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GENERAL PROVISIONS
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311-1 TITLE AND PURPOSE

1.1 This division shall be known and cited as the “Humboldt County Zoning Code.” Permissible synonyms are “Zoning Code,” “Zoning Regulations” and “Code.”
(Former Section INL#311-1; CZ#A311-1; Ord. 519, Sec. 101, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

1.2 This division is adopted pursuant to Title 7 of the California Government Code and Section 30500 of the California Public Resources Code. Its purpose is to:
(Former Section INL#311-2; CZ#A311-2 (A); Ord. 519, Sec. 101, 102, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

1.2.1 promote and protect the public health, safety, comfort, convenience and general welfare;

1.2.2 promote sound and orderly development;

1.2.3 assure social and economic stability within the various zones hereby established;

1.2.4 implement the General Plan and Local Coastal program of the County; and

1.2.5 accomplish these objectives with the fewest possible restrictions on freedom of citizen’s use of their property and maximum concern for economic disruption caused by delays and uncertainties inherent in the permit review process.

1.3 It is the intent of this Board of Supervisors that the Humboldt County Local Coastal Program be administered in full conformity with the provisions of the California Coastal Act (Public Resources Code Section 30000, and following). (Former Section CZ#A311-2 (B) ; Ord. 1705, 9/10/85)

1.4 For the purpose of State certification of the Humboldt County Local Coastal Program, and assumption of Coastal Development Permit jurisdiction, the regulations contained in this Code will become effective in the Humboldt County Coastal Zone upon certification by the California Coastal Commission pursuant to applicable provisions of State Law and Regulations, including but not limited to Public Resources Code Sections 30513 and 30519, and Section 13544 of Title 14 of the California Code of Regulations, or any successor provisions thereto. (Former Section CZ#A311-2 (C) ; Ord. 1705, 9/10/85)
311-2 THESE ZONING REGULATIONS ARE TO BE CONSISTENT WITH THE HUMBOLDT COUNTY GENERAL PLAN, INCLUDING THE LOCAL COASTAL PROGRAM PLANS

It is the intent of the Board of Supervisors that the Regulations contained herein are consistent with and are adequate to implement the policies and designations of all elements of the Humboldt County General Plan, including the Local Coastal Program Plans. If these Zoning Regulations become inconsistent with or inadequate to implement the General Plan by reason of adoption of any Plan amendments, these Regulations shall be amended to be consistent with the amended Plan. All Zoning Regulation amendments shall maintain reasonable compatibility with the adopted General Plan. (Former Section CZ#A311-3; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

311-3 WHERE THE ZONING REGULATIONS APPLY

These Zoning Regulations shall be applicable to all of the unincorporated areas of Humboldt County. Any development shall conform to all regulations applicable to the zone in which the land is located. (Former Section CZ#A311-4; INL#311-3; Ord. 519, Sec. 101, 102, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

311-4 INTERPRETING THE REGULATIONS IF A PROVISION IS UNCLEAR

4.1 If ambiguity is found in the content or application of the Zoning Regulations, the Hearing Officer shall ascertain all relevant facts, consider the ambiguity and interpret the regulations. Interpretations by the Hearing Officer in making a decision on a discretionary permit are subject to appeal, pursuant to Chapter 2, Section 312-2.13, of these regulations. Interpretations by the Director, or designee, in making decisions on zoning clearance certificates are not subject to appeal. However, where the zoning regulations are unclear, a Special Permit may be submitted and processed to a decision for any proposed use or development. (Former Section CZ#A311-5; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

4.2 The Director of the Community Development Services Department shall maintain a written record of all such interpretations, which interpretations shall be maintained as public records and shall be referenced to the code section which they interpret. The Director shall, within budget constraints, take action as soon as possible to amend the code and eliminate the ambiguity. (Former Section CZ#A311-5; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
311-5 INTERPRETING THE REGULATIONS IF PROVISIONS CONFLICT

5.1 In interpreting and applying the provisions of these Regulations, the Hearing Officer or Director shall consider that the minimum requirements of this Code are for the promotion of the public health, safety, comfort, convenience and general welfare. (Former Section CZ#A311-6; Ord. 1705, 9/10/85)

5.2 It is not the intent of these Regulations to interfere with or supersede any easement, covenant or other agreement between private parties except as otherwise specified. However, where these Regulations impose any greater requirements or restrictions, including but not limited to the use of buildings or land, the height of buildings, or the requirement for larger open spaces than are imposed or required by other provisions of this Code, or any other government rules and/or regulations, or by any private easements, covenants or agreements, the provisions of these Regulations shall control. (Former Section INL#314-1; CZ#A311-6; Ord. 519, Sec. 401, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
311-6    THE LIST OF PRINCIPAL AND COMBINING ZONES WHICH ARE ESTABLISHED AND DESIGNATED BY THESE REGULATIONS

6.1    PRINCIPAL ZONES

The principal zones, into which the County of Humboldt shall be divided are as follows: (Former Section INL#313-1; CZ#A311-7; Ord. 1705, 9/10/85; Ord. 1800, Sec. 2, 6/23/87; Amended by Ord. 1842, Sec. 4, 8/16/88; Amended by Ord. 2214, 6/6/00)

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### 6.2 COMBINING ZONES

In addition to the principal zones, certain “Combining Zone” regulations are hereby established as follows, and in the sections entitled “Special Area Combining Zones,” in Chapters 3 and 4 of this Code. All uses and development regulations of the Principal Zone shall apply in the Combined Zone except in so far as they are modified or augmented by the uses and regulations set forth in the Combining Zone regulations. (Former Section INL#313-2, 315-1; CZ#A311-7 (B), CZ#A313-44; Ord. 519, Sec. 501, 5/11/65; Ord. 1705, 9/10/85; Ord. 1800, Sec. 4, 6/23/87; Amended by Ord. 2214, 6/6/00)
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311-7 DESIGNATION AND ADOPTION OF ZONING MAPS

7.1 The designation, location and boundaries of the zones shall be made by written description or by delineation on zoning maps which may be adopted or amended as provided in Chapter 2 of this Division. (Former Section CZ#A311-8; Ord. 1705, 9/10/85)

7.2 The maps and all notations, references, data and other information shown thereon shall be a part of, and subject to all of the requirements of this Code, and shall supersede all maps, notations, references, data and other information which are incorporated or referenced in any prior zoning maps of the County Code. Although the zoning maps and written legal descriptions of property within the County of Humboldt are not included in the text of this Code, they are incorporated herein by reference. (Former Section INL#313-3, INL#313-4; CZ#A311-8, CZ#A311-9; Ord. 519, Sec. 303, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
311-8 UNCERTAINTIES IN ZONE BOUNDARIES: HOW TO RESOLVE

Where uncertainty exists as to the boundaries of any districts shown on the zoning maps, the Hearing Officer, in reviewing a discretionary permit, shall apply the following rules to resolve such uncertainty: (Former Section INL#313-5; CZ#A311-10; Ord. 519, Sec. 305, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

8.1 Streets or Alleys. Where zoning district boundaries approximately follow lot, alley, or street lines, such lot lines and street and alley centerlines shall be construed as the zone district boundaries unless said boundaries are otherwise indicated. (Former Section INL#313-5(a); CZ#A311-10 (A); Ord. 519, Sec. 305, 5/11/65; Ord. 1705, 9/10/85)

8.2 Scale on Map; Determination by Commission. Where the property is indicated on a zoning map or maps as acreage and not subdivided into lots and blocks, or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary lines on said zoning map or maps shall be determined by scale contained on such map or maps, and where uncertainty exists, the zone boundary line shall be determined by the Planning Commission. In the event property shown as acreage on the zoning map or maps has been or is subsequently subdivided into lots or lot and block arrangement does not conform to that anticipated when the zone boundaries were established, the Planning Commission, after notice to the owners of the property affected thereby, may interpret the zone maps in such a way as to implement the intent and purpose of these regulations and conform to the street, block and lot layout on the ground. Such interpretation shall be by written decision, and thereafter the copies of the zoning maps shall be changed to conform thereto. (Former Section INL#313-5(c); CZ#A311-10 (B); Ord. 519, Sec. 305, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

8.3 Vacated Street or Alley. Where a public street or alley is officially vacated or abandoned, the property formerly in said street or alley shall be included within the zone district or districts of the adjoining property on either side of said vacated or abandoned street or alley centerline. (Former Section INL#313-5(d); CZ#A311-10(C); Ord. 519, Sec. 305, 5/11/65; Ord. 1705, 9/10/85)

8.4 Where a boundary line follows the bank of a watercourse, it shall be construed as following the top edge of the nearest bank, or if there is no identifiable bank, the stream transition line. (Former Section CZ#A311-10 (D); Ord. 1705, 9/10/85)

8.5 Where a boundary line is indicated as following a watercourse, it shall be construed as the centerline of the watercourse. (Former Section CZ#A311-10 (E); Ord. 1705, 9/10/85)

8.6 Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the Zoning Map and the purposes set forth in the Principal Zone district regulations. (Former Section CZ#A311-10 (F); Ord. 1705, 9/10/85)
311-9  HOW THE PROVISIONS OF THIS CODE RELATE TO EACH OTHER AND TO OTHER PROVISIONS OF LAW

9.1 All other provisions of law still apply. Unless otherwise specifically provided, no provision of these Zoning Regulations shall be construed as relieving any party to whom a development permit, license, or variance is issued, from any other provision of State or Federal Law or from any provision, ordinance, rule, or regulation of Humboldt County requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use. (Former Section CZ#A311-11; Ord. 1705, 9/10/85)

9.2 Each provision of this code is severable and independent. If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations. It is hereby expressly declared that this ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Former Section CZ#A311-12; Ord. 1705, 9/10/85)

9.3 These regulations supersede other existing code sections previously adopted. These Regulations supersede the existing zoning regulations, as amended, of the County of Humboldt, for land which lies within the unincorporated areas of the County. If any provisions of these Regulations should be determined to be invalid or inapplicable, the provisions of the most recently adopted pre-existing zoning regulations shall apply. (Former Section CZ#A311-13; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

9.4 These Regulations shall not be construed as validating or legalizing any building, structure or land use conducted, constructed, erected, or maintained in violation of any Federal, State or Humboldt County ordinance. Insofar as the provisions of these regulations impose the same regulations as those imposed by existing zoning regulations, this ordinance shall be construed as a continuation of said regulations and not as a new enactment. (Former Section CZ#A311-13; Ord. 1705, 9/10/85)

311-10  LIMITATIONS ON LAND USES AND STRUCTURES

Except as otherwise specifically provided in this Code:

10.1 **Use Requirements.** No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such buildings, land or premises is located. (Former Section INL#313-7(a); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)
10.2 **Height Requirements.** No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located except as otherwise specifically provided in this Code. (Former Section INL#313-7(b); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)

10.4 **Area Requirements.** No building or part thereof or structure shall be erected nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the zone in which such building or open space is located. (Former Section INL#313-7(c); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)

10.4 **Duplicate Use of Open Space and Yards.** No yard or other spaces provided about any buildings for the purpose of complying with provisions of this division shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site unless specifically permitted elsewhere in this Code. (Former Section INL#313-7(d); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)

311-11 **COMPLETION OF EXISTING BUILDINGS WHEN THE REGULATIONS CHANGE**

11.1 These regulations do not require any change in the plans, construction or designated use of a building or structure for which a Coastal Development Permit has been issued by the Coastal Commission, or to any permit issued by the County prior to the effective date of these Regulations or any amendment of these regulations, provided that actual construction of such building or structure is commenced within 120 days after the date of issuance of the permit, and is completed within one (1) year from the effective date of such adoption or amendment. (Former Section CZ#A311-14; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

11.2 Actual construction is hereby defined to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated such excavation shall be deemed to be actual construction, or where demolition or removal of an existing structure has begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction. (Former Section CZ#A311-14; Ord. 1705, 9/10/85)
CHAPTER 2

ADMINISTRATION, PROCEDURES, AMENDMENTS AND ENFORCEMENT
# CHAPTER 2

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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 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 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)

1.3  PLANNING COMMISSION FORMATION AND COMPOSITION.

1.3.1  The Humboldt County Planning Commission is established as the planning agency of the County. The Planning Commission shall consist of seven (7) members selected by the Board of Supervisors as follows: (Former Section INL#318-2(a); Amended by Ord. 2214, 6/6/00)
1.3.1.1 Five (5) members shall be selected, one by each Board Member, so that each is a resident of a different supervisorial district. (Former Section INL#318-2(a)(1); Amended by Ord. 2214, 6/6/00)

1.3.1.2 Two (2) members shall be selected at large by a majority vote of the Board of Supervisors. (Former Section INL#318-2(a)(2))

1.3.2 The term of office shall be four (4) years. (Former Section INL#318-2(b))

1.3.2.1 Members shall serve staggered terms, commencing as follows:

1.3.2.1.1 February 1, 1995, for members selected from Supervisorial Districts 4 and 5 and one (1) member at large. (Former Section INL#318-2(b)(1); Amended by Ord. 2214, 6/6/00)

1.3.2.1.2 February 1, 1993, for members selected from Supervisorial Districts 1, 2 and 3 and one (1) member at large. (Former Section INL#318-2(b)(2); Ord. 932, Sec. 2, 6/26/73; Amended by Ord. 1350, Sec. 1, 8/28/79; Amended by Ord. 2214, 6/6/00; Amended by Ord. 1472, 6/2/81; Amended by Ord. 2214, 6/6/00)

1.3.2.2 Vacancies shall be filled as set forth in subsection 312-1.3.1. for the unexpired portions of the term. (Former Section INL#318-2(b); Amended by Ord. 2214, 6/6/00)

1.3.3 The members of the Planning Commission shall serve without compensation, except that each member shall be paid a per diem of thirty dollars ($30.00) for each day’s attendance (up to a maximum of ten (10) meetings per month) at a meeting of the Planning Commission. In addition, each member shall be allowed travel expenses in the same amounts and in the same manner as are allowed other County officers and employees. (Former Section INL#318-2(c))

1.3.4 If a member of the Commission is absent from three (3) consecutive regular meetings or five (5) regular meetings within a calendar year, such person shall be deemed to have resigned his or her membership on the Commission, unless such absence is excused by the Planning Commission due to illness, absence from the County, or extreme weather conditions. The Secretary to the Planning Commission shall give written notice to a Planning Commissioner who, without an excused absence, has missed two (2) consecutive meetings or four (4) regular meetings in a calendar year, which notice shall contain a statement advising the Commissioner of the absences and the consequences thereof, together with a copy of this section of the Code. (Former Section INL#318-2(e))

1.3.5 A member of the Commission may be removed without cause and at any time by the Supervisor representing the Supervisorial District from which the Commissioner is appointed. “At large” members may be removed without cause and at any time by a majority vote of the full Board of Supervisors. (Former Section INL#318-2(e); Ord. 1080, Sec. 1, 5/4/76; amended by Ord. 1350, Sec. 1, 8/28/79; Amended by Ord. 1472, Sec. 1, 6/2/81; Amended by Ord. 2214, 6/6/00)
312-2 ZONING CLEARANCE CERTIFICATE PROCEDURES

2.1 PURPOSE

A zoning clearance certificate certifies that a proposed development conforms with all current requirements of the Zoning regulations and, if applicable, the terms and conditions of any previously approved development permit or variance. (Former Section INL#316-22; CZ#A315-2(A); Added by Ord. 1280, Sec. 3, 10/10/78)

2.2 REQUIRED ZONING CLEARANCE CERTIFICATE

A Zoning Clearance Certificate is required whenever a building permit is required, and must be secured prior to the issuance of the building permit. (Former Section INL#316-22; CZ#A315-2(B); Added by Ord. 1280, Sec. 3, 10/10/78)

2.3 FILING AND PROCESSING APPLICATIONS FOR A ZONING CLEARANCE CERTIFICATE

2.3.1 Applications Any individual may apply for a zoning clearance certificate in conjunction with or prior to application for a building permit for a proposed development. (Former Section CZ#A315-2(C)(1); Ord. 1705, 9/10/85)

2.3.2 Application Form The Community Development Services Department shall provide standard forms on which applications for zoning clearance certificates can be filed. (Former Section CZ#A315-2(C)(2); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

2.3.3 Filing Applications Applications for a zoning clearance certificate shall be filed with the Planning Division of the Community Development Services Department on the forms provided. At the time the application is filed, the applicant shall submit the required filing fees prescribed by the Board of Supervisors. All other plans, specifications and information that may be required by the Department to demonstrate compliance with the zoning regulations shall be filed with the application. (Former Section CZ#A315-2(C)(3); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

2.3.4 Processing Applications Within five (5) working days of accepting an application, the Planning Division shall review the proposed development for conformance with the Humboldt County Zoning Regulations and, if applicable, the terms and conditions of any previously approved development permit, variance, or subdivision. (Former Section CZ#A315-2(C)(4); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

2.4 ISSUANCE OF CERTIFICATE

2.4.1 Upon completion of the required Planning Division review (subsection 312-2.6), zoning clearance certificates shall be approved and immediately issued by the Director, or designee, if, based upon information provided by the applicant, all of the following findings are made: (Former Section CZ#A315-2(C)(5); Ord. 1705, 9/10/85)

2.4.1.1 The proposed development conforms with all requirements of the Humboldt County Zoning Regulations; and (Former Section CZ#A315-2(C)(5)(a); Ord. 1705, 9/10/85)
2.4.1.2 The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and (Former Section CZ#315-2(C)(5)(b); Ord. 1705, 9/10/85)

2.4.1.3 The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel. (Former Section CZ#315-2(C)(5)(c); Ord. 1705, 9/10/85; Ord. 2407, § 1, 12/16/2008)

2.4.2 A public hearing shall not be required to be held prior to the Director's decision to approve or deny an application for a zoning clearance certificate. (Former Section CZ#315-2(C); Ord. 1705, 9/10/85)

2.4.3 Written notification of the Director's decision shall be transmitted to the Building Division, within five (5) working days of the decision. (Former Section CZ#315-2(C); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

2.4.4 Decisions on zoning clearance certificate applications are not appealable. (Former Section CZ#315-2(C); Ord. 1705, 9/10/85)

2.5 EXPIRATION OF ZONING CLEARANCE CERTIFICATES

A Zoning Clearance certificate shall expire at the end of the 180th calendar day after issuance, unless otherwise indicated on the clearance, or when the proposed development no longer conforms with the County Zoning Regulations. However, if the proposed development has commenced, as authorized by any required County permits, the certificate shall not expire as long as the required building permit does not expire, as specified in the Uniform Building Code (currently Section 106.4.4). (Former Section CZ#315-2(D); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

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#315-3(A); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

3.1.1 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#315-3(A)(1); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

3.1.2 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:
3.1.2.1 permitted only as a conditionally permitted use, or (Former Section CZ#A315-3(A)(2); Ord. 1705, 9/10/85)

3.1.2.2 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. (Added by Ord. 2214, 6/6/00)

3.1.3 **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))

3.1.4 **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)

3.2 **VARIANCES**

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. (From Government Code Sec. 65906; Former Section INL#317-21; CZ#A315-3(B); Ord. 946, Sec. 3, 10/2/73; Amended by Ord. 2214, 6/6/00)

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 a Special Permit and a Use Permit shall be processed as a Use Permit. (Former Section CZ#A315-4(A)(1))

3.3.1.2 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))

3.3.1.3 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))
312-4 CONDITIONS ON PERMITS AND VARIANCES

4.1 CONDITIONS

The Hearing Officer may impose conditions on a development permit or variance concerning any matter subject to regulation under this zoning ordinance, or the County General Plan, to accomplish the following purposes, or any additional related purposes:  (Former Section CZ#A315-4(B)(1)(a-g))

4.1.1 To assure compliance with special development regulations or requirements for creation or improvement of building sites;

4.1.2 To minimize or mitigate any adverse impact of the development upon other land, including: regulation of the hours of use and operation, specification of type and intensity of activities that may be conducted, and establishment of buffer areas;

4.1.3 To control the sequence or timing of development;

4.1.4 To control the duration of use of the development and the time after which any structure must be removed;

4.1.5 To assure that development will be maintained properly;

4.1.6 To designate the exact location and nature of development; and

4.1.7 To establish more detailed records by submission of drawings, maps, plans, or specifications.

4.1.8 To pay any required County fees.  (Added by Ord. 2214, 6/6/00)

4.2 PROHIBITED CONDITIONS.

The grant of a permit or variance may not be conditioned on the payment or conveyance by the developer of any money, land, or other property, except as specifically provided by this Code, the General Plan, Local Coastal Program, or any provision of State or Federal law.  (Former Section CZ#A315-4(B)(2); Amended by Ord. 2214, 6/6/00)

4.3 SECURITY MAY BE REQUIRED.

To insure the performance of conditions imposed at the time of granting or modification of a permit or variance, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the Hearing Officer. Every bond to insure performance of conditions shall be:

4.3.1 a penalty bond;

4.3.2 in a form satisfactory to the Hearing Officer or Board of Supervisors, whichever requires the bond;
4.3.3 payable to the County of Humboldt; and

4.3.4 conditioned upon compliance with the conditions and limitations, including any limitation of time, upon which such variance or development permit is granted.

Upon the breach of any condition or limitation, including a limitation of time, upon which the variance or development is granted, the money or the bond furnished as security shall be forfeited to the County and such money or the money collected on any such bond shall be paid into the general fund of the County of Humboldt. (Former Section CZ#A315-4(B)(3))

4.4 INSPECTION FEE.

The applicant shall bear the actual costs of inspections by the County to assure conformance with permit or variance conditions imposed. This may include, but shall not be limited to, engineering costs, laboratory fees, consultant fees, and all inspections and control fees and tests. The applicant shall post a cash deposit equal to the estimated costs of inspections, which shall be an amount equal to three (3) percent of the estimated cost of all improvements required by the permit or variance conditions. The cash deposit may be waived by the Director of the Department for which the services are provided if the amount of the cash deposit is less than $100.00. The actual costs of inspection shall be deducted from said cash deposit. Any surplus remaining after deducting the costs of inspection from said cash deposit shall be refunded to the applicant. In the event the cash deposit is insufficient to cover the actual costs of inspection, the applicant shall agree to pay to the County of Humboldt the excess of the actual costs over the cash deposit upon receipt of a billing from the County. (Former Section CZ#A315-4(B)(4))

312-5 FILING APPLICATIONS FOR PERMITS AND VARIANCES

5.1 ELIGIBLE APPLICANTS

The following persons are eligible to apply for a permit or variance; (Former Section INL#317-3; CZ#A315-6(A)(1-2); Ord. 894, Sec. 1, 12/19/72)

5.1.1 The property owner, or owners;

5.1.2 An authorized agent of the property owner, or owners.

5.2 APPLICATION FORM AND FILING FEE

5.2.1 Applications for permits and variances shall be filed with the Community Development Services Department on forms provided by the Department and completed by the applicant. The Department shall maintain a list which specifies the information that will be required from applicants for development projects. The application shall include all of the following information: (Former Section INL#317-3, 317-22, 317-32, 317-40.2; CZ#A315-6(B)(1-5); Ord. 894, Sec. 1, Sec. 3, 12/19/72; Ord. 946, Sec. 4, 10/2/73; Amended by Ord. 1251, Sec. 2, 8/15/78; Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

5.2.1.1 A description, including maps, plans and other relevant data, of the proposed development, project site and vicinity sufficient to determine whether the project complies with the requirements of these regulations. The description
shall include sufficient information concerning the existing use of land and water areas in the vicinity of the site of the proposed project, to the extent that the applicant can reasonably ascertain this information for the vicinity surrounding the project site.

5.2.1.2 A legal description of the applicant's interest in all the property upon which work is to be performed.

5.2.1.3 A dated signature by the property owner, or owners, authorizing the processing of the application, and, if desired by the property owner, an authorization for a representative to bind the property owner in matters concerning the application.

5.2.1.4 Such additional information that the Director may determine is necessary to determine whether the development is consistent with the County General Plan and these regulations.

5.2.1.5 A statement that processing of applications which do not contain truthful and accurate information necessary to review the applications may be delayed or may result in permit denial, or revocation if the inaccurate information is discovered after approval or issuance of the permit.

5.2.2 When the application is filed, the applicant shall pay the application fees prescribed by resolution of the Board of Supervisors, and provide all other plans, specifications and information that may be required by the Director for compliance with applicable regulations. (Former Section INL#317-22, 317-32, 317-40.2; CZ#A315-6; Ord. 894, Sec. 1, Sec. 3, 12/19/72; Ord. 946, Sec. 4, 10/2/73; Amended by Ord. 1251, Sec. 2, 8/15/78; Ord. 1726, Sec. 4, 3/4/86)

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 Department as follows:

6.1 APPLICATION CHECK

6.1.1 The Department shall review all applications for development permits or variances for completeness and accuracy before the applications are accepted and officially filed as complete. (Former Section CZ#A315-6(C)(1))

6.1.2 The application shall be deemed complete and accepted unless the Department finds that the application is not complete and sends the applicant notification of such finding by mail within thirty (30) calendar days after receipt of the application. If the application is determined to be incomplete, the Department shall specify those parts of the application which are incomplete and shall indicate what is required for them to be considered complete. (Former Section CZ#A315-6(C)(1); Amended by Ord. 2214, 6/6/00; See also, Government Code Sec. 65943)

6.1.3 During Application Check, the Department shall refer copies of the application to any County department, Design Review Committee, State or Federal agency, or other
individual or group that the Department believes may have relevant authority or expertise. Along with the referral, the Department shall include notification that, if the Department does not receive a response within ten (10) working days, the Department will assume that no recommendations or comments are forthcoming. It should be noted that, even if responses are not received within the requested time limit, Federal and State law may require consideration of the comments. (Former Section CZ#A315-6(C)(1); Amended by Ord. 2214, 6/6/00)

6.1.4 Where the Department has determined that an application is incomplete, and where the applicant believes that the information requested by the Department to complete the application is not required by this division, the applicant may request, in writing, that the application be processed to the designated Hearing Officer as submitted. Upon receipt of such written request, the Department shall schedule the application for a hearing before the Hearing Officer within 30 working days. (Former Section CZ#A315-6(C)(1); Amended by Ord. 2214, 6/6/00)

6.1.5 If the application is not completed by the applicant within six (6) months after original receipt of the application, it will be deemed withdrawn. A new application may be made subject to the filing of fees in accordance with subsection 312-5.2, Application Form and Filing Fee. (Former Section CZ#A315-6(C)(1))

6.2 PROJECT REVIEW

6.2.1 Upon acceptance of an application as complete, the Director, or designee, shall complete an environmental review of the project, as required by the California Environmental Quality Act (CEQA), and shall study the project for conformance with all applicable requirements of these regulations. (Former Section CZ#A315-6(C)(2))

6.2.2 The Director, or designee, may refer relevant portions of the completed application to those departments, agencies or individuals who received copies of the application during the application check (see, subsection 312-6.1, Application Check), or other individual/group that the Department believes may have relevant authority or expertise. (Former Section CZ#A315-6(C)(2); Amended by Ord. 2214, 6/6/00)

6.2.3 The Director, or designee, shall prepare a written report with findings and evidence in support thereof. (Former Section CZ#A315-6(C)(2))

6.3 PUBLIC REVIEW

Following project review, 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))

6.4 PUBLIC HEARING: EVIDENCE.

6.4.1 At the Public Hearing, the Hearing Officer shall receive pertinent evidence concerning the permit or variance, particularly evidence about the Findings required by this Code. (See, Section 312-17, Required Findings.) (Former Section INL#317-24, 317-34, 317-40.5;
6.4.2 The applicant shall have the burden of establishing all facts necessary to make the required Findings. (Former Section INL#317-24, 317-34, 317-40.5; Ord. 946, Sec. 4, 10/2/73; Added by Ord. 1726, Sec. 4, 3/4/86)

6.4.3 The Hearing may be continued from time to time but shall be concluded within a reasonable period of time. (Former Section INL#317-25, 317-35; Ord. 1007, Sec. 1, 11/9/76; Amended by Ord. 1418, Sec. 1, Sec. 2, 8/26/80)

6.5 PROJECT APPROVAL.

6.5.1 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 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 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)

6.5.3 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))

6.5.4 The Community Development Services 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)
and standards of their respective jurisdiction. (Former Section CZ#A315-6(C)(5))

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 Hearing Officer's action. (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 shall include the following information:

6.7.3.1  Written findings;

6.7.3.2  Conditions of approval;

6.7.3.3  Procedures for appeal if applicable.

312-7  SUPPLEMENTAL APPLICATION PROCEDURES

7.1  INITIAL STUDY CONFERENCE.

7.1.1  An initial study conference is required when processing an application for a planned unit development permit. An initial study conference is optional in processing an application for all other permits that are subject to environmental review under the California Environmental Quality Act (CEQA). (Former Section CZ#A315-7; Amended by Ord. 2214, 6/6/00)

7.1.2  Intent  The initial study conference is designed to inform an applicant of the applicable Humboldt County regulations, to inform the County of the applicant’s intentions, and to provide an opportunity to identify the issues associated with a proposed development before the applicant commits resources. (Former Section CZ#A315-7(A))

7.1.3  Timing. Upon submittal of a planned unit development permit application, or any other permit application subject to environmental review, the Department shall schedule an initial study conference. The initial study conference shall be held prior to conducting the project review of the application. (See, Section 312-6, Processing Applications for Permits and Variances, and subsection 312-6.2, Project Review.) (Former Section CZ#A315-7(B); Amended by Ord. 2214, 6/6/00)
7.1.4 **Initial Study Conference Proceedings.** At the initial study conference, the applicant or authorized agent shall present the project and receive comments from staff attending the conference. Representatives of the Department shall attend and, as deemed desirable and necessary, representatives from other County or other public departments, agencies, boards, or panels may be invited to attend the conference. (Former Section CZ#A315-7(C))

7.1.5 **Informational Presentation to Planning Commission.** The Department may schedule an informational presentation of the proposed development to the Planning Commission. The presentation shall be made by the applicant or authorized agent. No formal action shall be taken by the Planning Commission, but members of the Commission may comment on the project. (Former Section CZ#A315-7(D))

7.2 **PUBLIC COASTAL ACCESS PROTECTION REVIEW.**

7.2.1 All applications for a Coastal Development Permit proposing development located between the first public road and the sea shall be reviewed during the application check, project review, and public review, as required in this Code, to determine if the proposed development is located within an area with indications of public use. (Former Section CZ#A315-9(A))

7.2.1.1 **Information Submitted by the Applicant.** If the Department determines that the proposed development is located within an area with indications of public use, the applicant shall submit any information she or he may have relevant to the public access question. (Former Section CZ#A315-9(A)(1); Amended by Ord. 2214, 6/6/00)

7.2.1.2 **Survey Conducted by the Department.** During the project review, the Department shall conduct a survey of property owners and occupants within 300 feet of the project boundary, interested public agencies, and anyone who has previously requested notification pursuant to this Code, to determine if the proposed development is located within an area with indications of public use. The purpose of the survey is to obtain evidence concerning public access on the project site. The survey shall include inquiries related to frequency of use, the year the use started, whether or not the area was posted or the user asked permission of the property owner, and if other members of the general public were observed using the access. The Department shall conduct the survey consistent with the State of California Department of Justice Attorney General Manual on implied dedication and prescriptive rights. (Former Section CZ#A315-9(A)(2); Amended by Ord. 2214, 6/6/00)

7.2.1.3 **Evaluation of Evidence Consistent with Section 312-7.2.1.4 and 312-7.2.1.5,** the Department shall review all of the available evidence relevant to the public access question and present findings and recommendations to the Planning Commission. The Planning Commission shall make the actual determination as to whether there is substantial evidence of historic public use of the accessway. However, the Planning Commission may request a review of the evidence by an attorney, selected by the Board of Supervisors, qualified to receive and evaluate evidence relevant to the public access question and make appropriate findings and recommendations to the Planning Commission. The Planning Commission shall consider the findings and recommendations prior to making a
7.2.1.4 Substantial Evidence Determination of Historic Public Use Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:

7.2.1.4.1 The public must have used the land for a period of five years or more as if it were public land;
7.2.1.4.2 Without asking for a receiving permission from the owner;
7.2.1.4.3 With the actual or presumed knowledge of the owner;
7.2.1.4.4 Without significant objection or bona fide attempts by the owner to prevent or halt the use, and;
7.2.1.4.5 The use must be substantial, rather than minimal, and;
7.2.1.4.6 The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.

