side:** Any lot line which is not a front lot line or rear lot line. Where the side lot line abuts a public road which does not have a right-of-way of record, see the definition of "Lot Line" to determine the location of the side lot line. (Former Section CZ#A312-14 ; Amended by Ord. 1853, 12/20/88)

**Lot, Manufactured Home:** (See, Manufactured Home Lot)

**Lot, Mobilehome:** (See, Manufactured Home Lot)

**Lot Size (includes "Lot Area"):** The total area of a lot. For lots less than one acre (1a) in size, lot size shall be the total area of a lot, exclusive of any street, measured horizontally between bordering lot lines. (See also, Density, Minimum Parcel Size) (Former Section CZ#A312-14)

**Lot, Substandard:** A lot which has been lawfully separated from adjoining property by map or a metes and bounds description, as on a deed, but which does not meet the standards required by the current zoning for a lot or building site. (Former Section CZ#A312-14)

**Lot, Through:** A lot fronting on two parallel or approximately parallel streets. (See also, Lot, Double Frontage) (Former Section CZ#A312-14)

**Lot Width:** The mean of the horizontal distances between the side lot lines, measured at right angles to the lot depth at points distant thereon twenty feet(20') from the front lot line and twenty feet (20') from the rear lot line. (Former Section CZ#A312-14)

**Lower Income:** Sixty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(2)(b); Added by Ord. 2167, Sec. 25, 4/7/98)

**Lower Income Household:** Means households whose income does not exceed the lower income limits applicable to Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(10); Added by Ord. 2167, Sec. 25,

4/7/98)

### 313-148 DEFINITIONS (M)

**Main Building:** (See, Building, Main)

**Maintenance:** To support, keep and continue in an existing state or condition without decline or deterioration. (Former Section CZ#A312-15)

**Manufactured Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight feet (8') or more in width, or forty (40) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; except that a manufactured home constructed to the standards required by the County Building Regulations for a Single Detached Residential Building Type shall be classified as a Single Detached Residential Building Type. The manufactured home building type includes mobilehomes. (See, Health and Safety Code Sections

18000 and 18200 and following.) (Also see, Manufactured Home Park Development, in Section D: Use Types.) (Former Section CZ#A312-4)

**Manufactured Home Lot:** An area or tract of land or portion of a manufactured home park designated or used for the occupancy of one manufactured home. (Former Section CZ#A312-15)

**Manufactured Home Park Development Use Type:** (See, Residential Use Types, Manufactured Home Park Development, in Section D: Use Types.)

**Manufacturing:** (See, Industrial Use Types, in Section D: Use Types.)

**Marine Petroleum Transfer Facility:** Any facility that handles, stores, transfers, ships, or receives oil, petroleum products, or natural gas liquids from or to waterborne carriers or offshore production facilities. (Former Section CZ#A312-15)

**Maximum Residential Density:** Means the maximum number of residential units permitted by the General Plan and Zoning Ordinance at the time of application, excluding the provisions of this Section. If the housing development is within a planned development overlay zone, the maximum residential density shall be determined on the basis of the general plan and the maximum density of the underlying zone. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(11); Added by Ord. 2167, Sec. 25, 4/7/98)

**Mean Sea Level (MSL):** Tidal datum that is the arithmetic mean of hourly water elevations observed over a specific 19-year Metonic cycle (the National Tidal Datum Epoch). Shorter series are specified in the name, for example "monthly mean sea level" and "yearly mean sea level." For purposes of this ordinance, the MSL shall be considered to be equal to National Geodetic Vertical Datum. (Former Section CZ#A312-15)

**Mesophytic Plant:** (See, Plant, Mesophytic)

**Metallic Mineral Extraction:** (See, Extractive Use Types in Section D: Use Types.)

**Mined Lands:** Includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land, excavation, workings, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations, are located. (See also, Section 313-61.2, Surface Mining and Reclamation.) (Former Section CZ#A312-15)

**Mineral:** Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including but not limited to sand, gravel, stone, coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum. (Former Section CZ#A312-15)

**Mineral Extraction:** (See, Extractive Use Types, Metallic Mineral Extraction, in Section D: Use Types.)

**Minimum Parcel Size:** (See, Density, Minimum Parcel Size).

**Mining Waste:** Includes the residual of soil, rock, mineral, liquid, vegetation, equipment machines, tools or other materials or property directly resulting from, or displaced by a surface mining operation. (Former Section CZ#A312-15)

**Minor Development:** A development which the County determines satisfies all of the following requirements:

- (1) Is consistent with the certified LCP, as defined in Coastal Act Section 30108.6;
- (2) Requires no discretionary approvals other than a coastal development permit; and
- (3) The project as proposed has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

(Added by Ord. 2167, Sec. 18, 4/7/98)

**Mobilehome:** (See, Manufactured Home.) (Also see, Manufactured Home Park Development Use Type, in Section D: Use Types.)

**Mobilehome Lot:** (See, Manufactured Home Lot)

**Mobilehome Park:** (See, Manufactured Home Park.) (Also see, Manufactured Home Park Development Use Type, in Section D: Use Types.)

**Modification:** An alteration which introduces new, or eliminates old, elements in the details of a land use or structure, but leaves the general purpose and effect of the structure or use intact. (Former Section CZ#A312-15)

**Motel:** A building or group of buildings comprising individual living quarters or dwelling units for the accommodation of transient guests which is designed so that parking is on the same building site and is conveniently accessible from the living units without necessarily having to pass through any lobby or interior court. This definition includes auto court, tourist court and motor hotel, but does not include accommodation for recreational vehicles. (Former Section CZ#A312-15)

**Multiple Group Building Type:** (See, Building Type, Nonresidential, Multiple/Group)

**Multiple Unit Dwelling:** (See, Building Type, Residential, Multiple Unit Dwelling)

### 313-149 DEFINITIONS (N)

**Nameplate:** (See, Section 313-87.3, Signs and Nameplates.)

**Natural Drainage Course:** (See, Drainage Course, Natural)

**Natural Grade:** (See, Grade, Natural)

**Natural Landforms:** (See, Landforms, Natural)

**Natural Resource Use Type:** (See, Natural Resource Use Types, in Section D: Use Types.)

**Neighborhood Commercial Use Type:** (See, Commercial Use Types, in Section D: Use Types.)

**Nonconforming Structures and Uses:** All or a portion of a building, structure or facility, or a use thereof, which was lawfully erected, altered, established or maintained, but which, because of the application of these regulations to it, no longer conforms to the specific regulations applicable to the zone in which it is located. (See, Section 313-131, Nonconforming Uses, and Section 313-132, Nonconforming Structures, in this Chapter, Section B: Regulations That Apply In All Or Several Areas. ) (Former Section CZ#A312-16)

**Non-Farmed Wetland:** (See, Wetland)

**Non-operating Vehicles, Storage of:** (See, Vehicle Storage, Non-operating Vehicles)

**Non-Prime Agricultural Land:** (See, Agricultural Land, Non-Prime)

**Non-Restricted Unit:** Means all units within a Housing Development excluding the Target Units. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(12); Added by Ord. 2167, Sec. 25, 4/7/98)

**Non-Tidal Sloughs:** (See, Sloughs, Non-Tidal)

**Nurseries:** (See, Greenhouse)

**Nursing Home:** (See, Private Institution and Rest Home)

### **Office,**

A. Business: An office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of clients and/or payments, and the keeping of records and accounts pertaining to the particular business. (Former Section CZ#A312-17)

B. Professional: An office from which and at which a doctor or other practitioner of healing arts, a dentist, lawyer, engineer, architect, accountant or similar professional person may offer services, and including medical or dental laboratories. (Former Section CZ#A312-17)

**Office and Professional Service Use Type:** (See, Commercial Use Types in Section D: Use Types.)

**Oil and Gas Drilling and Processing:** (See, Extractive Use Types, Oil and Gas Drilling and Processing, in Section D: Use Types.)

**One-Hundred Year Flood:** (See, Flood, 100-Year)

**Open Space:** (See, Civic Use Types, Public Recreation and Open Space, in Section D: Use Types.)

**Open Space Easement:** An easement established pursuant to Government Code Section 51050 or 51080, or an easement which ensures the retention of land as open space. (Former Section CZ#A312-17)

**Open Space Maintenance Zone:** An assessment district, formed by entities with recreational authority, under the provisions of the Landscape and Lighting Act of 1972, or other similar authorizing statute, to fund the maintenance of lands donated to the entity for recreational uses. (From Section INL#312-54.1; Added by Ord. 2103, Sec. 2, 1/9/96)

**Open Space, Useable:** Useable Open Space describes a consolidated play surface, excluding buildings, streets, parking, landscape strips, and setbacks, dedicated permanently for recreational opportunities and/or informal sports activities through public ownership. (From Section INL#312-73; Added by Ord. 2103, Sec. 3, 1/9/96)

**Operator, Surface Mining:** Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on that person's behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation. (Former Section CZ#A312-17)

**Overburden:** Soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations. (Former Section CZ#A312-17)

**Owner, Property:** The person or persons, firm, corporation, or partnership holding legal or equitable title or recorded contract of purchase of property, or any person authorized by written instrument to act on behalf of an owner. (Former Section CZ#A312-17)

### 313-151 DEFINITIONS (P)

**Parcel:** (See, Lot.) (See also, Density, Minimum Parcel Size)

**Parking Area:** An open area, other than a street or alley, that contains parking spaces. (Former Section CZ#A312-18)

**Parking Space:** An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle. (Former Section CZ#A312-18)

**Parkland Dedication:** (See Section 313-110.1, Parkland Dedication. )

**Path:** A dedicated public way intended for pedestrian movement. (Former Section CZ#A312-18)

**Permit:** Any license, certificate, approval, or other entitlement for use granted or denied by any public agency. (Former Section CZ#A312-18)

**Permit, Coastal Development:** A permit for any development within the Coastal Zone that is required under Public Resources Code Section 30600(a) and issued pursuant to Chapter 2 of these regulations. (Former Section CZ#A312-18)

**Permitted:** A use, facility or activity which is allowed, subject to applicable permit requirements and all other applicable regulations. (Former Section CZ#A312-2)

**Person:** Any individual, organization, partnership, corporation, city, county, district, or the state or any department or agency thereof. (See, Public Resources Code Section 4525). (Former Section CZ#A312-18)

**Piling Fence:** A wooden barrier, such as a groin or revetment, designed to prevent erosion of a river bank. Piling fences typically consist of vertical piles placed within and adjacent to the channel with horizontal or diagonal crossies of cable or wood. (Former Section CZ#A312-18)

**Plan, Timber Management:** (See, Timber Management Plan)

**Planned Unit Development:** An integrated development located on a single building site, or on two or more building sites which may be separated only by a street or other right-of-way. This development technique permits variable parcel sizes but limits the overall density so it is consistent with the gross densities permitted in the zone. The purpose of Planned Unit Developments is to provide development compatible with environmental, geologic or topographic features of a parcel. Such developments shall be carried out in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facilities, open space, and utilities. The comprehensive plan shall further provide a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property. Planned Unit Developments are subject to the Planned Unit Development Regulations and the Planned Unit Development Permit Procedure. (Former Section CZ#A312-18)

**Planning Commission:** The Planning Commission of Humboldt County as established by the Board of Supervisors. (Former Section CZ#A312-2)

**Plant:**

A. Hydrophytic: Any plant growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (i.e., plants typically found in wet habitats). (Former Section CZ#A312-18)

B. Mesophytic: Any plant growing where moisture and aeration conditions lie between extremes (i.e., plants typically found in habitats with average moisture conditions, not usually dry or wet.) (Former Section CZ#A312-18)

C. Xerophytic: Any plant growing in a habitat in which an appreciable portion of the rooting medium dries to the wilting coefficient at frequent intervals (i.e., plants typically found in very dry habitats). (Former Section CZ#A312-18)

**Pool, Swimming:** (See, Swimming Pool)

**Prime Agricultural Land:** (See, Agricultural Land, Prime)

**Principal Permitted Use:** (See, Use, Principal Permitted)

**Private Garage:** (See, Garage, Private)

**Private Institution Use Type:** (See, Commercial Use Types, Private Institution, in Section D: Use Types.)

**Private Recreation Use Type:** (See, Commercial Use Types in Section D: Use Types.)

**Processing, Animal and Fish Products:** (See, Animal and Fish Product Processing)

**Processing, Animal and Fish Waste Products:** (See, Animal and Fish Waste Product Processing)

**Processing, Timber Products:** (See, Industrial Use Types, Timber Products Processing, in Section D: Use Types.)

**Project:** (See, Development)

**Psychiatric Facility:** An institution in which care or treatment is given to persons suffering from mental illness, disease, disorder or ailment. Such facilities include, but are not limited to, psychiatric hospitals, day treatment hospitals, long-term care facilities, residential treatment centers, family homes (for the mentally ill), alcoholism hospitals, and facilities for admission of drug addicts all as defined in Article 2 of Subchapter 1 of Title 9 of the California Code of Regulations, or any successor provision thereto. (Former Section CZ#A312-18)

**Public Coastal Access Facilities:** (See, Natural Resource Use Types, Public Coastal Access Facilities, in Section D: Use Types.)

**Public Garage:** (See, Garage, Public)

**Public Road:** (See, Street, Public)

**Public Stables:** (See, Stables, Public)

**Public Use:** A use operated exclusively by a governmental agency or public agency which has the purpose of serving the public health, safety, convenience or general welfare, and including but not limited to such uses as schools, parks, playgrounds, educational, recreational and social facilities, libraries, museums, firehouses, courthouses, hospitals and administrative service facilities. Public use shall also include the operation of any foster home or shelter care home licensed by the County Department of Social Services or designated by the County Probation Department or any court. (See also, Civic Use Types in Listing of Use Type Classifications in Section D: Use Types.) (From Section INL#312-58; Ord. 519, Sec. 254.5/11/65)

**Public Utility:** A company or corporation regulated by the California Public Utilities Commission. (Former Section CZ#A312-18)



**Public Works:** All production, storage, transmission, and recovery facilities for water, sewage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities. Public Works shall further include: (Former Section CZ#A312-18)

A. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. (Former Section CZ#A312-18)

B. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district; (Former Section CZ#A312-18)

C. All community college facilities. (Reference: Public Resources Code Section 30114.) (Former Section CZ#A312-18)

### 313-152 DEFINITIONS (Q)

**Qualifying Resident:** Means senior citizens or other persons eligible to reside in Senior Citizen Housing. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(13); Added by Ord. 2167, Sec. 25, 4/7/98)

**Quasi-Public Use:** A use operated by a private nonprofit educational, religious, recreational, charitable, fraternal, or medical institution, association or organization. Quasi-Public Uses include, but are not limited to churches, private school, universities, community recreational, educational and social facilities, meeting halls, private hospitals and other similar facilities. (See also, Civic Use Types in Section D: Use Types.) (From INL#312-59; Ord. 519, Sec. 256, 5/11/65)

**Quimby Act:** (See Section 313-110.1, Parkland Dedication.)

**Rear Lot Line:** (See, Lot Line, Rear)

**Rear Yard:** (See, Yard, Rear)

**Reclamation:** The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures. (See also, Section 313-61.2, Surface Mining and Reclamation.) (Former Section CZ#A312-20)

**Recreation, Commercial:** (See, Commercial Use Types, Commercial Recreation, in Section D: Use Types.)

**Recreation, Private:** (See, Commercial Use Types, Private Recreation, in Section D: Use Types.)

**Recreational Facilities, Commercial:** Facilities serving recreational needs but operated for private profit, including, for example, special occupancy parks, tent camps, chartered fishing boats, tourist attractions and amusement or marine parks. (See also, Commercial Use Types, in Section D: Use Types.) (Former Section CZ#A312-20; Amended by Ord. 2167, Sec. 4, 4/7/98)

**Recreational Off-Road Vehicle:** (See, Vehicle, Recreational Off-Road)

**Recreational, Resource-Related:** (See, Natural Resource Use Types, Resource-Related Recreational, in Section D: Use Types.)

**Recreational Vehicle:** "Recreational Vehicle" as used in this Code has the same meaning as stated in Sec. 18010 of the California Health and Safety Code (recreational vehicle). "Recreational Vehicle" is a motor home, travel trailer, truck camper or camping trailer, with or without a motor, designed for human habitation for recreational, emergency, or other occupancy, with a living area less than 320 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. (See also, "Vehicle, Recreational Off-Road" and "Manufactured Home.") (Former Section CZ#A312-20; Amended by Ord. 2167, Sec. 4, 4/7/98)

**Recreational Vehicle Park:** "Recreational Vehicle Park" as used in this ordinance has the same meaning as stated in Sec. 18215 of the California Health and Safety Code (Recreational Vehicle Park), which is any area or tract of land or a separate designated section within a manufactured home park where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles or tents, and which are occupied for temporary purposes subject to the Special Occupancy Park Regulations in Section 313-113.1, Special Occupancy Parks. (See also, definition of "Special Occupancy Park.") (Former Section CZ#A312-20; CZ#A313-7(N); Amended by Ord. 2167, Sec. 12, 4/7/98)

**Refuse Disposal Site:** (See, Civic Use Types, Solid Waste Disposal, in Section D: Use Types.)

**Repair:** To restore to a sound state after decay, dilapidation, or partial destruction, and to restore to the original existing structure that which is lost or destroyed. (Former Section CZ#A312-20)

**Replacement:** Providing, within an existing structure, a substitute for some component, where the substitution is of the same character and extent as that which it is replacing. (Former Section CZ#A312-20)

**Residential Use Types:** (See Residential Use Types, in Section D: Use Types.)

**Resource Protection Maps:** Maps which designate certain natural resources and resource values within the Humboldt County Coastal Zone, such as coastal view areas, coastal scenic areas, wetlands, dunes and beaches, which together with the land use maps and plan text for each planning area constitute the Land Use Plan Element of the Humboldt County Local Coastal Program. (Former Section CZ#A312-20)

**Rest Home:** Any place or institution which makes provisions for bed care or convalescent care for one or more persons, exclusive of relatives, who by reasons of illness or physical infirmity are unable to care for themselves. Rest home does not include any facility in which persons suffering from contagious or communicable disease are kept, and in which surgical or other primary treatments such as are customarily provided in sanitariums or hospitals are performed. Rest homes shall include all places defined in Title 17 of the California Code of Regulations, or any successor provision thereto, and licensed as nursing or convalescent homes. (See also, Private Institution) (Former Section CZ#A312-20)

**Retail Sales:** (See, Commercial Use Types, Retail Sales, in Section D: Use Types.)

**Retail Service:** (See, Commercial Use Types, Retail Service, in Section D: Use Types.)

**Revetment:** A facing of rock or rubble to prevent erosion of a shore or river bank. (Former Section CZ#A312-20)

**Right-of-Way:** An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both. (See also, Easement) (Former Section CZ#A312-20)

**Riparian Vegetation:** Vegetation commonly occurring adjacent to stream banks and including, but not limited to such plants as willows, alders, cottonwood, wax myrtle, big leaf maple, California laurel, red elderberry, etc. (Former Section CZ#A312-20)

**Road:** (See, Street)

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located, or produced upon other sites under the same ownership as that of the premises on which the stand is located. (Former Section CZ#A312-20)

**Rock Hard Point:** A groin constructed of rock or rubble to prevent erosion of a riverbank. (Former Section CZ#A312-20)

**Room, Habitable:** Any room in a main or accessory building, except a bathroom, water closet, hall, storage space, utility room, foyer, communicating hall, pantry, laundry, or unfinished attic, basement or cellar. (Former Section CZ#A312-20)

**Rooming House:** (See, Hotel)

### 313-154 DEFINITIONS (S)

**Sanitarium:** (See, Private Institution and Rest Home)

**Sea:** The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-

estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. (Former Section CZ#A312-21)

**Sea Cliff:** For the purposes of this ordinance, "cliff" or "bluff" is limited to those features having vertical relief of ten feet (10') or more, and "sea cliff" is a cliff whose toe is or may be subject to marine erosion. (See also, "Bluff" and "Cliff.") (Former Section CZ#A312-4)

**Seawall:** An upright structure designed to prevent erosion of a sea cliff by wave attack. (Former Section CZ#A312-21)

**Second Residential Unit:** (See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)

**Secondary Dwelling Unit:** (See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)

**Secondhand Merchandise/Goods:** Used common household items including clothing, personal effects, household furnishings, appliances, and office equipment and furnishings.

