

## Draft Amendments 8.2.23

### Chapter 2 Administration, Procedures, Amendments and Enforcement

#### Proposed additions, proposed deletions

#### 312-1 GENERAL PROVISIONS AND ADMINISTRATION

##### 1.1 GENERAL PROVISIONS

1.1.1 **Applicability.** These procedures shall apply throughout the unincorporated territory of Humboldt County. (Former Section INL#311-3; CZ#A315-1(A); Ord. [519](#), Sec. 1, 2, 5/11/65; Ord. [1705](#), 9/10/85)

1.1.2 **Legal Lot Requirement.** Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations. (Former Section CZ#A315-1(B); Ord. [1705](#), 9/10/85)

##### 1.2 DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR

1.2.1 Pursuant to Title 7, Chapter 4, Article 3 of the Government Code of the State of California (commencing with Section [65900](#)), there is hereby created in the County of Humboldt the office of Zoning Administrator. (Former Section INL#318-1(a); Ord. [946](#), 10/2/73)

1.2.2 The Director of the ~~Community Development Services~~ Planning and Building Department shall be assigned the duties of the office of Zoning Administrator. (Former Section INL#318-1(b); Ord. [946](#), 10/2/73; Amended by Ord. [2214](#), 6/6/00)

1.2.3 The Director of the ~~Community Development Services~~ Planning and Building Department shall have the authority to appoint a person in the Department to serve as Zoning Administrator and also an Assistant Zoning Administrator to serve in the capacity as Administrator in the absence of the Zoning Administrator. The Director shall also have the authority to replace and/or remove the above persons from office. (Former Section INL#318-1(c); Ord. [946](#), 10/2/73; Amended by Ord. [2214](#), 6/6/00)

1.2.4 The Zoning Administrator shall be a Hearing Officer. ~~The Zoning Administrator~~ is authorized to investigate, consider and approve, conditionally approve or deny all applications for special permits, use permits and variances etc., as specified herein. (See, Section [312-9](#)) (Former Section INL#318-1(d); Ord. [946](#), 10/2/73)

1.2.5 At any time prior to opening the public hearing on an application, the Zoning Administrator is authorized to refer any application with or without recommendations to the Planning Commission. In such cases, the Planning Commission shall hear and decide the matter. An appeal from the decision of the Planning Commission may be made to the Board of Supervisors. (See, Section [312-13](#), Appeal Procedures.) (Former Section INL#318-1(e); Ord. [946](#), Sec. 1, 10/2/73; amended by Ord. [1726](#), Sec. 7, 3/4/86)

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#### 312-3 REQUIRED PERMITS AND VARIANCES

##### 3.1 REQUIRED PERMITS

In addition to any other permits or approvals required by the County, including grading and building permits, any permit required by this Chapter shall be secured prior to the development of any lot in the unincorporated territory of Humboldt County. The following permits shall be required: (Former Section CZ#A315-3(A); Ord. [1705](#), 9/10/85; Amended by Ord. [2214](#), 6/6/00)

**3.1.1 Administrative Permit (AP).** An Administrative Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is permitted with an Administrative Permit.

**3.1.12 Special Permit (SP).** A Special Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is permitted with a Special Permit. (Former Section CZ#A315-3(A)(1); Ord. [1705](#), 9/10/85; Amended by Ord. [2214](#), 6/6/00)

**3.1.23 Use Permit (UP).** A Use Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is:

3.1.23.1 permitted only as a conditionally permitted use, or (Former Section CZ#A315- 3(A)(2); Ord. [1705](#), 9/10/85)

3.1.23.2 for any use not specifically enumerated in these regulations, if it is similar to and compatible with the same uses permitted in the zone in which the subject property is situated. (Ord. [2214](#), 6/6/2000)

**3.1.34 Planned Unit Development Permit (PDP).** A Planned Unit Development Permit must be secured, pursuant to all requirements of this Code, prior to the initiation of a planned unit development. (Former Section INL#315-4(b); CZ#A315-3(A)(3))