7.2.1.5 Findings Where an issue as to the existence of public prescriptive rights has been raised during the course of reviewing a Coastal Development Permit application, one of the following findings shall be made:

7.2.1.5.1 Substantial evidence does not warrant the conclusion that public prescriptive rights exist;
7.2.1.5.2 Substantial evidence of public prescriptive rights exist, but development will not interfere with those rights;
7.2.1.5.3 There is an unresolved controversy as to the existence of public prescriptive rights which requires denial of a Coastal Development Permit because of interference with those rights;
7.2.1.5.4 There is an unresolved controversy as to the existence of public prescriptive rights, but the applicant’s dedication of a public access protects the rights of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.

7.2.1.6 Siting and Design Requirements Development shall be sited and designed in a manner which does not interfere with or diminish any public right of access which may have been established based on substantial evidence of historic public use. Only when site constraints are so severe that siting of the access way or recreational use area in its historic location would significantly impair the proposed development and alternative development siting is not feasible, development may be sited in the area of public right of access based on historic use provided that the applicant provides an equivalent area of public access or recreation to and along the same destination and including the same type and
intensity of public use as previously existed on the site. Mechanisms for guaranteeing the continued public use of the area or equivalent area shall be required.

7.2.1.7 Minimum Requirements In permits where evidence shows the possibility of such prescriptive rights, the following language shall be added as a condition;

“Nothing in this permit shall be construed to constitute a waiver of any prescriptive rights which may exist on the parcel itself or on the designated easement;”

7.2.1.8 Appeals of the Planning Commission’s Determination. The determination of the Planning Commission that substantial evidence does or does not exist may be appealed to the Board of Supervisors pursuant to Section 312-13, Appeal Procedures. (Former Section CZ#A315-9(A)(4))

7.3 REVIEW OF GEOLOGIC FAULT EVALUATION REPORT BY COUNTY GEOLOGIST.

7.3.1 An application for development which requires a report or waiver prepared pursuant to the Alquist-Priolo Fault Hazard Regulations in this Code, shall not be accepted as complete unless and until there are: (Former Section CZ#A315-9(B)(1-2))

7.3.1.1 A fully executed agreement between a geologist registered in the State of California and the County to either review the report required or to prepare a request for waiver; and,

7.3.1.2 A fully executed agreement between the County and the applicant to reimburse the County for the costs incurred pursuant to the agreement specified in subparagraph 2.8.3.1.1.

7.3.2 Within thirty (30) calendar days of receiving a complete application for development located within an Alquist-Priolo special study area, the County shall cause a geologist registered in the State of California (hereinafter called County reviewing geologist) to review the geologic report required in this Code. The review shall assess the adequacy of the documentation contained in the report, and the appropriateness of the depth of study conducted in consideration of the use proposed for the project site. The County reviewing geologist shall prepare a written review which either concurs or does not concur with the scope, methodology, interpretations, conclusions, and recommendations of the geologic report. Said review shall be subject to comment and revision as may be deemed necessary by the County. (Former Section CZ#A315-9(B); Amended by Ord. 2214, 6/6/00)

7.3.3 Within thirty (30) calendar days after acceptance of the geologic report, the County shall forward it to the State Geologist to be placed on open file. (Former Section CZ#A315-9(B); Amended by Ord. 2214, 6/6/00)
7.4  WETLAND RESTORATION PLAN PROCEDURE.

7.4.1  Purpose. The purpose of these procedures is to provide regulations for the development, content, review, and approval of a wetland restoration plan in conjunction with required Coastal Development Permits. (Former Section CZ#A315-9(C)(1))

7.4.2  Applicability. These procedures shall apply to all wetland restoration which is required by the regulations of this Division. (Former Section CZ#A315-9(C)(2))

7.4.3  Submittal of Tentative Restoration Plan. Whenever wetland restoration is required by this Division, fifteen (15) copies of a Tentative Wetland Restoration Plan shall be submitted to the Department along with the required permit application, and shall be accompanied by a fee established by the Board of Supervisors. The Department shall not accept the tentative restoration plan for review if it does not comply with the form, information, analysis, and other requirements for the content of a tentative restoration plan. (Former Section CZ#A315-9(C)(3))

7.4.4  Tentative Restoration Plan Content. The restoration plan shall include a detailed description that includes provisions for restoration to at least the minimum required standards and permanent protection of the restoration area. The restoration plan shall also include a description of how the functional capacity of the wetland or estuary will be maintained or enhanced. At a minimum, the restoration plan shall include; (Former Section CZ#A315-9(C)(4))

7.4.4.1 Resource Inventory and Wetland Impact Analysis. A complete inventory and assessment of plant, fish, and wildlife habitat values which would be affected by the dredging, diking or filling, including: (Former Section CZ#A315-9(C)(4)(a)(i-iv))

7.4.4.1.1 Any changes in plant and animal natural species diversity, abundance, and composition and an assessment of how, if at all, these affect the long-term stability of the ecosystem (i.e., natural species, diversity, abundance and composition are generally unchanged as a result of the project);

7.4.4.1.2 Any impacts to rare or endangered species or their habitat;

7.4.4.1.3 Any impacts to a species or habitat essential to the natural biological functioning of the wetland or the estuary ecosystem; and,

7.4.4.1.4 Any significant reduction to consumptive values such as fishing, hunting, claming, or non-consumptive values such as water quality and research opportunity, values of the wetland or estuarine ecosystem.

7.4.4.2 Restoration and Management Objective Statement. (Former Section CZ#A315-9(C)(4)(b)(i-ii))

7.4.4.2.1 A clear statement of the habitat restoration and management proposed, including their ability to compensate for the habitat damage described in the Resource Inventory and Wetland Impact Analysis in conformance with the required standards; and
7.4.4.2.2 Development of specific biological criteria for restoration site and design.

7.4.4.3 Restoration Alternatives. (Former Section CZ#A315-9(C)(4)(c)(i-iv))

7.4.4.3.1 A preliminary analysis of alternative restoration sites and designs for restoration which satisfy both the biological objectives as well as the applicable hydrologic, soils, and other engineering criteria;

7.4.4.3.2 A ranking of those restoration alternatives based upon the biological engineering feasibility and cost assessment;

7.4.4.3.3 A recommended restoration site and project design, including map(s) at no greater than 1" = 200' (one inch is equal to 200 feet) scale; and

7.4.4.3.4 A preliminary proposal for the long term management of the preferred restoration alternative.

7.4.4.4 Tentative Restoration Schedule. At a minimum, restoration shall occur simultaneously with project construction and be completed prior to commencement of operation of the proposed project. (Former Section CZ#A315-9(C)(4)(d))

7.4.5 Tentative Restoration Plan Development and Coordination with Affected Public Agencies. The applicant shall coordinate the development of the Tentative Restoration Plan with affected local, state, and federal agencies. The Department shall aid the applicant in identifying the affected agencies and in providing County wetland policies and standards. (Former Section CZ#A315-9(C)(5))

7.4.6 Review of Tentative Restoration Plan. The County shall review the Tentative Restoration Plan in conjunction with the required Coastal Development Permit and with the permit application procedures which begin at Section 312-5, Filing Applications for Permits and Variances. (Former Section CZ#A315-9(C)(6))

7.4.7 Content of Required Final Restoration Plan. A Final Restoration Plan shall be prepared by the applicant based on the Hearing Officer’s approved or conditionally approved tentative restoration plan. In addition, the final plan shall include all of the following: (Former Section CZ#A315-9(C)(7)(a-c))

7.4.7.1 A complete statement of the restoration objectives.

7.4.7.2 A complete description of the restoration site including a map of the project site, at a mapping scale no smaller than 1" = 200’ (one-inch is equal to 200 feet).

7.4.7.3 A complete restoration description including scaled, detailed diagrams, and including:

7.4.7.3.1 A grading plan depicting any alterations to topography, natural land forms, and drainage channels and areas where existing fill and debris
will be removed;

7.4.7.3.2 A vegetation plan including a list of plant species to be eliminated and a list of plant species to be introduced on the restoration site, and describing the methods and proposing a schedule for eliminating and establishing vegetation;

7.4.7.3.3 A clear statement of when restoration work will commence and be completed;

7.4.7.3.4 Provisions of public access, where appropriate, for public recreation, scientific, and educational use; and

7.4.7.3.5 Other measures necessary to achieve restoration objectives and to protect the restoration site from adverse impacts of adjacent development and use.

7.4.7.3.6 Provisions for mosquito and vector control.

7.4.7.4 Provisions for Long-Term Management of the Restoration Site. The final plan shall describe the applicant’s responsibilities in assuring that the project will be successful, include monitoring and evaluation, and that the restored area is maintained consistent with the plan’s restoration objectives. The Plan shall include provisions for making repairs or modifications to the restoration site necessary to meet the project objectives. The final plan shall provide either that the restoration site shall be owned in fee by an agency or non-profit organization having among its principal purposes the conservation and management of fish and wildlife, or other habitat resources, or shall provide for dedication of an open space or conservation easement over the restoration area to such an agency or organization. (Former Section CZ#A315-9(C)(7)(d))

7.4.8 Review and Approval of Final Restoration Plan.

7.4.8.1 Following staff review of the final restoration plan for conformance with the approved or conditionally approved Tentative Restoration Plan, the Director shall determine if the Final Restoration Plan is in substantial conformance with the approved tentative plan. (Former Section CZ#A315-9(C)(8)(a))

7.4.8.2 Notice of Final Restoration Plan submittal shall be in accordance with the requirements of Section 312-8, Public Notice Procedures. (Former Section CZ#A315-9(C)(8)(b))

7.4.8.3 The Director’s determination that the Final Restoration Plan is in substantial conformance with the approved tentative plan may be appealed pursuant to Section 312-13, Appeal Procedures. (Former Section CZ#A315-9(C)(8)(c))

7.5 APPLICATION PROCESSING RESPONSIBILITIES FOR OTHER COUNTY DEPARTMENTS AND DESIGN REVIEW COMMITTEES.
7.5.1 Upon referral of an application for a permit or variance to a County department or to a Design Review Committee, the department or Design Review Committee receiving the referral shall participate in processing the application in the following manner:

(Former Section CZ#A315-8)

7.5.1.1 **Application Check.** The County department or Design Review Committee receiving the referral shall review the application based on the department’s area of expertise or the Design Review Committee’s authority, and prepare a written report describing any information that should be submitted to complete the application. The department shall submit the report to the Community Development Services Department within ten (10) working days of receiving the initial referral.  
(Former Section CZ#A315-8(A); Amended by Ord. 2214, 6/6/00)

7.5.1.2 **Project Review.**

7.5.1.2.1 Upon receipt of a copy of the completed application, the department or Design Review Committee receiving the application shall review the application, and prepare recommendations that address the findings in Section 312-17, Required Findings. (Former Section CZ#A315-8(B); Amended by Ord. 2214, 6/6/00)

7.5.1.2.2 The department or Design Review Committee shall submit their written comments and recommendations to the Community Development Services Department within ten (10) working days of receiving a complete application. (Former Section CZ#A315-8(B); Amended by Ord. 2214, 6/6/00)

7.5.1.3 **Public Review.** County departments and Design Review Committees submitting written comments and recommendations shall respond, in writing, to any questions regarding their comments and recommendations that are received by the Community Development Services Department prior to a scheduled public hearing. If the County department or Design Review Committee cannot prepare a written response prior to the scheduled hearing, the Community Development Services Department may request that the hearing be continued so that a response may be prepared, and shall submit an estimate of when a written response can be submitted to the Community Development Services Department.  
(Former Section CZ#A315-8(C); Amended by Ord. 2214, 6/6/00)

7.5.1.4 **Agency Attendance at Hearings.** The Community Development Services Department or Hearing Officer, may request that a representative from any specified County department attend a scheduled public hearing and be prepared to answer questions regarding their written comments and recommendations. (Former Section CZ#A315-8(D); Amended by Ord. 2214, 6/6/00)

7.5.1.5 **Agency Conditions.** Any conditions that were imposed in response to a recommendation from a County department shall be satisfied as required by the recommending department. Upon satisfaction of the condition, the responsible
department shall certify to the Community Development Services Department that the condition has been satisfied. (Former Section CZ#A315-8(E); Amended by Ord. 2214, 6/6/00)

312-8 PUBLIC NOTICE PROCEDURES

8.1 NOTICE OF APPLICATION SUBMITTAL

Notice of application for a development permit where a public hearing may be waived, and which will be decided administratively by the Zoning Administrator or the Director, shall be given as follows: (Former Section INL#317-40.4(a); CZ#A315-10(A); Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

8.1.1 Notice shall be provided at least ten (10) working days prior to the date the Hearing Officer will act on the application. (Former Section INL#317-40.4(a)(1); CZ#A315-10(A)(1); Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

8.1.2 Notice shall be provided by first class mail to:

8.1.2.1 The applicant;     (Former Section INL#317-40.4(a)(2)(A); CZ#A315-10(A)(2)(a))

8.1.2.2 All property owners, as indicated on the Assessor’s current Secured records, and residents, based on registered addresses in the Department, within three hundred feet of the perimeter of the parcel on which the development is proposed; (Former Section INL#317-40.4(a)(2)(B); CZ#A315-10(A)(2)(b))

8.1.2.3 All persons who have requested to be on the mailing list for that development project; and (Former Section INL#317-40.4(a)(2)(C); CZ#A315-10(A)(2)(c))

8.1.2.4 For development proposed within the coastal zone: (Former Section CZ#A315-10(A)(2)(d)(i-ii))

8.1.2.4.1 All persons who have requested to be on the mailing list for development located in the coastal zone; and

8.1.2.4.2 The Coastal Commission.

8.2 CONTENT OF THE NOTICE OF APPLICATION SUBMITTAL

The Notice of Application Submittal shall include: (Former Section INL#317-40.4(b)(1-4); CZ#A315-10(B)(1-4); Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

8.2.1 The name of the applicant and the date of filing of the application; and

8.2.2 The file number assigned to the application;

8.2.3 A description of the proposed development, including the location. If located in the Coastal Zone, the application shall so state;
8.2.4 The following statement, in bold letters;

“The purpose of this notice is to inform you that an application for the described project has been submitted to the Community Development Services Department. The Hearing Officer may approve the application without holding a public hearing, unless a public hearing is requested in writing by you or any individual wanting to comment on the project prior to the scheduled approval date. Anyone may comment on the project. (Former Section INL#317-40.4(b)(4); CZ#A315-10(B)(4); Amended by Ord. 2214, 6/6/00)

If you challenge the decision of the Hearing Officer in court, you may be limited to raising only those issues you or someone else stated orally at the project’s Public Hearing. Written correspondence delivered to the Hearing Officer at or prior to the public hearing, also counts as an issue the court may hear.” (Former Section INL#317-40.4(b)(4); CZ#A315-10(B)(4); Amended by Ord. 2214, 6/6/00)

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)

8.2.5 A description of the procedure for requesting the scheduling of a public hearing or for filing an appeal. (Former Section INL#317-40.4(b)(5); CZ#A315-10(B)(5); Added by Ord. 1726, Sec. 4, 3/4/86)

8.3 NOTICE OF PUBLIC HEARING.

Notice of a public hearing for a development permit or variance shall be given as required by Section 65091 of the California Government Code, and as follows: (Former Section CZ#A315-11(A); Amended by Ord. 2214, 6/6/00)

8.3.1 Notice shall be mailed, posted, published or otherwise provided at least ten (10) working days prior to the public hearing on the development. (See Government Code Section 65090 and following.) (Former Section INL#317-23; 317-33; CZ#A315-11(A)(1); Ord. 946, Sec. 4, 10/2/73; Ord. 1251, Sec. 2, Sec. 3, 8/15/78; Amended by Ord. 2214, 6/6/00)

8.3.2 Notice shall be provided in the following manner:

8.3.2.1 Notice shall be published in a newspaper of general circulation in the County; (Former Section CZ#A315-11(A)(2)(a))

8.3.2.2 Notice by first class mail to:

8.3.2.2.1 The Applicant; (Former Section CZ#A315-11(A)(2)(b)(i))
8.3.2.2.2 All property owners as indicated on the latest secured Assessor’s records, within 300 feet of the perimeter of the parcel on which the development is proposed; (Former Section INL#317-23, 317-33; CZ#A315-11(A)(2)(b)(ii); Ord. 946, Sec. 4, 10/2/73; Ord. 1251, Sec. 2, Sec. 3, 8/15/78)

8.3.2.2.3 All residents based on registered addresses in the Department, within 300 feet of the perimeter of the parcel on which the development is proposed; (Former Section CZ#A315-11(A)(2)(b)(iii))

8.3.2.2.4 All persons who have requested to be on the mailing list for that development project; and (Former Section CZ#A315-11(A)(2)(b)(iv))

8.3.2.2.5 For development proposed in the coastal zone: the California Coastal Commission and all persons who have requested to be on the mailing list for development located in the coastal zone. (Former Section CZ#A315-11(A)(2)(b)(v))

8.4 CONTENT OF A PUBLIC HEARING NOTICE.

Notice of a Public Hearing shall include: (Former Section INL#317-23, 317-33; CZ#A315-11(B)(1-8); Ord. 519, Sec. 752, 5/11/65; Amended by Ord. 1251, Sec. 4, 8/15/78; Amended by Ord. 1889, Sec. 3, 3/6/90)

8.4.1 The name of the applicant and the date of filing of the application;

8.4.2 The file number assigned to the application;

8.4.3 A description of the proposed development including its location;

8.4.4 The date, time, and place of the hearing;

8.4.5 A brief description of the Hearing Officer’s hearing process and procedure for submitting public comment; and

8.4.6 The procedure for appeal of the Hearing Officer's decision;

8.4.7 For development located on the coastal zone, a statement that the proposed development is within the coastal zone.

8.4.8 The following statement, in bold letters;

“If you challenge the decision of the Hearing Officer in court, you may be limited to raising only those issues you or someone else stated orally at the project’s Public Hearing. Written correspondence delivered to the Hearing Officer at or prior to the public hearing, also counts as an issue the court may hear.” (Former Section INL#317-40.4(b)(4); CZ#A315-11(B)(8); Amended by Ord. 2214, 6/6/00)

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.
8.5 REQUESTS FOR NOTIFICATION.

8.5.1 For the purpose of this Chapter, any person who requests to be on a mailing list for a certain development or for developments located in the Coastal Zone shall submit such request in writing to the Department. (Former Section INL#317-40.4; CZ#A315-12; Amended by Ord. 2214, 6/6/00)

8.5.2 The County may impose a reasonable fee, in an amount established by the Board of Supervisors, for the purpose of recovering the costs of such requested notification. (Former Section INL#317-40.4; CZ#A315-12)

312-9 PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER

9.1 PUBLIC HEARINGS REQUIRED UNLESS WAIVED

Public Hearings are required for all 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)

9.2 PUBLIC HEARING MAY BE WAIVED.

A public hearing may be waived, as indicated in the table, “Public Hearing Requirements and Authorized Hearing Officer,” upon making all of the following findings: (Former Section INL#317-40.3; CZ#A315-5; Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

9.2.1 The permit application, in the Hearing Officer’s opinion, qualifies for approval; and (Former Section INL#317-40.3(1); CZ#A315-5(A); Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

9.2.2 The permit application is not being processed in conjunction with an application that requires a public hearing; and (Former Section INL#317-40.3(2); CZ#A315-5(B); Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

9.2.3 A written request for a public hearing has not been received by the Department prior to the Hearing Officer’s administrative action. (Former Section INL#317-40.3(3); CZ#A315-5(C); Ord. 1726, Sec. 4, 3/4/86)
### TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER

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<th>Application Type</th>
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<td>O</td>
<td>O</td>
<td>O</td>
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<tr>
<td>Use Permits (UP) that are categorically exempt from environmental review under CEQA</td>
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<tr>
<td>Use Permits (UP) that require environmental review under CEQA</td>
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<tr>
<td>Coastal Development Permits that are appealable to the California Coastal Commission</td>
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<td>Coastal Development Permits that are appealable to the California Coastal Commission and qualify as minor development consistent with Section 312-98.2.5</td>
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<tr>
<td>Coastal Development Permits that are not appealable to the California Coastal Commission</td>
<td>W</td>
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<tr>
<td>Planned Unit Development Permits</td>
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"W" indicates that the Public Hearing may be waived.
"O" identifies the Authorized Hearing Officer.

1. Subject to making all required findings of Section 312-9.2 of this Chapter.
2. The Zoning Administrator or Director may refer any application for a permit or variance to the Planning Commission for a decision, as permitted by Section 312-1.2.5.

(Former Section INL#317-40.3(3); CZ#A315-5(C); Ord. 1726, Sec. 4, 3/4/86, Amended by Ord. 2167, Sec. 18, 4/7/98, Amended by Ord. 2367A, 7/25/06)

#### 9.2.5

The Hearing Officer may waive the requirement for a public hearing on a Coastal Development Permit application for a minor development that is appealable to the Coastal Commission only if both of the following occur: (Added by Ord. 2367A, 7/25/06)

1. Notice is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice that a public hearing will not be held unless requested by any interested person within 15 days. (Added by Ord. 2367A, 7/25/06)

2. No request for a public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to section 9.2.5.1 (Added by Ord. 2367A, 7/25/06)

#### 9.2.6

Second residential units do not require a public hearing consistent with the applicable provisions of Government Code Section 65852.2 (Added by Ord. 2367A, 7/25/06)
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 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.

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)

10.2.1 an appeal is filed in accordance with Section 312-13.11;

10.2.2 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.

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)

10.4 RIGHTS ATTACHED TO PERMITS AND VARIANCES.

A change in this ordinance or other applicable ordinance that becomes effective after a permit or variance has been issued shall not apply to the right of the person to whom the permit was issued to complete development in accordance with the permit unless the permit has expired. (See also, Chapter 1, Section 311-11, Completion of Existing Buildings When the Regulations Change, which requires that work be commenced within 120 days of permit issuance.) (Former Section CZ#A315-19(D); Amended by Ord. 2214, 6/6/00)

10.5 EXPIRATION OF DEVELOPMENT PERMITS AND VARIANCES.

A development permit or variance shall expire and become null and void at the time specified in such permit, or if no time is specified, at the expiration of one (1) year after all applicable appeal periods have lapsed; except where construction or use in reliance on such permit or variance has commenced prior to it's expiration; provided, however, that the period within which such construction or use must be commenced may be extended as provided by Section
312-11, Minor Deviations, Modifications and Extensions. (See also, Chapter 1, Section 311-11, Completion of Existing Buildings When the Regulations Change, which requires that work be commenced within 120 days of permit issuance.) (Former Section INL#317-27, 317-37, 317-40.8; CZ#A315-23; Ord. 946, Sec. 4, 10/2/73; Amended by Ord. 2214, 6/6/00)

312-11 MINOR DEVIATIONS, MODIFICATIONS AND EXTENSIONS

11.1 MINOR DEVIATION FROM THE PLOT PLAN.

11.1.1 **Definition of Minor Deviation.** A minor deviation from a plot plan includes one or more of the following:

11.1.1.1 An increase or decrease of less than 10 percent of the gross area of any yard, open space, working area or parking area; (Former Section CZ#A315-20(A)(1))

11.1.1.2 An increase or decrease of less than 10 percent of the size of any building or structure, or the total land area covered by any building or structure; (Former Section CZ#A315-20(A)(2))

11.1.1.3 An increase or decrease of less than 10 percent of the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area; or (Former Section CZ#A315-20(A)(3); Amended by Ord. 1875, Sec. 6, 9/26/89)

11.1.1.4 In the case of development permits, an increase in the number of buildings or structures shown on the plot plan so as not to increase by more than 10 percent the total land area covered by all buildings and structures. (Former Section CZ#A315-20(A)(4))

11.1.2 **Intent.** This section provides for situations where it is necessary to deviate from a plan in a minor way which is consistent with the purpose and intent of the related variance or development permit. The intent of this section is to provide for flexibility in the operation of variances and development permits by permitting these minor deviations to be administratively granted by the Director. It is not the intent of this section to permit deviations from plot plans which violate the intent and purpose of the related variance or development permit or any of it's conditions, or to allow any action for which a variance or development permit would be required by the Zoning Regulations. The Director may authorize a minor deviation from the plot plan. (Former Section CZ#A315-20(B))

11.1.3 **Application Form, Filing and Fee.** Application for a minor deviation from a plot plan shall be made on the form prescribed by the Director, and shall be filed with the Department. The fee prescribed by resolution of the Board of Supervisors shall be paid when application is made. (Former Section CZ#A315-20(C))

11.1.4 **Required Findings.** A minor deviation from a plot plan may be granted by the Director only after finding that: (Former Section CZ#A315-20(D); Amended by Ord. 2214, 6/6/00)

11.1.4.1 The deviation does not constitute a substantial change in the variance or development; and (Former Section CZ#A315-20(D)(1))
11.1.4.2 The deviation will not adversely affect adjacent property or property owners; and (Former Section CZ#A315-20(D)(2))

11.1.4.3 The deviation does not affect the conformity of the plot plan with permit conditions; and (Former Section CZ#A315-20(D)(3))

11.1.4.4 The deviation will not alter the findings made when the original permit or variance was approved. (Former Section CZ#A315-20(D)(4))

11.1.5 Decision is Final. The Director’s decision shall be final and not appealable; provided, however, that the denial by the Director of a request for a minor deviation shall not prevent the applicant from applying for a new or modified variance or development permit. (Former Section CZ#A315-20(E); Amended by Ord. 2214, 6/6/00)
11.2 APPLICATION FOR MODIFICATION OF A DEVELOPMENT PERMIT OR VARIANCE.