**Section:** A Section of the Zoning Regulations unless otherwise indicated. (Former Section CZ#A312-2)

**Semi-Detached:** (See, Building Type, Residential, Semi-Detached)

**Senior Citizen Housing:** Means a housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et. seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 (PL 100-430) and implementing regulations and as that phrase is used in California Civil Code Sections

51.2 and 51.3. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(14); Added by Ord. 2167, Sec. 25, 4/7/98)

**Sensitive Habitat Areas:** (See, Habitat Areas, Environmentally Sensitive)

**Service Station, Auto:** (See, Automobile Service, Gas or Filling Station)

**Setback:** A required specified distance between buildings or structures or structures and a lot line or lines, measured perpendicularly in a horizontal plane extending from the complete length of said lot line or lines. (Former Section CZ#A312-21)

**Setback, Front Yard:** The setback applicable in the front yard of a lot. (Former Section CZ#A312-21)

**Setback, Rear Yard:** The setback applicable in the rear yard of a lot. (Former Section CZ#A312-21)

**Setback, Side Yard:** The setback applicable in the side yard of a lot. (Former Section CZ#A312-21)

**Setback, Stringline Method of Development:** In a developed area where new construction is generally infilling and is otherwise consistent with the provisions of this ordinance, no part of a proposed new structure, including decks, shall be built closer to a wetland than a line drawn between the most seaward portions of the adjacent structures on adjacent lots. (Former Section CZ#A312-21)  
**Side Lot Line:** (See, Lot Line, Side).

**Side Yard:** (See, Yard, Side).

**Sign:** A structure whether located inside or outside a building, which is visible from any lot line, and the primary purpose of which is the conveyance of an idea, advertisement, endorsement, identification, or information, by means of visual symbols, lettering, illustration, or any other means of directing attention or communication. A sign includes display surfaces together with such improvements as are utilized in supporting, maintaining, and illuminating the display surfaces, and is subject to the Sign Regulations of this Code. (See also, Section 313-87.3, Signs and Nameplates.) (Former Section CZ#A312-21)

**Sign, Area:** The display surface space within a single continuous perimeter which contains or could contain words, letters, figures or symbols together with any frame, material or color forming an integral part of the display, but excluding support structures, faces of buildings, and incidental parts not drawing attention to the subject matter. The area of a sign shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension of such display surface space. With respect to double-faced signs, the area of both display surfaces shall be included in the total sign area. (See also, Section 313-87.3, Signs and Nameplates.) (Former Section CZ#A312-21)

**Slough, Nontidal:** Any portion of a slough which is not inundated with sea water by the daily ebb and flow of the tides. (Former Section CZ#A312-21)

**Snag:** A standing dead tree or part thereof, regardless of species. (Former Section CZ#A312-21)

**Solid Waste Disposal Site:** (See, Civic Use Types, Solid Waste Disposal, in Section D: Use Types.)

**Special Area:** A designated area, subject to the provisions of the Special Area Regulations, as indicated by an alphabetical letter shown on the zoning maps. (Former Section CZ#A312-21)

**Spillways:** An alteration of a dike or levee above the level of mean high water for the purpose of drainage of flood waters. (Former Section CZ#A312-21)

**Stable:**

A. Private: A detached accessory building for the shelter of horses or similar hoofed animals for the use of the residents and their non-paying guests. (Former Section CZ#A312-21)

B. Public: A stable other than a private stable where horses and other animals, used

for recreational riding, performing, packing or similar purposes, are available for hire, or are sheltered or fed for compensation. Facilities for privately owned horses not sheltered or fed for compensation, horses less than 1 year of age, public horses kept exclusively for grazing purposes in open pasture, and horses used for breeding purposes are not public stables. (See, Agricultural Use Types, Stables and Kennels, in Section D: Use Types.) (Former Section CZ#A312-21; Ag Zone Amendments approved by the Humboldt County Board of Supervisors on 2/9/99)

**State:** The State of California. (Former Section CZ#A312-2)

**State Board:** The State Mining and Geology Board, in the Department of Conservation of the State of California. (Former Section CZ#A312-21)

**Storage Garage:** (See, Garage, Storage)

**Storage of Non-operating Vehicles:** (See, Vehicle Storage, Non-operating)

**Stream, Anadromous Fish:** Natural watercourse, largely located in the Coastal Zone, providing habitat for salmon, steelhead, coastal cutthroat trout and, in the Coastal Zone, limited to the following: In the North Coast Planning Area: McDonald Creek, Maple Creek; In the Trinidad Planning Area: Mill Creek, Luffenholtz Creek; In the McKinleyville Planning Area: Little River, Patrick Creek, Strawberry Creek, Widow White Creek, Mill Creek; and in the South Coast Planning Area: Telegraph Creek. (Former Section CZ#A312-21)

**Stream Bed Skimming:** All or any part of the process involved in the removal by any method of sand, gravel, rock or other earthen material from stream beds or stream channel bars normally subject to inundation during winter flows. Stream bed skimming includes, but is not limited to: (Former Section CZ#A312-21)

- A. On-site processing of extracted material, including screening, washing, crushing, stockpiling or batching.
- B. The production and disposal of mining waste.
- C. Processing and exploratory activities.

**Stream Channel:** That portion of a drainage course which extends to the stream transition lines on both sides. (Former Section CZ#A312-21)

**Stream, Coastal:** In the Coastal Zone, a natural water course as designated by a solid line or dash and three dots symbol shown on the largest scale United States Geological Survey map most recently published, or as corrected to reflect conditions as they actually exist on the ground as provided in the Streams and Riparian Corridors Protection regulations applicable in the Coastal Zone. (Former Section CZ#A312-21)

**Stream Transition Line:** That line closest to a stream where riparian vegetation is permanently established. (Former Section CZ#A312-21)

**Street:** A public or private right-of-way, not less than ten feet (10') in width, which provides a primary means of vehicular access to abutting property. When a road, street or highway does not

have a clearly delineated right-of-way of record, either by deed or map, the boundary between the street and the abutting lots shall be deemed to run parallel to the centerline of the street, at a distance of twenty-five feet (25') from both sides of the centerline. (Former Section CZ#A312-21; Ord. 519, Sec. 261, 5/11/65)

**Street, Centerline of:** The center of an existing or planned road right-of-way, or as otherwise defined by the Humboldt County map of publicly maintained road systems. (Former Section CZ#A312-21)

**Street, Public:** A road open to the general public which is: (a) in the State or County road system; or (b) a road on which a public agency has a deeded, unlimited easement. (Former Section CZ#A312-21)

**Street Line:** The boundary between a street right-of-way and abutting property. (From Section INL#312-65; Ord. 519, Sec. 262, 5/11/65)

**Stringline Method of Development Setback:** (See, Setback, Stringline Method of Development)

**Structural Alterations:** Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines. (Former Section CZ#A312-21)

**Structure:** Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including swimming pools and signs. Recreational vehicles used for human occupation are considered structures. (Former Section CZ#A312-21; Amended by Ord. 1875, Sec. 1, 9/26/89; Amended by Ord. 2167, 4/7/98)

A. "Structure" does not include decks and platforms thirty inches (30") or less in height, signs three feet (3') or less in height, driveways, patios, or parking spaces where the area is unobstructed from the ground up, or fences six feet (6') or less in height. (Former Section CZ#A312-21; Amended by Ord. 1875, Sec. 1, 9/26/89)

B. For zoning setback purposes only, retaining walls six feet (6') or less in height are not considered structures. (Building permits may be required for retaining walls.)

Decks and platforms thirty inches (30") or less in height must conform with setback standards of this code. (Former Section CZ#A312-21; Amended by Ord. 1875, Sec. 1, 9/26/89)

C. Structures, unless exempt, may require a Coastal Development Permit in the Coastal Zone. (Former Section CZ#A312-21; Amended by Ord. 1875, Sec. 1, 9/26/89)

D. It should be noted that placement of buildings, structures and vegetation along public roads is also regulated by Chapter 1 of Division 4 of this Title III of the Code (Visibility Obstruction Regulations), at Section 341 and following. (Former Section CZ#A312-21; Amended by Ord. 1875, Sec. 1, 9/26/89)

**Structure for Human Occupancy:** Any structure used or intended for supporting or sheltering any use or occupancy, which is expected to have a human occupancy rate of more than 2,000 person-hours per year. The number of person hours is calculated by adding all hours spent by all persons who will be occupying the premises during any one typical 12- month period. (Former Section CZ#A312-21)

**Structure, Nonconforming:** All or a portion of a building, structure or facility, or a use thereof, which was lawfully erected, altered, established or maintained, but which, because of the application of these regulations to it, no longer conforms to the specific regulations applicable to the zone in which it is located. (See, Section 313-131, Nonconforming Uses, and Section 313-132, Nonconforming Structures.) (Former Section CZ#A312-21)

**Structure, Shoreline Protection:** Revetments, breakwaters, bulkheads, graving yards, groins, seawalls, and other such construction which alters natural shoreline processes. (Former Section CZ#A312-21)

**Subdivision:** The division, by any subdivider, of any unit or units of improved or unimproved land or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision," includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land only for purposes of computing the number of parcels; such conveyances are subject to all other land division requirements. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock. See, Government Code Section 66424. (Former Section CZ#A312-21)

It should be noted that any division, by lease or otherwise, of agricultural or timber production lands may be subject to state or local laws, or land conservation contracts (see, for example, Government Code Section 51100 and following (timberland generally), Section 51119.5 relating to division of timber lands, and Section 51230 relating to agricultural preserves).

**Subordinate:** Subordinate, in the context of defining a subordinate structure, means a structure of lesser bulk and less prominence, as determined by considering the combined effect of yard setbacks, ground coverage, height and form. (From Section INL#312-67.1; Ord. 1633, Sec. 5, 3/13/84)

**Substitution of Use (Activities):** The replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change solely of ownership, tenancy, or management, where the previous business activity or other type of use is substantially unchanged. (Former Section CZ#A312-21)

**Surface Mining:** (See, Extractive Use Types, Surface Mining, in Section D: Use Types.) (See also, other various definitions of words and phrases related to surface mining operations, and Section 313-61.2, Surface Mining and Reclamation, in this Chapter.)

**Surface Mining Operations:** (See also, Section 313-61.2, Surface Mining and Reclamation.) Surface mining "operations" mean: (Former Section CZ#A312-21)

A. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit



mining of minerals naturally exposed, mining by the auger methods, dredging and quarrying or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to:

1. Inplace distillation, retorting or leaching.
  2. The production and disposal of mining waste.
  3. Prospecting and exploratory activities.
- B. Borrow pitting, stream bed skimming, segregation and stockpiling of mined minerals and recovery of same.
- C. Earth moving activities which result in excavations, fills, grades, or embankments which will not be beneficially modified by the construction of structures, landscaping, or other land improvement, and which do not of themselves constitute engineered works.

**Swap Lot:** A building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, sell or bargain for new or used merchandise. (Also called "Flea Market" or "Flea Mart.") (Former Section CZ#A312-21)

**Swap Meet:** The activity carried on in a swap lot. (Former Section CZ#A312-21)

**Swimming Pool:** Any confined body of water which exceeds two feet (2') in depth, which is located either above or below the existing finished grade of the site, and which is designed, used or intended to be used for swimming, bathing or therapeutic purposes. (Former Section CZ#A312-21)

**Target Unit:** Means a dwelling unit within a Housing Development that will be reserved for sale or rent to, and affordable to, Very Low or Lower Income Households, or Qualifying Residents. In determining the maximum Affordable Rent or Affordable Sales Price of Target Units the following household and unit size assumptions shall be used, unless the Housing Development is subject to different assumptions imposed by other governmental regulations: (See below table.)

SRO (residential hotel) unit

75% of 1 person

0 bedroom (studio) 1 person

1 bedroom 2 persons

2 bedroom 3 persons

3 bedroom 4 persons

4 bedroom 6 persons

(See, Section 313-112.1, Residential Density Bonus, for further discussion.)

(Former Section CZ#A314-12.1(B)(15); Added by Ord. 2167, Sec. 25, 4/7/98)

**Through-lot:** (See, Lot, Through)

**Tidegate:** A structure with a valve and located in a dike designed to permit the one way drainage of surface water from land to a wetland or estuary and to prevent tidal inundation of the land. (See also, Floodgate (non-tidal waters). (Former Section CZ#A312-22)

**Timber, Commercial Timber Use Types:** See Commercial Timber Production Use Types in Section D: Use Types.)

**Timber Harvest:** The cutting and removal of timber or other solid wood forest products from timberlands for commercial purposes, together with all of the work incidental to the harvest. The incidental work includes, but is not limited to fire hazard abatement, and construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, and beds for the falling of trees. "Timber Harvest" does not include cutting or removal of timber for creating building pads or access to a legal building site, when such cutting or removal is approved as a part of the building and/or encroachment permit. "Timber Harvest" also does not include the removal of diseased or dangerous trees that have no commercial value. Removal or harvest of incidental vegetation from timberlands such as berries, ferns, greenery, mistletoe, herbs, and other products, which action cannot normally be expected to result in a threat to forest, air, water, or soil resources, does not constitute timber harvesting or production. (Former Section CZ#A312-22)

**Timber Management:** The cutting or removal of the timber, other solid forest wood products, or other vegetation from timberlands for the purpose of improving the productivity of commercial species on the site, together with all of the work incidental to this activity, such as construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, and fire hazard abatement. Timber management activities include, but are not limited to, pre-commercial thinning, removal of non-preferred species (release), pruning, site preparation, protection practices, and incidental follow-up treatments. Pruning, protection practices (including such activities as placement of protective devices around trees and trappings), and incidental follow up treatments do not constitute development as defined by the Coastal Act of 1976. (See the definition of "Development.") (Former Section CZ#A312-22)

**Timber Management Plan:** A written plan for development and utilization of timber resources and compatible uses which assures the continued viability of the timberland, and which includes reasonable rotation and harvest cycle data. (Former Section CZ#A312-22)

**Timber Product Processing:** (See Industrial Use Types, Timber Products Processing, in Section D: Use Types.)

**Timber Production:** (See, Timber Management.)

**Timberland:** Land, other than land owned by the Federal government and land designated by the Board of Forestry as experimental forest land, which is available for, and capable of growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. (See, Public Resources Code Section 4526) (Former Section CZ#A312-22)

**Trailer:** Any vehicle without a motor or designed to be drawn by a motor vehicle and to be used as a selling or advertising device, or used for storage or conveyance of tools, equipment, or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. Trailers may be moved upon a public highway without a Special Permit or chauffeur's license or both. The term trailer does not include the terms "camp trailer," "trailer coach," "travel trailer," "automobile trailer," or "house trailer." (See also, "Recreational Vehicle.") (Former Section CZ#A312-22)

**Trailer Park:** (See, Recreational Vehicle Park)

**Transient Habitation:** (See, Commercial Use Types, Transient Habitation, in Section D: Use Types.)

**Transient Services:** When used in conjunction with boarding or lodging, it means services that are charged for in units of less than one month and where the majority of people utilizing such services remain for periods of less than three months. (Former Section CZ#A312-22)

**Transitional Agricultural Land:** (See, Agricultural Land, Transitional)

**Transitional Agricultural Land, Boundary of:** (See, Agricultural Land, Boundary of Transitional)

**Treatment Works:** "Treatment Works" shall have the same meaning as set forth in the Federal Water Pollution Control Act (Title 33 of the U.S. Code, Section 1251 and following) and any other Federal Act which amends or supplements the Federal Water Pollution Control Act. (Former Section CZ#A312-22)

### 313-156 DEFINITIONS (U)

**Urban Limit Line:** Generally found in the Coastal Land Use Plans, these are a delineation of lands where urban use types, densities, and intensities of development may be permitted. (Former Section CZ#A312-23)

**Use:** The purpose or activity for which land, a building, or a structure is occupied, arranged, designed, or intended, or for which it is or may be occupied or maintained. Uses are generally segregated into the following types: (Former Section CZ#A312-23)

A. Accessory: A use legally permitted in the zone, which use is customary and incidental to and subordinate to the principal use of the site or of a main building on the site and serving a purpose which does not change the character of the principal use. (Former Section CZ#A312-23)

B. Conditional: A use type subject to a Use Permit, which use may be essential or desirable to the public convenience or welfare in one or more zones, but which may also impair the integrity and character of the zone or adjoining zone, or be detrimental to the public health, safety or welfare unless additional restrictions on location and extent of use are imposed and enforced. Such use shall be permitted when all specific additional restrictions are completed and permanently satisfied in conformance with an approved Use Permit. Should such restrictions be of a continuing nature, the use will remain conditional so long as the restrictions are complied with, but shall become an illegal use whenever and so long as the restrictions are not complied with. (Former Section CZ#A312-23)

C. Nonconforming: A use, which was lawfully established or maintained, but which, because of the application of these regulations to it, no longer conforms to the specific regulations applicable to the zone in which it is located. (See Section 313-131, Nonconforming Uses, and Section 313-132, Nonconforming Structures.) (Former Section CZ#A312-21, CZ#A312-23)

**D. Principal Permitted:** The specific and primary use of land or of a main building which use is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee or other person who has legal right to use the land, has a right to conduct such principal permitted use subject to the procedural requirements of Chapter 2, of these Regulations. (Former Section CZ#A312-23)

**Use Type:** A category or class of land uses which share common functional, product or compatibility characteristics and which have been classified under a discreet use type in these regulations. The Use Types for each zone district are listed in Section A: "Regulations for Zoning Districts." Use Types are defined and described in Section D: Use Types. (Former Section CZ#A312-23)

**Useable Open Space:** (See, Open Space, Useable)

**Used:** Includes "arranged for," "designed for," "occupied," or "intended to be occupied for." (Former Section CZ#A312-2)

**Utilities:** (See, Civic Use Types, including, e.g.: Extensive Impact Uses; Electrical Distribution Lines, Major; Generation and Distribution Facilities, Minor; Oil and Gas Pipelines; and/or Utilities, Minor; in Section D: Use Types.) (Also see, definition of "Public Utility.")

### 313-157 DEFINITIONS (V)

**Vegetation, Riparian:** (See, Riparian Vegetation)

**Vehicle, Emergency:** A motorized vehicle or trailer used for fire prevention and control, policing, sanitation, sewage, drainage, flood control, and public utility maintenance and service. Responsible users may include public districts, agencies, or departments or privately owned public utilities. (From Section INL#312-25; Ord. 519, Sec. 225, 5/11/65)

**Vehicle, Recreational:** (See, Recreational Vehicle.)

**Vehicle, Recreational Off Road:** Recreational off road vehicle includes all four wheel drive motor vehicles or other vehicles suitable for off road use, including but not necessarily limited to, automobiles, sand buggies, dune buggies, all terrain vehicles, motorcycles, motor-driven cycles, motor-driven three-wheel cycles, motor scooters, trail bikes, and mini-bikes. (Former Section CZ#A312-24)

**Vehicle Storage, Non-operating Vehicles:** The storage of non-operating motor vehicles shall not include automobile wrecking. The presence on any lot or parcel of land of five or more motor vehicles, which for a period exceeding 30 days have not been removed, or which are to be removed for reuse or sale, shall constitute prima facie evidence of the storage of non-operating motor vehicles. (Former Section CZ#A312-24)

**Vertical Access:** (See, Access, Coastal Vertical)

**Very Low Income:** Fifty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(2)(a); Added by Ord. 2167, Sec. 25, 4/7/98)

**Very Low Income Household:** Means households whose income does not exceed the very low income limits applicable to Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(16); Added by Ord. 2167, Sec. 25, 4/7/98)

**View, Coastal:** Views of the beach and ocean from the public roads and parks. (Former Section CZ#A312-24)

**View Area, Coastal:** View areas designated by the Coastal Land Use Plan and Resource Protection Maps and designated D-Design Review view area on the zoning maps for the Coastal Zone. (Former Section CZ#A312-24)

**Visitor-Serving Facilities:** (See, Commercial Use Types, Visitor-Serving Facilities, in Section D: Use Types.)

### 313-158 DEFINITIONS (W)

**Wall, Exterior:** Any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60degrees or greater from the horizontal plane. (Former Section CZ#A312-25)

**Warehousing, Storage and Distribution Use Type:** (See, Commercial Use Types: Warehousing, Storage and Distribution, in Section D: Use Types.)