**3.1.45 Coastal Development Permit (CDP).** A Coastal Development Permit must be secured, pursuant to the requirements of these regulations, prior to the commencement of any development within the Coastal Zone of the County, including development by State and local public agencies, unless the development is exempted or excluded under the California Public Resources Code (Section [30000](#), and following) or the California Code of Regulations. (See also, Section [312-15](#), Waiver of Procedures for Emergencies. (Former Section CZ#A315-3(A)(4); ; Amended by Ord. [2214](#), 6/6/00)

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### **3.3 CONCURRENT PERMIT REQUIREMENTS**

**3.3.1 Concurrent/Combined Permit Requirements.** Whenever a development proposal requires the issuance of more than one permit for approval, the applicable permit procedures shall be applied simultaneously. (Former Section CZ#A315-4(A))

**3.3.1.1** A proposed development or use that requires an Administrative Permit and a Special Permit shall be processed as a Special Permit.

**3.3.1.12** A proposed development or use that requires an Administrative Permit or a Special Permit and a Use Permit shall be processed as a Use Permit. (Former Section CZ#A315-4(A)(1))

**3.3.1.23** A proposed development or use that requires a Planned Unit Development Permit and a Use Permit shall be processed as a Planned Unit Development Permit. (Former Section CZ#A315-4(A)(2))

3.3.1.34 A proposed development or use that requires a Special Permit, Use Permit, or Planned Unit Development Permit and a Coastal Development Permit shall be processed as a Coastal Development Permit. (Former Section CZ#A315-4(A)(3))

### **312-6 Processing Applications for Permits and Variances**

Upon receipt of an application for a permit or variance, the application shall be processed by the ~~Community Development Services~~ Planning and Building Department as follows:

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### **6.3 PUBLIC REVIEW**

Following project review of applications requiring a public hearing, the written report prepared by the Director, or designee, shall be mailed or delivered to the Hearing Officer and the applicant. Public notice shall be given in accordance with Section [312-8](#), Public Notice Procedures. Public hearings shall be held as required by Section [312-9](#), Public Hearing Requirements and Authorized Hearing Officer. (Former Section CZ#A315-6(C)(3))

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### **6.5 PROJECT APPROVAL**

6.5.1 For Administrative Permits, the Planning Director shall be the approving authority and shall ministerially approve permit applications which meet all requirements of the Zoning Ordinance and shall deny permit applications which do not meet all requirements of the Zoning Ordinance.

6.5.24 For Special Permits, Conditional Use Permits, Planned Unit Development Permits, Coastal Development Permits and Variances:

~~6.5.12.1~~ Following public review, the Hearing Officer shall approve, conditionally approve, or deny the proposed project in accordance with the particular requirements of this Code as they apply to the project, and in accordance with the required findings of this Code. (See, Sections [312-17](#), Required Findings, and Sections [312-18](#) through [312-49](#), Supplemental Findings.) The Hearing Officer's decision shall be expressed in writing. (Former Section INL#317-25, 317-35, 317-40.6; CZ#A315-6(C)(4); Ord. [1007](#), Sec. 1, 11/9/76; Amended by Ord. [1418](#), Sec. 1, Sec. 2, 8/26/80; added by Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

6.5.2.2 If the Hearing Officer does not grant or deny the permit or variance within thirty (30) working days of the conclusion of the hearing, it shall be deemed to be denied on that date. The decision of the Hearing Officer on all permits and variances shall become final ten (10) working days from the date of the decision, unless an appeal has been filed within that time. Appeals on subdivisions that require a Coastal Development Permit shall be filed within 10 calendar days of the decision of the Hearing Officer. (Former Section INL#317-25, 317-35, 317-40.6; CZ#A315-6(C)(4); Ord. [1007](#), Sec. 1, 11/9/76; Amended by Ord. [1418](#), Sec. 1, Sec. 2, 8/26/80; added by Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

6.5.32.3 Decisions of the Hearing Officer may be appealed to the Board of Supervisors in accordance with the appeal procedures of Section [312-13](#). (Former Section CZ#A315- 6(C)(4))

6.5.2.4 The ~~Community Development Services~~ Planning and Building Department shall notify all appellants, prior to filing, that the Board of Supervisors will not hear appeals of the Planning Commission's or Zoning Administrator's decision if said appellant has not given written or oral testimony at the Planning Commission or the Zoning Administrator's hearing level. (From Hearing Policy adopted by the Humboldt County Board of Supervisors, 6/16/81; Added by Ord. [2214](#), 6/6/00)