Any person holding a development permit or variance may apply for a modification by complying with Section 312-5, Filing Applications for Permits and Variances, and the following. For the purposes of this section, the modification of a development permit or variance may include modification of the terms of the permit itself or the waiver or alteration of conditions imposed by the permit or this Code. Section 312-17, Required Findings, as applicable, shall apply to the disposition of an application for modification of a development permit or variance. (Former Section CZ#A315-21; Amended by Ord. 2214, 6/6/00)

11.3 EXTENSION OF A PERMIT OR VARIANCE.

11.3.1 The period within which construction or use in reliance on a development permit or variance must begin may be extended by order of the Hearing Officer, at any time within sixty (60) working days prior to the expiration date, as originally established. An application for such an extension shall be made on the prescribed form and filed with the Department. Such application extends the expiration date until final action is taken by the Hearing Officer. The fee established by the Board of Supervisors for an extension shall be paid at the time of application. (Former Section CZ#A315-24(A); Amended by Ord. 2214, 6/6/00)

11.3.2 Any number of extensions may be granted, but each extension shall be for no more than a total of two years. Extensions may be granted by the Hearing Officer if the following findings are made: (Former Section INL#317-37, 317-40.8; CZ#A315-24(B)(1-2); Ord. 946, Sec. 4, 10/2/73; Ord. 1726, Sec. 4, 3/4/86)

11.3.2.1 The development has not changed from that for which the permit or variance was granted; and

11.3.2.2 The findings made when the permit or variance was granted can still be made.

312-12 REAPPLICATION LIMITATIONS

12.1 REAPPLICATION IF APPLICATION IS DENIED.

No application shall be accepted nor acted upon, if within the preceding twelve (12) months, an application has been denied by the Hearing Officer or the Board of Supervisors, which application involves substantially the same real property, and which requests approval of substantially the same project, unless either the Hearing Officer or the Board of Supervisors permits such reapplication because of an express finding that one or more of the following situations applies: (Former Section INL#317-11, 317-28, 317-38, 317-40.9; CZ#A315-22; Ord. 894, Sec. 1, Sec. 2, Sec. 4, 12/19/72; Ord. 1726, Sec. 4, 3/4/86)

12.1.1 New evidence material to a revised decision is presented which was unavailable or unknown to the applicant at the time of the previous decision and which could not have been discovered by the exercise of reasonable diligence by the applicant; (Former Section CZ#A315-22(A))
12.1.2 Subsequent to the previous decision there has been a substantial and permanent change of relevant circumstances which materially affects the real property involved; or
(Former Section CZ#A315-22(B); Amended by Ord. 2214, 6/6/00)

12.1.3 The previous decision was based in whole or in part upon a mistake which was a material factor in the denial of the previous application.   (Former Section CZ#A315-22(C))

312-13 APPEAL PROCEDURES

13.1 APPEALS TO THE BOARD OF SUPERVISORS.

Except as otherwise stated in this Code, any person, as defined in this Code, aggrieved by an action taken by the Hearing Officer on any completed application, may appeal such action to the Board of Supervisors by filing a notice of appeal with the Department within ten (10) working days of said action. Appeals on Coastal Development Permits for subdivisions shall be filed within 10 calendar days of the decision of the Hearing Officer. Upon receipt of the notice of appeal, the Department shall transmit to the Clerk of the Board a copy of the notice of appeal. An appeal fee as set by resolution of the Board of Supervisors shall be paid when the appeal is filed. This section does not apply to a rezoning or an amendment to this division. (Note: For subdivision appeals see Subdivision Regulations.) (Former Section INL#317-51; CZ#A315-26(A); Ord. 946, Sec. 4, 10/2/73; Amended by Ord. 1206, Sec. 2, 3/21/73; Amended by Ord. 1351, Sec. 1, 8/28/79; Amended by Ord. 1889, Sec. 1, 3/6/90; Amended by Ord. 2214, 6/6/00)

13.2 GROUNDS FOR APPEAL.

The Department shall provide a standard form on which the appellant shall state specifically why the decision of the Hearing Officer is not in accord with the standards and regulations of the zoning ordinances, or why it is believed that there was an error or an abuse of discretion by the Hearing Officer. (Former Section CZ#A315-26(B))

13.3 EFFECT OF FILING AN APPEAL.

A timely appeal and action shall stay the proceedings and the effective date of the action of the Hearing Officer, until the appeal has been acted upon or withdrawn.   (Former Section CZ#A315-26(C))

13.4 PROCESSING AN APPEAL.

Prior to the appeal hearing, the Department shall transmit to the Board of Supervisors, and to the Planning Commission if necessary, copies of the permit application including all maps and data and a report from the Department setting forth the reasons for the Hearing Officer’s action and the Department staff’s recommendation. (Former Section INL#317-51; CZ#A315-26(D); Ord. 946, Sec. 4, 10/2/73; Amended by Ord. 1206, Sec. 2, 3/21/73; Amended by Ord. 1351, Sec. 1, 8/28/79; Amended by Ord. 1889, Sec. 1, 3/6/90; Amended by Ord. 2214, 6/6/00)

13.5 HEARING REQUIRED

The first hearing before the Planning Commission or Board of Supervisors to consider the appeal shall begin within thirty (30) working days after the date of filing the appeal. (Former Section INL#317-52; CZ#A315-26(E); Added by Ord. 1351, Sec. 2, 8/28/79; Amended by Ord. 1889, Sec. 2, 3/6/90; Amended by Ord. 2214, 6/6/00)
13.6 NOTICE OF PUBLIC HEARING

Notice of the time and place of the public hearing shall be given in the manner prescribed in Section 312-8, Public Notice Procedures. (Former Section INL#317-53; CZ#A315-26(F); Ord. 519, Sec. 752, 5/11/65; Amended by Ord. 1251, Sec. 4, 8/15/78; Amended by Ord. 1889, Sec. 3, 3/6/90)

13.7 DECISION AND NOTICE

After the appeal hearing before the Board of Supervisors, the Board may sustain the action which is being appealed, grant or modify the application subject to specified conditions, or it may deny the application. The Board shall adopt findings, which specify the facts relied upon in deciding the appeal. The findings shall state the reasons for any conditions imposed by the Board. Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted by the Hearing Officer shall be given in accordance with subsection 312-6.7, Notice of Final Action. (Former Section CZ#A315-26(G); Amended by Ord. 2214, 6/6/00)

13.8 FINALITY AND EFFECTIVE DATE

The decision of the Board of Supervisors to sustain or deny an appeal is final, unless the decision is appealable to the Coastal Commission. (Former Section INL#317-55; CZ#A315-26(H); Ord. 519, Sec. 754, 5/11/65)

13.9 IF NO DECISION REACHED

Failure of the Board of Supervisors to render its decision on the matter within thirty-five (35) working days of the conclusion of the hearing shall be deemed to be a denial of the appeal and an affirmation of the action of the Hearing Officer. (Former Section INL#317-54; CZ#A315-26(I); Ord. 1007, Sec. 1, 12/10/74; Amended by Ord. 2214, 6/6/00)

13.10 RIGHT TO DECIDE ALL MATTERS

The Board of Supervisors hereby reserves the right to hear and decide all appealable matters, decisions and actions taken under the authority of the Zoning Code of the County of Humboldt. Within the time prescribed for filing appeals in this Code, the Board of Supervisors by its own motion may decide to review and make a final decision on any action or decision of the Hearing Officer. (Former Section INL#317-51.5; CZ#A315-26(J); Added by Ord. 1351, Sec. 2, 8/28/79; Amended by Ord. 1889, Sec. 2, 3/6/90; Amended by Ord. 2214, 6/6/00)

13.11 MAJOR VEGETATION REMOVAL: APPEAL OF THE DIRECTOR’S DETERMINATION

13.11.1 Where the Director has determined that a proposal to remove woody vegetation constitutes major vegetation removal, and where the individual proposing the major vegetation removal believes that the removal of the vegetation will not result in a significant environmental impact, the applicant may request the Planning Commission to review the Director’s determination. The Planning Commission shall hear the matter de novo, and make a determination as to whether or not the proposed major vegetation removal may result in a significant environmental impact. The Planning Commission shall make its determination using the same criteria as the Director, which criteria is set forth in Chapter 3, Section 313-60.4.3. (Former Section CZ#A314-20(E))
13.11.2 The request for Planning Commission review shall be made in writing to the Planning Division within ten (10) working days of the date of the Director’s determination and accompanied by a fee as established by the Board of Supervisors. Information supporting the belief that the proposed major removal of vegetation will not result in a significant environmental impact shall also be submitted by the individual proposing the major vegetation removal at the time the request for review is made. (Former Section CZ#A314-20(E))

13.11.3 An appeal from a determination of the Planning Commission may be made to the Board of Supervisors pursuant to the Appeal Procedures in this Section 312-13. (Former Section CZ#A314-20(E))

13.12 APPEALS TO THE COASTAL COMMISSION

Not withstanding any other provisions of the certified Local Coastal Program, an appeal of a decision to approve a Coastal Development Permit may be filed with the Coastal Commission by an applicant or any aggrieved person who has exhausted local appeals, or any two (2) members of the Coastal Commission. The appeal must comply with the requirements specified by 14 Cal. Code of Regulations Section 13111, and the appeal must be received by the Coastal Commission on or before the tenth (10th) working day after Coastal Commission receipt of the notice of final action on the Coastal Development Permit.

An action taken on a Coastal Development Permit may be appealed to the Coastal Commission for only the following types of developments:

13.12.1 Developments approved between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;

13.12.2 Developments approved not included within Paragraph (1) of this section that are located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff;

13.12.3 Any development approved that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) of the Coastal Act;

13.12.4 Any development which constitutes a major public works project or major energy facility;

13.12.5 Developments approved not included within paragraphs (1) or (2) that are located in a sensitive coastal resource area.
13.13 GROUNDS FOR APPEAL TO THE COASTAL COMMISSION

The grounds for an appeal pursuant to Section 13.12.1 through 13.12.5 shall be limited to an allegation that the development does not conform to the Certified Local Coastal Program and the public access policies set forth in the Coastal Act.

The grounds for an appeal of a denial of a permit pursuant to section 13.12.4 shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in the Coastal act.

An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Commission’s regulations and be an aggrieved person where the appellant has pursued his or her appeal to the local appellate body in person or in writing; except that exhaustion of all local appeals shall not be required if any of the following occur:

13.13.1 The County required an appellant to appeal to more local appellate bodies for permits in the coastal zone than were required in the implementation sections of the Local Coastal Program;

13.13.2 An appellant was denied the right of the initial local appeal by a local ordinance which restricts who may appeal a local decision;

13.13.3 An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this division;

13.13.4 The County charges an appeal fee for the filing or processing of appeal.

13.13.5 Where a project is appealed by any two (2) members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals.

312-14 REVOCATION PROCEDURES

14.1 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)

14.1.1 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))

14.1.2 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)

14.1.3 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)
14.1.4 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 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 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)

14.3 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)

14.4 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)

14.5 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)

312-15 WAIVER OF PROCEDURES FOR EMERGENCIES

15.1 APPLICABILITY

The procedural requirements of this Chapter may be waived by the Director to permit development in an emergency. For purposes of this provision, “emergency” is defined as: “a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.” (Former Section CZ#A315-27(A))

15.2 PETITIONS FOR WAIVER OF PROCEDURES.

15.2.1 A petition for waiver of the procedural requirements for necessary emergency work shall be petitioned for by letter to the Department or, if time does not allow, by phone
or in person. The following information shall, when feasible to do so, be provided with the petition: (Former Section CZ#A315-27(B)(1-3))

15.2.1.1 The location, nature and cause of the emergency;

15.2.1.2 The remedial, protective or preventive work required to deal with the emergency; and

15.2.1.3 The circumstances during the emergency that appear to justify the waiver of procedural requirements, including the probable consequences of failing to take immediate corrective action.

15.3 PROCEEDINGS FOR WAIVER OF PROCEDURES

15.3.1 The Department shall verify the existence and nature of the emergency and, insofar as time allows, the facts relied upon by the petitioner. (Former Section CZ#A315-27(C)(1))

15.3.2 The Department shall provide public notice of the emergency work, with the extent and type of notice to be determined on the basis of the nature of the emergency. (Former Section CZ#A315-27(C)(2))

15.3.3 Upon issuance of an emergency Coastal Development Permit, the Department shall inform the Coastal Commission, in writing, of the nature of the emergency and the work involved, and shall provide copies of this report to any person requesting a copy. (Former Section CZ#A315-27(C)(3))

15.4 CRITERIA FOR WAIVER OF PROCEDURES.

The normal procedural requirements for obtaining a development permit or variance, as required by this Code, may be waived, and an emergency development permit or variance may be conditionally or unconditionally granted, only if the Director, or designee, makes all of the following findings: (Former Section CZ#A315-27(D); Amended by Ord. 2214, 6/6/00)

15.4.1 An emergency exists that requires action more quickly than permitted by strict adherence to procedural requirements; (Former Section CZ#A315-27(D)(1))

15.4.2 Public comment received on the emergency action proposed, if any, has been reviewed and considered; (Former Section CZ#A315-27(D)(2))

15.4.3 The emergency action would be consistent with the policies of the adopted County General Plan and the regulations of this zoning ordinance. (Former Section CZ#A315-27(D)(3))

15.4.4 The proposed work can and will likely be completed within twenty (20) working days, unless otherwise specified by the Director; and (Former Section CZ#A315-27(D)(4); Amended by Ord. 2214, 6/6/00)

15.4.5 For emergency development located within the Coastal Zone, the proposed work does not fall within the permit jurisdiction of the Coastal Commission pursuant to the Public Resources Code Section 30600.5. (Former Section CZ#A315-27(D)(5))
15.5 **STANDARD PERMIT OR VARIANCE REQUIRED.**

Following the issuance of an emergency development permit or variance, application shall be made for the required development permit or variance in accordance with Section 312-5, Filing Applications for Permits and Variances, and other applicable provisions of this Code.

312-16 **DE MINIMUS WAIVERS FROM COASTAL DEVELOPMENT PERMIT REQUIREMENTS**

16.1 **APPLICABILITY**

The procedural requirements for Coastal Development Permits in this Chapter may be waived by the Director to simplify the review of projects that involve no potential for any adverse effects, either individually or cumulatively, on coastal resources and that are consistent with the certified LCP. (Added by Ord. 2167, Sec. 37, 4/7/98, Amended by Ord. 2367A, 7/25/06)

16.2 **CRITERIA FOR WAIVER OF PROCEDURES.**

The procedural requirements of this Chapter may be waived by the Director to allow the following development: (Added by Ord. 2167, Sec. 37, 4/7/98, Amended by Ord. 2367A, 7/25/06)

16.2.1 Construction of retaining walls less than four (4) feet in height with a maximum surface area of 100 square feet,

16.2.2 Demolition of non-historic structures,

16.2.3 Placement of private test water supply wells,

16.2.4 “One for one” replacement or abandonment of minor utilities,

16.2.5 Repair and replacement work associated with underground and above-ground storage tanks,

16.2.6 Installation of monitoring wells, vadose wells, temporary well points, and vapor points, and

16.2.7 Merger of property.

16.3 **APPLICATION FOR WAIVER OF PROCEDURES.**

An application for De Minimus Waiver of permit requirements shall be made on forms as required by Section 312-5, Filing Applications For Permits and Variances. (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4 **PROCEEDINGS FOR WAIVER OF PROCEDURES.**

16.4.1 Review. The Department shall review all applications for De Minimus Waivers for completeness and accuracy before the applications are accepted and officially filed as complete. (Added by Ord. 2167, Sec. 37, 4/7/98)
16.4.2 Public Notice.

16.4.2.1 Within five (5) working days of the date the application was submitted, the applicant must post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development. The public notice must state that an application for waiver of permit requirement for the proposed development has been submitted to the County using standardized forms provided by the Department. (Added by Ord. 2167, Sec. 37, 4/7/98; Amended by Ord. 2214, 6/6/00)

16.4.2.2 The notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and maintain the completed notice form throughout the waiver process, the Director shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure. The County shall revoke the waiver authorization if it determines that the waiver was granted without proper notice having been given and that the waiver would not have been issued and/or become effective if the views of the person(s) not notified had been made known to the Director or the Board of Supervisors. (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.3 Notice of Intent to Issue a De Minimus Waiver. A Notice Of Intent To Issue A De Minimus Waiver shall be provided to the Coastal Commission and to persons known to be interested in the proposed development in the following manner:

After an application is accepted as complete and at least ten (10) working days prior to the decision on the application, the Director shall provide notice, by first class mail, of pending waiver of permit requirements. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or site, to all property owners and residents within 300 feet of the perimeters of the parcel on which the development is proposed, to all Planning Commission members, all members of the Board of Supervisors, referral agencies, and to the Coastal Commission. The Notice shall also be posted for public inspection at the Department. (Added by Ord. 2167, Sec. 37, 4/7/98; Amended by Ord. 2214, 6/6/00)

16.4.4 Contents of Notice of Intent to Issue a De Minimus Waiver. The Notice Of Intent To Issue A De Minimus Waiver shall contain the following information: (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.4.1 A description of the proposed project and location; (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.4.2 A statement that the development is within the coastal zone; (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.4.3 The date of filing of the application and the name of the applicant; (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.4.4 The case number assigned to the application; (Added by Ord. 2167, Sec. 37, 4/7/98)
16.4.4.5 The date of the hearing at which the waiver may become effective;  
(Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.4.6 The general procedure concerning submission of requests for a coastal development permit or other public comments either in writing or orally prior to the decision; (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.4.7 A statement that a public comment period of ten (10) working days to allow for the submission of requests for a coastal development permit or other public comments by mail will be held prior to the decision. (Added by Ord. 2167, Sec. 37, 4/7/98; Amended by Ord. 2214, 6/6/00)

16.4.5 At the time a Notice Of Intent To Issue A De Minimus Waiver is provided to the public, the Director shall also report to the referral agencies and each Planning Commission member and each member of the Board of Supervisors the project description, recommended action and findings for each project under review pursuant to this section. A copy of the report shall also be available for public inspection at the Department ten (10) working days prior to issuing the waiver. (Added by Ord. 2167, Sec. 37, 4/7/98; Amended by Ord. 2214, 6/6/00, Amended by Ord. 2367A, 7/25/06)

16.4.6 Notice of final action on an application for a De Minimus Waiver shall be given as follows: (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.6.1 Notice shall be provided within five (5) working days of the Director's action. (Added by Ord. 2167, Sec. 37, 4/7/98; Amended by Ord. 2214, 6/6/00)

16.4.6.2 Notice shall be provided by first class mail to: (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.6.2.1 The applicant;
16.4.6.2.2 Any person who specifically requested, in writing, notice of such final action; and
16.4.6.2.3 The Coastal Commission.

16.4.6.3 The notice shall include the following information: (Added by Ord. 2167, Sec. 37, 4/7/98, Amended by Ord. 2367A, 7/25/06)

16.4.6.3.1 The action taken;
16.4.6.3.2 The effective date and expiration date;
16.4.6.3.3 Procedures for appeal if applicable.

16.4.7 For a proposed development that is de minimus as defined in Chapter 3, Section C: Index of Definitions of Language and Legal Terms of this Code, and Section 30624.7 of the Coastal Act, the Director may issue a waiver from coastal development permit requirements of this ordinance subject to all of the provisions
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16.4.8 The Director shall not issue a waiver unless the site has been posted, and until the public comment period for the waiver has expired and no written requests for a coastal development permit have been submitted to the Department. If any referral agency, member of the Planning Commission or California Coastal Commission, or any member of the public requests that the waiver not be issued, the applicant shall be advised that a Coastal Development Permit is required if the applicant wishes to proceed with the development. (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.9 A decision on De Minimus Waivers shall not be deemed final and effective until all required findings have been made by the Director. (Added by Ord. 2167, Sec. 37, 4/7/98)

16.5 FINDINGS.

De Minimus Waivers may only be issued for development that meets all of the following criteria: (Added by Ord. 2167, Sec. 37, 4/7/98)

16.5.1 The proposed development is in conformance with the Certified LCP; (Added by Ord. 2167, Sec. 37, 4/7/98, Amended by Ord. 2367A, 7/25/06)

16.5.2 The proposed development is consistent with the purposes of the existing zone in which the site is located; (Added by Ord. 2167, Sec. 37, 4/7/98)

16.5.3 The proposed development conforms with all applicable standards and requirements of these regulations; (Added by Ord. 2167, Sec. 37, 4/7/98)

16.5.4 The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; (Added by Ord. 2167, Sec. 37, 4/7/98)

16.5.5 The proposed development involves no potential for any adverse effects, either individually or cumulatively, on coastal resources because for reasons including but not limited to, the following: (Added by Ord. 2167, Sec. 37, 4/7/98, Amended by Ord. 2367A, 7/25/06)

16.5.5.1 The project does not involve the presence of mechanized equipment or construction materials within 50 feet of an environmentally sensitive habitat area, or any sand area; or within 50 feet of coastal waters or streams, (Added by Ord. 2167, Sec. 37, 4/7/98)

16.5.5.2 Within designated coastal view and coastal scenic areas, the project has no potential to impair visual resources, (Added by Ord. 2167, Sec. 37, 4/7/98)

16.5.5.3 There is no potential for the project to block or otherwise impede the public right of access to the coast where acquired through use or by legislative authorization, and, (Added by Ord. 2167, Sec. 37, 4/7/98)

16.5.5.4 The project does not require any other discretionary permits; (Added by Ord. 2167, Sec. 37, 4/7/98; Amended by Ord. 2214, 6/6/00)
16.5.5.5 The project does not have any impact on public access to coastal resources where acquired through use, legislative authorization, easements or deed restrictions. (Added by Ord. 2367A, 7/25/06)

16.5.6 None of the proposed work falls within an area in which the Coastal Commission retains direct permit review under Coastal Act Section 30519 or for any work that is appealable to the Coastal Commission under Coastal Act Section 30603. Any development involving a structure or similar integrated physical construction that lies partly in and partly outside the appeal area may not be processed as a De Minimus Waiver. (Added by Ord. 2167, Sec. 37, 4/7/98)

16.6 DECISION ON DE MINIMUS WAIVERS IS FINAL

The Director’s decision on De Minimus Waivers shall be final; provided, however, that the denial by the Director of a request for a De Minimus Waiver shall not prevent the applicant from applying for a development permit or variance. (Added by Ord. 2167, Sec. 37, 4/7/98)

16.7 EXPIRATION OF DE MINIMUS WAIVERS

De Minimus Waivers shall expire and be of no further force and effect if the authorized development has not commenced within two years of the effective date of the waiver. (Added by Ord. 2167, Sec. 37, 4/7/98)

312-17 REQUIRED FINDINGS FOR ALL PERMITS AND VARIANCES

17.1 REQUIRED FINDINGS FOR ALL PERMITS.

Unless waived by State law, the Hearing Officer may approve or conditionally approve an application for a Special Permit, Use Permit, Coastal Development Permit, or Planned Unit Development Permit only if all of the following findings, in addition to any applicable findings in Sections 312-18 through 312-49, Supplemental Findings, are made: (Former Section INL#317-36, 317-40.7; CZ#A315-14; Ord. 946, Sec. 4, 10/2/73; Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

17.1.1 The proposed development is in conformance with the County General Plan; (Former Section INL#317-36(c), 317-40.7(3); CZ#A315-14(A); Ord. 946, Sec. 4, 10/2/73; Ord. 1726, Sec. 4, 3/4/86)

17.1.2 The proposed development is consistent with the purposes of the existing zone in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone; (Former Section INL#317-36(a), 317-40.7(1); CZ#A315-14(B))

17.1.3 The proposed development conforms with all applicable standards and requirements of these regulations; and (Former Section CZ#A315-14(C))

17.1.4 The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. (Former Section INL#317-36(b), 317-40.7(2); CZ#A315-14(D))
17.1.5 The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:

17.1.5.1 The reduction is consistent with the adopted general plan, including the housing element, and

17.1.5.2 The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and

17.1.5.3 The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

17.2 REQUIRED FINDINGS FOR VARIANCES.

The Hearing Officer may approve or conditionally approve an application for a variance only if all of the following findings are made: (See, Sections 65906 and 65906.5 of the Government Code.)

(Former Section INL#317-26; CZ#A315-15)

17.2.1 That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same zone in the vicinity; (Former Section INL#317-26(b); CZ#A315-15(A))

17.2.2 The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district; (Former Section INL#317-26(a); INL#317-26(c); CZ#A315-15(B))

17.2.3 That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and (Former Section INL#317-26(d); CZ#A315-15(C))

17.2.4 That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare. (Former Section INL#317-26(e); CZ#A315-15(D); Ord. 946, Sec. 4, 10/2/73)

17.2.5 In addition to the findings of this section, requests for variances in the Coastal Zone shall be approved only if the following additional finding is made:

The development for which the variance is proposed will be in conformity with the Coastal Land Use Plan. (Former Section CZ#A315-15(E))

17.2.6 Parking Variances. Notwithstanding subsection 65906 (Variances) of the Government Code, a variance may be granted from the parking requirements of a zoning ordinance in order that some or all of the required parking spaces be located offsite, including locations in other local jurisdictions, or that in-lieu fees or facilities be
provided instead of the required parking spaces, if both the following conditions are met: (From Government Code Sec. 65906.5; Added by Ord. 2214, 6/6/00)

17.2.6.1 The variance will be an incentive to, and a benefit for, the nonresidential development. (From Government Code Sec. 65906.5; Added by Ord. 2214, 6/6/00)

17.2.6.2 The variance will facilitate access to the nonresidential development by patrons of public transit facilities, particularly guideway facilities. (From Government Code Sec. 65906.5; Added by Ord. 2214, 6/6/00)

17.3 SUPPLEMENTAL FINDINGS

In addition to the required findings for all permits and variances, the Hearing Officer may approve or conditionally approve an application for a Special Permit, Use Permit, Coastal Development Permit, or Planned Unit Development Permit only if the supplemental findings, as applicable, are made. (See Sections 312-18 through 312-49)

Those findings that apply throughout the County, within and outside of the coastal zone, are listed in Sections 312-18 through 312-29 (County-Wide). Those findings that are only applicable within the County's coastal zone are listed in Sections 312-30 through 312-49 (Coastal Zone). (Former Section CZ#A315-16; Amended by Ord. 2214, 6/6/00)

312-18 SUPPLEMENTAL COUNTY-WIDE AGRICULTURAL USE TYPE FINDINGS

18.1 CONDITIONALLY PERMITTED USES IN AN AE ZONE

18.1.1 The proposed use will not impair the continued agricultural use on the subject property or on adjacent lands or the economic viability of agricultural operations on the site. (Former Section CZ#A315-16(C))

312-19 SUPPLEMENTAL COUNTY-WIDE CIVIC USE TYPE FINDINGS

19.1 OIL AND GAS PIPELINES.

19.1.1 New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, and sites required to produce the reservoir economically and with minimal environmental impacts. (Former Section CZ#A315-16(E)(2)(c))

19.2 SOLID WASTE DISPOSAL.

19.2.1 The proposed solid waste disposal project conforms with the County Solid Waste Management Plan; (Former Section CZ#A315-16(E)(4)(a))

19.2.2 The proposed new site is the least environmentally damaging feasible alternative.
location for the project; (Former Section CZ#A315-16(E)(4)(c))

19.2.3 Projects in agricultural and timberland designations will be limited to nontoxic ash, muds and sludges that would be compatible with continued agriculture and timberland use; and (Former Section CZ#A315-16(E)(4)(d))

19.2.4 The project will meet the requirements of the Solid Waste Management Board regulations (Division 7, Title 14, California Code of Regulations) as applicable. (Former Section CZ#A315-16(E)(4)(e))

312-20 SUPPLEMENTAL COUNTY-WIDE COMMERCIAL USE TYPE FINDINGS

20.1 (Section Reserved for Future Use)

312-21 SUPPLEMENTAL COUNTY-WIDE COMMERCIAL TIMBER USE TYPE FINDINGS

21.1 USES PERMITTED WITH A CONDITIONAL OR SPECIAL PERMIT IN TC AND TPZ ZONES.

21.1.1 The proposed use will not significantly detract from, or inhibit the growing and harvesting of timber on the site or on adjacent properties. (Former Section CZ#A315-16(D))

312-22 SUPPLEMENTAL COUNTY-WIDE EXTRACTIVE USE TYPE FINDINGS

22.1 OIL AND GAS DRILLING AND PROCESSING

22.1.1 The development will be performed safely and consistent with the geologic conditions of the well site; (Former Section CZ#A315-16(F)(1)(a))

22.1.2 New or expanded facilities related to such development will be consolidated to the maximum extent feasible and legally permissible, except where: (Former Section CZ#A315-16(F)(1)(b))

22.1.2.1 Consolidation will have adverse environmental consequences; and (Former Section CZ#A315-16(F)(1)(b)(i))

22.1.2.2 Consolidation will not significantly reduce the number of producing wells, the number of sites required to produce the reservoir economically and with minimal environmental impact; and (Former Section CZ#A315-16(F)(1)(b)(ii))

22.1.3 The development will not cause or contribute to subsidence, or it is determined that adequate measures will be undertaken to prevent damage from subsidence; (Former Section CZ#A315-16(F)(1)(c))

22.2 SURFACE MINING
22.2.1 The prepared reclamation plan conforms with all applicable provisions of the Surface Mining and Reclamation regulations in Section 313-59 of Chapter 3 of this Code. (Former Section INL#317-39(b); CZ#A315-16(F)(2)(a); Ord. 1552, Sec. 2, 9/21/82)

312-23 SUPPLEMENTAL COUNTY-WIDE INDUSTRIAL USE TYPE FINDINGS

23.1 HAZARDOUS INDUSTRY

23.1.1 The project includes mitigation measures sufficient to offset increased risks to adjacent human populations; or (Former Section CZ#A315-16(G)(4)(a))

23.1.2 Increased risks to adjacent human populations have been adequately mitigated by approved disaster response plans, as provided in the general plan Seismic and Public Safety elements. (Former Section CZ#A315-16(G)(4)(b))

312-24 SUPPLEMENTAL COUNTY-WIDE NATURAL RESOURCE USE TYPE FINDINGS

24.1 (Section Reserved for Future Use)

312-25 SUPPLEMENTAL COUNTY-WIDE RESIDENTIAL USE TYPE FINDINGS

25.1 SECONDARY DWELLING UNIT

25.1.1 The secondary dwelling unit is subordinate to the principal residence and is compatible with the character of the neighborhood. (Former Section INL#316.1-3(b), 316.1-3(c); CZ#A315-16(A)(1); )

312-26 SUPPLEMENTAL COUNTY-WIDE PUBLIC SAFETY IMPACT FINDINGS

26.1 ALQUIST-PRIOLO GEOLOGIC FAULT HAZARD AREAS

26.1.1 A report has been prepared and reviewed or waived pursuant to this section; and, (Former Section CZ#A315-16(H)(1)(a))

26.1.2 A project as proposed will not cause or allow a structure for human occupancy to be placed within fifty (50) feet of a trace of an active fault; and, (Former Section CZ#A315-16(H)(1)(b))

26.1.3 The project otherwise conforms to the recommendations and conclusions of the geologic report that has been concurred with by the County reviewing geologist; and, (Former Section CZ#A315-16(H)(1)(c))