**Water, Watercourse:** (See, Drainage, Natural.) (See also, Drainage Works.)

**Water Distribution:** (See, Civic Use Types, "Essential Services," and "Utilities, Minor.")  
**Watershed Management:** (See, Natural Resource Use Types: Watershed Management, in Section D: Use Types.)

**Well:** A shaft or hole sunk to obtain water. (See also, Civic Use Types, Essential Services.) (Former Section CZ#A312-25)

**Wetlands:** Lands within the County Coastal Zone that may be covered periodically or permanently with shallow waters, including salt marshes, freshwater marshes, swamps, mudflats, fens, and transitional agricultural lands. The County will use the U.S. Fish and Wildlife Service's Classification of Wetland and Deepwater Habitats of the United States as a guide to wetland identification. In general, lands which meet the classification's definition of subtidal estuarine aquatic beds, estuarine intertidal flats and emergent habitats, and palustrine emergent and non-

riparian palustrine shrub-scrub and forested habitats will be considered wetlands. (Former Section CZ#A312-25)

**Wetland Farmed:** (See, Agricultural Land, Transitional)

**Wetland, Boundary of: Either:** (Former Section CZ#A312-25)

- A. The boundary between land with predominately hydrophytic plant cover and land with predominantly mesophytic or xerophytic plant cover;
- B. The boundary between soil that is predominately hydric and soil that is predominately nonhydric;
- C. In the case of wetlands without vegetation or soils; the boundary between land that is flooded or saturated at some time of the growing season during years of normal precipitation and land that is not; or
- D. The boundary between wetland and riparian habitats.
- E. Areas with drained or filled hydric soils which are no longer capable of supporting hydrophytes are not considered wetlands, unless such areas were drained or filled in violation of this Code, or other local, State or Federal law.

**Wetland Buffer Area:** (See, Section 313-125, Wetland Buffer Areas.)

**Wetland, Farmed:** (See, Agricultural Land, Transitional)

**Wetland, Farmed, Boundary of:** (See, Agricultural Land, Boundary Of, Transitional)

**Wetland, Functional Capacity:** The ability of the wetland or estuary to be self-sustaining and to maintain species diversity. (Former Section CZ#A312-25)

**Wetland Restoration:** (See, Natural Resource Use Types, Wetland Restoration, in Section D: Use Types.)

**Wildlife Management:** Manipulation of habitats to produce some level of a desired species or manipulating animal populations to achieve a desired end. (Former Section CZ#A312-25)

**Wind Generator:** Any machine that converts kinetic energy in the wind into a usable form of electrical or mechanical energy (commonly known as a wind mill or wind turbine). (Former Section CZ#A312-25)

**Wrecking and Salvage Yards:** A wrecking and salvage yard is any aggregate area of more than 200 square feet within any parcel, lot or contiguous lots of real property which is used as a place where imported waste, inoperable machinery, inoperable motor vehicles, or discarded or salvaged materials are disassembled, handled, placed, processed, packaged or stored. The term "wrecking and salvage yard" includes, but is not limited to, auto and trailer wrecking yards, other wrecking yards, scrap metal yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment. Any of the activities or conditions that

would otherwise be a wrecking and salvage yard shall not constitute a wrecking or salvage yard if conducted entirely within a completely enclosed building. The term "wrecking and salvage yard" does not include areas used for the sale or storage of operable automobiles, tractors, farm machinery, house trailers or boats. The term "wrecking or salvage yard" also does not include areas used for the salvaging of materials incidental to and used in manufacturing or farm operations, providing such salvaging of materials takes place where the manufacturing or farming is done. (See also, "Automobile Wrecking.") (For more information on wrecking and salvage yards, see Chapter 1 of Title III, Division 7 of these regulations.) (Former Section CZ#A312-12; From Section 371-1)

### 13-159 DEFINITIONS (X)

**Xerophytic Plant:** (See, Plant, Xerophytic)

### 313-160 DEFINITIONS (Y)

**Yard:** An open space other than a court, which is unoccupied and unobstructed from the ground upward except for landscaping or as specified elsewhere in this Code, but not including any portion of any street, alley or road right-of-way except as specified elsewhere in this Code. (See also, "Lot" and "Setback.") (Former Section CZ#A312-27)

A. Front. A yard measured into a lot from its front lot line or lines.

B. Rear. A yard measured into a lot from its rear lot line.

C. Side. A yard measured into a lot from its side lot lines. A required side yard shall extend between the required front or rear lot lines where no front yard or rear yard is required.

1. Yard, Side, Exterior: A side yard abutting a street, which yard shall extend from the front yard to the rear yard, or the front or rear lot lines where no front yard or rear yard is required.

2. Yard, Side, Interior: Any side yard other than an exterior side yard.

**Yard, Salvage:** (See Wrecking and Salvage Yards)

**Yard, Wrecking:** See Wrecking and Salvage Yards)

### 313-161 DEFINITIONS (Z)

**Zone:** A mapped portion of the territory of the County of Humboldt within which uniform regulations and requirements, or combinations thereof, apply under the provisions of this Code. (Former Section CZ#A312-28; INL#312-77; Ord. 519, Sec. 274, 5/11/65)

A. Principal: The first zone designation applied to a lot or piece of property, which designates the principally permitted uses on the property. The zoning designations are found on the zoning maps.

B. Combining: This is an additional zoning designation applied to some (but not all) properties. Combining zones are indicated on the zoning maps. A combining zone modifies the allowed land

use in some way when necessary for sound and orderly planning. For example, lot area and yard requirements of any Principal Zone may be modified by addition of the "B" Combining Zone.

Section 5 Section 313-170 (Agricultural Use Types) of Part 2 (Glossary of Uses) of Section DD (Use Types) of Chapter 4 (Regulations Inside the Coastal Zone) of Division 1 (Planning) of Title III (Land Use and Development of Humboldt County) is amended to read as follows: (Text to be inserted into the Humboldt County Code is indicated in *boldface italics* while text in standard type is existing text in the Humboldt County Code.)

#### SECTION D: USE TYPES

##### PART 2: GLOSSARY OF USE TYPES

###### 313-170 AGRICULTURAL USE TYPES

Agricultural use types include the on site production of plant and animal products by agricultural methods. The following are agricultural use types:  
(Former Section CZ#A313-9(A))

**170.1 Agriculture-Related Recreational.** The Agriculture-Related Recreation Use Type includes recreational facilities developed in conjunction with agriculture, including hunting and duck camps, skiing and dude ranches, but not including such recreational activities as golf courses which require non-agricultural development. (Former Section CZ#A313-9(F))

**170.2 Feed Lot/Slaughter House.** The Feed Lot/Slaughter House Use Type includes large on-site yard(s) with pens or stables and other structures, other than those which are part of a typical livestock ranch, where cattle, sheep, and similar animals are kept for finishing, shipment or slaughter. (Former Section CZ#A313-9(D))

**170.3 General Agriculture.** The General Agriculture Use Type includes cultivation of food and fiber such as field and tree crops, dairying, pasturage, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including feed lots, stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter. (Former Section CZ#A313-9(B))  
*Horticulture expressly includes the lawful cultivation of cannabis.*

**170.4 Hog Farming.** The Hog Farming Use Type refers to any premises used solely or primarily for the raising or keeping of three (3) or more hogs, when raised, fed or fattened for the purposes of sale and consumption by other than the owner or resident of the site. (Former Section CZ#A313-9(C))

**170.5 Intensive Agriculture.** Any premises used solely or primarily for the raising or keeping of animals such as furbearers, frogs, or turkeys, when raised, fed or fattened for the purpose of sale and/or consumption by other than the owner of the site. (Former Section CZ#A313-9(G); Ag Zone Amendments approved by the Humboldt County Board of Supervisors on 2/9/99)

**170.6 Stables and Kennels.** The Stables and Kennels Use Type refers to raising and



keeping of dogs or horses (or similar hoofed animals) for hire or animals boarded and fed for compensation. (See "Stable" and "Kennel" in Section C: "Index of Definitions of Language and Legal Terms.") (Former Section CZ#A313-9(E))

Section 6. Chapter 4 of Division 1 of Title III of the Humboldt County Code is hereby amended as to read as follows: (Text to be inserted into the Humboldt County Code below is indicated in ***boldface italics*** while text in standard type is existing text in the Humboldt County Code)

#### 314-135 GENERAL RULES FOR CONSTRUCTION OF LANGUAGE

135.1 The meaning and construction of words and phrases as set forth shall apply throughout the Zoning Regulations, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained in these Zoning Regulations, in which case the Zoning Regulations definition shall prevail. The following general rules of construction shall apply to the textual provisions of the Zoning Regulations: (From Section CZ#A312-1; Added by Ord. 2214, 6/6/00)

135.1.1 ***Headings.*** Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Zoning Regulations. (From Section CZ#A312-1; Added by Ord. 2214, 6/6/00)

135.1.2 ***Illustrations.*** In case of any difference of meaning or implication between the text of any provision and any illustration, the text of the provision shall control. (From Section CZ#A312-1; Added by Ord. 2214, 6/6/00)

135.1.3 ***Shall, May, and Should.*** "Shall" is always mandatory and not discretionary. "May" is permissive or discretionary. "Should" is advisory, in that it, like "may," is not mandatory, but "should" indicates a policy preference of the County. (From Section CZ#A312-1; Added by Ord. 2214, 6/6/00)

135.1.4 ***Tense, Number and Gender.*** Words used in the present tense include the past and future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary. The masculine gender includes the feminine and neuter gender, and neuter includes the masculine and feminine, and feminine includes masculine and neuter. (From Section CZ#A312-1; INL#3 I 2-1; Ord. 519, Sec. 201, 5/11/65; Amended by Ord. 2214, 6/6/00)

135.1.5 ***Conjunctions.*** Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows: (From Section CZ#A312-1; Added by Ord. 2214, 6/6/00)

135.1.5.1 "And" indicates that all connected items or provisions shall apply.

135.1.5.2 "Or" indicates that the connected items or provisions may apply singly or in any combination.

135.1.5.3 "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

135.1.6 "Used" includes "arranged for", "designed for", "occupied", or "intended to be occupied for". (From Section CZ#A312-1; Added by Ord. 2214, 6/6/00) of Humboldt County unless otherwise indicated. (From Section CZ#A312-1; Added by Ord. 2214, 6/6/00)

135.1.8 References to other laws and regulations. Whenever this Code refers to sections of this Code, State Law, or other statutes or regulations, the reference shall be construed to include any successor or amended provisions which have been adopted to replace, renumber, or otherwise change the section(s) reference from that which is contained in this Code. (From Section CZ#A312-1; Added by Ord. 2214, 6/6/00)

135.2 Additional definitions can be found in State Law in the Subdivision Map Act (see, Government Code Section 66414 and following), the Permit Streamlining Act (see Government Code Section 65925 and following), and in other related provisions which regulate planning and land use issues. If the definitions of this County Code are different from the State Law definitions, generally the State Law will govern, unless the provisions of this Code are more restrictive and limiting, in which case the more restrictive provisions apply. (Added by Ord. 2214, 6/6/00)

135.3 This set of definitions is separate from, and less comprehensive than, the definitions applicable in the Coastal Zone, which are set out in Chapter 3, Section C. This is because the coastal and non-coastal regulations were adopted at different times. It is the goal of the Board to eventually merge the two sections and have one set of definitions that apply county wide. When that is done, some definitions will change, and environmental review of any changes will be required under California law. (Added by Ord. 2214, 6/6/00)

135.4 To the extent that the definitions in this non-coastal section are different from those in the coastal section, the differences may result in a different meaning. If so, it is the intention of the Board that the differences remain when this version of the Code is adopted. Minor wording differences which do not change the meaning are the result of oversights at the different times at which sections of the code were adopted, and it should not be assumed that any difference in meaning is intended. (Added by Ord. 2214, 6/6/00)

135.5 If a definition is not included in this section, standard rules of statutory construction should be used, and the words and phrases should be given their customary and ordinary meaning, unless that causes a clearly unintended and erroneous result. (Added by Ord. 2214, 6/6/00)

#### 314-136 DEFINITIONS (A)

**Abutting:** Land having a common property line or separated only by an alley, easement or private road. (Former Section INL#312-2; Ord. 519, Sec. 202, 5/11/65)

**Access Drive:** A private drive connecting a street or alley with a parking or loading area or space and of sufficient width to permit safely the passage of all vehicles, equipment, machinery, trailers, manufactured homes and pedestrians which may normally or reasonably be expected to seek access to the parking or loading area or space. Whenever the size, location or use of the parking or loading areas is such as to reasonably necessitate the use of such drive by emergency vehicles, the drive shall be of adequate width and design to permit the passage of such emergency vehicles in order to be considered as an access drive within the meaning of these regulations. (Former Section INL#312-3; Ord. 519, Sec. 203, 5/11/65)

**Acreage:** Land which is customarily measured in terms of acres rather than front feet or square feet. (Former Section INL#312-4; Ord. 519, Sec. 204, 5/11/65)

**Additional Incentives:** "Additional Incentives" means such regulatory concessions as specified in California Government Code Subsections 65915 (d) and (b). These include, but are not limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive resulting in identifiable cost avoidance or reductions offered in addition to a Density Bonus. See Section 314-112.1, Residential Density Bonus, for further discussion. (Former Section INL#316.4-2(a); Added by Ord. 2166, Sec. 31, 4/7/98)

**Address of Convenience:** Nonresidential activities associated with any profession, occupation, or hobby, having no employees, receiving no deliveries at the address, and utilizing a private residence only for receiving mail, phone calls, or related record keeping (typically a mobile business). No more than (1) truck or other motor vehicle of no larger than three-fourths (3/4) of a ton shall be permitted in conjunction with any Address of Convenience. (Former Section INL#312-4.1; Added by Ord. 1848, Sec. 1, 9/13/88)

**Adequate Off-Street Parking:** "Adequate off-street parking" is hereby defined as parking facilities sufficient to meet the level of anticipated parking demand generated by a use or uses. (See, Section 314-109.1, Off-Street Parking, for parking requirements.) (From Section INL#316-13.1; Added by Ord. 1668, Sec. 3, 1/15/85)

**Administrative Official:** The Director of the County of Humboldt and/or such other Planning Commission employee as may be designated by the Planning Commission. (Former Section INL#312-5; Ord. 519, Sec. 205, 5/11/65)

**Affordable Rent.** Means monthly housing expenses, including a reasonable allowance for utilities, for rental Target Units reserved for Very Low or Lower Income Households, not exceeding the following calculations: (From Section INL#316.4-2(b); Added by Ord. 2166, Sec. 31, 4/7/98)

A. Very Low Income: Fifty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). See Section 314-112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4-2(b)(1); Added by Ord. 2166, Sec. 31, 4/7/98)

B. Lower Income: Sixty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). See Section 314-112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4-2(b)(2); Added by Ord. 2166, Sec. 31, 4/7/98)

**Affordable Sales Price:** Means a sales price at which Lower or Very Low Income Households can qualify for the purchase of Target Units, calculated on the basis of underwriting standards of mortgage financing available for the development See Section 314-112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4-2(c); Added by Ord. 2166, Sec. 31, 4/7/98)

**Agricultural Land:** "Agricultural Land" shall mean all real property within the boundaries of Humboldt County which is designated in the General Plan, Local Coastal Program, or any plan element ("designations" or "planned" in these regulations) and/or zoned for agricultural use. Such designations or zones shall include, but not be limited to Timber Production Zones (TPZ), Agricultural General (AG), Agricultural Exclusive (AE), and any other agricultural designations of zones which may exist or be established by the County in the future. (Former Section INL#316.2-1(a); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2138b, Sec. 1, 1/14/97)

**Agricultural Operation:** "Agricultural Operation" shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture, the raising of livestock, fur bearing animals, fish or poultry, and any commercial operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market. This definition shall include both commercial and noncommercial activities in the designated areas or zones defined as "Agricultural Land" in this Chapter. (Former Section INL#316.2-1(b); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 1138b, Sec. 1, 1/14/97)

**Agriculture, General:** Farming, dairying, pasturage, timber production, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter. (Former Section 1NL#312-6; Ord. 519, Sec. 206, 5/11/65)

**Alley or Lane:** A public or private way not more than thirty feet (30') wide affording only secondary means of access to abutting property and not intended for general traffic circulation, except when such terms are modified by the word "bowling". (Former Section INL#312-7; Ord. 519, Sec. 207, 5/11/65)

**Animal Hospital:** A building where animals are given medical or surgical treatment for compensation and where the boarding of animals is incidental to such treatment. The designation "small animal hospital" shall indicate that such treatment shall be limited to dogs, cats, rabbits, birds and similar small animals. (Former Section INL#312-8; Ord. 519, Sec. 208, 5/11/65)

**Animal Products Processing Plants:** Buildings and premises for the preparation for wholesale distribution of animals or animal products, including but not limited to slaughter houses, fat rendering, tallow works, fertilizer plants, tanneries, seafood packing and canning, and distillation of bones. (Former Section INL#312-9; Ord. 519, Sec. 209, 5/11/65)

**Automobile Repair:**

- A. Major. General repair, rebuilding or reconditioning of engines, including removal of same; motor vehicle, truck or trailer collision service, including body, frame or fender straightening or repair; over-all painting or paint shop. (Former Section INL#312-10(a); Ord. 519, Sec. 210, 5/11/65)
- B. Minor. Upholstering, replacement of parts and motor service, not including removal of the motor, to passenger cars and trucks not exceeding one and one-half (1 2) tons capacity, but not including any operation under "automobile repair, major". (Former Section 1NL#312-10; Ord. 519, Sec. 210(b), 5/11/65)

**Automobile Service, Gas and/or Filling Station:** A place which provides for the servicing, washing and/or fueling of operating motor vehicles, including minor repairs, and the sales of merchandise and supplies incidental thereto. (Former Section INL#312-11; Ord. 519, Sec. 211, 5/11/65)

314-137      DEFINITIONS (B)

**Board of Supervisors:** Board of Supervisors of the County of Humboldt. (Former Section INL#312-12; Ord. 519, Sec. 212, 5/11/65)

**Board of Zoning Adjustment:** "Board of Zoning Adjustment" means the office of Zoning Administrator. (Former Section INL#312-13; Ord. 519, Sec. 213, 5/11/65; Amended by Ord. 946, 10/2/73)

**Boarding House:** A dwelling or part thereof where meals or meals and lodging are provided for compensation for three (3) or more persons, not transient. Also referred to as "Rooming House" in this Code. (Former Section INL#312-14; Ord. 519, Sec. 214, 5/11/65)

**Building:** Any roofed structure intended for use as human shelter, or shelter or enclosure for animals or property. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground or foundation up, each part is deemed a separate building (does not count towards minimum size yard requirements). See also, "Structure". (Former Section CZ#A312-4; INL#312-15; Ord. 519, Sec. 215, 5/11/65)

- A. Accessory. A detached subordinate building located on the same lot as the building or use to which it is accessory. The accessory building is incidental and subordinate to the use of the principal building or to the principal use of the lot. (Former Section CZ#A312-4; INL#312-16(a); Ord. 519, Sec. 218, 5/11/65; Amended by Ord. 2214, 6/6/00)
- B. Detached. Any accessory or main building that does not share at least ten feet of a common wall with any other accessory or main building. (From Section CZ#A312-4; Added by Ord. 2214, 6/6/00)
- C. Main. A building in which the principal use of the building site is conducted. (Former Section CZ#A312-4; 1NL#312-16(b); Ord. 519, Sec. 218, 5/11/65)
- D. Site. One lot, or two or more lots when used in combination for a building or permitted group of buildings, together with all yards and open spaces as required by these regulations. See also, Lot. (Former Section CZ#A312-4; 1NL#312-16(c); Ord. 519, Sec. 218, 5/11/65; Amended by Ord. 2214, 6/6/00))