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## **6.7 NOTICE OF FINAL ACTION**

Notice of final action on an application for a permit or variance shall be given as follows: (Former Section CZ#A315-13(A-E))

6.7.1 Notice shall be provided within five (5) working days of the Planning Director's action on an Administrative Permit or Hearing Officer's action on any discretionary permit. (Former Section CZ#A315-13(A-E); Amended by Ord. [2214](#), 6/6/00)

6.7.2 Notice shall be provided by first class mail to:

6.7.2.1 The Applicant;

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

6.7.2.3 For development proposed within the coastal zone, the Coastal Commission.

6.7.3 The notice for an Administrative Permit shall include the following information:

6.7.3.1 Copy of the Administrative Permit

6.7.3.2 Procedures for Renewal, if applicable

6.7.3.4 The notice for any discretionary permit shall include the following information:

6.7.4.1 Written findings;

6.7.4.2 Conditions of approval;

6.7.4.3 Procedures for appeal if applicable.

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## **9.1 PUBLIC HEARINGS REQUIRED UNLESS WAIVED**

Public Hearings are required for all ~~development permits~~ Special Permits, Conditional Use Permits, Planned Unit Development Permits, Coastal Development Permits, variances, and exceptions, unless waived pursuant to these regulations. The following table, "Public Hearing Requirements and Authorized Hearing Officer," specifies the Hearing Officer who is authorized to approve, approve with conditions, or deny applications for permits or variances. The table also indicates when the Public Hearing requirement may be waived by the Hearing Officer. (Former Section CZ#A315-5)

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## **312-10 RIGHTS ATTACHED TO PERMITS AND VARIANCES**

### **10.1 EFFECT OF PERMIT OR VARIANCE**

The issuance of a permit authorizes the property owner to undertake the proposed development immediately upon the effective date of the permit subject to all conditions or restrictions imposed by the Planning Director or Hearing Officer; provided, however, that all other permits, licenses, certificates and other grants of approval to which the proposed development project is subject must be secured before the development may be commenced. (Former Section CZ#A315-19(A))

### **10.2 EFFECTIVE DATE OF PERMIT OR VARIANCE**

10.2.1 The Planning Director's action on administrative permits shall be effective immediately. Administrative permits shall not be appealable.

10.2.2 Except as specified below, the Hearing Officer's decision on an application shall become effective after the ten (10) working day appeal period unless an appeal is filed in accordance with Section [312-13](#), Appeal Procedures. For development permits involving projects which are appealable to the Coastal Commission, the effective date shall coincide with the close of the Coastal Commission's ten (10) working day appeal period, unless either of the following occur. (Former Section CZ#A315-19(B); Amended by Ord. [2214](#), 6/6/00)

10.2.2.1 an appeal is filed in accordance with Section [312-13.11](#);

10.2.2.2 the notice of final action does not meet the requirements of Section [312-6.7](#).

When either of the circumstances in section [10.2.1](#) or [10.2.2](#) occur, the Coastal Commission shall, within five(5) calendar days of receiving notice of that circumstance, notify the Department and the applicant that the effective date of the Hearing Officer's action has been suspended.

### **10.3 ASSIGNMENTS OF PERMITS AND VARIANCES**

Unless otherwise specified in the Zoning Ordinance or in the approved permit, a A permit or variance is assignable to subsequent property owners, but an assignment does not discharge any conditions or obligations of the permit or variance. (Former Section CZ#A315- 19(C); Amended by Ord. [2214](#), 6/6/00)

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### **10.6 RENEWAL OF DEVELOPMENT PERMITS AND VARIANCES**

Where specifically allowed by the Zoning Ordinance, development permits may be renewed consistent with the provisions of the Zoning Ordinance.

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## **312-14 SUSPENSION AND REVOCATION PROCEDURES**

### **14.1 SUSPENSION.**

A development permit may be suspended by the Planning Director immediately, without prior notice or hearing following the procedures in this Section.

**14.1.1 Grounds for Suspension.** The Planning Director may suspend a development permit if the permit was issued in error, or to stop any activity that violates any requirement of the permit and/or Zoning Ordinance.