26.1.4 The project is not in conflict with any of the County reviewing geologist's final recommendations. (Former Section CZ#A315-16(H)(1)(d))
312-30 SUPPLEMENTAL COASTAL ZONE AGRICULTURAL USE TYPE FINDINGS

30.1 CONDITIONALLY PERMITTED USES IN AN AE ZONE.

30.1.1 The proposed use will not impair the continued agricultural use on the subject property, or on adjacent lands, or the economic viability of agricultural operations on the site. (Former Section CZ#A315-16(C))

312-31 SUPPLEMENTAL COASTAL ZONE CIVIC USE TYPE FINDINGS

31.1 ELECTRICAL TRANSMISSION LINES.

31.1.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(E)(1)(a))

31.1.2 Transmission rights-of-way will be routed to minimize impacts on the views of the coast, especially in designated Coastal Scenic or Coastal View Areas, and will avoid locations which are near habitat, recreational, or archeological resources, wherever feasible; and (Former Section CZ#A315-16(E)(1)(b))

31.1.3 Above-ground transmission lines will be sited so as to minimize visual impacts where feasible. Where an above-ground transmission line must be sited in a view corridor, it will not extend along the road right-of-way for continuous extended distances. (Former Section CZ#A315-16(E)(1)(c))

31.2 OIL AND GAS PIPELINES.

31.2.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(E)(2)(a))

31.2.2 The best feasible mitigations, adequate to offset significant adverse impacts, are included; (Former Section CZ#A315-16(E)(2)(b))

31.2.3 Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances will be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures will be provided for accidental spills that do occur; (Former Section CZ#A315-16(E)(2)(d))

31.2.4 The proposed pipeline will follow existing utility corridors where they are present and where feasible, and will avoid sensitive habitat areas, and archaeological sites, except that where avoidance of a sensitive habitat area or archaeological site is not feasible, effective mitigation measures will be employed to minimize adverse impacts; (Former Section CZ#A315-16(E)(2)(e))
31.2.5 Active faults or other geologically unstable areas will be avoided where feasible, or the pipeline will be designed to mitigate the potential impacts of such hazards; (Former Section CZ#A315-16(E)(2)(f))

31.2.6 If above-ground pipelines must be sited in a highly scenic area, it will be visually buffered with vegetation and other means as necessary; and (Former Section CZ#A315-16(E)(2)(g))

31.2.7 Aboveground pipelines will not be sited in Coastal Scenic Areas as designated on the Zoning Maps. (Former Section CZ#A315-16(E)(2)(h))

31.3 WIND ELECTRICAL GENERATING FACILITIES.

31.3.1 The facility will have no significant adverse impact on sensitive habitat resources. (Former Section CZ#A315-16(E)(3)(a))

31.4 SOLID WASTE DISPOSAL

31.4.1 The project will use an existing approved disposal site, except that where use of an existing site is not feasible, new projects may be located in any zone outside the urban limit line except NR and PR; (Former Section CZ#A315-16(E)(4)(b))

312-32 SUPPLEMENTAL COASTAL ZONE COMMERCIAL USE TYPE FINDINGS

32.1 NEIGHBORHOOD COMMERCIAL

32.1.1 At least 50 percent of the parcels within the contiguously zoned area, where the proposed development is to be located, have been developed with dwellings; and (Former Section CZ#A315-16(B)(1)(a))

32.1.2 There is a demonstrated need for such a facility at the location proposed. (Former Section CZ#A315-16(B)(1)(b))

32.1.3 Neighborhood commercial development will be restricted to a location along minor collectors or a higher order road classification (e.g. major collectors or arterials). (Former Section CZ#A315-16(B)(1)(c))

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))
312-33 SUPPLEMENTAL COASTAL ZONE COMMERCIAL TIMBER USE TYPE FINDINGS

33.1 (Section Reserved for Future Use)

312-34 SUPPLEMENTAL COASTAL ZONE EXTRACTIVE USE TYPE FINDINGS

34.1 SURFACE MINING.

34.1.1 There is no less environmentally damaging feasible alternative;  
(Former Section CZ#A315-16(F)(2)(b)(i))

34.1.2 Sand and gravel operations will not remove sediments essential to the maintenance of beach areas used for public recreation, or which protect upland areas planned for commercial, residential or industrial use from erosion; 
(Former Section CZ#A315-16(F)(2)(b)(ii))

34.1.3 The sand and gravel projects will emphasize flood control or bank protection, if applicable;  
(Former Section CZ#A315-16(F)(2)(b)(iii))

34.1.4 Channelization, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible; and 
(Former Section CZ#A315-16(F)(2)(b)(iv))

34.1.5 Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values. 
(Former Section CZ#A315-16(F)(2)(b)(v))

312-35 SUPPLEMENTAL COASTAL ZONE INDUSTRIAL USE TYPE FINDINGS

35.1 COASTAL DEPENDENT INDUSTRY

35.1.1 The proposed use will be located on the site with the lowest numeric priority (i.e. priority 1 is the lowest), if feasible. 
(Former Section CZ#A315-16(G)(1)(a))

35.1.2 If proposed on a site with a Priority 3 or 4:

35.1.2.1 That the proposed use cannot feasibly be accommodated in Priority 1 or 2 sites; or 
(Former Section CZ#A315-16(G)(1)(b)(i))

35.1.2.2 The use of Priority 1 or 2 sites would be more environmentally damaging; and 
(Former Section CZ#A315-16(G)(1)(b)(ii))

35.1.2.3 To deny the project because it cannot feasibly be located in the least environmentally damaging location would adversely affect the public welfare. 
(Former Section CZ#A315-16(G)(1)(b)(iii))
35.2 MARINE PETROLEUM TRANSFER FACILITIES.

35.2.1 Increased tanker operations and associated onshore development will be compatible with the land use, safety, and environmental policies for the area; (Former Section CZ#A315-16(G)(2)(a))

35.2.2 That existing facilities will be expanded, or that it will not be feasible or legally permissible to utilize existing facilities; (Former Section CZ#A315-16(G)(2)(b))

35.2.3 If it will not be feasible or legally permissible to expand existing facilities, then new tanker terminals located outside of existing terminal areas will be sited in a manner which avoids risk to sensitive environmental habitat areas; and (Former Section CZ#A315-16(G)(2)(c))

35.2.4 The risk of collision from movement of other vessels will be minimized. (Former Section CZ#A315-16(G)(2)(d))

35.3 DREDGE SPOILS DISPOSAL.

35.3.1 Where dredge spoils disposal is proposed at the King Salmon site designated on the Resource Protection map, such disposal will mitigate erosion and protect water quality and existing uses; (Former Section CZ#A315-16(G)(3)(a))

35.3.2 Provisions for disease and vector control have been included in the project; (Former Section CZ#A315-16(G)(3)(b))

35.3.3 In the Humboldt Bay Planning Area, opportunities for island building that would be beneficial to the overall productivity of the Bay have been reviewed as an alternative disposal site; and (Former Section CZ#A315-16(G)(3)(c))

35.3.4 The project includes provisions to protect water quality. (Former Section CZ#A315-16(G)(3)(d))

312-36 SUPPLEMENTAL COASTAL ZONE NATURAL RESOURCE USE TYPE FINDINGS

36.1 (Section Reserved for Future Use)

312-37 SUPPLEMENTAL COASTAL ZONE RESIDENTIAL USE TYPE FINDINGS

37.1 (Section Reserved for Future Use)
312-38 SUPPLEMENTAL COASTAL ZONE PUBLIC SAFETY IMPACT FINDINGS

38.1 COASTAL GEOLOGIC HAZARD

38.1.1 The development will be sited and designed to assure stability and structural integrity for the expected economic life span while minimizing alteration of natural land forms; (Former Section CZ#A315-16(H)(2)(a))

38.1.2 Development on bluffs and cliffs (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, wastewater disposal and other activities and facilities accompanying such development) will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding areas; and (Former Section CZ#A315-16(H)(2)(b))

38.1.3 Alteration of cliffs and bluff tops, faces, or bases by excavation or other means will be minimized. Cliff retaining walls shall be allowed only to stabilize slopes. (Former Section CZ#A315-16(H)(2)(c))

38.2 COASTAL SHORELINES

38.2.1 The structure is the least environmentally damaging feasible alternative; and (Former Section CZ#A315-16(H)(3)(1))

38.2.2 (If applicable), Beach nourishment and vegetative protection is not feasible. (Former Section CZ#A315-16(H)(3)(2))

312-39 SUPPLEMENTAL COASTAL RESOURCE PROTECTION IMPACT FINDINGS

39.1 ANADROMOUS FISH STREAMS.

39.1.1 Minimum stream flows necessary to protect the anadromous stream population will be maintained; (Former Section CZ#A315-16(I)(1)(a))

39.1.2 Environmentally sensitive habitat areas will be protected against any significant disruption of habitat values; and (Former Section CZ#A315-16(I)(1)(b))

39.1.3 Channelizations, dams, or other substantial alterations of rivers and streams will incorporate the best mitigation measures feasible. (Former Section CZ#A315-16(I)(1)(c))

39.2 PUBLIC ACCESS

39.2.1 For Dedication of Public Access Required by the Coastal Land Use Plan:

39.2.1.1 The access way conforms with or is adequate to carry out the public access designations and development guidelines of the County’s Coastal Land Use Plan. (Former Section CZ#A315-16(I)(2)(a)(i))

39.2.2 For Protection of Coastal Access ways with Substantial Evidence of Historic Public
Use (except where the applicant has established that the State has disposed of any interest in the access way or that there has been a final court determination that there has been no implied dedication or prescriptive use): (Former Section CZ#A315-16(I)(2)(b))

39.2.2.1 There is substantial evidence of Historic Public Use; and (Former Section CZ#A315-16(I)(2)(b)(i))

39.2.2.2 The development has been sited or designed so as not to interfere with the use of such access way; or (Former Section CZ#A315-16(I)(2)(b)(ii))

39.2.2.3 If it is determined:

39.2.2.3.1 that use of the access way would have adverse impacts on fragile coastal resources, including but not limited to, rocky intertidal areas, seal haul-out and pupping areas, and bird rookeries; or (Former Section CZ#A315-16(I)(2)(b)(iii))

39.2.2.3.2 that use of the access way will significantly aggravate existing coastal bluff erosion in a manner which cannot be mitigated; or (Former Section CZ#A315-16(I)(2)(b)(iii))

39.2.2.3.3 that use of the access way is inconsistent with protection of public safety due to extraordinary hazards; and (Former Section CZ#A315-16(I)(2)(b)(iii))

39.2.2.3.4 that an equivalent access way which mitigates such adverse impacts will be provided. (Former Section CZ#A315-16(I)(2)(b)(iii))

39.3 COASTAL SCENIC AREAS

39.3.1 The project is sited and designed to be subordinate to the character of the setting. (Former Section CZ#A315-16(I)(3)(a))

39.4 COASTAL STREAMS AND RIPARIAN AREAS

39.4.1 There are no significant adverse affects on habitat areas; (Former Section CZ#A315-16(I)(4)(a))

39.4.2 There is no less environmentally damaging feasible alternative; and (Former Section CZ#A315-16(I)(4)(b))

39.4.3 The best mitigation measures feasible have been provided to minimize adverse environmental effects. (Former Section CZ#A315-16(I)(4)(c))

39.5 COASTAL VIEW AREAS

39.5.1 To the maximum extent feasible, the project is sited so as not to interfere with public views to and along the ocean from public roads and recreation areas. (Former Section CZ#A315-16(I)(5)(a))
39.6 COASTAL DUNE AND BEACH AREAS

39.6.1 All Development

39.6.1.1 Development shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas; (Former Section CZ#A315-16(I)(6)(a)(i))

39.6.1.2 There is no less environmentally damaging feasible alternative; and (Former Section CZ#A315-16(I)(6)(a)(ii))

39.6.1.3 The development will not interfere with the protection of dredge spoils disposal locations designated on the Humboldt Bay Area Plan Resource Protection Maps. (Former Section CZ#A315-16(I)(6)(a)(iii))

39.6.2 Caretaker’s Residence.

39.6.2.1 The development will, on balance, help to protect environmentally sensitive habitat areas (e.g. by providing an opportunity for property owners, on a 24 hour basis, to exclude ORV’s from their property); (Former Section CZ#A315-16(I)(6)(b)(i))

39.6.2.2 It is located as close as is practicable to existing roads and rights of ways when it is the least environmentally damaging alternative; (Former Section CZ#A315-16(I)(6)(b)(ii))

39.6.2.3 Clearing around the residence is minimized; (Former Section CZ#A315-16(I)(6)(b)(iii))

39.6.2.4 An open space easement or similar easement has been offered for dedication over the undeveloped portion of the parcel. (Former Section CZ#A315-16(I)(6)(b)(iv))

39.7 COASTAL ELK HABITAT AREAS

39.7.1 The development will be compatible with the continuance of elk habitat areas. (Former Section CZ#A315-16(I)(7)(a))

39.8 COASTAL NATURAL DRAINAGE COURSES.

39.8.1 Natural drainage courses, including ephemeral streams, will be retained and protected from development which would impede the natural drainage pattern or have a significant adverse affect on water quality or wildlife habitat. (Former Section CZ#A315-16(I)(8)(a))

39.9 COASTAL NATURAL LANDFORMS

39.9.1 Alterations to natural land forms will be minimized. (Former Section CZ#A315-16(I)(9)(a))
39.10 OFFSHORE ROCKS AND ROCKY INTERTIDAL AREAS

39.10.1 The development will not increase the risk of biological damage to the Area of Special Biological Significance as identified by the Water Quality Control Board, offshore rocks and the communities they support, or intertidal areas. (Former Section CZ#A315-16(I)(15))

39.11 COASTAL ROAD CONSTRUCTION

39.11.1 Alteration of natural streams and drainage will be minimized; (Former Section CZ#A315-16(I)(10)(a))

39.11.2 The project is sited and designed to prevent impacts which would significantly degrade water resources. (Former Section CZ#A315-16(I)(10)(b))

39.12 COASTAL TRANSITIONAL AGRICULTURAL LAND

39.12.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(I)(11)(a))

39.12.2 The best feasible mitigations are included; and (Former Section CZ#A315-16(I)(11)(b))

39.12.3 The functional capacity of the wetland will be maintained. (Former Section CZ#A315-16(I)(11)(c))

39.13 COASTAL VEGETATION REMOVAL, MAJOR

39.13.1 Within Riparian Corridors

39.13.1.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(I)(12)(a)(i))

39.13.1.2 The plan includes the best mitigation measures feasible; and (Former Section CZ#A315-16(I)(12)(a)(ii))

39.13.1.3 The vegetation removal will result in no significant adverse impacts to habitat values. (Former Section CZ#A315-16(I)(12)(a)(iii))

39.13.2 Within Coastal Scenic Areas

39.13.2.1 The visual effects of the vegetation removal will be subordinate to the character of its setting. (Former Section CZ#A315-16(I)(12)(b)(ii))

39.14 COASTAL WETLANDS

39.14.1 All wetlands, with the exception of Pocket Marshes

39.14.1.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(I)(13)(a)(i))

39.14.1.2 The best mitigation measures feasible have been provided to minimize adverse environmental effects; and (Former Section CZ#A315-16(I)(13)(a)(ii))
39.14.1.3 The required mitigation will maintain or enhance the functional capacity of the wetland or estuary. (Former Section CZ#A315-16(I)(13)(a)(iii))

39.14.2 **Pocket Marshes**

39.14.2.1 The wetland to be filled is small (typically less than one acre) and isolated (i.e. not contiguous or adjacent to a larger wetland) and it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities; (Former Section CZ#A315-16(I)(13)(b)(i))

39.14.2.2 Major restoration activities are not feasible; (Former Section CZ#A315-16(I)(13)(b)(ii))

39.14.2.3 The wetland does not provide significant habitat value to wetland fish and wildlife species, and is not used by any species which are rare or endangered; (Former Section CZ#A315-16(I)(13)(b)(iii))

39.14.2.4 It is located within an urban limit line as designated in the land use plan; and (Former Section CZ#A315-16(I)(13)(b)(iv))

39.14.2.5 Restoration of another wetland to mitigate for fill can be achieved in conjunction with filling a small wetland. (Former Section CZ#A315-16(I)(13)(b)(v))

39.15 **COASTAL WETLAND BUFFERS.**

39.15.1 Development will be sited and designed to prevent impacts which would significantly degrade wetland habitat areas, and shall be compatible with the continuance of such habitat areas; and (Former Section CZ#A315-16(I)(14)(a))

39.15.2 The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms shall be maintained, and where feasible, restored. (Former Section CZ#A315-16(I)(14)(b))

312-40 **SUPPLEMENTAL COASTAL SUBDIVISION FINDINGS**

40.1 **SUBDIVISIONS IN AN AGRICULTURAL EXCLUSIVE 60 ACRE MINIMUM ZONE**

40.1.1 The land division is necessary for a specific agricultural purpose, such as providing a separate starter farm for a family member; and (Former Section CZ#A315-17(A)(1))

40.1.2 The land division will not lower the economic viability of agriculture on the farm unit to be subdivided and will not adversely affect the area's agricultural economy or habitat resources. (Former Section CZ#A315-17(A)(2))

40.2 **SUBDIVISIONS IN AGRICULTURAL EXCLUSIVE 160 AND 600 ACRE MINIMUM ZONES.**

40.2.1 The land division is necessary for a specific agricultural purpose; and (Former Section CZ#A315-17(B)(1))
40.2.2 The land division will not lower the economic viability of agriculture on the ranch unit to be subdivided and will not adversely affect the area’s agricultural economy or habitat resources. (Former Section CZ#A315-17(B)(2))

40.3 SUBDIVISIONS IN A COMMERCIAL RECREATION ZONE

40.3.1 Where an existing principal permitted use is to be segregated from the remainder of the property, the economic viability of the principal permitted use on that parcel has been demonstrated; or (Former Section CZ#A315-17(C)(1))

40.3.2 Where the land to be divided is undeveloped, the economic viability of principal permitted uses on the parcels to be created has been demonstrated; and (Former Section CZ#A315-17(C)(2))

40.3.3 The new lots created have adequate onsite water, waste-water disposal and parking facilities to serve the principal permitted use. (Former Section CZ#A315-17(C)(3))

312-41 SUPPLEMENTAL COASTAL FINDINGS FOR GRANTING AN EXCEPTION

41.1 FINDINGS FOR EXCEPTIONS

The Hearing Officer may grant exceptions, as authorized by this Chapter, if all of the following findings are made: (Former Section CZ#A315-18)

41.1.1 There are special circumstances or conditions associated with the proposed development, use, or project site that support granting the exception; and (Former Section CZ#A315-18(A))

41.1.2 The granting of the exception will not be detrimental to the public welfare; and (Former Section CZ#A315-18(B))

41.1.3 The applicant has proposed alternative standards which conform with the established standard(s) as closely as feasible; and (Former Section CZ#A315-18(C))

41.1.4 In the Coastal Zone, the granting of the exception will not have a significant adverse effect on environmentally sensitive habitats. (Former Section CZ#A315-18(D); Amended by Ord. 2214, 6/6/00)

312-42 REQUESTS FOR MODIFICATIONS OR EXCEPTIONS FOR RESIDENTIAL ACCESSIBILITY

42.1 A person who is disabled pursuant to the Americans with Disabilities Act of 1990 may request modification or exception from specific development standards for principal zones, including minimum yard setbacks, maximum ground coverage and maximum building height, in the event of an unexpected need to make their residence accessible consistent with the Housing Accessibility Guidelines of the 2007 California Building Code and its successors located at 24 CFR 1101A et seq. The request may be made by a family member, domestic partner or agent on behalf of a disabled permanent resident.
The person requesting the modification or exception from a specific development standard of a principal zone to make their home accessible shall provide the Director of Community Development Services a written request for the modification or exception which includes all of the following: (Ord. 2407, § 2, 12/16/2008)
- the nature of the disability; (Ord. 2407, § 2, 12/16/2008)
- which resident of the home has the disability; (Ord. 2407, § 2, 12/16/2008)
- what modification or exception the applicant is requesting; (Ord. 2407, § 2, 12/16/2008)
- the impact the existing regulation or standard has on the applicant; (Ord. 2407, § 2, 12/16/2008)
- any other methods or actions considered by the applicant to provide necessary relief; and; (Ord. 2407, § 2, 12/16/2008)
- why those methods or actions were not found to be feasible. (Ord. 2407, § 2, 12/16/2008)

Upon finding the request complete, and following consultation with any knowledgeable party or parties as determined appropriate, the Director may process the request for a modification or exception of a specific development standard of a principal zone according to the procedures for Special Permits. The applicant must obtain all other applicable permits, including Coastal Development Permits, for the development to be accommodated by the request. If this determination of modification or exception is related to a discretionary land use project, the matter may be taken to the hearing officer ahead of the project as a whole, so as to expedite review and render a decision on which other permit findings may be dependant. (Ord. 2407, § 2, 12/16/2008)

In addition to the findings for approving Special Permits, approval of a request for a modification or exception from a specific development standard of a principal zone for residential accessibility shall include the following findings; (Ord. 2407, § 2, 12/16/2008)
- the modification or exception is in conformance with the General Plan, and, if in the Coastal Zone, is in conformance with the Certified LCP; (Ord. 2407, § 2, 12/16/2008)
- if located in the Coastal Zone, the modification or exception involves no potential for any adverse effects, either individually or cumulatively, on coastal resources, (Ord. 2407, § 2, 12/16/2008)
- the modification or exception is not detrimental to public health, safety, or welfare; (Ord. 2407, § 2, 12/16/2008)
- the modification or exception conforms with all applicable standards and requirements of the California Building Code; (Ord. 2407, § 2, 12/16/2008)
- the modification or exception results in the only feasible design for accessibility; and (Ord. 2407, § 2, 12/16/2008)
- the modification or exception will provide residential accessibility for a disabled resident of the home consistent with the Housing Accessibility Guidelines of the 2007 California Building Code and its successors. (Ord. 2407, § 2, 12/16/2008)
50.1 PURPOSE

The General Plan of Humboldt County is a dynamic document that can be modified to reflect changing social, economic or environmental conditions, or changes in state law. As the Plan is updated, need may arise for changes in zoning district boundaries and other regulations. Likely changes include: changing zoning boundaries, changing property from one zone to another, imposing new regulations, or deleting obsolete or unnecessary sections. (Former Section INL#317-1; Ord. 894, Sec. 1, 12/19/72; Amended by Ord. 2214, 6/6/00)

50.2 AUTHORITY TO MAKE AMENDMENTS

The Board of Supervisors shall have the authority to initiate, grant, deny, or modify proposed amendments to these Zoning Regulations in accordance with the provisions of this Code and State Law. (Former Section INL#317-1; CZ#A316-1; Ord. 894, Sec. 1, 12/19/72)

50.3 REQUIRED FINDINGS FOR ALL AMENDMENTS.

Amendments to this Division may be approved only if the following findings are made: (Former Section INL#317-9; CZ#A316-9; Ord. 894, Sec. 1, 12/19/72)

50.3.1 The amendment is in the public interest; and (Former Section INL#317-9; CZ#A316-9(a))

50.3.2 The amendment is consistent with the County General Plan. (Former Section INL#317-9; CZ#A316-9(b))

50.3.3 If the amendment requires a Local Coastal Plan Amendment, the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. (Added by Ord. 2214, 6/6/00)

50.3.4 The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:

50.3.4.1 The reduction is consistent with the adopted general plan, including the housing element, and

50.3.4.2 The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and

50.3.4.3 The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

50.4 INITIATING AMENDMENTS.

50.4.1 Amendments to the zoning code and maps may be initiated by a majority vote of the Board of Supervisors based on: (Former Section CZ#A316-2; Amended by Ord. 2214, 6/6/00)

50.4.1.1 Recommendation of any Board member; (Added by Ord. 2214, 6/6/00)
50.4.1.2 Recommendation of the County Planning Commission; (Former Section CZ#A316-2(a)(1); CZ#A316-4(a)(1))

50.4.1.3 Recommendation of the County Community Development Services Department; (Former Section CZ#A316-2(a)(2); CZ#A316-4(a)(2))

50.4.1.4 Receipt of a petition for amendment, pursuant to Section 312-50.5, by the owner of the property within the area proposed for reclassification. If the area proposed for reclassification is in more than one (1) ownership, at least fifty percent (50%) of the property owners or the owners of not less than sixty percent (60%) of the land area included in the application shall join in filing the application. (Former Section INL#317-2; CZ#A316-2(A)(3); CZ#A316-4(A)(3); Ord. 894, Sec. 1, 12/19/72)

50.4.2 The Director of the Community Development Services Department may initiate an amendment to the maps of the Zoning Regulations for minor amendments of the zone district boundaries. For the purpose of this section a minor zone boundary adjustment shall include the adjustment of zone district boundaries to be coterminous with parcel boundaries where a zone district boundary dissects a parcel into more than one zone district, or in conjunction with a lot line adjustment. Zoning map amendments initiated by the Director shall be reviewed and processed in accordance with these regulations. (Former Section CZ#A316-1(B); Amended by Ord. 2214, 6/6/00)

50.5 PETITION FORM, FILING, AND FEE

50.5.1 A petition for amendment of these regulations or zoning maps shall be made on the prescribed form and filed with the Department. The petition fee established by the Board of Supervisors shall be paid when the petition is filed. (Former Section INL#317-3; CZ#A316-5(A); Ord. 894, Sec. 1, 12/19/72)

50.5.2 The petition for amendment shall include information concerning the need and reason for amendment. The applicant must demonstrate that the change will be in the public interest, is consistent with the General Plan and, if the amendment requires a Local Coastal Plan Amendment, that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. (Former Section INL#317-3; CZ#A316-5(B); Amended by Ord. 2214, 6/6/00)

50.5.3 A petition to amend the maps of the Zoning Regulations shall include a map of the proposed amendment area depicting the affected area by assessor’s parcel number. (Former Section CZ#A316-5(C))

50.5.4 The Department shall not accept for filing any petition for amendment of the County Zoning Regulations or zoning maps that does not conform with the requirements of these regulations, or is clearly inconsistent with the General Plan. (Former Section INL#317-3; CZ#A316-5(D))

50.6 PETITION IN CONJUNCTION WITH A GENERAL PLAN AMENDMENT.

A petition for amendment of the text or the zoning maps of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan amendment. (Former Section INL#317-2, 317-3; CZ#A316-2, A316-4(B); Ord. 894, Sec. 1, 12/19/72; Amended by Ord. 2214, 6/6/00)
50.7 PROCESSING OF PROPOSED AMENDMENTS.