#### 314-138 DEFINITIONS (C)

**Campground:** (See Section 314-113.1, Special Occupancy Parks. See also, Camping Party.)

**Camping Party:** "Camping Party" has the same meaning as stated in Section 18203.2 of the California Health and Safety Code (Camping Party), which is a person or group of not more than 10 persons occupying a campsite for not more than 30 days annually. (Former Section INL#312-17.1; Added by Ord. 2166, Sec. 1, 4/7/98)

#### Section 314-138 Definitions (C)

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than 30 days annually. (Former Section INL#312-17.1; Added by Ord. 2166, Sec. 1, 4/7/98)

*“Cannabis” means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.*

**Caretaker’s Residence:** A Caretaker’s Residence refers to living quarters which are incidental to and under the same ownership as the principal use which is a nonresidential use. (Former Section INL#312-17.2; Added by Ord. 2166, Sec. 1, 4/7/98)

**Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, crematories, mausoleums, mortuaries and chapels when operated in conjunction with and within the boundary of such cemetery, and any activity or business designed for the benefit, service, convenience, education or spiritual uplift of property owners or persons visiting the cemetery when operated in conjunction with and within the boundary of the cemetery and which is compatible with the purpose of the cemetery and is incidental thereto. (Former Section INL#312-18; Ord. 519, Sec. 218, 5/11/65)

**Collector Road/Street:** A medium order class of street designed to provide through-transit for moderate to large volumes of vehicles. In the hierarchy of street type classifications, collectors convey traffic from sub-collectors and local streets to arterial streets that in turn connect to highways or other regional controlled-access road facilities. (Also see, “Classification of Streets” in Division 4 of Title III of this Code.) (Added by Ord. 2214, 6/6/00)

**Combining Zone:** (See Zone, Combining.)

**Commercial Coach:** A structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial purposes, which is required to be moved under permit, and shall include a trailer coach. (See, Section 18218, Health and Safety Code, or any successor provision thereto). (From Section CZ#A312-5; Added by Ord. 2214, 6/6/00)

**Commission, Planning:** The Planning Commission of the County of Humboldt, State of California. (Former Section INL#312-20; Ord. 519, Sec. 220, 5/11/65)

**Communication Equipment Building:** Buildings housing electrical and mechanical equipment necessary for the conduct of a public utility or private communications business with or without personnel. (Former Section INL#312-21; Ord. 519, Sec. 221, 5/11/65; Amended by Ord. 1867, Sec. 2, 6/13/89)

**Community Care Facility:** Community Care Facility includes all the use types defined in State law as Community Care Facility (currently at Chapter 3 of the Health and Safety Code, commencing with Section 1500) and refers to any facility, place or building which is maintained and operated to provide non-medical residential care, day care, or homefinding agency services for children, adults, or children and adults, including but not limited to, the physically handicapped, mentally impaired, incompetent persons and abused or neglected children. Community Care Facilities providing these services for six (6) or fewer individuals shall be considered a residential use of the property for the purpose of zoning. (See also, "Family Day Care Homes" and "Family Day Care Center".) (Former Section INL#312-21.1; Added by Ord. 1842, Sec. 1, 8/16/88)

**Consolidated Play Surface:** Any impervious area, including but not limited to irrigated turf, or open space land suitable for informal recreation opportunities and/or informal sports activities. (See also, Open Space, Useable) (Former Section INL#312-21.3; Added by Ord. 2103, Sec. 1, 1/9/96)

**Cottage Industry:** (See Industrial Use Types, Cottage Industry, in Section D, Part 2: "Glossary of Use Types".)

**Court:** An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. (Former Section INL#312-19; Ord. 519, Sec. 219, 5/11/65)

314-139 DEFINITIONS (D)

**Density:**

- A. A means of describing the distribution of population over an area of land. Typically expressed as a number of dwelling units per a given acreage (examples: one (1) through seven (7) units per acre; or, one (1) dwelling per 20 acres). (Former Section 1NL#312-22.1(a); Added by Ord. 1661, Sec. 1, 10/30/84)
- B. Density may be expressed as a density range (examples: five (5) through 20 acres per dwelling unit; or one (1) through seven (7) dwelling units per acre).  
Density does not set minimum parcel size; that is done by the zoning.  
(From Section INL#312-22.1(b); Added by Ord. 1661, Sec. 1, 10/30/84)

**Density, Minimum Parcel Size:** The smallest parcel size allowed by the plan or the zone (example: 40-acre minimums). (Former Section 1NL#312-22.1(c); Added by Ord. 1661, Sec. 1, 10/30/84)

**Density, Planned:**

- A. The density anticipated to be achievable and appropriate for a given area; the density specified for the area in the General Plan. (Former Section INL#312-22.1(b); Added by Ord. 1661, Sec. 1, 10/30/84)
- B. Sometimes planned density is expressed as a minimum parcel size, or range of minimum parcel-sizes (examples: 40-acres minimum; or, 20 through 160 acres per parcel). (Former Section INL#312-22.1(b); Added by Ord. 1661, Sec. 1, 10/30/84)

**Density Bonus:** Means a minimum density increase of at least twenty-five percent (25%) over the otherwise Maximum Residential Density. See, Section 314-112.1, Residential Density Bonus, for further discussion. (From Section 1NL#316.4-2(d); Added by Ord. 2166, Sec. 31, 4/7/98)

**Density Bonus Housing Agreement:** Means a legally binding agreement between a developer and the County to ensure that the requirements of the Residential Density Bonus Section are satisfied. The agreement, among other things, shall establish: the number of Target Units, their size, location, terms and conditions of affordability, and production schedule. See, Section 314-112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4-2(e); Added by Ord. 2166, Sec. 31, 4/7/98)



**Density Bonus Unit:** Means those residential units granted pursuant to the provisions of the Residential Density Bonus Section that exceed the otherwise Maximum Residential Density for the development site. See, Section 314-112.1, Residential Density Bonus, for further discussion. (Former Section INL#316.4-2(f); Added by Ord. 2166, Sec. 31, 4/7/98)

**Distance Between Structures:** The shortest horizontal distance measured between the vertical walls of two structures. (Former Section INL#312-22; Ord. 519, Sec. 222, 5/11/65)

- A. **Dwelling.** Any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, cabin, boat, recreational vehicle, manufactured home, labor camp, hotel or motel. (Former Section INL#312-23(a); Ord. 519, Sec. 223, 5/11/65; Amended by Ord. 2166, Sec. 2, 4/7/98)
- B. **Dwelling, One Family.** A building containing exclusively one (1) dwelling unit. (Former Section INL#312-23(b); Ord. 519, Sec. 223, 5/11/65)
- C. **Dwelling, Two Family or Duplex.** A detached building under one roof, designed for or occupied exclusively by two (2) families living independently of each other. (Former Section INL#312-23(c); Ord. 519, Sec. 223, 5/11/65)
- D. **Dwelling, Multiple.** A building or portion thereof containing three (3) or more dwelling units, including apartments and flats but excluding rooming and boarding houses, lodging houses, motels, manufactured home parks, hotels, fraternity or sorority houses and private residence clubs. (Former Section 1NL#312-23(d); Ord. 519, Sec. 223, 5/11/65)

**Dwelling Unit:** One (1) room, or a suite of two (2) or more rooms designed for, intended for, or used by one (1) family, which family lives, sleeps and cooks therein and which unit has one kitchen or kitchenette. (Former Section 1NL#312-24; Ord. 519, Sec. 224, 5/11/65)

314-140      DEFINITIONS (E)

**Emergency Shelter:** Boarding or lodging services usually in a dormitory or congregate setting provided by a public or non-profit organization without direct compensation to persons without permanent housing and where the majority of people utilizing such services remain for periods of less than one (1) month. Operations may be seasonal or year round and client services such as counseling, medical evaluation and job/life skills training may be offered in addition to food, showers and sleeping accommodations. (Added by Ord. 2335, 12114104)

**Emergency Vehicle:** Self-propelled vehicle or trailer used in the discharge of the duties of public districts, agencies, or departments or privately owned public utilities responsible for fire prevention and control, policing, sanitation, sewage, drainage, flood control, and public utility maintenance and service. (Former Section m1\_11312-25; Ord. 519, Sec. 225, 5/11/65)

**Equivalent Financial Incentive:** "Equivalent Financial Incentive" means a monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

- A. A Density Bonus and an Additional Incentive(s); or
- B. A Density Bonus, where an Additional Incentive(s) is not requested or is determined to be unnecessary.

See, Section 314-112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4-2(g); Added by Ord. 2166, Sec. 31, 4/7/98)

314-141      DEFINITIONS (F)

**Family:** A person living alone, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, rooming house, lodging house, motel or hotel, fraternity or sorority house. A family shall be deemed to include necessary servants. (Former Section 1NL#312-26: Ord. 519, Sec. 226, 5/11/65; Amended by Ord. 2214, 6/6/00)

**Family Day Care Center:** Family Day Care Center refers to any facility which provides, to more than twelve (12) persons, non-medical care, or personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on a less than twenty-four (24) hour basis. Such Day Care Centers are a residential use of the property. A Conditional Use Permit shall be required for the establishment of such a center. (See also, "Community Care Facilities" and "Family Day Care Homes".) (Former Section INL#312-26.1; Added by Ord. 1842, Sec. 2, 8/16/88)

**Family Day Care Home:** Family Day Care Home refers to any facility which provides, to twelve (12) or fewer children (including children who reside at the home), non-medical care, or personal services, supervision, or assistance for sustaining the activities of daily living or for the protection of the individual on a less than twenty-four hour basis. (See also, "Community Care Facility" and "Family Day Care Center".) (Former Section 1NL#312-26.2; Added by Ord. 1842, Sec. 3, 8/16/88)

**Farm Dwelling:** A dwelling on farm premises for permanent residents of the farm, such as the owner, lessee, foreman, or others whose principal employment is the operation of the farm, as distinguished from quarters for seasonal labor. (Former Section 1NL#312-27; Ord. 519, Sec. 227, 5/11/65)

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas as a result of the overflow of inland or tidal water and/or the unusual and rapid accumulation or run-off of surface waters from any source. (From Section CZ#A312-8; Added by Ord. 2214, 6/6/00)

**Flood Plain:** Flood plain is defined as the area subject to inundation by the 100 year or base flood, as shown on the FEMA Flood Insurance Rate Maps (FIRM). (Former Section INL#315-8.1(D); Added by Ord. 2205, Sec. 1, 4/11/00)

**Floodway:** Floodway is defined as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot and can be specifically determined at a given location by the Building Division's application of the County flood regulations. (Former Section INL#315-8.1(D); Added by Ord. 2205, Sec. 1, 4/11/00)

**Floor Area:** Floor area is the area included within the surrounding exterior walls of a building or portion thereof; exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. (Former Section INL#312-27.1; Added by Ord. 1633, Sec. 2, 3/13/84)

**Frog Farm:** A place at which frogs are bred and raised for commercial purposes. (Added by Ord. 2214, 6/6/00)

**Frontage:** All the property on one side of a street between intersecting or intercepting streets, or between a street and right-of-way, water way end of a dead-end street or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. (Former Section INL#312-28; Ord. 519, Sec. 228, 5/11/65)

**Fur Farm:** A place at which fur-bearing animals, other than chinchillas, are bred and raised for commercial purposes, such as breeding stock or for the reclamation of pelts. (Former Section INL#312-29; Ord. 556, Sec. 1, 3/22/66)

314-142      DEFINITIONS (G)

**Garage:**

- A. Private. An accessory building or a portion of a building designed for the storage of self-propelled passenger vehicles, camping trailers or boats belonging to the owners or occupants of the site and their guests, including covered parking space or carport. (Former Section INL#312-30(a); Ord. 519, Sec. 230, 5/11/65; Amended by Ord. 1633, 3/13/84)
- B. Public. Any building or portion thereof or premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles, trailers and boats or where any such are equipped for operation or repair or kept for remuneration and hire. (Former Section INL#312-30(b); Ord. 519, Sec. 230, 5/11/65; Amended by Ord. 1633, 3/13/84)

- C. **Storage.** Any structure or portion thereof or premises, except those herein defined as private garages, used exclusively for the storage for remuneration or hire of self-propelled vehicles, trailers and boats. (Former Section INL#312-30(c); Ord. 519, Sec. 230, 5/11/65; Amended by Ord. 1633, 3/13/84)

**Grade:** The average of the finished ground level at the center of **all** walls of a building. (Former Section INL#312-30.1; Ord.)

- A. **Grade, Finished:** The finished surface of the ground after grading for development. (Former Section INL#312-30.2)
- B. **Grade, Natural:** The surface of the ground prior to grading for development. (Former Section INL#312-30.3)

**Greenhouse:** A facility for indoor propagation of plants, constructed with transparent or translucent panels. (See also, "Nurseries" and Section 314-69.1, Accessory Structures.)

**Greenway Bench:** A greenway bench is defined as a contiguous area within a Greenway and Open Space Zone containing at least 4,000 square feet of undisturbed slope less than 30% and located outside of Streamside Management setbacks. (See, Section 314-22.2, Greenway and Open Space Combining Zone.) (From Section 315-10(B); Ord. 2071, Sec. 1, 4/25/95)

**Ground Coverage:** See, Lot Coverage. (Former Section INL#312-31)

#### 314-143 DEFINITIONS (H)

**Hearing Officer:** "Hearing Officer" means the Director of the Community Development Services Department or the designee of the Director, Zoning Administrator, Planning Commission, or other designee. (Former Section 1NL#312-32; Ord. 946, Sec. 2, 10/2/73; Amended by Ord. 2214, 6/6/00)

**Higher Order Street:** (See, Classification of streets in Division 4 of this Title III of the Code.)

**Hog Farm:** Any premises used for the raising or keeping of three (3) or more hogs when raised, fed or fattened for purposes of sale and consumption by other than the owner of the site. In an agricultural zone, the term "hog farm" is not intended to otherwise preclude the raising of hogs as part of a general farming operation. (Former Section 1NL#312-33; Ord. 519, Sec. 232, 5/11/65)

**Home Occupation:** Any use which, as determined by the Planning Commission, is customarily carried on within a dwelling by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling. Home occupations are subject to the Home Occupation Regulations in this Chapter. (Former Section 1NL#312-34; Ord. 519, Sec. 233, 5/11/65; Amended by Ord. 2166, Sec. 3, 4/7/98; Amended by Ord. 2214, 6/6/00)

**Hotel:** Any building or portion thereof containing living quarters or dwelling units and designed for or intended to be used by six (6) or more transient guests, whether

the compensation or hire be paid directly or indirectly, and shall include resort hotel, lodging house, boarding house, rooming house, dormitory, residence club, fraternity, sorority and other similar uses. (Former Section INL#312-35; Ord. 519, Sec. 234, 5/11/65)

**Housing Cost:** Means the sum of actual or projected monthly payments for all of the following associated with for-sale Target Units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities. See Section 314-112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4-2(h); Added by Ord. 2166, Sec. 31, 4/7/98)

**Housing Development:** Means construction projects consisting of five or more residential units, including single family, multifamily, and manufactured homes for sale or rent, pursuant to this Section. See Section 314-112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4-2(i); Added by Ord. 2166, Sec. 31, 4/7/98)

314-144      DEFINITIONS (I)

**Incidental Camping Area:** "Incidental Camping Area" has the same meaning as stated in Section 18208 of the California Health and Safety Code (Incidental Camping Area), which is any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where two or more campsites used for camping are rented or leased or held out for rent or lease. In addition to the development standards identified in Section 314-113.1, Special Occupancy Parks, the density of usage for incidental camping areas shall not exceed 25 camping parties within a radius of 265 feet from any campsite within the incidental camping area. (Former Section INL#312-35.1; Added by Ord. 2166, Sec. 4, 4/7/98)

**Instruction, Commercial:** Schools or classes operated within a building to give instruction in any art, profession, trade or business, for compensation, and including but not limited to, instruction in cosmetology, hairdressing, barbering, bartending, music, dancing, typing, shorthand or other business skills, electronics or engineering. (Former Section INL#312-36; Ord. 519, Sec. 235, 5/11/65)

314-145      DEFINITIONS (J)

**Junk Yard:** (See, Wrecking and Salvage Yards)

314-146      DEFINITIONS (K)

**Kennel:** Any premises, except those accessory to an agriculture use, where five (5) or more small domestic animals, not sick or injured, are boarded for compensation or cared for or trained for hire, or are kept for sale or breeding purposes. (Former Section INL#312-38; Ord. 519, Sec. 237, 5/11/65)

**Kitchen or Kitchenette:** Any space used or designated to be used for cooking and preparing food, whether the cooking unit be permanent or temporary and portable. (Former Section INL#312-39; Ord. 519, Sec. 2.38, 5/11/65)

314-147      DEFINITIONS (L)

**Labor Camp, Including Agricultural or Farm Labor Camp:** Any living quarters, dwelling, boarding house, rooming house, tent, bunk house, manufactured home or other housing accommodation maintained in connection with any work or place where work is being performed, and the premises upon which they are situated, or the areas set aside and provided for camping of five (5) or more employees by a labor contractor. Labor camps shall also mean a labor supply camp, which is any place, area or piece of land where a person engages in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees. (Former Section INL#312-40; Ord. 519, Sec. 239, 5/11/65)

*“Lawful cultivation of cannabis” means the limited intensity agricultural land use for cultivation of cannabis within the unincorporated areas of Humboldt County for uses authorized under the laws of the State of California, as such laws may be amended, supplemented or superseded from time to time, and in a manner that complies with all state and county laws, administrative ruled and regulations applicable to cultivation and cultivation-related activities, including activities and uses accessory, incidental or related to the planting, cultivation, harvesting, storage, drying, packaging, transportation, and distribution of cannabis and products thereof, subject to compliance with the restrictions on parcel size, registration, and compliance with ordinances, rules, and regulations of the county.*

**Licensed Premises:** Premises licensed by the Alcoholic Beverage Control Board of the State of California for the sale and consumption on the premises of alcoholic beverages. (Former Section INL#312-41; Ord. 519, Sec. 240, 5/11/65)

**Living Quarters:** One or more rooms in a building designed, intended for or used by one or more individuals for living or sleeping purposes, but which does not have cooking facilities. (Former Section INL#312-42; Ord. 519, Sec. 241, 5/11/65)

**Lot:** Either of the following:

A. A parcel of contiguous real property shown as a delineated parcel of land with a number or other designation on a map of subdivision recorded in the Humboldt

County Recorder's office; or (From Section CZ#A312-14(a); Added by Ord. 2214, 6/6/00)

B. A parcel of real property, not described in (A) above, that qualifies for a certificate of subdivision compliance pursuant to Government Code Section 66499.35. (From Section CZ#A312-14(b); Added by Ord. 2214, 6/6/00)

**Lot Area:** (See, Lot Size)

**Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than 135 degrees. (Former Section INL#312-43(b); Ord. 519, Sec. 242, 5/11/65)

**Lot Coverage:** The percentage of lot size covered by the vertical projection of any structure excluding any structure not extending above the grade. (Former Section INL#312-45.1)

**Lot Depth:** The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. (Former Section 312-46; Ord. 519, Sec. 244, 5/11/65)

**Lot, Double Frontage:** A lot with both the front and rear lot lines abutting a road right-of-way.  
(See also, Lot, Through) (Former Section INL#312-46.1; Ord. )

**Lot, Flag:** Lots with a narrow frontage and a long driveway or strip of land connecting with a street. (Former Section INL#312-46.2; Ord. )

**Lot, Interior:** A lot other than a corner lot. (Former Section INL#312-43(c) and INL#312-46.3; Ord. 519, Sec. 242, 5/11/65; Amended by Ord. )

**Lot, Key:** The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot (exclusive of any alley) and fronting on the street which intersects or intercepts the street upon which the corner lot fronts. (Former Section INL#312- 43(d); Ord. 519, Sec. 242, 5/11/65)

**Lot Line:** Any property line bounding a lot. When the definition of lot lines is not applicable due to irregularity in the shape of the lot, lot lines shall be determined by the Administrative Official subject to review by the Planning Commission. When a County road, street or highway does not have a right-of-way of record, either by deed or map, the lot line shall be deemed to be twenty-five feet (25') from the center line of the traveled way. When a State highway does not have a right-of-way of record, either by deed or map, the lot line shall be deemed to be thirty feet (30') from the centerline of the traveled way. (Former Section INL#312-47(a); Added by Ord. 1848, Sec. 3, 9/13/88)

**Lot Line, Exterior:** A property line abutting a public or private road or street. (Former Section INL#312-47(b))

**Lot Line, Front:** The line separating the front of the lot from the street right-of-way. When a lot or building site is bounded by a public street and one(1) or more alleys or private easements or private streets, the front lot line shall be the lot line that is nearest to the public street. Where a lot fronts on a public road, street, or highway which does not have a right-of-way of record, refer to the definition of "lot line". In the case of a flag lot, the front line shall include the lines or portion of lines necessary to ensure adequate vehicular turnaround as determined by the Director in conjunction with the Department of Public Works. (Former Section INL#312-47(c); Added by Ord. 1848, Sec. 3, 9/13/88)

**Lot Line, Rear:** The record lot line most distant from and generally opposite the front lot line. Except: In the case of an interior triangular or wedge-shaped lot, it shall mean a straight line 10 feet in length which:

1. is approximately parallel to the front lot line, and
2. intersects the two (2) other lot lines at points most distant from the front lot line.