**14.1.2 Cost Recovery.** For confirmed violations, the cost of county staff time dedicated to inspection and resolution shall be borne by the permittee.

**14.1.3 Notice of Suspension.** The Planning Director shall provide written notice of the suspension to the property owner and permit holder identifying all of the following:

**14.1.3.1** The violation of the permit and/or Zoning Ordinance;

**14.1.3.2** The duration of the suspension;

**14.1.3.3** The steps the property owner and permit holder must take to remedy the violation and re-activate the permit; and

**14.1.3.4** Appeal procedures.

**14.1.4 Effect of Suspension.** For the duration of suspension, the property owner and permit holder shall cease all activity allowed by the permit.

**14.1.5 Right to Appeal.** The action of the Planning Director to suspend a development permit may be appealed to the Board of Supervisors, pursuant to Section 312-13 (Appeal Procedures).

**14.1.6 Re-activation of a Suspended Permit.** The permit suspension shall end, and the permit shall be re-activated by the Planning Director after making written findings based on substantial evidence that all violations of the permit and/or Zoning Ordinance have been corrected.

## **14.2 REVOCATION**

### **14.2.1 GROUNDS FOR REVOCATION**

A development permit or variance may be revoked or modified by the Board of Supervisors after a Public Hearing, upon finding that: (Former Section INL#317-42; CZ#A315-25(A); Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

**14.2.1.1** The permit or variance was obtained or extended by fraud, material omissions or misstatements of fact. (Former Section INL#317-42(a); CZ#A315-25(A)(1))

**14.2.1.2** The permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, Code section, law or regulation. (Former Section INL#317-42(c); CZ#A315-25(A)(2); Amended by Ord. [2214](#), 6/6/00)

**14.2.1.3** The use for which the permit or variance was granted is so conducted as to be a nuisance. (Former Section INL#317-42(d); CZ#A315-25(A)(3); Ord. [894](#), Sec. 6, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86)

**14.2.1.4** The use for which such permit or variance was granted has ceased to exist or has been suspended for one (1) year or more. (Former Section INL#317-42(b); Amended by Ord. [2214](#), 6/6/00)

#### **14.2.2 COST RECOVERY.**

The cost of staff time dedicated to inspection and revocation of a permit that is revoked or modified by the Board of Supervisors shall be borne by the permittee.

#### **14.2.3 PROCEEDINGS**

Proceedings to revoke a development permit or variance may be initiated by the Board of Supervisors, Planning Commission, or the Planning Division of the ~~Community Development Services-Planning and Building~~ Department. (Former Section INL#317-41; CZ#A315-25(B); Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

#### **14.2.4.3 REVOCATION HEARING**

Any proceeding to revoke a development permit or variance shall be before the Board of Supervisors. The property owner or permit applicant shall have an opportunity to show cause why the permit or variance should not be revoked. (Former Section INL#317-41; CZ#A315-25(C); Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

#### **14.2.5.4 NOTICE OF INTENTION TO REVOKE**

The Department shall give notice to the holder of a development permit or variance of its intention to revoke such development permit or variance. Notice need be given only to the holder of the development permit or variance, and any other person who has requested such notice. (Former Section INL#317-41; Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

#### **14.2.6.5 NOTICE OF REVOCATION HEARING**

Notice of a Revocation Hearing shall be given not less than ten (10) working days prior to the date of the Hearing by either personal service of a copy of said notice on the holder of the development permit or variance, or by sending a copy of the notice by certified or registered mail, return receipt requested, to said holder at the address given on the application. The notice shall include the information required by Section [312-8.2](#) and shall state the reason or reasons why action is being taken for revocation of the permit or variance. (Former Section INL#317-41; Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

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#### **32.2 BED AND BREAKFAST ESTABLISHMENTS**

~~32.2.1 That the proposed use at the size and intensity contemplated, and at the proposed location, will provide a development that is compatible with the neighborhood or the community, including but not limited to: (Former Section CZ#A315-16(B)(2)(a))~~

~~32.2.2 The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures; and (Former Section CZ#A315-16(B)(2)(a)(i))~~

~~32.2.3 Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, lighting and signs. (Former Section CZ#A315-16(B)(2)(a)(ii))~~