The Community Development Services Department shall process an application for amendment as follows:

50.7.1 Administrative Review. The Department shall process the application for amendment through the project review process in accordance with Sections 65800 through 65863.9 of the California Government Code, Sections 21000 through 21177 of the California Public Resources Code and Sections 15000 through 15387 of Title 14 of the California Code of Regulations, or any successor provisions to the statutes and regulations listed in this subsection. (Former Section INL#317-4, 317-5(b), 317-5(c); CZ#A316-6(A); Ord. 894, Sec. 1, 12/19/72; Ord. 1107, Sec. 1, 11/9/76; Amended by Ord. 1251, Sec. 1, 8/15/78; Amended by Ord. 2214, 6/6/00)

50.7.2 Planning Commission Hearing.

50.7.2.1 After Administrative Review, the Planning Commission shall hold a duly noticed public hearing on the application for amendment. Notice shall be given pursuant to Sections 65090 through 65094 of the California Government Code. (Former Section INL#317-4, 317-5(a), 317-5(b); CZ#A316-6(B); Ord. 894, Sec. 1, 12/19/72; Ord. 1107, Sec. 1, 11/9/76; Amended by Ord. 1251, Sec. 1, 8/15/78)

50.7.2.2 At the Public Hearing, the Planning Commission shall review the proposed amendment and shall receive pertinent evidence relating to the following:

50.7.2.2.1 Whether the proposed amendment is in the public interest; and,

50.7.2.2.2 Whether the proposed amendment is consistent with the General Plan.  (Former Section INL#317-6(a)(2); Amended by Ord. 2214, 6/6/00)

50.7.2.2.3 If the amendment requires a Local Coastal Plan Amendment, whether the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. (Added by Ord. 2214, 6/6/00)

50.7.2.3 The Public Hearing may be continued if necessary, but shall be concluded within a reasonable period.  (Former Section INL#317-7; Ord. 1007, Sec. 1, 11/9/76))

50.7.3 Planning Commission Recommendation. After the hearing, the Commission shall make a recommendation on the application for amendment to the Board of Supervisors. Failure of the Planning Commission to make a recommendation within thirty (30) working days after the conclusion of the hearing, shall be deemed to be a recommendation for denial of the application for amendment. (Former Section INL#317-7; CZ#A316-6(C); Ord. 894, Sec. 1, 12/19/72; Ord. 1107, Sec. 1, 11/9/76; Amended by Ord. 1251, Sec. 1, 8/15/78; Amended by Ord. 2214, 6/6/00)

50.7.4 Board of Supervisors Hearing.

50.7.4.1 Scheduling. Upon receipt of the Planning Commission’s recommendation,
the Board of Supervisors shall schedule a duly noticed public hearing on the
proposed amendment. Notice shall be given pursuant to Sections 65090 through
65094 of the California Government Code. (Former Section INL#317-8; CZ#A316-
6(D); Amended by Ord. 2214, 6/6/00)

50.7.4.2 When the Board Shall Not Be Required to Hold a Hearing Nor Take Any
Further Action.

If the amendment involves change of property from one zone to another,
and the Planning Commission has recommended that the proposed
amendment be denied, the Board shall not be required to hold a hearing
nor take any further action unless any interested party files a written
request for hearing with the Clerk of the Board no later than five (5)
calendar days after the Planning Commission recommendations are filed
with the Board. The fee for a request for hearing established by the
Board of Supervisors shall be paid when the request is filed. The
request shall identify the grounds for the request. (Former Section INL#317-
8; CZ#A316-6(D); Ord. 1516, Sec. 1, 3/30/82; Amended by Ord. 1609, Sec. 1, 8/9/83;
Amended by Ord. 2214, 6/6/00)

50.7.4.3 Public Hearing. At the Public Hearing the Board of Supervisors shall review
the proposed amendment and may receive pertinent evidence on the following
matters: (Former Section INL#317-9(a); Ord. 894, Sec. 1, 12/19/72; Amended by Ord. 2214,
6/6/00)

50.7.4.3.1 Whether the proposed amendment is in the public interest; and,
(Former Section INL#317-9(a)(1); Amended by Ord. 2214, 6/6/00)

50.7.4.3.2 Whether the proposed amendment is consistent with the General
Plan. (Former Section INL#317-9(a)(2); Amended by Ord. 2214, 6/6/00)

50.7.4.3.3 If the amendment requires a Local Coastal Plan Amendment,
whether the amendment is in conformity with the policies of Chapter 3
(commencing with Section 30200) of the Coastal Act. (Added by Ord.
2214, 6/6/00)

50.7.5 Board of Supervisors Action

50.7.5.1 For all amendments to the Zoning Code or Maps, the Board of Supervisors
may approve, modify or disapprove the recommendation of the Planning
Commission. Any substantial modification by the Board of Supervisors during
its Public Hearing, which was not previously considered by the Planning
Commission, shall first be referred to the Planning Commission for report and
recommendation. Failure of the Planning Commission to report within forty
(40) calendar days after the referral, or a longer period designated by the Board
of Supervisors, shall be deemed as approval. (Former Section INL#317-10(b); Ord.
1007, Sec. 1, 11/9/76; Amended by Ord. 2214, 6/6/00)

50.7.5.2 After the hearing, the Board of Supervisors shall render a decision on the
application for amendment. Failure of the Board of Supervisors to render its
decision on the matter within thirty (30) working days of the conclusion of the hearing
shall be deemed to be a denial of the application for amendment. The
Board of Supervisors may approve the proposed reclassification if it makes the
required findings related to the evidence received. The Board of Supervisors may also impose conditions necessary to promote public health, safety, and welfare. (Former Section INL#317-9(a)(1), 317-9(a)(2), 317-9(b), 317-10(c); CZ#A316-6(E); Ord. 894, Sec. 1, 12/19/72; Ord. 1007, Sec. 1, 11/9/76; Amended by Ord. 2214, 6/6/00)

50.7.6 **Notice of Action** Within ten (10) working days after a decision by the Board of Supervisors, the Clerk of the Board shall give notice of the decision to the petitioner for the amendment and any other party who has requested such notice. Notice of the decision shall be provided to the Coastal Commission for an amendment that affects property within the Humboldt County Coastal Zone. (Former Section CZ#A316-6(F); Amended by Ord. 2214, 6/6/00)

50.7.7 **Notice of Environmental Determination** Following each amendment approved by the Board of Supervisors, a Notice of Determination shall be filed pursuant to all requirements of Sections 15075 and 15094 of the California Code of Regulations and Section 21152 of the California Public Resources Code, or any successor provisions thereto. (Former Section CZ#A316-6(G); Amended by Ord. 2214, 6/6/00)

50.7.8 **Coastal Commission Certification** An approval of an application for amendment that affects property within the Humboldt County Coastal Zone shall not become effective until the amendment has been approved and certified by the Coastal Commission. (Former Section CZ#A316-6(H))

50.7.9 **Limits to Reapplication for Zone Reclassification** Following the grant or denial of an application for a Zone Reclassification, no new application shall be accepted within one (1) year for the same or substantially the same property. (Former Section INL#317-11; Ord. 894, Sec. 1, 12/19/72)

50.8 **SUPPLEMENTAL TIMBERLAND PRODUCTION ZONING PROCEDURES.**

50.8.1 After November 1977, an owner of real property may apply to zone land as Timberland Production. This application shall be made directly to the Department and does not require Board of Supervisor’s authorization to process. The Board of Supervisors, pursuant to these Regulations and Public Resources Code Section 51110.2, shall zone as Timberland Production all parcels submitted to it pursuant to this Section, which meet all of the following criteria:

50.8.1.1 A map shall be prepared showing the legal description of or the assessor’s parcel number of the property desired to be zoned Timberland Production Zone. (Former Section CZ#A316-7(A); Amended by Ord. 2214, 6/6/00)

50.8.1.2 A plan for forest management of the property must be prepared or approved as to content by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan. (Former Section CZ#A316-7(B))

50.8.1.3 The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently zoned as Timberland
Production and the owner fails to meet such stocking standards and forest practice rules within this time period, the Board of Supervisors may rezone the parcel pursuant to Section 51121 of the Government Code. (Former Section CZ#A316-7(C); Amended by Ord. 2214, 6/6/00)

50.8.1.4 The land to be rezoned Timberland Production shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels as defined in Section 51100 of the Government Code, which are 160 acres or one-quarter section in size or larger. (Former Section CZ#A316-7(D); Amended by Ord. 2214, 6/6/00)

50.8.1.5 The land to be rezoned Timberland Production shall be twenty (20) acres or more of “good site III” or better, or 160 acres or more of “site IV” or better as defined in Section 434 of the Revenue and Taxation Code, or any successor provision thereto. (Former Section CZ#A316-7(E))

50.8.1.6 The existing uses on the parcel must be uses permitted in the TPZ zone. (Former Section CZ#A316-7(F))

50.8.2 Rezoning From Timberland Production To a Different Zone. Rezoning of the land from Timberland Production Zone (TPZ) to another zoning district shall be in conformance with the requirements of the Forest Taxation Reform Act of 1976, in addition to the requirements of these zoning regulations. (Former Section CZ#A316-8)

312-51 ENFORCEMENT PROCEDURES

Note: For administrative enforcement procedures, see Title II, Division 12, Recovery of Costs Related to Processing and Enforcement of Code Violations; and Title II, Division 13, Administrative Penalties.

51.1 DUTY TO ENFORCE

It shall be the duty of the Community Development Services Director to enforce all provisions of the County Zoning Regulations. All officials, departments, and employees of the County of Humboldt vested with the authority to issue permits, certificates, or licenses shall adhere to and require conformance with the County Zoning Regulations.

51.2 EXCEPTIONS

The Community Development Services Department has responsibility for enforcing this Code, except:

51.2.1 The Department of Public Health shall enforce the provisions of this Code relating to animals and animal shelters. (Former Section INL#319-5)

51.2.2 The Building Division of the Community Development Services Department shall enforce the provisions of this Code for building height, site area and minimum yards, after designation of minimum yards has been made by the Community Development Services Department. The Building Division will also inspect mobile home skirting and storage shed installation. (Former Section INL#319-5; Ord. 1086, Sec. 21, 7/13/76)
51.2.3 Other enforcement provisions mandated by the Planning Commission or Board of Supervisors, or enforcement agreements made between Department Heads. (Added by Ord. 2214, 6/6/00)

51.3 PERMITS IN CONFLICT WITH THIS CODE.

No County department, employee or officer shall issue a permit, certificate or license for any land uses or building which conflicts with this Code, consistent with state law. Any permit, certificate or license issued in conflict with this Code shall be null and void. (Former Section INL#319--1; Ord. 519, Sec. 801, 5/11/65; Amended by Ord. 2214, 6/6/00)

51.4 INSPECTION TO ENSURE COMPLIANCE.

51.4.1 Any official or duly authorized representative of such official, who is responsible for enforcement or administration of the County Zoning Regulations, may enter any site for the purpose of investigation to be conducted in a reasonable manner in the following circumstances: (Former Section CZ#A317-1(B); Amended by Ord. 2214, 6/6/00)

51.4.1.1 It is necessary to investigate an application for development permit or variance or an extension, modification thereof, or an action to revoke or modify a development permit or variance. (Former Section CZ#A317-1(B)(2))

51.4.1.2 It is necessary to investigate a proposed amendment of the County Zoning Regulations. (Former Section CZ#A317-1(B)(3))

51.4.2 No owner or occupant or agent thereof shall, after appropriate notice and opportunity to comply, refuse to permit such entry. (Former Section CZ#A317-1(B))

51.4.3 No building or structure shall be entered without the express permission of the owner or occupant. (Former Section CZ#A317-1(B))

51.4.4 A refusal of permission to enter upon the land shall be deemed to constitute a withdrawal of the application for which the inspection is required, or grounds for revocation of a development permit or variance issued pursuant to this division. (Former Section CZ#A317-1(B); Amended by Ord. 2214, 6/6/00)

51.5 VIOLATION OF THE COUNTY ZONING REGULATIONS

The following provisions shall apply to violations of the County Zoning Regulations. All of the remedies provided for in this section shall be cumulative and not exclusive. (Former Section INL#319-4; CZ#A317-1(C); Ord. 519, Sec. 804, 5/11/65; Amended by Ord. 2214, 6/6/00)

51.5.1 Penalty Any person, whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this Code shall be guilty of a misdemeanor and shall be subject to the penalties provided for in Section 112-5 of the County Code. (Former Section INL#319-2; CZ#A317-1(C)(1); Ord. 519, Sec. 802, 5/11/65)
51.5.2 **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. (Former Section INL#319-3; CZ#A317-1(C)(2); Ord. 519, Sec. 803, 5/11/65)

51.5.3 **Redway Q Zone** This Section does not include additional sanctions imposed under the Redway Q Zone Ordinance. (Added by Ord. 2214, 6/6/00)
CHAPTER 3

REGULATIONS INSIDE THE COASTAL ZONE

Organization. Chapter 3 contains the regulations which apply exclusively within the California Coastal Zone in Humboldt County and is organized as follows:

Section A: Regulations For the Zoning Districts
Section B: Regulations That Apply In All or Several Zones
Section C: Index of Definitions of Language and Legal Terms
Section D: Permitted Use Types

Coastal Development Permits. As specified in Chapter 2 of these regulations, “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, not exempted or excluded under the California Public Resources Code (Section 30000, and following).”
# CHAPTER 3
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### Section A: Regulations For The Zoning Districts
#### Part 1: Principal Zones

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# HUMBOLDT COUNTY ZONING REGULATIONS

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SECTION A: REGULATIONS FOR THE ZONING DISTRICTS

PART 1: PRINCIPAL ZONES

313-1 LISTS OF ZONE MAPPING DESIGNATIONS AND LISTS OF PERMITTED USE TYPES

313-1.1 ZONE MAPPING DESIGNATIONS

The Principal Zone is the first zone designation applied to property which designates the principally permitted uses on the property. The Principal Zoning Districts in the Coastal Zone shall be represented on the adopted zoning maps by the designations in the following table. An explanation of what is allowed in each district follows this list. Definitions and terms used (such as “use type”) are explained in Section C: Index of Definitions of Language and Legal Terms, below.

313-1.2 LISTS OF PERMITTED USE TYPES

Beginning with Section 313-2, Section A, Part 1 of this Chapter contains a list of permitted use types in the Principal Zones. These use types are listed by zone district, and are permitted pursuant to the Development Permit Procedures in Chapter 2 of this Division. Definitions and terms used (such as “use type”) are explained in Section C: Index of Definitions of Language and Legal Terms. Full descriptions of each use type are found in Section D, Part 2: Glossary of Use Types.
## PRINCIPAL ZONES - COASTAL

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<td>Public Facility – Rural</td>
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<td>CRD</td>
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<td>Residential Multi-Family**</td>
<td>RM</td>
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<td>Commercial Timberland (Coastal)</td>
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<td>TPZ</td>
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*In the RS district, the number following the RS sets forth the minimum parcel size, in square feet, in the zone district.

**In the “RM - Residential Multi-Family Zone”, a maximum density shall be represented on the adopted zoning maps by a whole number immediately following the principal zone designator corresponding to the maximum permitted dwelling units per acre (e.g., RM-5 equals a Residential Multi-Family Density Zone that allows for the development of up to five dwelling units per acre[5du/a]).  (Former Section CZ#A313-13)

***In the RA and AE districts, the number following the RA or AE sets forth the minimum parcel size, in acres, in the zone district.
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#### Principal Permitted Use

Neighborhood Commercial Principal Permitted Use (See Section 313-163.1.9 for description)

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<td></td>
<td>Community Assembly</td>
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<td></td>
<td>Essential Services</td>
</tr>
<tr>
<td></td>
<td>Minor Generation and Distribution Facilities</td>
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<tr>
<td></td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</td>
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<td>Commercial Use Types</td>
<td>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</td>
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<tr>
<td>Use Types Not Listed in This</td>
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*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165. (Former Section CZ#A313-21(A-C); amended by Ord. 2167, Sec. 18, 4/7/98, amended by Ord. 2376A, 7/25/06)
### Neighborhood Commercial Development Standards

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<td>Minimum Lot Size</td>
<td>5,000 square feet</td>
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<tr>
<td>Minimum Lot Width</td>
<td>Fifty feet (50')</td>
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<tr>
<td>Maximum Lot Depth</td>
<td>Three (3) times the lot width</td>
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<td>Maximum Density</td>
<td>(None specified.)</td>
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<td><strong>Minimum Yard Setbacks</strong>*</td>
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<tr>
<td>Front</td>
<td>None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone</td>
</tr>
<tr>
<td>Rear</td>
<td>Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5')</td>
</tr>
<tr>
<td>Side</td>
<td>None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>(None specified).</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Forty-five feet (45')</td>
</tr>
<tr>
<td>Permitted Main Building Types</td>
<td>Ancillary Residential, Manufactured Home Limited Mixed Residential - Nonresidential Nonresidential Detached, Multiple/Group</td>
</tr>
</tbody>
</table>

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11. (Former Section CZ#A313-21(A-C))

---

**CHAPTER 3, PAGE 11**
### 313-2.2 CG: COMMERCIAL GENERAL

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Principal Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Use Types</td>
<td>Minor Utilities&lt;br&gt;Essential Services&lt;br&gt;Administrative&lt;br&gt;Non-Assembly Cultural</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Retail Sales&lt;br&gt;Retail Services&lt;br&gt;Automotive, Sales, Service and Repair&lt;br&gt;Office and Professional Service</td>
</tr>
<tr>
<td>Industrial Use Types*</td>
<td>Cottage Industry; subject to the Cottage Industry Regulations</td>
</tr>
<tr>
<td>Use Type</td>
<td>Conditionally Permitted Use</td>
</tr>
<tr>
<td>Residential Use Types</td>
<td>Caretaker’s Residence&lt;br&gt;Community Assembly&lt;br&gt;Health Care Services&lt;br&gt;Extensive Impact Civic Use&lt;br&gt;Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations&lt;br&gt;Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations&lt;br&gt;Minor Generation and Distribution Facilities</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Heavy Commercial&lt;br&gt;Warehousing Storage and Distribution&lt;br&gt;Transient Habitation</td>
</tr>
<tr>
<td>Industrial Use Type* Natural Resource Use Type</td>
<td>Research/Light Industrial&lt;br&gt;Coastal Access Facilities</td>
</tr>
<tr>
<td>Use Types Not Listed in This Table**</td>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CG zone.</td>
</tr>
</tbody>
</table>

### Development Standards

| Minimum Lot Size | 5,000 square feet |
| Minimum Lot Width | Fifty feet (50') |
| Maximum Lot Depth | Three (3) times the lot width |
| Maximum Density | (None specified.) |
| Minimum Yard Setbacks***
  | None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone |
  | Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5') |
  | None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone. |
  | For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot. |
| Maximum Ground Coverage | (None specified). |
| Maximum Structure Height | Forty-five feet (45') |
| Permitted Main Building Types | Ancillary Residential; Manufactured Home<br>Limited Mixed Residential - Nonresidential<br>Nonresidential Detached; Multiple/Group |

*See, Industrial Performance Standards, Section 313-103.1.
**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.
### 313-3 INDUSTRIAL USE REGULATIONS

#### 313-3.1 MB: BUSINESS PARK

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Principal Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Use Types</td>
<td>Minor Utilities</td>
</tr>
<tr>
<td></td>
<td>Administrative</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Warehousing, Storage and Distribution</td>
</tr>
<tr>
<td></td>
<td>Office and Professional Service</td>
</tr>
<tr>
<td>Industrial Use Types*</td>
<td>Research/Light Industrial</td>
</tr>
<tr>
<td>Use Type</td>
<td>Conditionally Permitted Use</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Retail Sales</td>
</tr>
<tr>
<td></td>
<td>Retail Service Uses</td>
</tr>
<tr>
<td></td>
<td>Transient Habitation</td>
</tr>
<tr>
<td>Use Types Not Listed in This Table**</td>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MB zone.</td>
</tr>
</tbody>
</table>

#### Development Standards

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>10,000 square feet.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>Sixty feet (60')</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Minimum Yard Setbacks***</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Thirty feet (30’).</td>
</tr>
<tr>
<td>Rear</td>
<td>Ten feet (10’)</td>
</tr>
<tr>
<td>Side</td>
<td>Thirty feet (30’) where side yard adjoins a public street and ten feet (10’) otherwise</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>Fifty percent (50%).</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Fifty feet (50’).</td>
</tr>
<tr>
<td>Permitted Main Building Types</td>
<td>Nonresidential Detached, Attached or Multiple/Group Limited Mixed Residential and Nonresidential</td>
</tr>
</tbody>
</table>

*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.

(Former Section CZ#A313-25(A-C))
### HUMBOLDT COUNTY ZONING REGULATIONS

#### Section 313-3.2

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Principal Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Use Types</td>
<td>Minor Utilities</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Warehousing, Storage and Distribution</td>
</tr>
<tr>
<td>Industrial Use Types*</td>
<td>Research/Light Industrial</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Conditionally Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Use Types</td>
<td>Caretaker’s Residence</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations</td>
</tr>
<tr>
<td>Industrial Use Types*</td>
<td>Coastal-Dependent; subject to the Coastal-Dependent Industrial Development Regulations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Civic Use Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types</td>
<td>Caretaker’s Residence</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Retail Service</td>
</tr>
<tr>
<td>Industrial Use Types*</td>
<td>Coastal-Dependent; subject to the Coastal-Dependent Industrial Development Regulations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Commercial Use Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Use Type</td>
<td>General Agriculture</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Extractive Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Resource Use Type</td>
<td>Surface Mining - 2; subject to the Surface Mining Regulations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Types Not Listed in This Table**</th>
<th>Natural Resource Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the ML zone.</td>
<td></td>
</tr>
</tbody>
</table>

### Development Standards

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>10,000 square feet.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>Sixty feet (60’)</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Minimum Yard Setbacks***</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Twenty-five feet (25’).</td>
</tr>
<tr>
<td>Rear</td>
<td>Twenty-five feet (25’).</td>
</tr>
<tr>
<td>Side</td>
<td>Twenty-five feet (25’) on one side, and zero feet (0’) on one side.</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Fifty feet (50’).</td>
</tr>
<tr>
<td>Permitted Main Building Types</td>
<td>Ancillary Residential; Manufactured Home.</td>
</tr>
<tr>
<td></td>
<td>Unlimited Mixed Residential - Nonresidential.</td>
</tr>
<tr>
<td></td>
<td>Nonresidential Detached or Multiple/Group.</td>
</tr>
</tbody>
</table>

*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.

(Former Section CZ#A313-26(A-C))
### MG: INDUSTRIAL GENERAL

#### Principal Permitted Use

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Civic Use Types</th>
<th>Minor Utilities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Warehousing, Storage and Distribution</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Heavy Commercial</td>
</tr>
<tr>
<td></td>
<td>Commercial Use Types</td>
<td>Research/Light Industrial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aquaculture; subject to the Coastal-Dependent Industrial Development Regulations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Timber Product Processing</td>
</tr>
<tr>
<td>Industrial Use Types*</td>
<td></td>
<td>Civic Use Types</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Solid Waste Disposal; subject to the Solid Waste Disposal Regulations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minor Generation and Distribution Facilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Extensive Impact Civic Uses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</td>
</tr>
<tr>
<td>Residential Use Types</td>
<td></td>
<td>Industrial Use Type*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Heavy Industrial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hazardous Industrial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coastal-Dependent; subject to the Coastal-Dependent Industrial Development Regulations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coastal-Related; subject to the Coastal-Dependent Industrial Development Regulations</td>
</tr>
<tr>
<td>Agricultural Use Type</td>
<td></td>
<td>General Agriculture</td>
</tr>
<tr>
<td>Extractive Use Type</td>
<td></td>
<td>Surface Mining - 1; subject to the Surface Mining Regulations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Surface Mining - 2; subject to the Surface Mining Regulations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations</td>
</tr>
<tr>
<td>Natural Resource Use Type</td>
<td></td>
<td>Metallic Mineral Extraction; subject to the Surface Mining Regulations</td>
</tr>
<tr>
<td>Use Types Not Listed in This Table**</td>
<td></td>
<td>Coastal Access Facilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MG zone.</td>
</tr>
</tbody>
</table>

*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.
**MG: Industrial General**

<table>
<thead>
<tr>
<th>Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
</tr>
<tr>
<td>Maximum Density</td>
</tr>
<tr>
<td>Minimum Yard Setbacks***</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Side</td>
</tr>
<tr>
<td>Flag Lots</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
</tr>
<tr>
<td>Permitted Main Building Types</td>
</tr>
</tbody>
</table>

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11. (Former Section CZ#A313-27(A-C))
<table>
<thead>
<tr>
<th>Use Type</th>
<th>Principal Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Use Types</td>
<td></td>
</tr>
<tr>
<td>Industrial Use Types*</td>
<td>Minor Utilities</td>
</tr>
<tr>
<td></td>
<td>Coastal-Dependent; subject to the Coastal-Dependent Industrial Development Regulations</td>
</tr>
<tr>
<td></td>
<td>Aquaculture; subject to the Coastal-Dependent Industrial Regulations</td>
</tr>
<tr>
<td></td>
<td>Conditionally Permitted Use</td>
</tr>
<tr>
<td>Residential Use Types</td>
<td>Caretaker’s Residence</td>
</tr>
<tr>
<td>Civic Use Types</td>
<td></td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td></td>
</tr>
<tr>
<td>Industrial Use Type*</td>
<td>Coastal-Dependent Recreation</td>
</tr>
<tr>
<td></td>
<td>Coastal-Related; subject to the Coastal-Dependent Industrial Regulations</td>
</tr>
<tr>
<td></td>
<td>Heavy Industrial, limited to alteration, improvement, and relocation of existing facilities</td>
</tr>
<tr>
<td>Extractive Use Type</td>
<td>Surface Mining - 1; subject to Surface Mining Regulations</td>
</tr>
<tr>
<td></td>
<td>Surface Mining - 2; subject to Surface Mining Regulations</td>
</tr>
<tr>
<td></td>
<td>Oil and Gas Drilling Processing; subject to Oil and Gas Drilling and Processing Regulations</td>
</tr>
<tr>
<td>Natural Resource Use Type</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coastal Access Facilities</td>
</tr>
<tr>
<td>Use Types Not Listed in This Table**</td>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MC zone.</td>
</tr>
</tbody>
</table>

*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.
313-3.4 MC: Industrial/Coastal-Dependent

<table>
<thead>
<tr>
<th>Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Size</strong></td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
</tr>
<tr>
<td><strong>Maximum Lot Depth</strong></td>
</tr>
<tr>
<td><strong>Maximum Density</strong></td>
</tr>
<tr>
<td><strong>Minimum Yard Setbacks</strong>*</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Side</td>
</tr>
<tr>
<td>Exceptions to Required Rear or Side Yard Setbacks</td>
</tr>
<tr>
<td>Flag Lots</td>
</tr>
<tr>
<td><strong>Maximum Ground Coverage</strong></td>
</tr>
<tr>
<td><strong>Maximum Structure Height</strong></td>
</tr>
<tr>
<td><strong>Permitted Main Building Types</strong></td>
</tr>
</tbody>
</table>

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.
(Former Section CZ#A313-28(A-C))
### 313-4.1 Use Type

**Civic Use Types**
- Essential Services
- Administrative
- Community Assembly
- Non-Assembly Cultural
- Public Recreation and Open Space
- Health Care Services
- Minor Utilities

**Residential Use Types**
- Caretaker’s Residence

**Use Types Not Listed in This Table**
- Extensive Impact Civic Uses
- Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
- Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
- Minor Generation and Distribution Facilities
- Coastal Access Facilities
- Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PF1 zone.

### PF1: PUBLIC FACILITY (URBAN)

#### Principal Permitted Use
- Natural Resource Use Type
- Coastal Access Facilities

#### Conditionally Permitted Use
- Caretaker’s Residence
- Extensive Impact Civic Uses
- Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
- Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
- Minor Generation and Distribution Facilities
- Coastal Access Facilities

### Development Standards

<table>
<thead>
<tr>
<th>Development Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>5,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>Fifty feet (50’).</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>Three (3) times the lot width.</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Minimum Yard Setbacks***</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone</td>
</tr>
<tr>
<td>Rear</td>
<td>Fifteen feet (15’), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5’).</td>
</tr>
<tr>
<td>Side</td>
<td>None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Forty-five feet (45’).</td>
</tr>
</tbody>
</table>

---

**Notes:**
- **See,** “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.
- **Note:** Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.

(Former Section CZ#A313-18(A-C); Amended by Ord. 1842, Sec. 19, 8/16/88)
### PF2: PUBLIC FACILITY (RURAL)

#### Principal Permitted Use
- Essential Services
- Community Assembly
- Public Recreation and Open Spaces
- Minor Utilities

#### Conditionally Permitted Use
- Caretaker’s Residence
- Extensive Impact Civic Uses
- Solid Waste Disposal; subject to the Solid Waste and Dredge Spoils Disposal Regulations
- Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
- Major Electrical Distribution Lines; subject to the Electrical Transmission Lines Regulations
- Minor Generation and Distribution Facilities
- Coastal Access Facilities
- Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PF2 zone.

### Development Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>5,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>Fifty feet (50’).</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>Three (3) times the lot width.</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Minimum Yard Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone</td>
</tr>
<tr>
<td>Rear</td>
<td>Fifteen feet (15’), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5’).</td>
</tr>
<tr>
<td>Side</td>
<td>None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>Thirty-five percent (35%).</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Forty-five feet (45’).</td>
</tr>
</tbody>
</table>

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11. (Former Section CZ#A313-19(A-C))
# RECREATION AND CONSERVATION ZONES

## 313-5.1 PR: PUBLIC RECREATION

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Conditionally Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types</td>
<td>Caretaker’s Residence</td>
</tr>
<tr>
<td>Civic Use Types</td>
<td>Essential Services</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Visitor Serving Facilities</td>
</tr>
<tr>
<td>Natural Resource Use Types</td>
<td>Fish and Wildlife Habitat Management</td>
</tr>
<tr>
<td>Use Types Not Listed in This Table**</td>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PR zone.</td>
</tr>
</tbody>
</table>

### Development Standards

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>5,000 square feet.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>Fifty feet (50’).</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>Three (3) times the lot width.</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Minimum Yard Setbacks***</td>
<td>None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone</td>
</tr>
<tr>
<td>Rear</td>
<td>Fifteen feet (15’), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (15’).</td>
</tr>
<tr>
<td>Side</td>
<td>None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>Thirty-five percent (35%).</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Thirty-five feet (35’).</td>
</tr>
</tbody>
</table>

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.  
***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.(Former Section CZ#A313-20(A)); amended by Ord. 2167, Sec. 17, 4/7/98, amended by Ord. 2376A, 7/25/06)
**313-5.2 CR: COMMERCIAL RECREATION**

**Principal Permitted Use**

- Commercial Recreation Principal Permitted Use (See Section 313-163.1.9 for description)

**Conditionally Permitted Use**

- Single Family Residential
- Caretaker’s Residence
- Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
- Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
- Minor Generation and Distribution Facilities
- Recreational Vehicle Park
- Timber Production
- Fish and Wildlife Management
- Watershed Management
- Wetland Restoration
- Boating Facilities Improvements

**Development Standards**

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Conditionally Permitted Use</th>
</tr>
</thead>
</table>
| Residential Use Types             | Single Family Residential
| Caretaker’s Residence             |                                                                                              |
| Civic Use Types                   | Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations                      |
|                                  | Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations|
|                                  | Minor Generation and Distribution Facilities                                                  |
| Commercial Use Types              | Recreational Vehicle Park                                                                    |
| Commercial Timber Use Types       | Timber Production                                                                            |
| Natural Resource Use Types        | Fish and Wildlife Management                                                                  |
|                                  | Watershed Management                                                                         |
|                                  | Wetland Restoration                                                                          |
|                                  | Boating Facilities Improvements                                                               |
| Use Types Not Listed in This Table**| Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CR zone. |

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>5,000 square feet.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>Fifty feet (50’).</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>Three (3) times the lot width.</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>(None specified.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Yard Setbacks***</th>
<th>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone</td>
</tr>
<tr>
<td>Rear</td>
<td>Fifteen feet (15’), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5’).</td>
</tr>
<tr>
<td>Side</td>
<td>None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Ground Coverage</th>
<th>(None specified.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Structure Height</td>
<td>Forty-five feet (45’).</td>
</tr>
</tbody>
</table>

---

**Notes:**

- **See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.**
- **Note:** Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.