Where the rear lot line abuts a public road, street or highway which does not have a right of-way of record, refer to the definition of "Lot Line" (Former Section INL#312-47(d); Added by Ord. 1848, Sec. 3, 9/13/88)



**Lot Line, Side:** Any lot line which is not a front lot line or rear lot line. Where a side lot line abuts a public road, street, or highway which does not have a right-of-way of record, refer to the definition of "Lot Line". (Former Section INL#312-47(e); Added by Ord. 1848, Sec. 3, 9/13/88)

**Lot, Manufactured Home:** (See, Manufactured Home Lot)

**Lot, Mobilehome:** (See, Manufactured Home Lot)

**Lot Size:** The total area of a lot. For lots less than one (1) acre in size, lot size shall be the total area of a lot, exclusive of any street measured horizontally between bordering lot lines. (Former Section INL#312-45; Ord. 519, Sec. 243, 5/11/65; Amended by Ord. 1743, Sec. 1, 7/15/86)

**Lot, Substandard:** A "substandard lot" means a lot which has been lawfully separated from adjoining property by map or a metes and bounds description as on a deed but does not meet the standards required of a lot or building site. (Former Section INL#312-44; Added by Ord. 1068, Sec. 1, 1/3/76)

**Lot, Through:** A lot fronting on two parallel or approximately parallel streets. (See also, Lot, Double Frontage) (From Section CZ#A312-14)

**Lot Width:** The horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard set back line. Whenever this definition cannot be applied due to irregularity in the shape of the lot, the lot width shall be as determined by the Administrative Official subject to review by the Planning Commission. (Former Section INL#312-48; Ord. 519, Sec. 246, 5/11/65)

**Lower Income:** Sixty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (See, "Affordable Rent." See also, Section 314-112.1, Residential Density Bonus, for further discussion.) (From Section INL#316.4-2(b)(2); Added by Ord. 2166, Sec. 31, 4/7/98)

**Lower Income Household:** Means households whose income does not exceed the lower income limits applicable to Humboldt County, as published and periodically

updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code. (See Section 314-112.1, Residential Density Bonus, for further discussion.) (From Section INL#316.4-2(j); Added by Ord. 2166, Sec. 31, 4/7/98)

### 314-148 DEFINITIONS (M)

**Manufactured Home:** "Manufactured Home", for purposes of this division, means a vehicle other than a motor vehicle which is designed and equipped for human habitation and for being drawn by a motor vehicle and which exceeds eight feet (8') in width or is forty feet (40') feet or greater in length and requires a Special Permit or chauffeur's license, or both, to be moved upon public highways. "Manufactured home" does not include trailer, travel-trailer, camp trailer, trailer coach, house car, automobile trailer, or motorhome. The term, as used in this division, is synonymous with the term "mobilehome". This definition is not intended to supersede or conflict with the California Health and Safety Code Section 18007 definition of this term. (Former Section INL#312-48.1; Added by Ord. 1633, Sec. 3, 3/13/84)

**Manufactured Home Lot:** An area or tract of land or portion of a manufactured home park designated or used for the occupancy of one manufactured home. (From Section CZ#A312-14)

**Manufactured Home Park:** "Manufactured Home Park" means any tract of land where two (2) or more manufactured home lots are rented or leased or held out for rent or lease to accommodate manufactured homes used for human habitation. The rental paid for any such manufactured home will be deemed to include rental for the lot it occupies. The rental of one or more manufactured homes or recreational vehicles is regulated by the State of California pursuant to Health and Safety Code Sections 18000 - 18897.7. (Former Section INL#312-50; Ord. 1086, Sec. 1, 7/13/76)

**Maximum Residential Density:** Means the maximum number of residential units permitted by the General Plan and Zoning Ordinance at the time of application, excluding the provisions of this Section. If the housing development is within a planned development overlay zone, the maximum residential density shall be

determined on the basis of the general plan and the maximum density of the underlying zone. (See Section 314-112.1, Residential Density Bonus, for further discussion.) (From Section INL#316.4-2(k); Added by Ord. 2166, Sec. 31, 4/7/98)

**Mobilehome:** (See, "Manufactured Home.") (Former Section INL#312-49; Ord. 1086, Sec. 1, 7/13/76)

**Mobilehome Park:** (See "Manufactured Home Park.") (Former Section INL#312-50; Ord. 1086, Sec. 1, 7/13/76)

**Motel:** A building or group of buildings comprising individual living quarters or dwelling units for the accommodation of transient guests which is designed so that parking is on the same building site and is conveniently accessible from the living units without having to pass through any lobby, and where luggage is moved between the parking area and living unit without necessarily having to pass through any lobby or interior court. This definition includes auto court, tourist court and motor hotel, but does not include accommodation for manufactured homes or recreational vehicles. (Former Section INL#312-51; Ord. 519, Sec. 248, 5/11/65; Amended by Ord. 2214, 6/6/00)

314-149     DEFINITIONS (N)

**Nonconforming Structure or Use:** A "nonconforming use" means the lawful use of lands or a building lawfully existing on the effective date of these regulations or prior ordinances to the subject property although such building or use does not conform with the current regulations of this division, except as may be qualified by this Code. (Former Section INL#312-52; Ord. 1104, Sec. 1, 10/5/76; Amended by Ord. 1237, Sec. 1, 6/27/78; Amended by Ord. 1876, Sec. 2, 9/26/89)

**Non-Restricted Unit:** Means all units within a Housing Development excluding the Target Units. (See Section 314-112.1, Residential Density Bonus, for further discussion.) (From Section INL#316.4-2(1); Added by Ord. 2166, Sec. 31, 4/7/98)

**Nuisance, Public:** (See Public Nuisance.)

**Nurseries:** Buildings and premises for the propagation and display for retail sale of plants, vines, shrubs and trees, and the sale of horticultural materials when incidental thereto. (See also, Greenhouse.) (Former Section INL#312-53; Ord. 519, Sec. 250, 5/11/65; Amended by Ord. 2214, 6/6/00)

3 14-1 50 DEFINITIONS (0)

**Office:**

A. **Office, Business.** An office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of clients or payments, and the keeping of records and accounts pertaining to the particular business. (Former Section INL#312-54(a); Ord. 519, Sec. 251, 5/11/65)

B. **Office, Professional.** An office from which and at which a doctor or other practitioner of healing arts, a dentist, lawyer, engineer, architect, accountant or similar professional person may offer services, and including medical or dental laboratories. (Former Section INL#312-54(b); Ord. 519, Sec. 251, 5/11/65)

**Open Space Maintenance Zone:** An assessment district, formed by entities with recreational authority, under the provisions of the Landscape and Lighting Act of 1972, to fund the maintenance of lands donated to the entity for recreational uses. (Former Section INL#312-54.1; Added by Ord. 2103, Sec. 2, 1/9/96)

**Open Space, Useable:** Useable Open Space describes a consolidated play surface, excluding buildings, streets, parking, landscape strips, and setbacks, dedicated permanently for recreational opportunities and or informal sports activities through public ownership. (Also see, "Consolidated Play Surface.") (Former Section INL#312-73; Added by Ord. 2103, Sec. 3, 1/9/96)

**Owner:** The person or persons, firm, corporation, or partnership holding legal or equitable title or recorded contract of purchase of property, or any person authorized by written instrument to act for the owner. (Former Section INL#312-55; Ord. 519, Sec. 252, 5/11/65)

314-151 DEFINITIONS (P)

**Parking, Adequate Off-Street:** (See, Adequate Off-Street Parking. See also, Section 314-109.1, Off-Street Parking.)

**Person:** Any individual, public or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties. (Former Section INL#312-56; Ord. 519, Sec. 253, 5/11/65)

**Planned Unit Development:**

A. An integrated development located on a single building site, or on 2 or more building sites which may be separated only by a street or other right-of-way. This development technique permits variable parcel sizes but an overall density consistent with the gross densities permitted in the zone in order to provide development compatible with environmental, geologic or topographic features of a parcel. (Former Section INL#312-56.1; Added by Ord. 2166, Sec. 5, 4/7/98)

B. In such development, operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facilities, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property. Planned Unit Developments are subject to the Planned Unit Development Regulations. (Former Section INL#312-56.1; Added by Ord. 2166, Sec. 5, 4/7/98)(See also, Section 314-31.1, Planned Development Zone.)

**Planning Commission:** (See Commission, Planning)

**Principal Zone:** (See Zone, Principal.)

**Private Institution:** The rooming or boarding of any aged or convalescent person, whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency. Private institution shall include sanitarium, rest home and convalescent home. (Former Section INL#312-57; Ord. 519, Sec. 254, 5/11/65)

**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. (From Section INL#319-3; Ord. 519, Sec. 803, 5/11/65; Added by Ord. 2214, 6/6/00)

**Public Use:** A use operated exclusively by a governmental agency or public agency which has the purpose of serving the public health, safety, convenience or general welfare, and including but not limited to such uses as schools, parks, playgrounds, educational, recreational and social facilities, libraries, museums, firehouses, courthouses, hospitals and administrative service facilities. Public use shall also include the operation of any foster home or shelter care home licensed by the County Welfare Department or designated by the County Probation Department or any court. (Former Section INL#312-58; Ord. 722, Sec. 1, 5/26/70)

314-152     DEFINITIONS (Q)

**Qualifying Resident:** Means senior citizens or other persons eligible to reside in Senior Citizen Housing. (See Section 314-112.1, Residential Density Bonus, for further discussion.) (From Section INL#316.4-2(m); Added by Ord. 2166, Sec. 31, 4/7/98)

**Quasi-Public Use:** A use operated by a private non-profit educational, religious, recreational, charitable, fraternal, or medical institution, association, or organization, and including but not limited to such uses as churches, private schools, universities, community recreational, educational and social facilities, meeting halls, private hospitals and the like. (Former Section INL#312-59; Ord. 519, Sec. 256, 5/11/65)

314-153     DEFINITIONS (R)

**Recreation:**

A.    Recreation Commercial. Recreation facilities open to the general public for a fee, or, if restricted to members when operated for profit as a business. (Former Section INL#312-60(a); Ord. 542, Sec. 2, 2/8/66; Amended by Ord. 1741, Sec. 1, 7/8/86)

B.    Recreation, Private, Noncommercial. Clubs or recreation facilities operated by a non-profit organization and open only to bona fide members of such non-profit

organization and their guests. (Former Section INL#312-60(b); Ord. 542, Sec. 2, 2/8/66; Amended by Ord. 1741, Sec. 1, 7/8/86)

C. **Recreational Accommodations.** Transient and tourist-related habitation that support on-site recreation activities such as dude ranches, ski lodges, health spas, bed and breakfast inns and other similar accommodations that provide recreational related lodging to guests. (Former Section INL#312-60(c); Ord. 542, Sec. 2, 2/8/66; Amended by Ord. 1741, Sec. 1, 7/8/86)

**Recreational Vehicle:** "Recreational Vehicle" has the same meaning as stated in Section 18010 of the California Health and Safety Code (Recreational Vehicle). "Recreational Vehicle" is a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms. (Former Section INL#312-60.1; Added by Ord. 2166, Sec. 6, 4/7/98)

**Recreational Vehicle Park:** "Recreational Vehicle Park" has the same meaning as stated in Section 18215 of the California Health and Safety Code (Recreational Vehicle Park), which is any area or tract of land or a separate designated section within a manufactured home park where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles or tents, and which are occupied for temporary purposes subject to the Recreational Vehicle Park Regulations in this Code. (Former Section INL#312-60.2; Added by Ord. 2166, Sec. 6, 4/7/98)

**Residential Density Bonus:** (See, Density Bonus. Also see, Section 314-112.1, Residential Density Bonus, for further discussion.)

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located or produced upon other sites under the same ownership as that of the premises on which the stand is located. (Former Section INL#312-61; Ord. 519, Sec. 258, 5/11/65)

**Rooming House:** (See, Boarding House.)

314-154 DEFINITIONS (S)

**Salvage Yard:** (See, Wrecking and Salvage Yards)

**Secondary Dwelling Unit:** A secondary dwelling unit is a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot, and may be created by:

- A. Alteration of an existing residential structure whereby kitchen and bathroom facilities are not shared in common; or (Former Section INL#312-61.1(1); Added by Ord. 1633, Sec. 4, 3/13/84)
- B. Conversion of an attic, basement, garage, or other previously uninhabited portion of a residential structure; or (Former Section INL#312-61.1(2); Added by Ord. 1633, Sec. 4, 3/13/84)
- C. Addition of a separate unit onto an existing residential structure; or (Former Section INL#312-61.1(3); Added by Ord. 1633, Sec. 4, 3/13/84)
- D. Construction of a separate structure on a lot in addition to an existing residential structure. (Former Section INL#312-61.1(4); Added by Ord. 1633, Sec. 4, 3/13/84)

**Senior Citizen Housing:** Means a housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et. seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 (PL 100-430) and implementing regulations and as that phrase is used in California Civil Code Sections 51.2 and 51.3. (See Section 314-112.1, Residential Density Bonus, for further discussion.) (From Section INL#316.4-2(n); Added by Ord. 2166, Sec. 31, 4/7/98)

**Setback:** A required specified distance between buildings or structures and a lot line or lines, measured perpendicularly in a horizontal plane extending across the complete length of said lot line or lines. Note: Placement of buildings, structures and vegetation along public roads is also regulated by Chapter 1 of Division 4 of Title III, Visibility Obstruction \_ Regulations, Section 341-1, and following. (Former



Section INL#312-62; Ord. 1234, Sec. 1, 6/13/78; Amended by Ord. 1848, Sec. 4, 9/13/88; Amended by Ord. 2214, 6/6/00)

**Special Occupancy Park:** "Special Occupancy Park" has the same meaning as stated in Section 18216.1 of the California Health and Safety Code (Special Occupancy Park), which is a recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp. (See also, Section 314-113.1, Special Occupancy Parks.) (Former Section INL#312-62.1; Added by Ord. 2166, Sec. 7, 4/7/98)

**Stable:**

A. Stable, Private. A detached accessory building for the shelter of horses or similar hoofed animals for the use of the residents and their guests. (Former Section INL#312-63(a); Ord. 519, Sec. 260, 5/11/65)

B. Stable, Public. A stable other than a private stable where horses and other animals, used for recreational riding, performing, packing or similar purposes, are available for hire, or are sheltered or fed for compensation. Facilities for privately owned horses not sheltered or fed for compensation, horses less than 1 year of age, public horses kept exclusively for grazing purposes in open pasture, and horses used for breeding purposes are not public stables. (Former Section INL#312-63(b); Ord. 519, Sec. 260, 5/11/65; Amended by Ord. 2188, Sec. 1, 2/9/99)

**Street:** A public or private right-of-way which provides a primary means of access to abutting property. (Former Section INL#312-64; Ord. 519, Sec. 261, 5/11/65)

**Street Line:** The boundary between a street right-of-way and abutting property. (Former Section INL#312-65; Ord. 519, Sec. 262, 5/11/65)

**Structure:** Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including swimming pools and signs, but excluding decks and platforms 30 inches or less in height, signs 3 feet or less in height, driveways, patios, or parking spaces where the area is unobstructed from the ground up, fences six feet or less in height, and for zoning setback purposes, retaining walls six feet or less in height. (Building permits may be required for retaining walls.) Recreational vehicles used for human

occupancy are considered structures. Decks and platforms 30 inches or less in height must conform with setback standards of this code. Note: Placement of buildings, structures and vegetation along public roads is also regulated by Chapter 1 of Division 4 of Title III, Visibility Obstruction Regulations, Section 341-1, and following. (Former Section INL#312-66; Amended by Ord. 1848, Sec. 5, 9/13/88; Amended by Ord. 1876, Sec. 3, 9/26/89; Amended by Ord. 2166, Sec. 7, 4/7/98; Amended by Ord. 2214, 6/6/00)

**Structural Alterations:** Any change in the structural members of a building such as bearing walls, columns, beams or girders. (Former Section INL#312-67; Ord. 519, Sec. 264, 5/11/65)

**Subordinate:** Subordinate means of lesser bulk and less prominence as delineated by the combined effect of yard setbacks, ground coverage, height and form. (Former Section INL#312-67.1; Added by Ord. 1633, Sec. 5, 3/13/84)

#### 314-155 DEFINITIONS (T)

**Target Unit:** Means a dwelling unit within a Housing Development that will be reserved for sale or rent to, and affordable to, Very Low or Lower Income Households, or Qualifying Residents. In determining the maximum Affordable Rent or Affordable Sales Price of Target Units the following household and unit size assumptions shall be used, unless the Housing Development is subject to different assumptions imposed by other governmental regulations:

##### TARGET UNITS

##### UNIT SIZE HOUSEHOLD SIZE

SRO (residential hotel) unit 75% of 1 person

0 bedroom (studio) 1 person

1 bedroom 2 persons

2 bedroom 3 persons

3 bedroom 4 persons

4 bedroom 6 persons

(See Section 314-112.1, Residential Density Bonus, for further discussion. Also see, "Affordable Rent," "Affordable Sales Price," "Qualifying Residents," "Lower

Income Households," "Very Low Income Households.") (From Section INL#316.4-2(o); Added by Ord. 2166, Sec. 31, 4/7/98)

**Temporary Recreational Vehicle Park:** "Temporary Recreational Vehicle Park" has the same meaning as stated in Section 18217 of the California Health and Safety Code (Temporary Recreational Vehicle Park), which is any area or tract of land or a separate designated section within a manufactured home park where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles, and which is established for one occupancy not to exceed 11 consecutive days, and is then removed. (Former Section INL#312-67.2; Added by Ord. 2166, Sec. 8, 4/7/98)

**Tent Camp:** "Tent Camp" has the same meaning as stated in Title 25, California Code of Regulations, Section 2208 (Definitions - Tent Camp). "Tent Camps" are any area or tract of land where one or more lots are rented or leased or held out for rent or lease for the exclusive use of camping parties. (Former Section INL#312-17, INL#312-67.3; Ord. 519, Sec. 217, 5/11/65; Amended by Ord. 2166; Sec. 8, 4/7/98; Amended by Ord. 2214, 6/6/00)

**Timberland:** "Timberland" means land other than land owned by the federal government which is available for and capable of growing a crop of trees or upon which there are trees of any commercial species used to produce lumber and other forest products. (Former Section INL#312-68; Ord. 1057, Sec. 1, 12/8/75)