(FORMER SECTION CZ#A313-23(A-C); AMENDED BY ORD. 2167, SEC. 19, 4/7/98; AMENDED BY ORD. 2376A, 7/25/06)
### 313-5.3 CRD: COASTAL-DEPENDENT COMMERCIAL RECREATION

**Principal Permitted Use**

Coastal-Dependent Commercial Recreation Principal Permitted Use

(See Section 313-163.1.9 for description)

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Conditionally Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td></td>
<td>Caretaker’s Residence</td>
</tr>
<tr>
<td>Civic Use Types</td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</td>
</tr>
<tr>
<td></td>
<td>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</td>
</tr>
<tr>
<td></td>
<td>Minor Generation and Distribution Facilities</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Visitor Serving Facilities</td>
</tr>
<tr>
<td></td>
<td>Transient Habitation</td>
</tr>
<tr>
<td></td>
<td>Commercial Recreation</td>
</tr>
<tr>
<td></td>
<td>Recreational Vehicle Park</td>
</tr>
<tr>
<td>Natural Resource Use Types</td>
<td>Fish and Wildlife Management</td>
</tr>
<tr>
<td></td>
<td>Watershed Management</td>
</tr>
<tr>
<td></td>
<td>Wetland Restoration</td>
</tr>
<tr>
<td></td>
<td>Boating Facilities Improvements</td>
</tr>
</tbody>
</table>

**Use Types Not Listed in This Table**

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CRD zone.

---

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.**

(Former Section CZ#A313-24(A-C, amended by Ord. 2167, Sec. 20, 4/7/98, amended by Ord. 2376A, 7/25/06)
### 313-5.3 CRD: Coastal-Dependent Commercial Recreation

<table>
<thead>
<tr>
<th>Development Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>5,000 square feet.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>Fifty feet (50').</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>Three (3) times the lot width.</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Minimum Yard Setbacks***</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone</td>
</tr>
<tr>
<td>Rear</td>
<td>Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5').</td>
</tr>
<tr>
<td>Side</td>
<td>None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Forty-five feet (45').</td>
</tr>
</tbody>
</table>

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.**

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.**

(FORMER SECTION CZ#A313-24(A-C))
### Section 313-5.4

**Use Type**

<table>
<thead>
<tr>
<th>Natural Resource Use Types</th>
<th>Residential Use Types</th>
<th>Civic Use Types</th>
<th>Industrial Use Types*</th>
<th>Extractive Use Types</th>
<th>Natural Resource Use Types</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Permitted Use</strong></td>
<td><strong>Conditionally Permitted Use</strong></td>
<td><strong>Use Type</strong></td>
<td><strong>Use Type</strong></td>
<td><strong>Use Type</strong></td>
<td><strong>Use Type</strong></td>
</tr>
<tr>
<td>Fish and Wildlife Habitat Management</td>
<td>Caretaker’s Residence (allowed only within Humboldt Bay Coastal sand dune areas only)</td>
<td>Minor Utilities</td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</td>
<td>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</td>
<td>Minor Generation and Distribution Facilities</td>
</tr>
<tr>
<td><strong>Use Types Not Listed in This Table</strong>**</td>
<td><strong>Development Standards</strong></td>
<td><strong>Use Types</strong></td>
<td><strong>Use Types</strong></td>
<td><strong>Use Types</strong></td>
<td><strong>Use Types</strong></td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the NR zone.</td>
<td><strong>Minimum Lot Size</strong></td>
<td><strong>Determined during subdivision approval process and in conformance with this zone and the General Plan.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td><strong>Determined during subdivision approval process and in conformance with this zone and the General Plan.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Lot Depth</strong></td>
<td><strong>(None specified.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Density</strong></td>
<td><strong>(None specified.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Yard Setbacks</strong>*</td>
<td><strong>Front</strong></td>
<td>Twenty feet (20’).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Rear</strong></td>
<td>Ten feet (10’).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Side</strong></td>
<td>Five feet (5’).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Flag Lots</strong></td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Maximum Ground Coverage</strong></td>
<td><strong>(None specified.)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Maximum Structure Height</strong></td>
<td>Thirty-five feet (35’).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Permitted Main Building Types</strong></td>
<td>Ancillary Residential or Manufactured Home (only one unit per lot). Nonresidential Detached, Multiple/Group.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11. (Former Section CZ#A313-32(A-C))
### 313-6 RESIDENTIAL ZONE DISTRICTS

#### 313-6.1 RS: RESIDENTIAL SINGLE FAMILY

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Principal Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types</td>
<td>Residential Single Family Principal Permitted Use (See Section 313-163.1.9 for description)</td>
</tr>
</tbody>
</table>
### Section 313-6.1 RS: Residential Single Family Development Standards

<table>
<thead>
<tr>
<th>Zone Designation</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-5</td>
<td>5,000 sq. ft.</td>
<td>50 feet</td>
</tr>
<tr>
<td>RS-7.5</td>
<td>7,500 sq. ft.</td>
<td>60 feet</td>
</tr>
<tr>
<td>RS-10</td>
<td>10,000 sq. ft.</td>
<td>60 feet</td>
</tr>
<tr>
<td>RS-20</td>
<td>20,000 sq. ft.</td>
<td>75 feet</td>
</tr>
<tr>
<td>RS-40</td>
<td>40,000 sq. ft.</td>
<td>150 feet</td>
</tr>
</tbody>
</table>

**Maximum Lot Depth**

Three (3) times the lot width.

**Maximum Density**

Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.

**Minimum Yard Setbacks***

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Twenty feet (20')</td>
</tr>
<tr>
<td>Rear</td>
<td>Ten feet (10')</td>
</tr>
<tr>
<td>Interior Side</td>
<td>Five feet (5')</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a “collector” or “higher order street” (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.</td>
</tr>
</tbody>
</table>

**Double Frontage Lots**

Front and rear yards shall be twenty feet (20'); except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.

**Flag Lots**

For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.

**Maximum Ground Coverage**

Thirty-five percent (35%).

**Maximum Structure Height**

Thirty-five feet (35').

**Permitted Main Building Types**

- Residential Single Detached
- Manufactured Homes in Manufactured Home Parks
- Limited Mixed Residential-Nonresidential
- Nonresidential Detached or Multiple/Group

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.

(Former Section CZ#A313-16(A-C); amended by Ord. 1853, 12/20/88)
### 313-6.2 RM: RESIDENTIAL MULTI-FAMILY

#### Principal Permitted Use

Residential Multi Family Principal Permitted Use (See Section 313-163.1.9 for description)

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Conditionally Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types</td>
<td>Single Family Residential where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. Manufactured Home Parks; subject to the Manufactured Home Park Regulations</td>
</tr>
<tr>
<td>Civic Use Types</td>
<td>Essential Services</td>
</tr>
<tr>
<td></td>
<td>Community Assembly</td>
</tr>
<tr>
<td></td>
<td>Non-Assembly Cultural</td>
</tr>
<tr>
<td></td>
<td>Public Recreation and Open Space</td>
</tr>
<tr>
<td></td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</td>
</tr>
<tr>
<td></td>
<td>Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations</td>
</tr>
<tr>
<td></td>
<td>Transient Habitation</td>
</tr>
<tr>
<td></td>
<td>Private Recreation</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Commercial</td>
</tr>
<tr>
<td></td>
<td>Office and Professional Service</td>
</tr>
<tr>
<td></td>
<td>Private Institution</td>
</tr>
<tr>
<td>Comm. Timber Use Type</td>
<td>Timber Production</td>
</tr>
<tr>
<td>Natural Resource Use Type</td>
<td>Fish and Wildlife Management</td>
</tr>
<tr>
<td></td>
<td>Watershed Management</td>
</tr>
<tr>
<td></td>
<td>Wetland Restoration</td>
</tr>
<tr>
<td></td>
<td>Coastal Access Facilities</td>
</tr>
<tr>
<td>Use Types Not Listed in This</td>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RM zone.</td>
</tr>
<tr>
<td>Table**</td>
<td></td>
</tr>
</tbody>
</table>

#### Development Standards

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>5,000 square feet.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>Fifty feet (50').</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>Three (3) times the lot width.</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>The maximum density as specified on the adopted zoning maps. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeded, if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.</td>
</tr>
</tbody>
</table>

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165. (Former Section CZ#A313-14(A-C); amended by Ord. 2167, Sec. 13, 4/7/98 ; amended by Ord. 2376A, 7/25/06)**
313-6.2  RM: Residential Multi-Family

<table>
<thead>
<tr>
<th>Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Yard Setbacks</strong>*</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Interior Side</td>
</tr>
<tr>
<td>Exterior Side</td>
</tr>
<tr>
<td>Double Frontage Lots</td>
</tr>
<tr>
<td>Flag Lots</td>
</tr>
</tbody>
</table>

**Minimum Setbacks Between Detached Multiple Unit Dwellings**

| Minimum distance between buildings: | Ten feet (10'). |
| Minimum distance between the front of any dwelling unit in a building and any other building on-site: | Twenty feet (20'). |
| Minimum distance between the front of any dwelling unit and any side lot line: | Twelve feet (12'). |
| Minimum distance between buildings exceeding two (2) stories: | Two foot (2') increase, over setbacks specified in this section, for each additional story. |

**Maximum Ground Coverage**

Sixty Percent (60%).

**Maximum Structure Height**

Forty-five feet (45').

**Permitted Main Building Types**

Single Detached (only one dwelling per lot), Manufactured homes in manufactured home parks, Duplex, Multiple dwellings, and Multiple/Group, Limited Mixed Residential-Nonresidential, Nonresidential Detached, or Multiple/Group.

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11. (FORMER SECTION CZ#A313-14(A-C))
### 313-6.3  
**R2: MIXED RESIDENTIAL**

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Principal Permitted Use</th>
<th>Conditionally Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types</td>
<td>Mixed Residential Principal Permitted Use (See Section 313-163.1.9 for description)</td>
<td>Manufacured Home Park; subject to the Manufactured Home Park Regulations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Guest House</td>
</tr>
<tr>
<td>Civic Use Types</td>
<td>Essential Services</td>
<td>Community Assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public Recreation and Open Space</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minor Generation and Distribution Facilities</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Neighborhood Commercial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Private Institution</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Private Recreation</td>
</tr>
<tr>
<td>Commercial Timber Use Type</td>
<td>Timber Production</td>
<td></td>
</tr>
<tr>
<td>Industrial Use Types*</td>
<td>Cottage Industry; subject to the Cottage Industry Regulations</td>
<td></td>
</tr>
<tr>
<td>Extractive Use Type</td>
<td>Surface Mining - 2; subject to the Surface Mining Regulations</td>
<td></td>
</tr>
<tr>
<td>Natural Resource Use Type</td>
<td>Fish and Wildlife Management</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wetland Restoration</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coastal Access Facilities</td>
<td></td>
</tr>
<tr>
<td>Use Types Not Listed in This Table**</td>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R2 zone.</td>
<td></td>
</tr>
</tbody>
</table>

*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.

(Former Section CZ#A313-15(A)(1-2); amended by Ord. 1853, 12/20/88; amended by Ord. 1875, Sec. 2, 9/26/89 amended by Ord. 2167, Sec. 16, 4/7/98, amended by Ord. 2376A, 7/25/06)
### 313-6.3 R2: MIXED RESIDENTIAL

**Development Standards**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>5,000 square feet.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>Fifty feet (50’).</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>Three (3) times the lot width.</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Minimum Yard Setbacks***</td>
<td>Twenty feet (20’). Rear Ten feet (10’). Interior Side Five feet (5’).</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25’) from the rear lot line, and the exterior side yard does not abut a “collector” or “higher order street” (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.</td>
</tr>
<tr>
<td>Double Frontage Lots</td>
<td>Front and rear yards shall be twenty feet (20’), except that the rear yard setback may be reduced to ten feet (10’) where such yard abuts an alley.</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>Thirty-five percent (35%).</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>Thirty-five feet (35’).</td>
</tr>
<tr>
<td>Permitted Main Building Types</td>
<td>Residential Single Detached; Manufactured Homes in Manufactured Home Parks. Only one dwelling per lot or manufactured home lot except where a permit is approved to allow for a second residential unit (see, Second Residential Dwelling Unit in Section 313-87.1). Duplex. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.</td>
</tr>
</tbody>
</table>

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.

(FORMER SECTION CZ#A313-15(A)(1-2); AMENDED BY ORD. 1853, 12/20/88; AMENDED BY ORD. 1875, SEC. 2, 9/26/89)
### 313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE

#### Principal Permitted Use

Rural Residential Agriculture Principal Permitted Use (See Section 313-163.1.9 for description)

#### Use Type Conditionally Permitted Use

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Residential Use Types</th>
<th>Civic Use Types</th>
<th>Commercial Use Types</th>
<th>Industrial Use Types*</th>
<th>Agricultural Use Types</th>
<th>Commercial Timber Use Types</th>
<th>Extractive Use Types</th>
<th>Natural Resource Use Types</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Guest House</td>
<td>Essential Services</td>
<td>Community Assembly</td>
<td>Public Recreation and Open Space</td>
<td>Solid Waste Disposal; subject to the Solid Waste Disposal Regulations</td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations</td>
<td>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</td>
<td>Minor Generation and Distribution Facilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.

(Former Section CZ#A313-17(A-C); amended by Ord. 1853, 12/20/88, amended by Ord. 2167, Sec. 16, 4/7/98, amended by Ord. 2376A, 7/25/06)
### 313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE

#### Development Standards

<table>
<thead>
<tr>
<th>Zone Designation</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA -1</td>
<td>1.0 acres</td>
<td>150 feet</td>
</tr>
<tr>
<td>RA -2</td>
<td>2.0 acres</td>
<td>175 feet</td>
</tr>
<tr>
<td>RA -2.5</td>
<td>2.5 acres</td>
<td>175 feet</td>
</tr>
<tr>
<td>RA -5</td>
<td>5.0 acres</td>
<td>250 feet</td>
</tr>
<tr>
<td>RA -10</td>
<td>10.0 acres</td>
<td>350 feet</td>
</tr>
<tr>
<td>RA -20</td>
<td>20.0 acres</td>
<td>475 feet</td>
</tr>
<tr>
<td>RA -40</td>
<td>40.0 acres</td>
<td>750 feet</td>
</tr>
</tbody>
</table>

#### Minimum Lot Size and Minimum Lot Width

<table>
<thead>
<tr>
<th>Zone Designation</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Than 2.5 Acres</td>
<td>Twenty feet (20’)</td>
<td>Twenty feet (20’); Thirty feet (30’) for flag lots</td>
</tr>
<tr>
<td>2.5 Acres or Greater</td>
<td>Ten feet (10’)</td>
<td>Thirty feet (30’)</td>
</tr>
</tbody>
</table>

#### Maximum Lot Depth

Four (4) times the lot width.

#### Maximum Density

Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit.

#### Minimum Yard Setbacks***

<table>
<thead>
<tr>
<th>Location</th>
<th>Less Than 2.5 Acres</th>
<th>2.5 Acres or Greater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Twenty feet (20’)</td>
<td>Twenty feet (20’)</td>
</tr>
<tr>
<td>Rear</td>
<td>Ten feet (10’)</td>
<td>Thirty feet (30’)</td>
</tr>
<tr>
<td>Interior Side</td>
<td>Five feet (5’)</td>
<td>Thirty feet (30’)</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Twenty feet (20’)</td>
<td>Twenty feet (20’)</td>
</tr>
</tbody>
</table>

For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.

#### Double Frontage Lots

Front and rear yards shall be twenty feet (20’), except that the rear yard setback may be reduced to ten feet (10’) where such yard abuts an alley.

Front and rear yards shall be twenty feet (20’), except that the rear yard setback may be reduced to ten feet (10’) where such yard abuts an alley.

#### Maximum Ground Coverage

Thirty-five percent (35%).

#### Maximum Structure Height

Thirty-five feet (35’).

#### Permitted Main Building Types

Residential Single Detached
Limited Mixed Residential - Nonresidential
Nonresidential Detached or Multiple/Group

---

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11. (FORMER SECTION CZ#A313-17(A-C); AMENDED BY ORD. 1853, 12/20/88)"
### 313-7.1 AE: AGRICULTURE EXCLUSIVE

#### Principal Permitted Use

Agriculture Exclusive Principal Permitted Use (See Section 313-163.1.9 for description)

#### Conditionally Permitted Use

| Use Type                      | Residential Use Types                                      | Civic Use Types                                      | Industrial Use Types* | Agricultural Use Types                          | Extractive Use Types                                      | Natural Resource Use Types
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Guest House</td>
<td>Essential Services</td>
<td></td>
<td>Hog Farming</td>
<td>Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations</td>
<td>Fish and Wildlife Management</td>
</tr>
<tr>
<td></td>
<td>Farm Employee Housing</td>
<td>Solid Waste Disposal; subject to the Solid Waste Disposal Regulations</td>
<td></td>
<td>Kennels</td>
<td>Surface Mining - 2; subject to the Surface Mining Regulations</td>
<td>Watershed Management</td>
</tr>
<tr>
<td></td>
<td>Labor Camp</td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</td>
<td></td>
<td>Agriculture-Related Recreation</td>
<td>Surface Mining - 3; subject to the Surface Mining Regulations</td>
<td>Wetland Restoration</td>
</tr>
<tr>
<td></td>
<td>Second Agriculture or Commercial Timber Production Residence (on a lot less than sixty acres (60a) in size)</td>
<td>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</td>
<td></td>
<td>Intensive Agriculture</td>
<td>Metallic Mineral Extraction; subject to the Surface Mining Regulations</td>
<td>Resource-Related Recreation</td>
</tr>
<tr>
<td></td>
<td>Single Family Residential (a Use Permit is required on a lot less than sixty acres (60a) in size for a second single detached dwelling)</td>
<td>Minor Generation and Distribution Facilities</td>
<td></td>
<td></td>
<td></td>
<td>Coastal Access Facilities</td>
</tr>
</tbody>
</table>

#### Use Types Not Listed in This Table**

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.

---

*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.

(Former Section CZ#A313-29(A-C); amended by Ord. 2167, Sec. 22, 4/7/98; amended by Ag Zone ordinance amendments approved by the Humboldt County Board of Supervisors 2/9/99, amended by Ord. 2167, Sec. 13, 4/7/98, amended by Ord. 2376A, 7/25/06)
### 313-7.1 AE: AGRICULTURE EXCLUSIVE

#### Development Standards

<table>
<thead>
<tr>
<th>Zone Designation</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>AE-20</td>
<td>20 acres</td>
<td></td>
</tr>
<tr>
<td>AE-40</td>
<td>40 acres</td>
<td></td>
</tr>
<tr>
<td>AE-60</td>
<td>60 acres</td>
<td></td>
</tr>
<tr>
<td>AE-160</td>
<td>160 acres</td>
<td></td>
</tr>
<tr>
<td>AE-600</td>
<td>600 acres</td>
<td></td>
</tr>
<tr>
<td>(As determined during subdivision review and approval.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Minimum Lot Depth

(No specified.)

#### Maximum Density

(No specified.)

#### Minimum Yard Setbacks***

- **Front**: Twenty feet (20'); Thirty feet (30') for flag lots.
- **Rear**: Thirty feet (30').
- **Interior Side**: Thirty feet (30').
- **Exterior Side**: Twenty feet (20').
- **Flag Lots**: For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- **Double Frontage Lots**: Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.

#### Maximum Ground Coverage

(No specified.)

#### Maximum Structure Height

(No specified.)

#### Permitted Main Building Types

- Residential Single Detached; Ancillary Residential, Manufactured Home;
- Unlimited Mixed Residential - Nonresidential
- Detached Nonresidential

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.

(Former Section CZ#A313-29(A-C); amended by Ord. 2167, Sec. 21, 4/7/98; amended by Ag Zone ordinance amendments approved by the Humboldt County Board of Supervisors 2/9/99)
<table>
<thead>
<tr>
<th>Use Type</th>
<th>TC: COMMERCIAL TIMBER Principal Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description)</td>
</tr>
<tr>
<td></td>
<td>Conditionally Permitted Use</td>
</tr>
<tr>
<td></td>
<td>Single Family Residential. A Use Permit is required for a second single family residence.</td>
</tr>
<tr>
<td>Residential Use Types</td>
<td>Essential Services</td>
</tr>
<tr>
<td>Civic Use Types</td>
<td>Solid Waste Disposal; subject to the Solid Waste Disposal Regulations</td>
</tr>
<tr>
<td></td>
<td>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</td>
</tr>
<tr>
<td></td>
<td>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</td>
</tr>
<tr>
<td></td>
<td>Minor Generation and Distribution Facilities</td>
</tr>
<tr>
<td>Industrial Use Types*</td>
<td>Timber Products Processing</td>
</tr>
<tr>
<td></td>
<td>Aquaculture</td>
</tr>
<tr>
<td>Agricultural Use Types</td>
<td>Cottage Industry; subject to the Cottage Industry Regulations</td>
</tr>
<tr>
<td>Extractive Use Type</td>
<td>Agricultural Related Recreation</td>
</tr>
<tr>
<td></td>
<td>Surface Mining - 2; subject to the Surface Mining Regulations</td>
</tr>
<tr>
<td></td>
<td>Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations</td>
</tr>
<tr>
<td></td>
<td>Metallic Mineral Extraction; subject to the Surface Mining Regulations</td>
</tr>
<tr>
<td>Natural Resource Use Type</td>
<td>Coastal Access Facilities</td>
</tr>
<tr>
<td>Use Types Not Listed in This Table**</td>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.</td>
</tr>
<tr>
<td>Use Type</td>
<td>Compatible Uses Permitted with a Special Permit</td>
</tr>
<tr>
<td>Residential Use Types</td>
<td>Labor Camp</td>
</tr>
<tr>
<td>Commercial Timber Use Type</td>
<td>Timber Related Recreation</td>
</tr>
<tr>
<td>Natural Resource Use Types</td>
<td>Fish and Wildlife Management</td>
</tr>
<tr>
<td></td>
<td>Watershed Management</td>
</tr>
<tr>
<td></td>
<td>Wetland Restoration</td>
</tr>
</tbody>
</table>

*See, Industrial Performance Standards, Section 313-103.1.

**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.

(From Section CZ#A314-11(B); CZ#A313-30(A-C); amended by Ord. 1853, 12/20/88, amended by Ord. 2167, Sec. 22, 4/7/98; amended by Ord. 2376A, 7/25/06)
**Section 313-7.2**

<table>
<thead>
<tr>
<th><strong>Development Standards</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Size</strong></td>
<td>Forty acres (40a).</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td>(As determined during subdivision review and approval).</td>
</tr>
<tr>
<td><strong>Maximum Lot Depth</strong></td>
<td>(None specified.)</td>
</tr>
<tr>
<td><strong>Maximum Density</strong></td>
<td>(None specified.)</td>
</tr>
<tr>
<td><strong>Maximum Total Conversion of Timberland for Non-Timber Production Uses</strong></td>
<td>Two acres (2a) of contiguous or non-contiguous land.</td>
</tr>
</tbody>
</table>

**Minimum Yard Setbacks***

<table>
<thead>
<tr>
<th><strong>Type</strong></th>
<th><strong>Setbacks</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Twenty feet (20’); Thirty feet (30’) for flag lot.</td>
</tr>
<tr>
<td>Rear</td>
<td>Thirty feet (30’).</td>
</tr>
<tr>
<td>Interior Side</td>
<td>Thirty feet (30’).</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Twenty feet (20’).</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Double Frontage Lots</td>
<td>Front and rear yards shall be twenty feet (20’), except that the rear yard setback may be reduced to ten feet (10’) where such yard abuts an alley.</td>
</tr>
</tbody>
</table>

**Maximum Ground Coverage** | (None specified.) |

**Maximum Structure Height** | Thirty-five feet (35’). |

**Permitted Main Building Types** | Residential Single Detached; Ancillary Residential; Manufactured Home; Detached Nonresidential |

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11. (FROM SECTION CZ#A314-11(B); CZ#A313-30(A-C); AMENDED BY ORD. 1853, 12/20/88)
### TPZ: TIMBERLAND PRODUCTION ZONE

#### Principal Permitted Use
Timber Production Principal Permitted Use (See Section 313-163.1.9 for description)

#### Conditionally Permitted Use
- Single Family Residential. A Use Permit is required for a second single family residence.
- Essential Services
- Solid Waste Disposal; subject to the Solid Waste Disposal Regulations
- Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
- Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
- Minor Generation and Distribution Facilities

#### Industrial Use Types*
- Timber Products Processing
- Aquaculture
- Cottage Industry; subject to the Cottage Industry Regulations
- Agriculture-Related Recreation
- Surface Mining - 2; subject to the Surface Mining Regulations
- Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations

#### Agricultural Use Types
- Coastal Access Facilities

#### Extractive Use Type
- Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.

#### Natural Resource Use Type
- Coastal Access Facilities

#### Use Types Not Listed in This Table**

#### Use Type
- Residential Use Types
- Commercial Timber Use Type
- Natural Resource Use Types
- Labor Camp
- Timber Related Recreation
- Fish and Wildlife Management
- Watershed Management
- Wetland Restoration

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*See, Industrial Performance Standards, Section 313-103.1.
**See, “Classifying Uses Not Specifically Mentioned in Use Type Descriptions,” Section 313-165.
(Former Section CZ#A313-31(A-C); Section CZ#A314-11(B); amended by Ord. 1853, 12/20/88; amended by Ord. 2167, Sec. 23, 4/7/98; amended by Ord. 2376A, 7/25/06)
### 313-7.3 TPZ: TIMBERLAND PRODUCTION ZONE

<table>
<thead>
<tr>
<th>Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Size</strong></td>
</tr>
<tr>
<td>Forty acres (40a).</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
</tr>
<tr>
<td>(As determined during subdivision review and approval).</td>
</tr>
<tr>
<td><strong>Maximum Lot Depth</strong></td>
</tr>
<tr>
<td>(None specified.)</td>
</tr>
<tr>
<td><strong>Maximum Density</strong></td>
</tr>
<tr>
<td>(None specified.)</td>
</tr>
<tr>
<td><strong>Maximum Total Conversion of Timberland for Non-Timber Production Uses</strong></td>
</tr>
<tr>
<td>Two acres (2a) of contiguous or non-contiguous land.</td>
</tr>
<tr>
<td><strong>Minimum Yard Setbacks</strong>*</td>
</tr>
<tr>
<td>Front: Twenty feet (20'); Thirty feet (30') for flag lots.</td>
</tr>
<tr>
<td>Rear: Thirty feet (30').</td>
</tr>
<tr>
<td>Interior Side: Thirty feet (30').</td>
</tr>
<tr>
<td>Exterior Side: Twenty feet (20').</td>
</tr>
<tr>
<td><strong>Flag Lots</strong></td>
</tr>
<tr>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td><strong>Double Frontage Lots</strong></td>
</tr>
<tr>
<td>Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.</td>
</tr>
<tr>
<td><strong>Maximum Ground Coverage</strong></td>
</tr>
<tr>
<td>(None specified.)</td>
</tr>
<tr>
<td><strong>Maximum Structure Height</strong></td>
</tr>
<tr>
<td>Thirty-five feet (35').</td>
</tr>
<tr>
<td><strong>Permitted Main Building Types</strong></td>
</tr>
<tr>
<td>Residential Single Detached; Ancillary Residential; Manufactured Home.</td>
</tr>
<tr>
<td>Detached Nonresidential.</td>
</tr>
</tbody>
</table>

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: “Alquist-Priolo Fault Hazard” and the “Fire Safe Regulations” at Title III, Division 11.***

(FORMER SECTION CZ#A313-31(A-C); SECTION CZ#A314-11(B); AMENDED BY ORD. 1853, 12/20/88)

(313-8 through 313-14: Sections Reserved for Future Use)
SECTION A: REGULATIONS FOR ZONING DISTRICTS

PART 2: SPECIAL AREA COMBINING ZONES

313-15 SPECIAL AREA COMBINING ZONES: PURPOSE, WHERE THEY APPLY, AND LIST OF ZONE DESIGNATIONS

A Combining Zone is an additional zoning designation applied to some (but not all) properties. A Combining Zone modifies the allowed land use in some way when necessary for sound and orderly planning. The following regulations for each of the Combining Zones shall modify the regulations for the Principal Zones with which they are combined. All uses and development regulations for the Principal Zone shall apply in the Combining Zone except insofar as they are modified or augmented by the uses and regulations set forth in the Combining Zone regulations. (Former Section CZ#A313-40)

313-15.1 PURPOSE

The purpose of these regulations is to establish regulations for land use and development in special areas, as identified in the Humboldt County General Plan and associated plan maps. (See, Chapter 1 for an explanation of the zoning maps.) (Former Section CZ#A313-44(A))

313-15.2 APPLICABILITY

The Special Area Combining Zone Regulations shall apply when any of the special area combining zones are combined with a principal zone by the County Board of Supervisors. When more than one regulation is applicable to the same subject matter within a zone, the most restrictive regulation is applicable. (Former Section CZ#A313-44(B))
313-15.3 SPECIAL AREA COMBINING ZONES AND RESPECTIVE DESIGNATIONS

The following table lists all of the Special Area Combining Zones and their respective designators:  (Former Section CZ#A313-44(C))