**Timber Production:** "Timber production" means the cutting or removal or both of timber and solid wood forest products from timberlands for commercial purposes, together with all the work incidental thereto, including but not limited to construction and maintenance of roads, fuelbreaks, firebreaks, stream crossing, landings, skid trails, beds for the felling of trees, and fire hazard abatement. Timber production does not include cutting or removal of timber for creating building pads and access to a legal building site when such cutting or removal is approved as a part of the building and/or encroachment permit and removal of diseased and/or dangerous trees which have no commercial value. Removal or harvest of incidental vegetation from timberlands such as berries, ferns, greenery, mistletoe, herbs, and other products, which action cannot normally be expected to result in a threat to forest, air, water, or soil resources, does not constitute timber production. (Former

Section INL#312-69; Ord. 1057, Sec. 2, 12/8/75; Amended by Ord. 1235, Sec. 2, 6/13/78)

**Timber Products Processing Plants:** Timber product processing plants are buildings and premises for the commercial processing of wood and wood products, including but not limited to sawmills, lumber mills and plywood mills, but not including pulp mills. Pulp mills shall be classified as heavy industrial uses and shall be permitted in the zones designed to accommodate such uses with a Use Permit. (Former Section INL#312-70; Ord. 542, Sec. 3, 2/8/66)

**Transient:** When used in conjunction with boarding or lodging, it means services that are charged for in units of less than one (1) month and where the majority of people utilizing such services remain for periods of less than three (3) months. (Former Section INL#312-71; Ord. 519, Sec. 270, 5/11/65; Amended by Ord. 2166, Sec. 9, 4/7/98)

**Transient Habitation:** (See Commercial Use Types, Transient Habitation, in Section D, Part 2, Glossary of Use Types.)

**Transitional Housing:** Boarding or lodging services provided by a public or non-profit organization for the purpose of helping persons find more stable living arrangements where the majority of people utilizing such services remain for periods of less than three (3) months. (Added by Ord. 2335, 12/14/04)

**Turkey Farm:** A place at which turkeys are bred and raised for commercial purposes. (Added by Ord. 2214, 6/6/00)

314-156      DEFINITIONS (U)

**Use:**

A.    Use.    The purpose for which either land or a structure thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained. (Former Section INL/#312-72(a); Ord. 1104, Sec. 2, 10/5/76; Amended by Ord. 2166, Sec. 9, 4/7/98)

B. Use, Accessory. A use legally permitted in the zone, which use is incidental to and subordinate to the principal use of the site or of a main building on the site and serving a purpose which does not change the character of the principal use. (Former Section INL#312-72(b); Ord. 1104, Sec. 2, 10/5/76; Amended by Ord. 2166, Sec. 9, 4/7/98)

C. Use, Conditional. A principal or accessory use of land or of structures thereon, which use may be essential or desirable to the public convenience or welfare in one or more zones but which use may also impair the integrity and character of the zone or adjoining zone or be detrimental to the public health, morals or welfare unless additional restrictions on location and extent of use are imposed and enforced. Such use shall become a "principal permitted use" or "accessory permitted use" when all specific additional restrictions are completed and permanently satisfied in conformance with an approved Use Permit. Should such restrictions be of a continuing nature, the use will remain conditional so long as the restrictions are complied with, but shall become an illegal use whenever and so long as the restrictions are not complied with. (Former Section INL#312-72(c); Ord. 1104, Sec. 2, 10/5/76; Amended by Ord. 2166, Sec. 9, 4/7/98)

D. Use, Principal Permitted. The primary use of land or of a main building which use is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee or other person who has legal right to use the land has a vested right to conduct such principal permitted use without securing special permission therefor, subject only to such general limitations as off-street parking and site plan approval which are generally applied to all uses in that zone. (Former Section INL#312-72(d); Ord. 1104, Sec. 2, 10/5/76; Amended by Ord. 2166, Sec. 9, 4/7/98)

**Useable Open Space:** (See "Open Space, Useable")

**Undisturbed Slope:** An undisturbed slope is defined as a slope in its natural state which has never been filled or graded, except where such grading has been granted previous County or State approval. (For more information on undisturbed slopes, greenway benches and open space, see Section 314-22.2, Greenway and Open Space Combining Zone.) (From Section INL#315-10.4(D)(1); Added by Ord. 2071, Sec. 1, 4/25/95)

**Vacation Home Rental:** Vacation Home Rental includes the transient use of single and two family (duplex) dwelling units. Vacation home rentals are subject to the provisions in Section 314-22.2, Greenway and Open Space Combining Zone. (Former Section INL#312-75.5; Added by Ord. 2154, Sec. 1, 12/9/97)

**Very Low Income:** Fifty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (See "Affordable Rent." (Also see, Section 314-112.1, Residential Density Bonus, for further discussion.) (From Section INL#316.4-2(b)(1); Added by Ord. 2166, Sec. 31, 4/7/98)

**Very Low Income Household:** Means households whose income does not exceed the very low income limits applicable to Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 550105 of the California Health and Safety Code. (See, Section 314-112.1, Residential Density Bonus, for further discussion.) (From Section INL#316.4-2(p); Added by Ord. 2166, Sec. 31, 4/7/198)

314-158      DEFINITIONS (W)

**Wrecking and Salvage Yards:** A wrecking and salvage yard is any aggregate area of more than 200 square feet within any parcel, lot or contiguous lots of real property which is used as a place where imported waste, inoperable machinery, inoperable motor vehicles, or discarded or salvaged materials are disassembled, handled, placed, processed, baled, packaged or stored. The term "wrecking and salvage yard" includes, but is not limited to, auto and trailer wrecking yards, other wrecking yards, scrap metal yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment. Any of the activities or conditions that would otherwise be a wrecking and salvage yard shall not constitute a wrecking or salvage yard if conducted entirely within a completely enclosed building. The term "wrecking and salvage yard" does not include areas used for the sale or storage of operable automobiles, tractors, farm machinery, house trailers or boats. The term "wrecking or salvage yard" also does not include areas used for the salvage of materials incidental to and used in

manufacturing or farm operations, provided such salvage of materials takes place where the manufacturing or farming is done. (For more information on wrecking and salvage yards, see Chapter 1 of Title III, Division 7 of these regulations.) (Former Section INL#312-37; From Section 371-1; Ord. 542, Sec. 1, 2/8/66; Amended by Ord. 2214, 6/6/00)

314-159 DEFINITIONS (X)  
(Section Reserved for Future Use)

314-160 DEFINITIONS (Y)

**Yard:**

A. Yard. An open space other than a court, which is unoccupied and unobstructed from the ground upward except for landscaping or as specified elsewhere in this Code, but not including any portion of any street, alley or road right-of-way except as specified elsewhere in this Code. (Former Section INL#312-74(a); Ord. 1234, Sec. 2, 6/13/78; Amended by Ord. 1848, Sec. 7, 9/13/88 10/5/76; Amended by Ord. 2166, Sec. 9, 4/7/98)

B. Yard, Front. A yard of uniform depth extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. The front yard of a corner lot is the yard adjacent to the shorter street frontage. (Former Section INL#312-74(b); Ord. 1234, Sec. 2, 6/13/78; Amended by Ord. 1848, Sec. 7, 9/13/88 10/5/76; Amended by Ord. 2166, Sec. 9, 4/7/98)

C. Yard, Rear. A yard of uniform depth extending across the full width of the lot between the rear lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto, except that the rear yard of a corner lot extends to the side yard adjacent to the street. (Former Section INL#312-74(c); Ord. 1234, Sec. 2, 6/13/78; Amended by Ord. 1848, Sec. 7, 9/13/88; Amended by Ord. 2166, Sec. 9, 4/7/98)

D. Yard, Side. A yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line on the lot and the nearest vertical support or main wall of each building or enclosed or covered porch attached thereto. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line. (Former Section INL#312-74(d); Ord.

1234, Sec. 2, 6/13/78; Amended by Ord. 1848, Sec. 7, 9/13/88; Amended by Ord. 2166, Sec. 9, 4/7/98)

**Yard, Salvage:** (See, Wrecking and Salvage Yards) Yard, Wrecking: (See, Wrecking and Salvage Yards)

### 314-161 DEFINITIONS (Z)

**Zone:** A portion of the territory of the County of Humboldt within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Code. The word "zone" shall include the word "district". (Former Section INL#312-75; Ord. 519, Sec. 274, 5/11/65; Amended by Ord. 2166, Sec. 9, 4/7/98)

A. Principal. The first zone designation applied to a lot or piece of property, which designates the principally permitted uses on the property. The zoning designations are found on the zoning maps. (Added by Ord. 2214, 6/6/00)

B. Combining. This is an additional zoning designation applied to some (but not all) properties. Combining zones are indicated on the zoning maps. A combining zone modifies the allowed land use in some way when necessary for sound and orderly planning. For example, lot area and yard requirements of any Principal Zone may be modified by addition of the "B" Combining Zone. (Added by Ord. 2214, 6/6/00)

Section 7 Section 314-170 (Agricultural Use Types) of Part 2 (Glossary of Uses) of Section D (Use Types) of Chapter 4 (Regulations Outside the Coastal Zone) of Division 1 (Planning) of Title III (Land Use and Development of the Humboldt County Code is amended to read as follows:(Text to be inserted into the Humboldt County Code below is indicated in ***boldface italics*** while text in standard type is existing text in the Humboldt County Code.)

#### **Section 314-170. Agricultural Use Types**

Agricultural use types include the on site production of plant and animal products by agricultural methods. The following are agricultural use types:

170.1 **General Agriculture.** The General Agriculture Use Type includes cultivation of food and fiber such as field and tree crops, dairying, pasturage, tree farming, horticulture,



floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including feed lots, stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter. (From Section CZ#A313-9(B); Added to INL by Ord. 2205, Sec. 1, <sup>4/11/00</sup>) *Horticulture expressly includes the lawful cultivation of cannabis.*

**170.2 Intensive Agriculture.** Any premises used solely or primarily for the raising or keeping of animals such as fur bearers, frogs, or turkeys, when raised, fed or fattened for the purpose of sale and/or consumption by other than the owner of the site. (From Section CZ#A313-9(G); Ag Zone Amendments approved by the Humboldt County Board of Supervisors on 2/9/99; Added to INL by Ord. 2205, Sec. 1, <sup>4/11/00</sup>)

**170.3 Stables and Kennels.** The Stables and Kennels Use Type refers to raising and keeping of dogs or horses (or similar hoofed animals) for hire or animals boarded and fed for compensation. (See "Stable" and "Kennel" in Section C: "Index of Definitions of Language and Legal Terms.") (From Section CZ#A313-9(E); Added to INL by Ord. 2205, Sec. 1, <sup>4/11/00</sup>)

**Section 8. Chapter 9 of Division 4 (County Departments and Officers) of Title II (Administration) of the Humboldt County Code is amended to read as follows:** (Text to be inserted into the Humboldt County Code below is indicated in *boldface italics* while text in standard type is existing text in the Humboldt County Code.)

**249-1. CONSOLIDATION OF THE OFFICES OF COUNTY AGRICULTURAL COMMISSIONER AND COUNTY SEALER OF WEIGHTS AND MEASURES INTO DEPARTMENT OF AGRICULTURE.**

The offices of County Agricultural Commissioner and County Sealer of Weights and Measures of the County of Humboldt are consolidated. Such consolidated offices shall be known as the Department of Agriculture of the County of Humboldt. (Ord. 358, §§ 1 & 2, 1/27/59)

**249-2. FUNCTIONS OF DEPARTMENT OF AGRICULTURE.**

The Department of Agriculture of the County of Humboldt shall be headed by one individual, who shall carry out the mandated duties of County Agricultural Commissioner and County Sealer of Weights and Measures of the County of Humboldt as found in State law and regulation. (Ord. 358, § 3, 1/27/59; Ord. 2308, § 4, 9/23/2003)

***249-3. Humboldt County Cannabis Cultivation Compliance Program;  
Registration; Duties of the County Agricultural Commissioner.***

*The Agricultural Commissioner shall register persons who apply to the Department of Agriculture to engage in the lawful cultivation of cannabis (as defined in Section 314-147) and who attest or otherwise demonstrate to the Commissioner all of the following:*

- 1. the parcel is located within the territorial boundaries of Humboldt County and is owned, leased or otherwise lawfully possessed by the applicant;*
- 2. the applicant or parcel has lawful sources of water adequate for the cultivation area, in light of the irrigation methods and water conservation measures employed;*
- 3. the applicant has a cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel;*
- 4. the applicant agrees to annual on-site inspections by the Commissioner, during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays), upon not less than 24-hour advance written notice to the applicant.*
- 5. the applicant has paid all applicable fees;*
- 6. the applicant will not use any banned or severely restricted fertilizers, pesticides, fungicides, rodenticides, or herbicides;*
- 7. the area used for cannabis cultivation meets the size restriction for the parcel(s); and,*
- 8. the applicant has a security plan for any on-site storage and lawful cultivation of cannabis activities;.*
- 9. the applicant has a county issued business license or provisional business license to engage in the lawful cultivation of cannabis;*

*10. the applicant has obtained any state licenses and/or authorizations, if any are required at the time, to engage in the lawful cultivation of cannabis*

*249-4. Annual Inspections; Certifications.*

*Commencing six months after the effective date of this ordinance, the Agricultural Commissioner shall issue a certification of "Certified Humboldt County Grower" to those registered cannabis cultivators who demonstrate compliance with all of the requirements set forth in Section 249-3, which certification shall be valid for 1 year, and shall be renewed annually thereafter following annual inspection of the registered cultivation site by the Commissioner.*

*249-5. Regulations.*

*The Agricultural Commissioner shall promulgate such rules and regulations as may be necessary or appropriate to implement and administer the Cannabis Cultivation Compliance Program, to ensure that cannabis cultivated in Humboldt County is grown to the standards and in a manner that maintains the highest quality standards for the industry, is grown using best management practices, and ensure that all cannabis cultivation in the unincorporated areas of the County is conducted in accordance with the provisions and consistent with the intent and purposes of the ordinance establishing the Program and amendments to the Program. The rules and regulations shall take effect six months after the effective date of this ordinance.*

Section 9. Section 314-178 is hereby added to Part 2 (Glossary of Use Types) of Section D (Use Types) of Chapter 4 (Regulations Outside The Coastal Zone) of Title II (Land Use and Development) of the Humboldt County Code, to read as follows: (Text to be inserted into the Humboldt County Code below is indicated in ***boldface italics*** while text in standard type is existing text in the Humboldt County Code.)

**CANNABIS CULTIVATION USE TYPES**

***Cannabis Cultivation Use Types are activities described as lawful cultivation of cannabis as defined in section 314-138 and subject to the following restrictions.***

**178.1 Area**

***The area that may be used for the lawful cultivation of cannabis on parcels over five (5) acres for which general agriculture is a permitted***

**use, land use authorization requirements, and other conditions, restrictions and requirements to engage, or continue to engage, in the lawful cultivation of cannabis, are as follows:**

**Area Under Cultivation**

**Land Use Approvals Required,  
Time to Cure Pre-existing Code  
Violations and other Requirements**

**600 sq.ft. or less.....**

**Specific Land Use Authorization is not required for any use of this size if existing at the time of the effective date of this ordinance. A business license or provisional business license from the County is not required if the crop is to be used for personal use or as a caregiver for medical marijuana use.**

**over 600 sq.ft. but not more than 6,000 sq. ft.....**

**Lawful cultivation of cannabis is a principally permitted general agriculture land use. A ministerial permit will be issued for any use within an area of this size existing as of the effective date of this ordinance if permits are obtained or are actively being sought from the California Departments of Fish and Wildlife and Forestry and Fire Protection, and the State Water Control Board. The owner(s), and other person(s) in possession of the parcel, if any, engaged in the cultivation of cannabis on the parcel prior to the effective date of the ordinance shall have two years from issuance of a provisional business license under Section 817-6 of the Humboldt County Code to correct all violations of the Humboldt County Code**

existing on the parcel. A  
provisional business  
license to engage in the  
lawful cultivation of  
cannabis may not be  
renewed if code violations  
not been cured  
such two year  
parcel not  
cannabis  
the County  
effective date  
ordinance, the  
such  
both

have  
within  
period. For any  
actively used in  
cultivation in  
prior to the  
of this  
proposed use of  
parcel shall require  
a conditional use  
permit and a business  
license under Section 817-  
6 of the Humboldt County  
Code prior to engaging in  
the lawful cultivation of  
cannabis in the County.

More than 6,000 sq.ft. but not more  
than 10,000 sq.ft.....

A ministerial permit  
shall be required to  
engage in the lawful  
cultivation of cannabis if  
the area under cultivation  
will exceed 6,000 sq.ft. but  
will not exceed 10,000  
sq.ft. A ministerial permit  
for an existing use will be  
issued if permits are  
obtained from the  
California Departments of  
Fish and Wildlife and  
Forestry and Fire  
Protection, and the State  
Water Control Board.

The owner(s), and other  
person(s) in possession of

the parcel, if any, engaged  
in the cultivation of  
cannabis on the parcel  
prior to the effective date  
of the ordinance shall  
have two years from  
issuance of a provisional  
business license under  
Section 817-6 of the  
Humboldt County Code to

correct all violations of the  
Humboldt County Code

existing on the parcel. A  
provisional business  
license to engage in the  
lawful cultivation of

cannabis may not be  
renewed if code violations

have not been cured

within such two year

period. For any parcel not

actively used for cannabis

cultivation in the County  
prior to the effective date  
of this ordinance shall  
require both a conditional

use permit and a business  
under Section 817-  
Humboldt County  
prior to engaging in  
lawful cultivation of  
cannabis in the County.  
Drying, processing and  
washing facilities shall be  
on site or by  
agreement with a  
compliant processing  
properly permitted.

license  
6 of the  
Code  
the

required  
written

facility

More than 10,000 sq.ft.

A conditional use permit  
shall be required to

engage in the lawful  
cultivation of cannabis if  
the area under cultivation  
will exceed 10,000 sq.ft. All

other conditions of smaller

canopy areas shall also be

met.

The area under cultivation for purposes of this provision shall be measured by plant canopy. Canopy means the aggregate area of vegetative growth of live cannabis plants on the parcel. Area shall be calculated using the following formula: Diameter of Plant squared, and then multiplied by the conversion factor ( $\pi/4$ ). For example, if the diameter of one (1) Plant is equal to 30 inches (2.5 feet), the canopy would equal 4.9 square feet [ $2.5 \text{ feet}^2 \times 0.7854$ ].

*Proof of an existing, lawfully permitted and functioning on site well producing sufficient quantities of water for irrigation purposes or proof of compliance with the Humboldt County water storage permit process and an operational irrigation system shall be required.*

*With respect to State permits relating to water quality, proof of submission of a completed and accurate Notice of Intent and associated documents pursuant to Order RI-2015-0023 by the California Regional Water Quality Control Board as such shall be amended or supplemented shall constitute compliance.*

*To qualify for a ministerial permit as provide above, application fot such permit must be submitted within one year of the effective date of this ordinance.*

*Notwithstanding the limitations stated above regarding the renewal of a provisional business license, for the purpose of curing county code violations in existence as of the effective date of this ordinance, a provisional business license may be renewed upon a finding by the Board of Supervisors that activities to correct the code violations have been timely commenced and pursued in a good faith effort but that the code violations have not been corrected within the two year period despite the efforts of the holder of the license to correct all such violations.*

#### *Section 178.2*

*Cannabis may be cultivated in any zone in which general agricultural use is permitted, including, but not limited to, the Timber Production Zone (TPZ) as provided in Section 314-7.4.*

#### *Section 178.3*

*Cannabis may not be cultivated within 30 feet of a boundary line of the parcel, nor within 600 feet of any school, school bus stop, public park, place of religious worship, or traditional native American cultural site, provided these uses existed prior to the lawful cultivation of cannabis on the parcel.*

**Section 8. Consistency with General Plan.** At such times as the Board of Supervisors determines to amend the General Plan, such provisions as are enacted shall not eliminate the lawful cultivation of cannabis within the unincorporated areas of Humboldt County as authorized by this initiative ordinance, and such cultivation shall remain as a permitted use consistent with the provisions of this initiative ordinance.

**Section 10.** Chapter 7 is hereby added to Division I (Business Licenses) of Title VIII (Business Licenses, Franchises and Municipal Solar Utility Program) of the Humboldt County Code to read as follows: (Text to be inserted into the Humboldt County Code below is

indicated in *boldface italics* while text in standard type is existing text in the Humboldt County Code.)

**811-1. REQUIRED APPROVAL PRIOR TO ISSUANCE OF LICENSES.**

Each application for a new business license, pursuant to the provisions of § 811-1 through § 811-27, shall, before such license is issued, be approved by each of the following departments: Humboldt Del-Norte County Department of Public Health, Humboldt County Department of Public Works, Humboldt County Planning Department, Humboldt County Building Department, Humboldt County Sheriff's Department, Humboldt County Air Pollution Control District, and the Chief of the Fire Department within whose jurisdiction the enterprise will be located. For each application made hereunder that must be reviewed by the Planning and Inspection Department, the Treasurer-Tax Collector shall collect an application review fee of Ten Dollars (\$10.00) when application is made. No new business licenses shall be issued until the approval of the aforesaid departments is obtained. (Ord. 587, § 1, 2/7/67; Ord. 1704, § 1, 9/3/85)

**811-11. LICENSES REQUIRED.**

Licenses must be obtained for the purposes hereinafter named, for which the License Tax Collector must require payment pursuant to the provisions of this chapter. (Ord. 8, § 3, 2/11/1885)

**811-12. LICENSE TAX COLLECTOR.**

The Sheriff of the County of Humboldt shall be the License Tax Collector and shall ascertain by an affidavit the amount of business transacted by any party applying for a license. (Ord. 8, § 23, 2/11/1885)

**811-13. DUTIES OF LICENSE TAX COLLECTOR.**

(a) The License Tax Collector must prepare and have printed blank licenses for all classes of businesses, with a blank receipt attached for the signature of the License Tax Collector when sold. The License Tax Collector shall fill out the stub and number and sign the receipt of each license when sold. Thereupon, the license must be taken to the County Auditor, who shall enter the number, date the amount of the license in a book kept for that purpose, and attest the license with his/her signature. No license shall be valid without the attesting signature of the County Auditor. (Ord. 8, § 18, 1885) § 811-13

(b) On the first Monday of the months of February, May, August and November of each year, the License Tax Collector must file with the County Auditor the stubs of all licenses sold by him/her during the preceding quarter. (Ord. 8, § 19, 2/11/1885) § 811-13

(c) On the first Monday of each month, the License Tax Collector must pay into the County Treasury, for the use of the County general fund, all moneys collected for licenses during the preceding month, take the Treasurer's receipt therefor, and file duplicates with the Auditor. The Auditor must credit the License Tax Collector and charge the Treasurer therewith. (Ord. 8, § 20, 2/11/1885)

(d) The License Tax Collector must make diligent inquiry as to all persons in the County liable to pay license taxes as provided in this chapter. Against any person



required to take out a license who fails, neglects or refuses to take out such license, the License Tax Collector must direct civil or criminal prosecutions, or both, to be brought. In case a civil action is brought for the recovery of the license tax, either the License Tax Collector or any attorney may make the necessary affidavit for and a writ of attachment may issue without any bonds being given on behalf of plaintiff. (Ord. 8, § 21, 2/11/1885)

**811-14. AUCTIONEERS.**

Auctioneers shall pay a license fee of Seven and 50/100 Dollars (\$7.50) per quarter. (Ord. 8, § 1, 2/11/1885)

**811-15. BANKERS AND FINANCIERS.**

Persons engaged in banking, loaning money at interest, or in buying or selling notes, bonds or other evidence of indebtedness of private persons, or in buying or selling State, County or city stocks or other evidence of State, County or city indebtedness, or stocks, bonds, notes or other evidence of indebtedness or incorporated companies, are divided into two (2) classes and must pay a license as follows:

(a) Those doing business in the aggregate to the amount of Twenty-five Thousand Dollars (\$25,000.00) and over per quarter constitute the first class and must pay a license of Fifteen Dollars (\$15.00) per quarter.

(b) Those doing a business in any amount less than Twenty-five Thousand Dollars (\$25,000.00) per quarter constitute the second class and must pay a license of Seven and 50/100 Dollars (\$7.50) per quarter. (Ord. 8, § 2, 2/11/1885)

**811-16. THEATERS AND OTHER PLACES OF AMUSEMENT.**

A license shall be granted to theaters and other places of amusement within the County to operate theaters and places of amusement, and it shall be unlawful for the same to operate without such license. Said license fee shall be Ten Dollars (\$10.00) per quarter or any portion thereof and shall be payable on the first day of January, April, July and October, or upon the date of the opening for business of any such theater or place of amusement, if the same be on a different date than above specified. § 811-16

The said license shall be required of all persons, firms and corporations save and except only charitable organizations or institutions. A charitable organization or institution is hereby defined and limited to the following: any church or organization or association affiliated therewith, or any lodge or organization employing the net proceeds to be derived from the operation of any such theater or place of amusement solely to charity. (Ord. 201, § 1, 7/31/40)

**811-17. CARNIVALS, CARAVANS, MENAGERIES, ETC.**

For each exhibition for pay for a caravan, carnival, menagerie, or any collection of animals, circus, or other acrobatic performance, or for any show for pay of any figures, jugglers, necromancers, magicians, wire or rope dancing, sleight of hand exhibitions or any combination thereof, or any combination thereof with any other form of amusement or entertainment, including any mechanical contrivances for the amusement of the public, shall pay the County as and for a license fee the sum of Twenty-five Dollars (\$25.00) per day for each and every day that the same shall be exhibited in said County. (Ord. 200, § 1, 6/25/40)

**811-18. EXCEPTIONS.**

The provisions of §§ 811-16 and 811-17 do not apply to exhibitions or entertainments given for the benefit of churches, schools or other charitable entertainments by an amateur dramatic association or literary society of the town or district in which such exhibitions or entertainment is given. (Ord. 8, § 6, 2/11/1885)

**811-19. RETAIL AND WHOLESALE ESTABLISHMENTS.**

Every person, firm, association, corporation or manager who, at a fixed place of business, sells any goods, wares or merchandise, drugs or medicine, jewelry or wares or previous metals, or butchers meat, whether on commission or otherwise (except the produce of any stock, dairy or poultry farm when sold by the producer thereof, and except such produce as is sold by auctioneers at public sale under license), shall obtain a license for each branch of such business from the License Tax Collector of Humboldt County and pay quarterly, in each year therefor, an amount of money to be determined by the class in which such business is placed by the said Collector. Such business is to be classified and regulated by the amount of the average monthly sales made, and at the following rates:

- (a) Those businesses which are estimated by the Collector to have an average monthly gross income in the sum of Five Thousand Dollars (\$5,000.00) and over constitute the first class and shall pay Ten Dollars (\$10.00) per quarter.
- (b) Those businesses which are estimated by the Collector to have an average monthly gross income in an amount of Two Thousand Five Hundred Dollars (\$2,500.00), but less than Five Thousand Dollars (\$5,000.00), shall pay Seven and 50/100 Dollars (\$7.50) per quarter. § 811-19
- (c) Those businesses which are estimated by the Collector to have an average monthly gross income in the sum of Six Hundred Dollars (\$600.00), but less than Two Thousand Five Hundred Dollars (\$2,500.00), shall pay Five Dollars (\$5.00) per quarter.
- (d) Those businesses which are estimated by the Collector to have an average monthly gross income in the sum of less than Six Hundred Dollars (\$600.00) shall pay Three Dollars (\$3.00) per quarter. (Ord. 242, § 1, 12/1/47)

**811-20. PUBLIC LODGING ACCOMMODATIONS.**

Every person, firm, association, corporation, manager or keeper engaged in the business or renting or letting any rooms in any hotel, rooming house, boarding house, apartment house, lodging house, auto court or motel, or furnishing trailer space, shall obtain a license from the License Tax Collector of Humboldt County and pay quarterly therefor the amount of license fee to be determined by the class in which such business is placed by the Collector. Such business is to be classified and regulated by the amount of the average monthly gross income, and at the following rates:

- (a) Those businesses which are estimated by the Collector to have an average monthly gross income in the sum of Five Thousand Dollars (\$5,000.00) and over constitute the first class and shall pay Ten Dollars (\$10.00) per quarter.
- (b) Those businesses which are estimated by the Collector to have an average monthly gross income in an amount of Two Thousand Five Hundred Dollars (\$2,500.00), but less than Five Thousand Dollars (\$5,000.00), shall pay Seven and 50/100 Dollars (\$7.50) per quarter.

(c) Those businesses which are estimated by the Collector to have an average monthly gross income in the sum of Six Hundred Dollars (\$600.00), but less than Two Thousand Five Hundred Dollars (\$2,500.00), shall pay Five Dollars (\$5.00) per quarter.

(d) Those business which are estimated by the Collector to have an average monthly gross income in the sum of less than Six Hundred Dollars (\$600.00) shall pay Three Dollars (\$3.00) per quarter. (Ord. 242, § 2, 12/1/47)

**811-21. TRAVELING MERCHANTS, HAWKERS AND PEDDLERS.**

Every traveling merchant, hawker or peddler who carries a pack and vends goods, wares and merchandise of any kind must pay a license of Five Dollars (\$5.00) per quarter, and every such traveling merchant who uses a wagon with one (1) or more animals for the purpose of vending such goods, wares or merchandise must pay a license of Seven and 50/100 Dollars (\$7.50) per quarter. (Ord. 15, § 2, 5/1/1887) § 811-22

**811-22. ANIMALS USED FOR STUD PURPOSES.**

Every person who keeps a stallion, jack or bull, and who permits the same to be used for the purpose of propagation for hire, must annually obtain a license therefor from the License Tax Collector and pay therefor a sum equal to the price charged by such person for the service of such stallion, jack or bull by the season. (Ord. 8, § 12, 2/11/1885)

**811-23. HORSES AND CARRIAGES FOR HIRE.**

All person who keep horses and carriages for hire (except such as are used in the transportation of goods) must obtain a license from the License Tax Collector as prescribed in this chapter and make the following payment therefor:

(a) Those doing a business of One Thousand Five Hundred Dollars (\$1,500.00) or more per quarter constitutes the first class and must pay a license of Three Dollars (\$3.00) per quarter.

(b) Those doing a business of less than One Thousand Five Hundred Dollars (\$1,500.00) per quarter constitutes the second class and must pay a license of One and 50/100 Dollars (\$1.50) per quarter. (Ord. 15, § 3, 5/1/1887)

**811-24. FERRIES.**

Ferries are divided into two (2) classes and must pay license fees as follows:

(a) Ferries propelled by steampower constitute the first class, and every person who keeps such ferry must pay a license fee of Nine Dollars (\$9.00) per quarter.

(b) Ferries propelled by any other power than steam constitute the second class, and every person who keeps such ferry must pay a license fee of Three Dollars (\$3.00) per quarter. (Ord. 8, § 14, 2/11/1885)

**811-25. WHARVES.**

Wharves are divided into two (2) classes, and the owners or lessees thereof must pay license fees as follows:

(a) Those doing business in the aggregate to the amount of Five Thousand Dollars (\$5,000.00) or over annually constitute the first class and must pay a license fee of Nine Dollars (\$9.00) per quarter.

(b) Those doing a business in any amount less than Five Thousand Dollars (\$5,000.00) annually constitute the second class and must pay a license fee of Four Dollars (\$4.00) per quarter. (Ord. 8, § 15, 2/11/1885 § 811-26)

**811-26. VIOLATIONS AND PENALTIES.**

It shall be unlawful for any person or persons to engage in or carry on within the corporate limits of the County any vocation, trade, calling, business or employment either in their own names, and for their own profit and benefit, or as agents and employees for any other person, persons or corporate body or otherwise for the transaction of which vocation, trade, calling, business or employment a license is required by this chapter, without first procuring from the License Tax Collector of said County a license to do so. If such person or persons, either for themselves or as agents or employees, or otherwise, shall engage in or carry on any vocation, trade, calling, business or employment aforesaid for which a license is required by this chapter, without having first procured such license, he shall be deemed guilty of a misdemeanor, and, upon conviction by any court having jurisdiction thereof, shall be punished by a fine not less than One Hundred Fifty Dollars (\$150.00) and not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail not exceeding six (6) months, or by both. The amount of the rate fixed as the license for the transaction of such business shall be deemed a debt due to said County, and all persons, corporate bodies and association, their agents and employees, or either of them, shall for each and every violation of this chapter be liable in an action directed by the License Tax Collector of said County in the name of the People of the State of California as plaintiff in any court of competent jurisdiction for recovery of the amount of the rate or tax fixed in this chapter for the license of such business as he or they may be engaged in, together with the costs of suit. In case of recovery by the plaintiff in said action, Twenty-five Dollars (\$25.00) damage must be added to the judgment and costs to be collected from defendants; and, when collected, Five Dollars (\$5.00) thereof must be paid to the License Tax Collector and Twenty Dollars (\$20.00) to the attorney prosecuting the suit. (Ord. 8, § 16, 2/11/1885)

**811-27. PLEADING PRIOR RECOVERY ON ACTION.**

Upon the trial of any action authorized by this chapter, the defendant is deemed not to have procured the proper license unless he either produces it or proved that he did procure it, but he may plead in bar of the action a recovery against him and the payment by him in a civil action of the proper license tax, together with the damages and cost.(Ord. 8, § 22, 2/11/1885) 540 § 813-1

**CHAPTER 2**  
**REGULATION OF REDUCTION PLANTS**  
**[§§ 812-1 through 812-12 REPEALED BY ORD. 2308, § 16, 9/23/2003]**  
**[Next page is 545]**

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### CHAPTER 3 REGULATION OF WOOD PRODUCTS

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#### **813-1. APPLICABILITY.**

The provisions of this chapter shall not apply within the boundaries of incorporated municipalities. (Ord. 253, § 1, 1/1/49)

#### **813-2. PERMIT REQUIREMENT.**

It shall be unlawful for any person to operate, for commercial purposes, and sawmill, shingle mill, lath mill or planing mill, or any other manufacturing plant converting timber or rough lumber into another form without first applying for and receiving a permit from the Tax Collector for such operation. (Ord. 253, § 2, 1/1/49)

#### **813-3. APPLICATION FOR PERMIT.**

Application for such permit as required by Section 813-2 shall be made upon forms prepared for this purpose by the Treasurer-Tax Collector and shall require the full name and mailing address of the person or persons intending to engage in the operation of the sawmill or other such manufacturing plant described in Section 813-2. If the applicant is a co-partnership, firm, corporation or otherwise, together with the full names of the management thereon and the full name of the person authorized to transact business and be responsible for matters at the actual operation and mailing address thereof, the location of the operation and a statement of the ownership of the land whereon it is situated, and any other information which may be pertinent to the administration of fire laws and provisions of this chapter. (Ord. 253, § 3, 1/1/49; Ord. 1704, § 4, 9/3/85)

#### **813-4. COPIES.**

Application for such permit as required by section 813-2 shall be made out with such number of copies thereof as the Tax Collector may direct in order that he may retain the original thereof in his/her office and transmit one (1) copy to the fire control agency having jurisdiction over fire prevention and suppression in the area in which the operation is situated, a copy to the Community Development Services Department, and a copy to any other governmental agency having a responsibility of enforcing fire, health or safety laws involving the operation requesting a permit to operate. (Ord. 253, § 4, 1/1/49; Ord. 1704, § 5, 9/3/85) § 813-5

#### **813-5. FEE.**

A fee of Twenty-five Dollars (\$25.00) shall be charged for issuing a permit, which fee shall be paid at the time the application is made. For each application made hereunder that must be reviewed by the Community Development Services Department, the Treasurer-Tax Collector shall also collect an application review fee of Ten Dollars (\$10.00) when the application is made. All fees received pursuant to this section shall be credited to the County general fund. (Ord. 254, § 5, 1/1/49; Ord. 1704, § 6, 9/3/85) § 813-6

#### **813-6. ISSUANCE OF PERMIT.**

Upon receiving the application prescribed in this chapter, duly executed before a person authorized to administer oaths and certified as to truthfulness and correctness, and upon receipt of the fee required by this chapter, the Tax Collector shall issue a permit as required in Section 813-2. (Ord. 253, § 6, 1/1/49)

**813-7. EFFECT OF PERMIT.**

The permit required by Section 813-2 of this chapter shall authorize the person to whom it is issued to operate a sawmill or other manufacturing plant, and is not transferable to any other operator or operation that the one to whom or for which it is issued. (Ord. 253, § 7, 1/1/49)

**813-8. SUSPENSION OF PERMIT.**

Any permit issued pursuant to this chapter may be suspended by any justice court having jurisdiction, upon conviction of the permittee for violation of any fire, health, or safety law pertaining to the operation authorized by the permit. (Ord. 253, § 8, 1/1/49)

**813-9. REVOCATION OF SUSPENSION.**

At any time after a permit has been suspended, the court shall, upon the motion of the permittee, require the proper enforcement officers to make an examination of the suspended operation and to report the result of such examination to the court within five (5) days. If it is reported by the officers that the law, violations for which the permit was suspended, has been complied with, the court will revoke the suspension order. (Ord. 253 § 9, 1/1/49)

**813-10. RENEWAL OF PERMIT.**

Permits as are required in § 813-2 of this chapter shall be obtained annually and be valid from the date of issue to December 31st of the year of issuance, at which time, or prior thereto, application shall be made for a renewal of the permit. Upon receiving application together with the required fee prescribed in § 813-5 of this chapter, the Tax Collector will renew the permit for the following year. (Ord. 253 § 10, 1/1/49)

**813-11. DISPLAY OF PERMIT.**

Upon receiving the permit prescribed by this chapter, the permittee shall place it in a conspicuous and safe location upon the premises of the operation it authorizes. (Ord. 253 § 11, 1/1/49)

**813-12. PORTABLE SAWMILLS.**

Any operation of a portable sawmill to which a permit has been issued and for which the required fee provided for in § 813-5 of this chapter shall have been paid may move said portable sawmill to a new location, provided that the operator of said portable sawmill to which said permit shall have been issued satisfies the Tax Collector by a notice in writing within fifteen (15) days of the moving of said sawmill. Said notice shall include a place to which said mill is to be moved, a statement of the ownership of the land where it is to be situated, and any other information which may be pertinent to the administration of fire laws and the provisions of this chapter. (Ord. 255, § 1, 4/25/49) § 813-13

**813-13. PENALTY.**

Any person who operates any sawmill or other mill or manufacturing plant described in § 813-2 of this chapter without first obtaining the required permit, or who operates such sawmill or other mill or manufacturing plant upon which the permit has been suspended by the court of competent jurisdiction, is guilty of a misdemeanor. (Ord. 253, § 12, 1/1/49)

**813-14. ENFORCEMENT.**

Any duly authorized peace officer of any other public officer having taken the oath of office and who is charged with the enforcement of fire prevention laws, public health laws or other laws pertaining to the safety of persons or property, either Code sections of laws of the State,

shall have the power of peace officers to enforce this chapter. (Ord. 253, § 13, 1/1/49) § 814-1