<table>
<thead>
<tr>
<th>COMBINING ZONE</th>
<th>DESIGNATION</th>
<th>CODE SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Archaeological Resource Area Outside Shelter Cove</td>
<td>A</td>
<td>313-16.1</td>
</tr>
<tr>
<td>Special Archaeological Resource Area Regulations for Shelter Cove</td>
<td>A</td>
<td>313-16.2</td>
</tr>
<tr>
<td>Airport Safety Review</td>
<td>AP</td>
<td>313-16.3</td>
</tr>
<tr>
<td>Beach and Dune Areas</td>
<td>B</td>
<td>313-17.1</td>
</tr>
<tr>
<td>Coastal Resource Dependent</td>
<td>C</td>
<td>313-18.1</td>
</tr>
<tr>
<td>Design Review</td>
<td>D</td>
<td>313-19.1</td>
</tr>
<tr>
<td>Coastal Elk Habitat</td>
<td>E</td>
<td>313-20.1</td>
</tr>
<tr>
<td>Flood Hazard Areas</td>
<td>F</td>
<td>313-21.1</td>
</tr>
<tr>
<td>Alquist-Priolo Fault Hazard</td>
<td>G</td>
<td>313-22.1</td>
</tr>
<tr>
<td>Landscape and Design</td>
<td>L</td>
<td>313-27.1</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>M</td>
<td>313-28.1</td>
</tr>
<tr>
<td>Noise Impact</td>
<td>N</td>
<td>313-29.1</td>
</tr>
<tr>
<td>Offshore Rocks and Rocky Intertidal Areas</td>
<td>O</td>
<td>313-30.1</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>P</td>
<td>313-31.1</td>
</tr>
<tr>
<td>Qualified</td>
<td>Q</td>
<td>313-32.1</td>
</tr>
<tr>
<td>Streams and Riparian Corridor Protection</td>
<td>R</td>
<td>313-33.1</td>
</tr>
<tr>
<td>Development Standard</td>
<td>S</td>
<td>313-34.1</td>
</tr>
<tr>
<td>Modified Building Standards Including Provision for Manufactured Homes</td>
<td>SM</td>
<td>313-34.2</td>
</tr>
<tr>
<td>Development Standards Which Are Combined with a Prohibition Against Further Subdivision</td>
<td>SX</td>
<td>313-34.3</td>
</tr>
<tr>
<td>Development Standards Where Standards in Addition to Minimum Lot Size are Modified</td>
<td>SY</td>
<td>313-34.4</td>
</tr>
<tr>
<td>Transitional Agricultural Lands</td>
<td>T</td>
<td>313-35.1</td>
</tr>
<tr>
<td>Coastal Wetlands</td>
<td>W</td>
<td>313-38.1</td>
</tr>
<tr>
<td>No Further Subdivision Allowed</td>
<td>X</td>
<td>313-39.1</td>
</tr>
<tr>
<td>Specified Minimum and Average Lot Sizes</td>
<td>Y</td>
<td>313-40.1</td>
</tr>
</tbody>
</table>

313-15.4 REPRESENTATION OF THE SPECIAL AREA COMBINING ZONES REGULATIONS

When combined with a Principal zone, the Special Area Combining Zone(s) shall be represented on the adopted zoning maps with the applicable designator(s). The applicable designator(s) shall be listed, in the above order, below the principal zone designator, and the Development Standard Combining Zone and Qualified Combining Zone designators, when applied, in a numerator/denominator format (e.g. RM/D).  (Former Section CZ#A313-44(D))
313-16 “A” COMBINING ZONE DESIGNATIONS

313-16.1 A: ARCHAEOLOGICAL RESOURCE AREA OUTSIDE SHELTER COVE

16.1.1 Purpose. The purpose of these regulations is to provide for reasonable mitigation measures where development would have an adverse impact upon archaeological and paleontological resources. (Former Section CZ#A314-52(A))

16.1.2 Applicability. These regulations shall apply to lands designated “A” on the Zoning Maps, except for the Shelter Cove area, which includes areas with great archaeological and paleontological value as identified by the State Historic Preservation Officer. (Also see, the section “Archaeological Resource Area Regulations for Shelter Cove”.) (Former Section CZ#A314-52(B))

16.1.3 Modifications Imposed by the Archaeological Resource Area Regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulations, the regulation most protective of archaeological resources shall apply. (Former Section CZ#A314-52(C))

16.1.4 Required Mitigation. Measures to mitigate adverse environmental effects of development within Archaeological Resource Areas shall include, but are not limited to, the following: (Former Section CZ#A314-52(D))

16.1.4.1 Relocate planned structures and roads to avoid or mitigate impacts on archaeological sites; (Former Section CZ#A314-52(D)(1))

16.1.4.2 Provide protective cover for sites that cannot be avoided; (Former Section CZ#A314-52(D)(2))

16.1.4.3 Where appropriate, and providing all parties concerned approve, the removal or transfer of culturally significant material by a professional archaeologist shall be permitted. (Former Section CZ#A314-52(D)(3))

16.1.5 Additional Requirements for the Protection of Native American Graves, Burial Grounds, Cemeteries and Ceremonial Sites. Notwithstanding the other provisions of this Chapter, whenever a development will involve activities which may adversely affect Native American graves, cemeteries, burial grounds, or ceremonial sites, the County will follow or impose the following requirements: (Former Section CZ#A314-52(E))

16.1.5.1 Consultation With Indian Associations: Prior to final approval or authorization of such development, the County shall consult with representatives of the Northwest Information Center of the California Archaeological Inventory (NICCAI), Department of Anthropology, Sonoma State University, and the Native American Heritage Commission (NAHC) and any known interested Native Americans. Such consultation will be directed to the questions of whether the project or operation will adversely affect Indian graves, cemeteries, burial...
grounds, or ceremonial sites, and whether there are reasonable alternative means
of accomplishing the project or operation which would not adversely affect such
graves, cemeteries, burial grounds or ceremonial sites. (Former Section CZ#A314-
52(E)(1))

16.1.5.2 Required Mitigation Action: Based upon the information and
recommendations received during the review (see, subsection 16.1.5.1), the
project application shall be acted on in a manner that provides the best feasible
protection to cultural sites. (Former Section CZ#A314-52(E)(2))

313-16.2 A: SPECIAL ARCHAEOLOGICAL RESOURCE AREA
REGULATIONS FOR SHELTER COVE.

16.2.1 Purpose. The purpose of these regulations is to ensure that reasonable mitigation
measures be required where development might have an adverse impact upon
archaeological and paleontological resources in Shelter Cove. (Former Section CZ#A314-
53(A))

16.2.2 Applicability. These regulations for Shelter Cove shall apply to lands designated
“A” on the Zoning Maps in Shelter Cove, which include areas with significant
archaeological and paleontological value as identified by the State Historic Preservation
Officer. (Former Section CZ#A314-53(B))

16.2.3 Modifications Imposed by the Special Archaeological Resource Area
Regulations for Shelter Cove. These regulations for Shelter Cove shall be in addition to
regulations imposed by the principal zone, development regulations, and other Special
Area Combining Zone regulations. Wherever the provisions of these regulations conflict
with or are inconsistent in application with any other regulations, the regulations most
protective of archaeological resources shall apply. (Former Section CZ#A314-53(C))

16.2.4 Required Mitigation. Measures to mitigate adverse environmental effects of
development within Special Archaeological Resources Areas for Shelter Cove shall
include, but are not limited to, the following: (Former Section CZ#A314-53(D))

16.2.4.1 Site planned improvements to avoid or mitigate impacts on archaeological
sites; (Former Section CZ#A314-53(D)(1))

16.2.4.2 Provide protective cover for sites that cannot be avoided; (Former Section
CZ#A314-53(D)(2))

16.2.4.3 Where appropriate and with concurrence of responsible agencies, the removal
or transfer of culturally significant material by professional archaeologists shall be
permitted. (Former Section CZ#A314-53(D)(3))
16.2.5 Procedures for Determining Required Mitigation.

16.2.5.1 Prior to final development approval or authorization, the County shall condition the Coastal Development Permit to include an agreement to stop work in the event of discovery of any archaeological resources during construction. Said agreement shall provide for work stoppage on the affected resource area until a qualified archaeologist can determine the significance of the resource and suggest appropriate mitigation measures. The agreement shall not require an applicant to stop work for a period in excess of five (5) days, but shall provide an assurance that opportunity for reasonable mitigation to be carried out will be provided in the event significant archaeological resources are encountered. (Former Section CZ#A314-53(E)(1))

16.2.5.2 The stop work agreement requirement (see subsection 16.2.5.1) may be waived where responsible referral agencies have indicated such an agreement is not necessary or appropriate. (Former Section CZ#A314-53(E)(2))

16.2.5.3 On lands designated “A” on the Shelter Cove Coastal Zoning Maps, the County shall, prior to authorization or approval of development, consult with representatives of the Northwest Information Center of the California Archaeological Inventory (NICCAI), Department of Anthropology, Sonoma State University, the Native American Heritage Commission (NAHC), any known interested Native Americans, and the Bureau of Land Management staff archaeologist assigned to the King Range Area. Such consultation shall be directed at determining whether or not the proposed project would adversely affect significant archaeological or cultural heritage resources. (Former Section CZ#A314-53(E)(3))

16.2.5.4 Where the response to the above consultation provides substantial information which indicates that significant archaeological resources would be adversely affected, the County, where feasible, shall require the project to avoid the significant resources and to allow for permanent protection of such resources. (Former Section CZ#A314-53(E)(4))

16.2.5.5 Where avoidance of such resources is not feasible, a plan of excavation shall be required to be prepared and carried out for the portions of the site that would be disturbed or covered by improvements such as foundations, drive-ways, and utility hookups. (Former Section CZ#A314-53(E)(5))

16.2.5.6 The plan of excavation shall:

16.2.5.6.1 Be prepared by a qualified archaeologist; (Former Section CZ#A314-53(E)(6)(a))

16.2.5.6.2 Be compatible with preservation and recovery work on adjacent lots; (Former Section CZ#A314-53(E)(6)(b))

16.2.5.6.3 Be based on a review of area specific literature; (Former Section CZ#A314-53(E)(6)(c))
16.2.5.6.4 Be peer reviewed by the above-mentioned referral agencies;  (Former Section CZ#A314-53(E)(6)(d))

16.2.5.6.5 Be a brief summary of the excavation proposed as part of a mitigation plan;  (Former Section CZ#A314-53(E)(6)(e))

16.2.5.6.6 List and briefly discuss the important information the archaeological resources contain or are likely to contain;  (Former Section CZ#A314-53(E)(6)(f))

16.2.5.6.7 Explain how the information should be recorded to be useful in addressing scientifically valid research questions and other concerns identified in the plan prepared pursuant to this section;  (Former Section CZ#A314-53(E)(6)(g))

16.2.5.6.8 Explain the methods of analysis and, if feasible, display of excavated materials;  (Former Section CZ#A314-53(E)(6)(h))

16.2.5.6.9 Provide for final report preparation and distribution;  (Former Section CZ#A314-53(E)(6)(i))

16.2.5.6.10 Explain the estimated cost of and time required to complete all activities undertaken under the plan; and  (Former Section CZ#A314-53(E)(6)(j))

16.2.5.6.11 Be available for review only on a “need-to-know” basis.  (Former Section CZ#A314-53(E)(6)(k))

16.2.5.7 Where the cost of carrying out the excavation is neither feasible nor reasonable, the County shall determine the appropriate limits on mitigation in accordance with California Environmental Quality Act guidelines, as may be applicable at the time of project review.  (Former Section CZ#A314-53(E)(7))

313-16.3 AP: AIRPORT SAFETY REVIEW

16.3.1 Purpose. The purpose of these provisions is to establish regulations to maintain compatibility between proposed land uses and development and Humboldt County airports.  (Former Section CZ#A314-50(A))

16.3.2 Applicability. These regulations shall apply:

16.3.2.1 To lands designated AP on the Zoning Maps that are described in Section 333, Chapter 3, Division 3, Title III, of the Humboldt County Code as clear zones, approach zones, transition zones, and beneath the flight track; or

16.3.2.2 To lands identified in the Technical Report for the Humboldt County Airports Master Plan as appropriate for airport safety review zoning.  (Former Section CZ#A314-50(B))
16.3.3 **Permitted Land Use.** The following Airport Safety Review Zoning Matrix table specifies the land uses that are permitted, and the type of permit required, when the AP - Airport Safety Review Zone is combined with a principal zone district. (Former Section CZ#A314-50(C))

16.3.4 **Development Standards.** In addition to the development standards of the applicable principal zone, the following standards shall apply whenever the AP - Airport Safety Review Zone is combined with the principal zone: (Former Section CZ#A314-50(D))

16.3.4.1 No structure, tree, or other object shall be permitted to exceed the height limits established in Section 331, of the Humboldt County Code. (Former Section CZ#A314-50(D)(1))

16.3.4.2 Buildings constructed over thirty-five feet (35’) may be allowed if a Special Permit is obtained. (Former Section CZ#A314-50(D)(2))

16.3.4.3 **Maximum Density in Approach Zones.**

16.3.4.3.1 The maximum density in an approach zone is one unit per three acres. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if this density is exceeded, but a Special Permit is required. The Special Permit process shall be used to retain, to the maximum extent feasible, the contiguous open space in the approach zone. (Former Section CZ#A314-50(D)(3))

16.3.4.3.2 Exceptions to the maximum density of one unit per three acres within an approach zone may be permitted subject to approval by the Director of the Department of Public Works, which approval shall occur during the Special Permit process. (Former Section CZ#A314-50(D)(3))
<table>
<thead>
<tr>
<th>Use</th>
<th>Clear Zone</th>
<th>Approach Zone</th>
<th>Transitional Zone</th>
<th>Beneath Flight Track</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types having an average density of less than ten dwelling units per acre (10du/a)</td>
<td>SP</td>
<td>SP</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Residential Use Types having an average density of ten or more dwelling units per acre (10+du/a)</td>
<td>NA</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>High Occupancy Use Types whether permanent or temporary and whether in or out of a structure which result in assemblages of more than 25 persons per acre (excluding streets)</td>
<td>NA</td>
<td>SP</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Structures</td>
<td>SP</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

“NA” Developments of this type are not permitted uses in this zone.

“SP” Special Permit required. Review for consistency with Airport/Land Use Safety Compatibility Criteria.

“A” Use Permitted consistent with principal zone requirements.
313-17  “B” COMBINING ZONE DESIGNATIONS

313-17.1  B: BEACH AND DUNE AREAS.

17.1.1  **Purpose.** The purpose of these regulations is to ensure that any development permitted in coastal beach and dune areas, as designated in the Coastal Land Use Plan Resource Protection Maps, will not detract from the area’s natural resource value or their potential for providing recreational opportunity.  (Former Section CZ#A314-58(A))

17.1.2  **Applicability.** These regulations shall apply to lands containing beaches or dunes, which are designated “B” on the Zoning Maps.  (Former Section CZ#A314-58(B))

17.1.3  **Modifications Imposed by the Dune and Beach Areas Regulations.** These regulations shall be in addition to regulations imposed by the principal zone, development regulations, and other Special Area Combining Zone regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the regulation most protective of beach and dune resources shall apply.  (Former Section CZ#A314-58(C))

17.1.4  **Consultation with Department of Fish and Game.** The County shall request the California Department of Fish and Game to review development plans proposed within beaches and dunes areas. The Agency shall be requested to respond within ten (10) days of the referral, and shall be notified that a failure to respond will result in an assumption by the County that the Agency has no concerns or comments.  (Former Section CZ#A314-58(D))

17.1.5  **Restrictions on Permitted Development.** Except as otherwise provided in this section, new development within designated Beach and Dune Areas that is also designated “Natural Resources (NR)” in the applicable Land Use Plan shall be restricted to the following:  (Former Section CZ#A314-58(E))

17.1.5.1  **Nature study;**  (Former Section CZ#A314-58(E)(1))

17.1.5.2  **Fish and wildlife habitat management;**  (Former Section CZ#A314-58(E)(2))

17.1.5.3  **Hunting, fishing and development of minor facilities such as hunting or viewing blinds;**  (Former Section CZ#A314-58(E)(3))

17.1.5.4  **Access facilities;**  (Former Section CZ#A314-58(E)(4))

17.1.5.5  **Sand removal from unvegetated dunes for safety purposes or to protect existing development and agricultural lands;**  (Former Section CZ#A314-58(E)(5))

17.1.5.6  **Dredge spoils disposal;**  (Former Section CZ#A314-58(E)(6))

17.1.5.7  **The siting of the following facilities when there is no less environmentally damaging alternative, and environmental damage is minimized;**  (Former Section CZ#A314-58(E)(7))
17.1.5.7.1 Electric distribution and water lines, and other utility lines; (Former Section CZ#A314-58(E)(7)(a))

17.1.5.7.2 Underground utilities; (Former Section CZ#A314-58(E)(7)(b))

17.1.5.7.3 Oil and gas pipelines; (Former Section CZ#A314-58(E)(7)(c))

17.1.5.7.4 Pipeline construction for surf zone disposal of dredge spoils; (Former Section CZ#A314-58(E)(7)(d))

17.1.5.7.5 Ocean outfall and intake pipelines; (Former Section CZ#A314-58(E)(7)(e))

17.1.5.7.6 Public roadway projects consistent with the Coastal Land Use Plans. (Former Section CZ#A314-58(E)(7)(f))

17.1.6 Exceptions to Permitted Development Provisions. Notwithstanding the general provisions of this section, the following development is permitted in the specified geographic locations: (Former Section CZ#A314-58(F))

17.1.6.1 Humboldt Bay Area Plan: Caretaker’s Residence - to be occupied by either the property owner or caretaker. (Former Section CZ#A314-58(F)(1))

17.1.6.2 Parking Facilities for Coastal-Dependent Industrial Development: on the West side of New Navy Base Road, when located between the north end of the Eureka airstrip and Samoa and when public parking for access to the beach is also provided. (Former Section CZ#A314-58(F)(2))

17.1.7 Required Findings. Coastal Development Permits for Beach and Dune Areas shall be approved only if the applicable Resource Protection Impact Findings in Chapter 2 are made. (Former Section CZ#A314-58(G))

17.1.8 Required Mitigation. The following mitigation shall be required for all new developments within beach and dune areas: (Former Section CZ#A314-58(G))

17.1.8.1 Minimize disturbance of vegetated dunes; (Former Section CZ#A314-58(G)(1))

17.1.8.2 Replant vegetation in disturbed habitat areas; (Former Section CZ#A314-58(G)(2))

17.1.8.3 Provide measures to control wind blown sand; and (Former Section CZ#A314-58(G)(3))

17.1.8.4 If Menzie’s wallflowers are adversely impacted, the mitigation shall include protection, and if appropriate, restoration of Menzie’s wallflower habitat off of the project site. (Former Section CZ#A314-58(G)(4))
313-18 “C” COMBINING ZONE DESIGNATIONS

313-18.1 C: COASTAL RESOURCE DEPENDENT

18.1.1 Purpose. The purpose of these provisions is to establish regulations to protect coastal wetlands and to provide for the development of upland areas adjacent to wetlands consistent with resource protection, and where feasible, resource enhancement. (Former Section CZ#A314-55(A))

18.1.2 Applicability. These regulations shall apply to land designated “C” on the Zoning Maps. (Former Section CZ#A314-55(B))

18.1.3 Modifications Imposed by the Resource Dependent Area Regulations. These regulations shall apply in addition to regulations imposed by the principal zone, development regulations, and other Special Area Combining Zone regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulations, the regulation most protective of the wetland resources shall apply. (Former Section CZ#A314-55(C))

18.1.4 Principal Permitted Uses. Notwithstanding the regulations imposed by the principal zones, principal permitted development shall be limited to: (Former Section CZ#A314-55(D))

18.1.4.1 Agricultural Use Type:
   General Agriculture

18.1.4.2 Industrial Use Type:
   Aquaculture

18.1.4.3 Natural Resource Use Types:
   Coastal Access Facilities
   Fish and Wildlife Habitat Management
   Wetland Restoration

18.1.4.4 Minor alterations or repairs to existing structures or facilities.

18.1.5 Conditionally Permitted Development in All Zones Combined with the Coastal Resource Dependent Zone. Conditionally permitted use types as provided in the Principal Zone (RM, CG, MC, etc.) may be permitted if consistent with Wetland Regulations and Transitional Agricultural Lands Regulations, as applicable. (Former Section CZ#A314-55(E))
313-19  “D” COMBINING ZONE DESIGNATIONS

313-19.1  D: DESIGN REVIEW

19.1.1  **Purpose.** The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area’s historical, cultural or scenic values. (Former Section CZ#A314-57(A))

19.1.2  **Applicability.** These regulations shall apply to lands designated “D” on the Zoning Maps. Solar collectors for on site use are exempt from the design review requirement of this section. (Former Section CZ#A314-57(B))

19.1.3  **Special Permit Required.**

19.1.3.1  A Special Permit is required for all development subject to these regulations. (Former Section CZ#A314-57(C))

19.1.3.2  The application for the permit shall be accompanied by a fee in the amount established by ordinance or resolution of the Board of Supervisors. (Former Section CZ#A314-57(C); Added by Ord. 1913, 10/30/90)

19.1.4  **Appointment and Composition of the Design Review Committee.** The Board of Supervisors may select any person(s) or organization who, in the opinion of the Board, is qualified to serve on the committee. Such person(s) must be devoid of any and all financial interest in the development application under consideration. The representatives of the Design Review Committee shall not exceed five (5) persons. In the absence of any Board of Supervisors’ approved representatives, the Director shall be the reviewing authority. (Former Section CZ#A314-57(D))

19.1.5  **Design Review Standards.** Buildings, sites, structures, signs, landscaping, and similar development will be consistent with the policies of the General Plan and this Division, and the Design Review Committee shall take the following items under consideration in reviewing development plans: (Former Section CZ#A314-57(E))

19.1.5.1  The project is consistent and compatible with applicable elements of the General Plan. (Former Section CZ#A314-57(E)(1))

19.1.5.1.1  Within designated Coastal Scenic Areas, as mapped, measures are included in the project design so that it will be subordinate to the character of the surrounding setting; (Former Section CZ#A314-57(E)(1)(a))

19.1.5.1.2  Within designated Coastal View Areas, as mapped, and where views from the public roads to the coast or coastal waterways are of concern, the height, width, and siting of structures, including setbacks from roads and parcel lines will be considered to retain as much of the existing view as possible. Views from public trails, beaches, or public
recreation areas into the development site will also be considered.  (Former Section CZ#A314-57(E)(1)(b))

19.1.5.1.3 Within Shelter Cove designated Coastal View areas, building heights may be increased one foot (1’) for each two feet (2’) of total additional side yard that is provided in excess of the required five feet (5’) side yards, to a maximum allowable height of twenty-four feet (24’); or, in order to provide an alternate method of providing view corridors, one side yard may be reduced to a minimum of zero feet where:  (Former Section CZ#A314-57(E)(1)(C))

19.1.5.1.3.1 The opposite side yard provided equals ten feet (10’); and  (Former Section CZ#A314-57(E)(1)(C)(i))

19.1.8.1.1.1 The adjacent property owner along the side yard being reduced agrees to a similar reduction along the common lot line; and  (Former Section CZ#A314-57(E)(1)(C)(ii))

19.1.5.1.3.3 The adjacent dwellings can meet building and energy code requirements for structures which are separated by less than ten feet (10’).  (Former Section CZ#A314-57(E)(1)(C)(iii))

19.1.5.2 Protection of natural land forms through minimizing alterations caused by cutting, filling, grading or clearing, except to comply with fire hazard reduction laws.  (Former Section CZ#A314-57(E)(2); Amended by Ord. 1913, 10/30/90)

19.1.5.3 Exterior lighting that will be compatible with the surrounding setting and will not be directed beyond the boundaries of the parcel.  (Former Section CZ#A314-57(E)(3))

19.1.5.4 Screening or softening the visual impact of new development through the use of vegetative plantings. If appropriate, species common to the area should be used. Known fire resistive plants should be considered where appropriate.  (Former Section CZ#A314-57(E)(4); Amended by Ord. 1913, 10/30/90)

19.1.5.5 Where feasible, new utilities should be underground. When above-ground facilities are the only feasible alternative, they should be sited as unobtrusively as possible.  (Former Section CZ#A314-57(E)(5))

19.1.5.6 Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area.  (Former Section CZ#A314-57(E)(6))

19.1.5.7 Off-premises signs, which are needed to direct visitors to permitted commercial recreation areas should be attractively designed in keeping with the surrounding setting and clustered at appropriate locations.  (Former Section CZ#A314-57(E)(7))

19.1.6  **Restrictions Applicable Within Designated Coastal View Areas.** Within Coastal View Areas, as designated by the General Plan, new off-site signs are prohibited.  (Former Section CZ#A314-57(F))

19.1.7  **Required Findings for Designated Coastal Scenic and Coastal View Areas.** A
Coastal Development Permit for development located within a designated Coastal Scenic or Coastal View Area shall only be approved if the applicable Resource Protection Impact Findings of Chapter 2, Procedures, Supplemental Findings, are made. (Former Section CZ#A314-57(G))

19.1.8 Additional Standards Applicable to Shelter Cove Portions of South Coast Area Plan. (Former Section CZ#A314-57(H); Added by Ord. 1913, 10/30/90)

19.1.8.1 Building Structural Design Standards:

19.1.8.1.1 Residences must be constructed to a minimum width of twenty feet (20') at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences. (Former Section CZ#A314-57(H)(1)(a); Added by Ord. 10/30/90)

19.1.8.1.2 Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to slopes or site conditions shall be exempt from this provision. (Former Section CZ#A314-57(H)(1)(b); Added by Ord. 1913, 10/30/90)

19.1.8.1.3 A minimum roof overhang of twelve inches (12") (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structure. Gable ends may be excluded when approved as part of the design review process. (Former Section CZ#A314-57(H)(1)(c); Added by Ord. 1913, 10/30/90)

19.1.8.1.4 Exterior walls and roofing materials of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer’s warranty certifying a minimum life of fifteen years (15yr). Flammable roofing material such as wood shakes or shingles are not recommended. (Former Section CZ#A314-57(H)(1)(d); Added by Ord. 1913, 10/30/90)
313-20  “E” COMBINING ZONE DESIGNATIONS

313-20.1  E: COASTAL ELK HABITAT

20.1.1  **Purpose.** The purpose of these regulations is to ensure that development within elk habitat is compatible with such habitat areas and is sited and designed to mitigate impacts which would significantly degrade such habitat. (Former Section CZ#A314-54(A))

20.1.2  **Applicability.** These regulations shall apply to all lands designated “E” on the Zoning Maps. (Former Section CZ#A314-54(B))

20.1.3  **Consultation with Department of Fish and Game.** The County shall request the California Department of Fish and Game to review proposed development plans within coastal elk habitat areas. The Agency shall be requested to respond within ten (10) working days of the referral. (Former Section CZ#A314-54(C))

20.1.4  **Required Findings.** A Coastal Development Permit for lands within coastal elk habitat areas shall be approved only if the applicable Resource Protection Impact Findings in Chapter 2, Procedures, Supplemental Findings, are made. (Former Section CZ#A314-54(D))

20.1.5  **Required Mitigation.** All development within coastal elk habitat areas shall be sited and designed so as to mitigate the impacts which would significantly degrade such habitat areas. (Former Section CZ#A314-54(E))

313-21  “F” COMBINING ZONE DESIGNATIONS

313-21.1  F: FLOOD HAZARD AREAS

21.1.1  **Purpose.** The purpose of these regulations is to minimize public and private losses due to flood and tsunami conditions in specific areas of the County. (Former Section CZ#A314-59(A))

21.1.2  **Applicability.** These regulations shall apply to all areas designated “F” on the Zoning Maps and to all lands situated within the areas of special flood hazard as identified on the Federal Insurance Administration’s Federal Insurance Rate Maps (FIRM) for Humboldt County. As applicable, these regulations also apply to all lands located below the level of the 100-year tsunami run-up elevations described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26 by the Army Corps of Engineers). (Former Section CZ#A314-59(B))

21.1.3  **Modifications Imposed by Flood Hazard Regulations.** These regulations shall be in addition to the requirements imposed by the principal zones, development regulations, and other Special Area Combining Zone regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulations the most restrictive regulation shall apply. (Former Section CZ#A314-59(C))
21.1.4 **Prohibited New Development within the 100-Year Floodway and Flood Plain.**

New development within the 100-year floodway and flood plain shall be restricted as follows: (Former Section CZ#A314-59(D))

21.1.4.1 Within designated floodways the following is prohibited: (Former Section CZ#A314-59(D)(1))

- **Residential Use Type:** Manufactured Home Parks

21.1.4.2 Within both designated floodways and flood plains the following use types are prohibited: (Former Section CZ#A314-59(D)(2))

- **Civic Use Types:**
  - Essential Services
  - Health Care Services
  - Extensive Impact Civic Use
  - Solid Waste Disposal

- **Industrial Use Type:** Hazardous Industrial

21.1.5 **Permitted Development in Tsunami Run-up Areas.** New development below the level of the 100-year tsunami run-up elevation shall be limited to public access, boating, and public recreation facilities, agriculture, wildlife management, habitat restoration, ocean outtakes and infalls, pipelines, and dredge spoils disposal. (Former Section CZ#A314-59(E))

Note: Any development must also conform with the County flood hazard regulations in Title III, Division 3, Chapter 5 of the Humboldt County Code, 313-22
313-22 “G” COMBINING ZONE DESIGNATIONS

313-22.1 G: ALQUIST-PRIOLO FAULT HAZARD

22.1.1 Purpose. The purpose of these provisions is to implement the Alquist-Priolo Special Studies Zones Act (Public Resources Code, Section 2621 and following) in order to address potential hazards resulting from surface faulting or fault creep. (Former Section CZ#A314-51(A))

22.1.2 Applicability of the Alquist-Priolo Fault Hazard Regulations. The Alquist-Priolo Fault Hazard Regulations shall apply to lands which are designated “G” on the Zoning Maps, and which are within Special Studies Zones delineated on maps by the State Geologist. Regardless of the designation on the zoning maps, these regulations shall also apply to lands located within Special Study Zones delineated on the most recent maps that are officially adopted, revised or issued by the State Geologist. (Former Section CZ#A314-51(B))

22.1.3 Modifications Imposed by the Alquist-Priolo Fault Hazard Regulations. The provisions of the Alquist-Priolo Fault Hazard Regulations shall apply in addition to regulations imposed by the principal zone, development regulations, and other special area combining regulations. In the event of any conflict or inconsistency between these provisions and any other applicable provisions of the code, the most restrictive provisions shall apply in order to provide the greatest protection against fault hazards. (Former Section CZ#A314-51(C))

22.1.4 Special Permit Required. Development may be approved in an area subject to the Alquist-Priolo Fault Hazard Regulations upon approval of a Special Permit, unless the development is exempt from the fault evaluation report pursuant to subsection 313-22.1.6. (Former Section CZ#A314-51(D))

22.1.5 Geologic Fault Evaluation Report Required. Application for a Special Permit for any of the following types of development shall be accompanied by a geologic fault evaluation report, prepared by a geologist registered in the State of California, which is directed to the problem of potential surface fault displacement through the project site, unless such project is exempt or the report is waived pursuant to subsection 313-22.1.6:

22.1.5.1 Parcel and Final Map Subdivisions, as defined by the Subdivision Map Act; (Former Section CZ#A314-51(E)(1))

22.1.5.2 Construction of any structure for human occupancy; (Former Section CZ#A314-51(E)(2))

22.1.5.3 Alterations or additions to structures for human occupancy the value of which exceeds fifty percent (50%) of the value of the structure; (Former Section CZ#A314-51(E)(3))
22.1.5.4 Any change in use or character of occupancy that results in the conversion of a building or structure from one not used for human occupancy to one that is so used. (Former Section CZ#A314-51(E)(4))

22.1.6 Exemption From Fault Evaluation Report Requirements. Notwithstanding the Geologic Fault Evaluation Report requirements, the following types of development are exempt from the requirement of a Geologic Fault Evaluation Report: (Former Section CZ#A314-51(F))

22.1.6.1 Construction, alteration, or additions of three (3) or fewer single family wood frame dwellings or manufactured homes, provided that they do not exceed two (2) stories; (Former Section CZ#A314-51(F)(1))

22.1.6.2 Construction, alteration, or addition of four (4) or more single family homes or manufactured homes, provided that they do not exceed two (2) stories and if the dwelling is located within a subdivision, as defined in the Subdivision Map Act, for which subdivision a Geologic Fault Evaluation Report has been approved or waived. (Former Section CZ#A314-51(F)(2))

22.1.6.3 Conversion of an existing apartment complex into condominiums. (Former Section CZ#A314-51(F)(3))

22.1.6.4 Any other development that may be exempt or excluded pursuant to the Alquist-Priolo Special Studies Zones Act, commencing with Public Resources Code Section 2621, and following. (Former Section CZ#A314-51(F)(4))

22.1.7 Content of Geologic Fault Evaluation Report. The required report shall be based on a geologic investigation designed to identify the location, recency, and nature of faulting that may have affected the project site in the past and may affect the project site in the future. The report may be combined with other geological or geotechnical reports. The report shall be prepared in accordance with the California Department of Mines and Geology (CDMG) Note #49 “Guidelines for Evaluating the Hazard of Surface Fault Rupture.” CDMG Notes #37, 43 and 44 shall be utilized as applicable when the fault evaluation report required herein is combined with other geological or geotechnical reports. (Former Section CZ#A314-51(G))

22.1.8 Waiver of Required Report. Waiver from the geologic fault evaluation report required herein may be applied for pursuant to the procedure outlined in Appendix D, “Waiver Procedure for the Alquist-Priolo Act,” contained in Special Publication 42 “Fault-Rupture Hazard Zones in California,” California Division of Mines and Geology, 3/80, or any subsequent publication which is prepared for the same or similar purpose. Granting of such a waiver is subject to the approval of the State Geologist. (Former Section CZ#A314-51(H))

22.1.9 Required Findings. The Hearing Officer may approve a Special Permit for development located within an Alquist-Priolo Special Studies zone if all of the applicable Public Safety Impact Findings of Chapter 2, Procedures, Supplemental Findings, are made.