**CHAPTER 4  
REGULATION OF PEDDLERS**

**814-1. DEFINITIONS.**

(a) Peddler. For the purpose of this chapter, a "peddler" is hereby defined to be and shall include every person, firm, association, corporation, partnership, or other joint or singular enterprise engaged in by a person or persons who, without a regularly established place of business in Humboldt County, travels from place to place, or who has a stand upon any public street, road, highway or alley, or any other public place, or upon or in any room, building or shed, or in or upon any lot or parcel of land not owned or rented by him, and who solicits, trades, sells or offers for sale any hay, grain, feed, seed or straw, fruit or vegetables, groceries of any kind, meats, fish, eggs, gasoline, oils, automobile accessories, dry goods, furnishings, ready to wear clothing, boots or shoes, crockery, glass ware, tin ware, hardware, paint, sporting goods, tobacco, cigars, cigarettes, tobacco smokers' articles, candies, confections, or beverages, or any articles thereof other than in or upon a regularly established place of business in Humboldt County, or who delivers any of said above listed articles, as agent or with knowledge of the fact that he is acting as agent for any peddler thereof. The person or firm so engaged shall not be relieved from the provisions of this chapter by reason of association temporarily, with any local dealer, trade, merchant or auctioneer, or by conducting any temporary business in connection with or as a part of or in the name of any local dealer, trade, merchant or auctioneer. (Ord. 172, § 12, 3/14/1933)

(b) Regularly Established Place of Business. For the purpose of this chapter, the term "regularly established place of business" is hereby defined to be and shall include the place where any person, firm, association or corporation conducts an establishment having a permanent address regularly open for business and dealing in any of the items enumerated in § 814-1 above, from day to day during ordinary business hours with at least one (1) person on duty during such hours for the bona fide purpose of and whose principal duties are the transaction of said business. (Ord. 172, § 13, 3/14/1933)

**814-2. LICENSE REQUIREMENT.**

It shall be unlawful for any person to peddle any of the commodities enumerated in § 814-1 of this chapter without having first registered his/her name, address and occupation and procured from said County a license therefor and without having filed a bond and complied with all of the provisions contained in this chapter. (Ord. 172, § 1, 3/14/1933) § 814-3

**814-3. DUTIES OF TAX COLLECTOR REGARDING COLLECTION OF FEES.**

It shall be and it is hereby made the duty of the Tax Collector, as ex-officio license collector, to receive the registration of all peddlers engaged in peddling any of the items enumerated in § 814-1 of this chapter and to prepare and issue licenses under this chapter for every person liable for the payment of a license fee hereunder and who otherwise complies with the laws of the State of California. It shall be the duty of the Tax Collector to receive the payment of



such license fee and to account therefor, and to set forth in each such license the amount of said fee, the period of time covered by said license, the name of the person to whom the same is issued, the number and description of all vehicles used for said peddling, and the location or place of business, if any, where such peddling is to be carried on. (Ord. 172, § 3, 3/14/1933)

**814-4. ISSUANCE OF LICENSES.**

After payment of the fee therefor, but only upon a showing by the applicant that all laws of the State of California applicable to his business have been complied with, a license shall be issued. The original license shall be delivered to the person to whom the same is issued; provided that if one (1) or more vehicle, pushcart, wagon, automobile or truck is used or operated for said peddling, then a duplicate license is to be issued for each such vehicle, pushcart, wagon, automobile or truck, which duplicate license shall be attached or fastened thereto in a conspicuous place. (Ord. 172, § 4, 3/14/1933)

**814-5. TRANSFERABILITY OF LICENSES.**

No license granted or issued under any provisions of this chapter shall be transferred in any manner, nor shall the same or any duplicate thereof authorize any person other than the one to whom said license or duplicate was originally issued to peddle any of the commodities enumerated in § 814-1 of this chapter without the written consent of the Tax Collector endorsed thereupon; provided, however, that prior to filing any application for assignment or transfer of any license or duplicate, the applicant shall pay to said Tax Collector a fee of fifty cents (\$0.50) for filing the same and which shall also cover the assignment or transfer of the original, when granted, and an additional twenty-five cents (\$0.25) for the assignment or transfer of each duplicate of said license. No fee paid under any provision of this chapter shall be returned in any event. (Ord. 172, § 5, 3/14/1933)

**814-6. PAYMENT OF LICENSE FEES.**

All license fees shall be paid in advance for the term in any license provided, in lawful money of the United States of America, at the office of the Tax Collector and shall be deposited by said Tax Collector in the County general fund. All assignment or transfer fees shall be paid to said Tax Collector. (Ord. 172, § 6, 3/14/1933) § 814-7

**814-7. AMOUNT OF FEES.**

Every person engaged in the business of peddling any of the items enumerated in § 814-1 of this chapter shall apply for a license and shall pay a license fee of Two Hundred Fifty Dollars (\$250.00) per year, or One Hundred Fifty Dollars (\$150.00) for six (6) months, for a license to peddle same. A duplicate of said license shall be issued with a charge of Twenty Dollars (\$20.00) per year, or Ten Dollars (\$10.00) for six (6) months, for each additional vehicle, pushcart, wagon, automobile or truck, if more than one (1) is used or operated for said purpose by any peddler. The provisions of this section shall be subject in all respects to the provisions of § 16101 of the Business and Professions Code of the State of California. (Ord. 172, § 10, 3/14/1933)

**814-8. DISPLAY OF LICENSE.**

Every person having a license issued under the provisions of this chapter and peddling thereunder shall keep such license posted and exhibited in a conspicuous part of any

premises used by him/her for said purpose. Where any vehicle, pushcart, wagon, automobile or truck is used for peddling, there shall be attached thereto, or in the possession of the driver or operator thereof, a duplicate of said license. The original and/or all duplicates of any license issued shall be produced and exhibited whenever a renewal, assignment or transfer thereof is required, or whenever requested to do so by any person authorized to issue or inspect the same or to collect any fee therefor. (Ord. 172, § 7, 3/14/1933)

**814-9. REQUIREMENT OF BOND OR INSURANCE.**

No license shall be issued by the Tax Collector to any such peddler until and unless such applicant shall have first filed with the Clerk of the Board of Supervisors, and the same has been approved by said Clerk, a liability insurance policy or bond executed by the applicant as principal and a surety company qualified and authorized to do business in California as surety in the sum of Five Thousand Dollars (\$5,000.00) to adequately protect the interests of said County and the public in the particulars hereinafter set forth. The policy of insurance or bond shall bind the obligors thereunder so that such applicant shall fully comply with the provisions of this chapter and with the provisions of all other applicable Code section of said County, and statutes of the State of California, regulating or concerning the sale of the commodities or products mentioned in this chapter and shall pay all judgments rendered against such applicant for injuries to persons and loss or damage to property resulting from the negligent operation of the business of such peddler within the County. The policy of insurance or bond shall also pay all judgments recovered by any person against said applicant arising out of any misrepresentation or deception practiced upon any person transacting business with said applicant as such peddler within said County; and any person injured by such negligent operation of said business or having a claim or cause of action as herein provided shall have a right of action directly on said policy or bond. (Ord. 172, § 11, 3/14/1933) § 814-10

**814-10. ENTRY FOR INSPECTION.**

It shall be lawful for every peace officer, health officer, agricultural or horticultural inspector or sealer or weights and measures commissioner of the County of Humboldt or of the State of California to enter in and upon any premises mentioned in this chapter at any time for the purpose of inspecting the same, or in order to examine and inspect any vehicle, pushcart, wagon, automobile or truck used for the purpose for which every license is issued under this chapter. Every such peace officer or any other officer or person hereunder authorized may require anyone possessing a license herein provided for to produce the same for inspection. Should any inspection thereof be refused, then said license must forthwith be revoked if the Board of Supervisors find good cause for revocation, upon hearing the matter based upon a verified complaint made by the peace officer or other person authorized to make the inspection or collection. (Ord. 172, § 8, 3/14/1933)

**814-11. EXEMPTION FOR GROWERS AND PRODUCERS.**

The preceding sections of this chapter shall not apply to any grower or producer of any of the commodities specified herein who peddles said commodities or products produced and/or grown by him within the County, except as provided in this section. Such grower or producer shall be required to obtain the growers' or producers' permit herein provided for, in the event he shall peddle or sell his products elsewhere than on the premises where the same

are produced or grown. He shall be entitled to such permit without the payment of said license fee; provided, however, that such grower or producer shall first file with the Tax Collector, who is hereby authorized to issue such growers' or producers' permit, an application for a permit and affidavit setting forth his name and address, the amount and variety or produce he proposes to sell, the places where said produce is grown or produced, and that said produce was actually grown or produced by him. It shall be unlawful for any grower or producer referred to in this section to peddle any articles herein referred to without first having obtained a growers' or producers' permit as herein provided, and said permit shall at all times be exhibited to any peace officer upon demand. (Ord. 172, § 14, 3/14/1933)

**814-12. EXEMPTION FOR COMMERCIAL SALESMEN AND BUSINESSES ENGAGED EXCLUSIVELY IN HAULING OR TRUCKING.**

The provisions of this chapter shall not apply to any person who is engaged in or who may be employed in the hauling, transportation or trucking or other than the peddling business or who takes orders by sample as a salesman for future delivery to wholesalers or retailers with established places of business in this County. Full compliance with all of the laws of the State of California shall be made, and all information required to be furnished to any peace officer, inspector, sealer or person authorized to make any examination or inspection under any law, or pursuant to the provisions of this chapter, shall be furnished and shall include the original of every shipment and the names of the shipper and of the consignee in each case. This exemption shall apply provided that the operation of any hauling, transportation or trucking business or of any other business is not a part of the peddling business as defined in this chapter, or is not utilized as a subterfuge to evade the provisions of this chapter, the term "hauling, transportation or trucking business" is hereby defined to be and shall be construed as the conveyance from place to place of any articles or goods, wares, merchandise, commodities or supplies, including those items enumerated in § 814-1 of this chapter, and articles of commerce and supplies of every kind, character and description, without, however, peddling, soliciting, trading, selling, offering for sale, or in any other manner disposing thereof for profit or gain while enroute to or for the purpose of making any actual physical delivery thereof. (Ord. 172, § 15, 3/14/1933) § 814-13

**814-13. LICENSE PERIOD.**

Any permit issued under the provisions of this chapter shall remain in force for the period of one (1) year, or six (6) months as the case may be, dependent upon the license fee paid hereunder, unless sooner revoked. Any person desiring to renew any permit issued pursuant to the provisions of this chapter shall make application to the Tax Collector for the renewal thereof, which application for renewal shall be made in the same manner as for the issuance of said original permit. (Ord. 172, § 17, 3/14/1933)

**814-14. REVOCATION OF LICENSE.**

Any permit issued pursuant to the provisions of this chapter may be revoked by the Tax Collector for any violation of the conditions of said permit or for any violation of this chapter by the holder of said permit. Before any permit shall be revoked by the Tax Collector, notice in writing shall be given to the holder of said permit of the time and place of hearing the matter of the revocation of said permit, which said notice shall briefly state the reason for revoking said permit, and shall be mailed to the holder of said permit at his/her place of

business or residence, as the same appears on his application for said permit; and when said notice is so mailed, the Tax Collector shall have power, upon hearing the matter of the revocation of said permit, to revoke the same or make any order in the premise as may be proper. (Ord. 172, § 18, 3/14/1933)

**814-21. PENALTY.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. (Ord. 172, § 16, 3/14/1933)

**814-22. CIVIL LIABILITY.**

The amount of any license fee imposed by this chapter shall constitute a debt to said County of Humboldt. Any person who engages in peddling without having registered and obtained a license from said County therefor shall be liable in a civil action brought in the name of the People of the State of California, at the option of said County, as a cumulative remedy and in addition to any criminal prosecution, in any court of competent jurisdiction, for the amount of said license fee imposed by the provisions of this chapter. (Ord. 172, § 2, 3/14/33) §

814-22

**814-23. NO BAR TO FURTHER ACTION.**

The conviction, fine and/or imprisonment of any person for violating any of the provisions of this chapter shall not operate as a bar against the County to collecting the amount of any license fee hereunder. Nor shall the rendition of a judgment in a civil action in favor of said County in the name of the People of the State of California, or otherwise, for the amount of such license fee, operate as a bar to criminal prosecution for any violation of this chapter. (Ord. 172, § 9, 3/14/1933) 553

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**CHAPTER 5**  
**REGULATION OF JUNK DEALERS**

[§§ 815-1 through 815-41 repealed by Ord. 2364, § 7, 06/20/2006]

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## CHAPTER 6

### LICENSING OF ASTROLOGERS, FORTUNE TELLERS AND SPIRITUALISTS

[§§ 816-1 and 816-2 repealed by Ord. No. 2298, § 3, 04/01/2003]

## CHAPTER 7

### LICENSING OF LAWFUL CANNABIS CULTIVATION

#### 817-1      *APPLICABILITY*

*The provisions of this chapter shall not apply within the boundaries of incorporated municipalities.*

#### 817-2      *LICENSE REQUIREMENT*

*It shall be unlawful for any person to participate in the lawful cultivation of cannabis as defined in Section 314-138 without first applying for and receiving a license from the Tax Collector for such operation.*

#### 817-3      *APPLICATION FOR LICENSE*

*Application for such license as required by Section 817-2 shall be made upon forms prepared for this purpose by the Treasurer-Tax Collector and shall require the full name and mailing address of the person or persons intending to engage in the lawful cultivation of cannabis as described in Section 314-138. If the applicant is a copartnership, firm, corporation or otherwise, together with the full names of the management thereon and the full name of the person authorized to transact business and be responsible for matters at the actual operation and mailing address thereof, the location of the operation and a statement of the ownership of the land whereon it is situated, and any other information which may be pertinent to the administration of fire, planning and zoning, and environmental laws and provisions of this chapter.*

#### 817-4      *COPIES*

*Application for such license as required by section 817-2 shall be made out with such number of copies thereof as the Tax Collector may direct in order that he or she may retain the original thereof in his/her office and transmit one (1) copy to the fire control agency having jurisdiction over fire prevention and suppression in the area in which the operation is situated, a copy to the Agricultural Commissioner, Planning Director, and a copy to any other governmental*

agency having a responsibility of enforcing land use, fire, health or safety laws involving the operation requesting a license to operate.

817-5 FEE

A fee of Twenty-five Dollars (\$25.00) shall be charged for issuing a license, which fee shall be paid at the time the application is made. All fees received pursuant to this section shall be credited to the County general fund.

817-6 ISSUANCE OF LICENSE

*Upon receiving the application prescribed in this chapter, duly executed before a person authorized to administer oaths and certified as to truthfulness and correctness, and upon receipt of the fee required by this chapter, the Tax Collector shall issue a license as required in Section 817-2.*

*A provisional business license shall be issued to an applicant who certifies compliance with California Health and Safety Code Sections 11362.7 et seq. and Attorney General's Guidelines for the Non-Diversion of Marijuana Grown for Medical Use and who provides (1) proof of title in the parcel or proof of an existing right to possess and use the parcel for cannabis cultivation; (2) proof of lawful sources of water; (3) proof that the permit applications, if any are necessary for such use, have been submitted to the Planning Department as specified in Section 314-178.1, (4) that the applicant is enrolled in, or has completed, an applicable program of the State Water Resources Control Board, compliance with the regulations of the Department of Forestry and Fire Prevention, and the requirements of the Department of Fish and Wildlife (5) attestation to possessing a security plan, and (6) attests to possessing a Plan of Operation. No zoning approval will be required for less than 600 square feet of canopy for cultivation for personal use; however, any use in which excess product will be provided to a dispensary shall meet all other requirements. No provisional license may be renewed more than once, it being the intention of this ordinance that cannabis cultivation be brought into compliance with all local ordinances and state statutes and regulations within two years of the effective date of this ordinance.*

*A regular business license shall be issued to an applicant who has completed all of the reprogram requirements for a provisional license, and meets the requirements of this ordinance and all other applicable provisions of the County Code. For a regular business license for a parcel in excess of 6,000 square feet of canopy, a copy*

*of a Security Plan and a Plan of Operation must actually be submitted and approved by the Agricultural Commissioner prior to issuance of the regular business license.*

*In any circumstance in which the license application is to be reviewed by any County officer or department, failure of such County or officer or department to object in writing within thirty (30) days shall be deemed approval by the County officer or department. In the event of an objection by a County officer or department to the issuance of the license to the applicant, the applicant shall be notified in writing of the basis of the objection and the applicant shall have thirty (30) days thereafter to satisfy the objection; if the objection cannot reasonably be satisfied within the thirty (30) day period, the applicant shall have a reasonable period of time to satisfy the objection.*

#### **817-7 EFFECT OF LICENSE**

*The license required by Section 817-2 of this chapter shall authorize the person to whom it is issued to engage in the lawful cultivation of cannabis, and is not transferable to any other operator or operation than the one to whom or for which it is issued.*

#### **817-8 SUSPENSION OF LICENSE**

*Any license issued pursuant to this chapter may be suspended by any court having jurisdiction, upon conviction of the licensee for violation of any zoning, fire, health, or safety law pertaining to the operation authorized by the license.*

#### **817-9 REVOCATION OF SUSPENSION**

*At any time after a license has been suspended, the court shall, upon the motion of the licensee, require the proper enforcement officers to make an examination of the suspended operation and to report the result of such examination to the court within five (5) days. If it is reported by the officers that the law, violations for which the license was suspended, has been complied with, the court will revoke the suspension order.*

#### **817-10 RENEWAL OF LICENSE**

*Licenses as are required in § 817-2 of this chapter shall be obtained annually and be valid from the date of issue to December 31st of the year of issuance, at which time, or prior thereto, application shall be made for a renewal of the license. Upon receiving*



application together with the required fee prescribed in Section 817-5 of this chapter, the Tax Collector will renew the license for the following year.

#### 817-11 DISPLAY OF LICENSE

Upon receiving the license prescribed by this chapter, the licensee shall place it in a conspicuous and safe location upon the premises of the operation it authorizes; if there does not exist a safe location on the premises, the license shall be available for inspection upon request at a location within the County as designated in the license application.

#### 817-12 NOTTRANSFERABILITY OF LICENSE

No license granted or issued under any provisions of this chapter shall be transferred in any manner, nor shall the same or any duplicate thereof authorize any person other than the one to whom said license or duplicate was originally issued to undertake cannabis cultivation activity associated with the property identified in the license application without the written consent of the Tax Collector endorsed thereupon; provided, however, that prior to filing any application for assignment or transfer of any license or duplicate, the applicant shall pay to said Tax Collector a fee for filing the same and which shall also cover the assignment or transfer of the original, when granted, and an additional fee for the assignment or transfer of each duplicate of said license. The fee shall be limited to the actual administrative cost of effecting said transfer. No fee paid under any provision of this chapter shall be returned in any event.

#### 817-13 PENALTY

Any person who undertakes the cultivation of cannabis described in Section 314-147 of this chapter without first obtaining the required license, or who undertakes such cultivation activity upon which the license has been suspended by the court of competent jurisdiction, is guilty of a misdemeanor.

817-14 ENFORCEMENT

Any duly authorized peace officer of any other public officer having taken the oath of office and who is charged with the enforcement of zoning, environmental or fire prevention laws, public health laws or other laws pertaining to the safety of persons or property, or other Code sections of laws of the State, shall have the power of peace officers to enforce this chapter.

817-15 NO BAR TO FURTHER ACTION

The conviction, fine and/or imprisonment of any person for violating any of the provisions of this chapter shall not operate as a bar against the County to collecting the amount of any license fee hereunder. Nor shall the rendition of a judgment in a civil action in favor of said County in the name of the People of the State of California, or otherwise, for the amount of such license fee, operate as a bar to criminal prosecution for any violation of this chapter.

Section 11 Exclusions and exemptions

Nothing in this ordinance shall (a) permit any development or activity within the Coastal Zone which is not otherwise permitted by the Coastal Act or the County's Certified Local Coastal Program as it may be amended from time to time, (b) permit the cultivation of cannabis on any local, state or federal property, (c) permit the cultivation of industrial hemp, or (d) permit the cultivation of cannabis in violation of any state or federal laws or regulations regarding the production and harvesting of forest products.

Section 12 Severability; change in law

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portion of this chapter or any part thereof shall nonetheless remain in full force and effect. The Board of Supervisors of the County of Humboldt hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 13 Amendments. After the effective date, the Board of Supervisors may amend this ordinance by a simple majority vote to modify, make corrections, or to conform the ordinance to reflect community needs or changes in the law.

Section 14. Effective Date. This initiative ordinance shall take effect immediately upon the earlier of adoption by the County Board of Supervisors or certification of its approval by the voters of Humboldt County at a special or general election.