(313-23 through 313-26: Sections Reserved for Future Use)
313-27 “L” COMBINING ZONE DESIGNATIONS

313-27.1 L: LANDSCAPING AND DESIGN

27.1.1 Purpose. The Landscaping and Design Combining Zone Regulations are intended to be combined with principal zones to establish specific landscaping and architectural design standards. (Former Section CZ#A313-43(L))

27.1.2 Applicability. The Board of Supervisors, in approving a zone reclassification as allowed by Chapter 2 of this Division, may combine the Landscaping and Design Combining Zone Regulations with any principal zone. In combining the Landscaping and Design Combining Zone, the Board of Supervisors shall establish specific landscaping and design standards for development within the designated zoning district. (Former Section CZ#A313-43(B))

27.1.3 Map Designation. When combined with a principal zone, the Landscaping and Design Combining Zone Regulations shall be represented on the adopted zoning maps by the L designator. The L designator shall immediately follow the principal zone designator and: the maximum density designator, if applied; the S designator, if applied; or the Q designator, if applied. For example: RS-L, RM-15-L, RM-15-Q-L. (Former Section CZ#A313-43(C))

313-28 “M” COMBINING ZONE DESIGNATIONS

313-28.1 M: MANUFACTURED HOMES

(See also Special Combining Zone “SM”).

28.1.1 Special Designation for Manufactured Home Building Type Modifications. Whenever the Combining Zone is used to modify a principal zone to allow manufactured homes as permitted building types, the following designators shall be used as applicable: (Former Section CZ#A313-41(E))

28.1.1.1 M - where the development standards are modified for the sole purpose of allowing manufactured homes. (Former Section CZ#A313-41(E)(1))

28.1.1.2 (See also, the subsection, Special Combining Zone “SM”, where development standards in addition to the Manufactured Homes Building Type are modified.) (Former Section CZ#A313-41(E)(2))

When the M designator is used, the permitted building type shall not be listed by name in the table format. (Former Section CZ#A313-41(E))
313.29 “N” COMBINING ZONE DESIGNATIONS

313-29.1 N: NOISE IMPACT

29.1.1 **Purpose.** The purpose of these provisions is to establish regulations to maintain, within single family and multi-family structures and within structures designed for transient habitation, low exposure levels to noise associated with airports and major roads. (Former Section CZ#A314-60(A))

29.1.2 **Applicability.** The Noise Impact Regulations shall apply to lands designated “N” on the Zoning Maps that are located within areas mapped by the General Plan to have a noise exposure level of equal to or in excess of 60 dB Community Noise Equivalent Level – Day-Night Average Level (CNEL-Ldn). (Former Section CZ#A314-60(B))

29.1.3 **Modifications Imposed by the Noise Impact Regulations.** The provisions of the Noise Impact Regulations shall apply in addition to regulations imposed by the principal zone, development regulations, and other special area combining regulations. (Former Section CZ#A314-60(C))

29.1.4 **Prohibited Development.** Within areas above the 60 dB CNEL-Ldn level, placement of manufactured homes is prohibited. (Former Section CZ#A314-60(D))

29.1.5 **Building Standards to Reduce Interior Noise Levels Required.** Building standards to reduce interior noise levels are required to limit noise levels to 45 dB CNEL-Ldn in all habitable rooms. New construction of single family and multi-family structures and structures designed for transient habitation shall conform to the applicable requirements of the Humboldt County Building Code. (Former Section CZ#A314-60(E))
313-30 “O” COMBINING ZONE DESIGNATIONS

313-30.1 O: OFFSHORE ROCKS AND ROCKY INTERTIDAL AREAS

30.1.1 Purpose. The purpose of these regulations is to protect rocky intertidal habitats and rocky marine habitats from developments and uses which would significantly degrade their resource values. (Former Section CZ#A314-61(A))

30.1.2 Applicability. The Offshore Rocks and Rocky Intertidal Area Regulations shall apply to lands designated “O” on the Zoning Maps. (Former Section CZ#A314-61(B))

30.1.3 Consultation with Department of Fish and Game. The County shall request the California Department of Fish and Game to review proposed development plans which may impact offshore rocks and rocky intertidal areas. The Agency shall be requested to respond within ten (10) working days of the referral. (Former Section CZ#A314-61(B))

30.1.4 Required Findings. A Coastal Development Permit for development proposed adjacent to or within offshore rocks and rocky intertidal areas shall be approved only if the applicable Resource Protection Impact Findings in Chapter 2: Procedures, Supplemental Findings, are made. (Former Section CZ#A314-61(D))

30.1.5 Required Mitigation. All development proposed adjacent to or within offshore rocks and rocky intertidal areas shall be sited and designed to mitigate impacts which would significantly degrade such marine resources. (Former Section CZ#A314-61(E))
313-31  “P” COMBINING ZONE DESIGNATIONS

313-31.1  P: PLANNED UNIT DEVELOPMENT

313-31.1.1  Purpose. The purpose of these provisions is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of:

(Former Section CZ#A314-62(A))

313-31.1.1.1  Permitting more flexibility to cope with difficulties due to topography and other natural or man made features;  (Former Section CZ#A314-62(A)(1))

313-31.1.1.2  Providing for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services;  (Former Section CZ#A314-62(A)(2))

313-31.1.1.3  Encouraging a more creative approach to land development through waiver of development standards and application of less rigid development criteria where such flexibility can better provide for the protection and enhancement of designated sensitive habitats and cultural resources provided all the required findings for approving subdivisions can be made;  (Former Section CZ#A314-62(A)(3); Amended by Ord. 2167, Sec. 35, 4/7/98)

313-31.1.2  Applicability.

313-31.1.2.1  The regulations shall apply to areas designated “P” on the Zoning Maps.  (Former Section CZ#A314-62(B)(1))

313-31.1.2.2  These regulations may be applied where any of the following conditions prevail, provided the Director and the applicant agree that to do so would be in the public interest and best interests of the applicant:  (Former Section CZ#A314-62(B)(2))

313-31.1.2.2.1  Any site where more than four (4) dwelling units, commercial buildings or industrial buildings or combination thereof are proposed;  (Former Section CZ#A314-62(B)(2)(a))

313-31.1.2.2.2  The development proposal is within a residential zone and includes residential and nonresidential development;  (Former Section CZ#A314-62(B)(2)(b))

313-31.1.2.2.3  Any site or development proposal where application of these regulations would provide a better means of carrying out the intent of the County General Plan.  (Former Section CZ#A314-62(B)(2)(c))

313-31.1.3  Minimum Lot Size Requirement. Planned Unit Developments shall be permitted on lots of 20,000 square feet or larger.  (Former Section CZ#A314-62(C))

313-31.1.4  Use Types Permitted. The principally permitted use types in the applicable zoning district shall also be permitted in the Planned Unit Development. Conditionally permitted use types may be permitted with a Use Permit.  (Former Section CZ#A314-62(D))

313-31.1.5  Modifications of Development Standards. The following development standard modifications may be approved by the Planning Commission reviewing the Planned Unit Development:  (Former Section CZ#A314-62(E))

PART B

313-31.2.1  Minimum Lot Size Requirement. Planned Unit Developments shall be permitted on lots of 20,000 square feet or larger.  (Former Section CZ#A314-62(C))

313-31.2.2  Use Types Permitted. The principally permitted use types in the applicable zoning district shall also be permitted in the Planned Unit Development. Conditionally permitted use types may be permitted with a Use Permit.  (Former Section CZ#A314-62(D))

313-31.2.3  Modifications of Development Standards. The following development standard modifications may be approved by the Planning Commission reviewing the Planned Unit Development:  (Former Section CZ#A314-62(E))
Development permit applications only if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the proposed development standard modifications proposed by the applicant would have an adverse effect on coastal resources, the County shall not grant the development standard modification. (Former Section CZ#A314-62(E))

31.1.5.1 Residential Density Standards. (Former Section CZ#A314-62(E)(1))

31.1.5.1.1 Applicable residential density standards may be increased by as much as twenty-five percent (25%) if the development incorporates extraordinary public benefits such as enhancement of sensitive habitats, visual resources, or cultural resources, development and maintenance of public access to recreational areas, or at least forty percent (40%) of the total lot area of the PUD is reserved for common open space areas which conform to all the following requirements: (Former Section CZ#A314-62(E)(1)(a); Amended by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.1 They must be useable and available to occupants of the PUD. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.2 They must average at least 100 feet in width. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.3 At least one half of the required open space shall have an overall finished grade not to exceed ten percent (10%) and shall be suitably improved for its intended purpose. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.4 All lawn and landscaped areas within the required common open space shall be provided with a permanent watering system adequate to maintain such areas in a healthy condition. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.2 The twenty-five percent (25%) density bonus limit in paragraph 31.1.5.1.1 may be combined with any other density bonus allowed by County or State regulations so long as densities greater than 35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 and would be consistent with all applicable LCP policies and development standards. (Former Section CZ#A314-62(E)(1)(b); Added by Ord. 2167, Sec. 35, 4/7/98, Amended by Ord. 2383, 2/27/07)

31.1.5.1.3 If development is to be accomplished in stages, the development shall coordinate the improvement of the common open space areas and the construction of dwelling units in order that each development stage may achieve a proportional share of the total common open space. (Former Section CZ#A314-62(E)(1)(c); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.4 Common areas must be owned, managed and maintained by the PUD owners association, public agency, or equivalent organization. (Former...
31.1.5.1.5 The dedication or offer of dedication for an easement for coastal access or view shall not be considered to lower the area of a parcel for purposes of density calculation. (Former Section CZ#A314-62(E)(1)(e); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.6 Areas not designated for residential development in the General Plan shall not be included in calculating permitted densities. (Former Section CZ#A314-62(E)(1)(f); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.2 Lot Size Standards. The applicable lot size standards may be modified to carry out the intent of the Planned Unit Development Regulations, provided all other development standards set forth herein are either met, or modified pursuant to this subsection. (Former Section CZ#A314-62(E)(2))

31.1.5.3 Lot Coverage Standards. The applicable lot coverage standards shall apply, except that building coverage shall be calculated over the entire development instead of being applicable to each lot in the development. (Former Section CZ#A314-62(E)(3))

31.1.5.4 Setback Standards. The applicable setback standards may be modified provided:

31.1.5.4.1 Lot coverage requirements herein are met; (Former Section CZ#A314-62(E)(4)(a))

31.1.5.4.2 Setbacks for lots located in the perimeter of the development conform with the setback requirements stipulated for the zone; (Former Section CZ#A314-62(E)(4)(b))

31.1.5.5 Permitted Principal Building Types. The applicable Building Type requirements shall apply except that the Hearing Officer may permit other Building Types as part of an approval of the Planned Unit Development Permit. (Former Section CZ#A314-62(E)(5))

31.1.6 Design Guidelines. These guidelines shall be considered by architects, engineers, and other persons involved in designing Planned Unit Developments, and by the Planning Commission and Board of Supervisors in reviewing them. The guidelines recognize that while few people are in complete accord on what makes a well designed project, there is general agreement on a number of basic design principles, which are enumerated as follows. Consideration of these guidelines does not eliminate or supersede the need to comply with all other applicable requirements of the certified LCP. (Former Section CZ#A314-62(F); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.1 Natural Considerations.

31.1.6.1.1 The starting point in any design should be maintenance of the...
prominent natural features of the site. (Former Section CZ#A314-62(F)(1); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.1.2 Major trees and shrubs should be retained to the maximum extent possible, and should become the basis of the design of lots, roads, and other open spaces in the PUD. They add permanence and a sense of continuity to new developments, and new landscaping will take many years to provide the same benefits that mature existing vegetation will provide immediately. In some cases, native landscaping can be replaced in phases if part of a long-term plan to create a different landscaping effect. (Former Section CZ#A314-62(F)(1); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.1.3 New homesites should be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and topography of the site requires development on hillsides, new construction and grading should follow the natural contours of the landscapes, fitting the site rather than altering the landform to accommodate buildings. (Former Section CZ#A314-62(F)(1); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.1.4 To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes should be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines should not affect the ridgeline silhouette. (Former Section CZ#A314-62(F)(1); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.1.5 Natural slopes in excess of twenty-five percent should remain undisturbed. (Former Section CZ#A314-62(F)(1); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.1.6 Disturbed areas not proposed for development should be renaturalized and revegetated as quickly as possible. (Former Section CZ#A314-62(F)(1); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.2 Circulation Considerations

31.1.6.2.1 Residences should take access from local roads serving a limited number of units. Few, if any, dwellings should front upon a collector street. This will restrict the amount of traffic in front of homes, which in turn promotes safety to children, pedestrians, pets, and even parked cars on the street. (Former Section CZ#A314-62(F)(2); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.2.2 Where residential road construction of a two lane travel way would eliminate large trees or other prominent natural features, or result in excess grading, roads should be divided to preserve those features. (Former Section CZ#A314-62(F)(2); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.2.3 Shoulders tend to visually widen the road, and encourage higher speeds as a result. Where shoulders are required for stormwater management on residential streets, the shoulders should be grass surfaced wherever possible. (Former Section CZ#A314-62(F)(2); Added by Ord. 2167, Sec.
31.1.6.2.4 Incorporating alleys into the transportation system serving smaller lots is encouraged since alleys can be a beneficial means of providing a second automobile access to narrow lots. Although it is generally more desirable for alleys to connect a street at both ends, in some cases, dead end alleys with turn arounds may be permitted. (Former Section CZ#A314-62(F)(2); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.3 Parking Considerations.

31.1.6.3.1 Reducing the visual impact of lines of parked cars and expanses of asphalt can add more to the good looks of a building than anything else. (Former Section CZ#A314-62(F)(3); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.3.2 Shared parking areas such as parking courtyards are encouraged. (Former Section CZ#A314-62(F)(3); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.3.3 Whenever possible, parking areas should be placed at the side or back of a building. (Former Section CZ#A314-62(F)(3); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.3.4 To avoid the long, narrow, dreary look of carports found in some older apartment complexes, individual carports and garages should be designed to accommodate no more than four vehicles. (Former Section CZ#A314-62(F)(3); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.3.5 If a parking lot for five cars is within twenty (20) feet of a street property line, a landscaped strip at least five (5) feet wide should be provided between the parking lot and the street. This strip should have a fence, berm, wall or landscaping hedge that is three (3) feet high at the edge closest to the parking lot. (Former Section CZ#A314-62(F)(3); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.3.6 A screening device not less than six (6) feet high should be provided along all interior property lines where a parking lot for five (5) or more cars adjoins a property line of a residential use. Raised earth mounds with landscaping may be used in place of fencing. (Former Section CZ#A314-62(F)(3); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.3.7 To avoid unwarranted noise or light, no parking lot for five (5) or more cars should allow the front of parked cars to be within fifteen (15) feet of the front of a living unit. (Former Section CZ#A314-62(F)(3); Added by Ord. 2167, Sec. 35, 4/7/98)
31.1.6.4 Architectural Considerations.

31.1.6.4.1 Buildings should be compatible in design to development nearby. Building size is not necessarily a major concern in design; the size of large buildings can be visually reduced by providing changes in the depth of the facade (both vertical and horizontal), and changes in facade materials. (Former Section CZ#A314-62(F)(4); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.4.2 Buildings should be made compatible in style to nearby development through the use of similar roof types, siding materials, color schemes, architectural details, and landscaping design. (Former Section CZ#A314-62(F)(4); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.4.3 Living rooms, and eating and sleeping areas should face toward gardens and open areas and away from streets and parking areas. (Former Section CZ#A314-62(F)(4); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.5 Other Considerations.

31.1.6.5.1 Landscaping should be used to enhance privacy, and to give visual order to the development. (Former Section CZ#A314-62(F)(5); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.5.2 All multifamily units of four (4) or more dwellings should have laundry facilities, either as a common laundry room or in-unit connections for washers and dryers. A rule of thumb for common laundry facilities is one washer/dryer in a four-plex, and one additional washer/dryer for each additional six units, although family units will probably require more. (Former Section CZ#A314-62(F)(5); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.5.3 One or more areas within a project should be set aside for trash collection and recycling collection. These areas should be conveniently placed, screened off from sight, directly accessible for the garbage and recycling trucks, and sited where early morning collection will not disturb residents. (Former Section CZ#A314-62(F)(5); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.5.4 All utilities should be placed underground. (Former Section CZ#A314-62(F)(5); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.6.5.5 Surcharge retention swales should be used to collect and dissipate stormwater runoff. (Former Section CZ#A314-62(F)(5); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.7 Circulation. (See also, Circulation Considerations, subsection 313-31.1.6.2 and Parking Considerations, subsection 313-31.1.6.3)

31.1.7.1 Access: Planned Unit Developments shall be appropriately located with respect to streets and highways or other transportation facilities so as to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required if they are needed due to existing or
anticipated flows of passing traffic, or traffic from or to the Planned Unit Development. The need for such lanes shall be determined by the Planning Division of the Community Development Services Department, in conjunction with the Department of Public Works. (Former Section CZ#A314-62(G)(1))

31.1.7.2 Internal Circulation.

31.1.7.2.1 Roads, pedestrian paths and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all uses. Pedestrian paths and bikeways shall be clearly signed and have adequate crossing facilities where warranted. (Former Section CZ#A314-62(G)(2))

31.1.7.2.2 Developments should be designed to minimize the length of roadway, to encourage smooth traffic flow with controlled turning movements, and to minimize hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated flows of passing traffic or traffic from or to the Planned Unit Development indicate the need for such lanes, as specified in subsection 31.1.7.1, Access. (Former Section CZ#A314-62(G)(2))

31.1.7.3 Siting of Roadways and Parking Areas. Siting of roadways and parking areas shall be consistent with the character of the site, avoiding excessive cuts and fills. (Former Section CZ#A314-62(G)(3))

31.1.7.4 Parking Standards. The following will be the minimum off-street parking requirements for dwelling units and permitted commercial uses in a residential Planned Unit Development: (Former Section CZ#A314-62(G)(4))

31.1.7.4.1 Parking spaces for permitted uses, shall be provided in accordance with the Off-Street Parking Regulations. (Former Section CZ#A314-62(G)(4)(a))

31.1.7.4.2 Off-Street parking shall be designed and located in accordance with the Off-Street Parking and Loading Standards except that: (Former Section CZ#A314-62(G)(4)(b))

31.1.7.4.2.1 Off-street parking may be clustered in parking pods in proximity to the dwelling units they serve; and (Former Section CZ#A314-62(G)(4)(b)(i))

31.1.7.4.2.2 Off-street parking for guests may be required up to a maximum of one (1) space per two (2) dwelling units. (Former Section CZ#A314-62(G)(4)(b)(ii))

31.1.7.5 Recreation Vehicle Parking. Sufficient parking space may be required for storage of residents' recreational vehicles. If required, a recreational vehicle parking area shall be located so as to be compatible with the surrounding land use. If located along the outer fringe of the Planned Unit Development, it shall be adequately screened from vision from the adjacent properties. (Former Section CZ#A314-62(G)(5))
31.1.8 **Utilities.** In addition to other requirements set forth herein, the following shall apply:

31.1.8.1 All utilities shall be approved by the appropriate agencies;  (Former Section CZ#A314-62(H)(1))

31.1.8.2 All utility services should be placed underground, if required by the appropriate agencies;  (Former Section CZ#A314-62(H)(2))

31.1.8.3 Provisions shall be made for fire prevention, including service waterlines, and free emergency access for firefighting equipment around buildings;  (Former Section CZ#A314-62(H)(3))

31.1.8.4 Provisions shall be made for control of site storm water drainage.  (Former Section CZ#A314-62(H)(4))

31.1.9 **OWNERS ASSOCIATION.** A NON-PROFIT INCORPORATED OWNERS ASSOCIATION, OR AN ALTERNATIVE ACCEPTABLE TO COUNTY COUNSEL, SHALL BE REQUIRED IF OTHER SATISFACTORY ARRANGEMENTS, SUCH AS COUNTY SERVICE AREA, HAVE NOT BEEN MADE FOR IMPROVING, OPERATING AND MAINTAINING COMMON FACILITIES, INCLUDING OPEN SPACE, STREETS, DRIVES, SERVICE AND PARKING AREAS, AND RECREATION AREAS.  (FORMER SECTION CZ#A314-62(I))
313-32 “Q” COMBINING ZONE DESIGNATIONS

313-32.1 Q: QUALIFIED

32.1.1 **Purpose.** The Qualified Combining Zone Regulations are intended to be combined with principal zones to help more precisely implement the adopted County General Plan. (Former Section CZ#A313-42(A))

32.1.2 **Applicability.** The Board of Supervisors, in approving a zone reclassification as allowed by Chapter 2 of this Division, may combine the Qualified Combining Zone with any principal zone. In combining the Qualified Combining Zone with any principal zone, the Board of Supervisors may delete principally permitted uses, conditionally permitted uses, uses permitted with a Special Permit, or accessory uses. The Board of Supervisors may also require Use Permits for principal permitted uses, uses permitted with a Special Permit, or accessory uses. Zone reclassifications to implement the Qualified Combining Zone are subject to making all of the required findings in Chapter 2 of this Division. (Former Section CZ#A313-42(B))

32.1.3 **Map Designation.** When combined with a principal zone, the Qualified Combining Zone shall be represented on the adopted zoning maps by the Q designator. The Q designator shall immediately follow the Principal Zone designator and the maximum density designator, if applied; or the S designator, if applied. For example: RM-Q, RM-5-Q, RM-5-S-Q. Reference to the specific requirements of any “Q”/“Qualified” Zone is contained on the zoning maps, and the requirements are set forth in the specific ordinances which create each “Q” Zone. (Former Section CZ#A313-42(C))
313-33 “R” COMBINING ZONE DESIGNATIONS

313-33.1 R: STREAMS AND RIPARIAN CORRIDORS PROTECTION

33.1.1 Purpose. The purpose of these regulations is to provide for the maintenance, enhancement, and, where feasible, restoration of water resources by restricting development, and by minimizing adverse effects of runoff, interference with surface water flow, and alteration of natural streams, and by protecting riparian habitats. (Former Section CZ#A314-63(A))

33.1.2 Applicability. These regulations shall apply to:

33.1.2.1 All streams, riparian corridors and riparian forests designated “R” on the Zoning Maps; (Former Section CZ#A314-63(B)(1))

33.1.2.2 All perennial and intermittent streams as delineated on U.S. Geological Survey 7.5-minute quadrangles. (Former Section CZ#A314-63(B)(2))

33.1.2.3 All riparian lands and coastal streams listed in the Coastal Land Use Plan. (Former Section CZ#A314-63(B)(3))

***It should be noted that additional stream protection regulations in Chapter 2 apply specifically to the Coastal Zone segments of the Mad and Eel Rivers.***

33.1.3 Modifications Imposed by the Streams and Riparian Corridors Protection Regulations. These regulations shall be in addition to regulations imposed by the primary zone, development regulations, and other coastal resource special area regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the regulation which is most protective of natural resources shall apply. (Former Section CZ#A314-63(C))

33.1.4 Consultation with Department of Fish and Game. The County shall request the California Department of Fish and Game to review development plans proposed within stream channels and riparian corridors. The Agency shall be requested to respond within ten (10) working days of the referral. (Former Section CZ#A314-63(D))

33.1.5 Permitted Development within Coastal Stream Channels. New development within stream channels located within the County’s Coastal Zone, shall be limited to the following uses: (Former Section CZ#A314-63(E))

33.1.5.1 Wetlands, fishery, and wildlife enhancement and restoration projects and small hydroelectric generating facilities; (Former Section CZ#A314-63(E)(1))

33.1.5.2 Pipelines, utility lines, municipal water systems, wells in rural areas, and incidental public service purposes; (Former Section CZ#A314-63(E)(2))
33.1.5.3 Road crossings, consistent with all of the applicable “Findings” provisions of Chapter 2. (See, Section 312-17, which sets forth findings required for all permits, and Section 312-39.11, which sets forth the Resource Protection Findings relating to Coastal Road Construction.) (Former Section CZ#A314-63(E)(3))

33.1.5.4 Maintenance dredging for flood control and drainage purposes, consistent with the Transitional Agricultural Land Use regulations. (Former Section CZ#A314-63(E)(4))

33.1.5.5 Maintenance of levees, roads, dikes, drainage channels, floodgates and tidegates including replacement; (Former Section CZ#A314-63(E)(5))

33.1.5.6 Construction of new fences, so long as it would not impede the natural drainage; (Former Section CZ#A314-63(E)(6))

33.1.5.7 Bank protection, surface mining, and other development consistent with the provisions of subsection 33.1.7, Permitted Development and Uses Within Riparian Corridors and Forests. (Former Section CZ#A314-63(E)(7))

33.1.6 Definition of Coastal Riparian Corridors and Forests. For purposes of these regulations, riparian corridors on all perennial and intermittent streams located within the County’s Coastal Zone, shall be defined as one of the following: (Former Section CZ#A314-63(F))

33.1.6.1 The larger of:

33.1.6.1.1 A minimum setback of 100 feet on both sides of the stream, as measured horizontally from the stream transition lines; or (Former Section CZ#A314-63(F)(1)(a))

33.1.6.1.2 A minimum setback of fifty feet (50’) plus four (4) times the average percent of slope on both sides, as measured horizontally along the slope perpendicular to the stream transition lines; up to a maximum of 200 feet from the stream transition line on both sides of the streams; or (Former Section CZ#A314-63(F)(1)(b))

33.1.6.1.3 Where significant areas of riparian vegetation, landslides and areas of slope instability exist adjacent to riparian corridors, as defined in accordance with the setbacks required in subsections 33.1.6.1.1 and 33.1.6.1.2, the riparian corridors shall be expanded to include such areas to a maximum setback of 200 feet from the stream transition lines; or (Former Section CZ#A314-63(F)(1)(c))

33.1.6.1.4 Along the Eel River and within riparian forests mapped in the Eel River Area Plan, 200 feet measured as the horizontal distance from the stream transition line. (Former Section CZ#A314-63(F)(1)(d))

33.1.6.2 If either the County or the landowner requests, they may agree to expand the width of the riparian corridor to protect significant areas of vegetation or special...
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habitat areas adjacent to the corridor described in paragraph 33.1.6.1. (Former Section CZ#A314-63(F)(2))

33.1.6.3 The width of the riparian corridor, as described in paragraph 33.1.6.1, may be reduced where such a reduction would not result in the removal of the woody vegetation, and the County determines, based on specific factual findings, that a reduction of the corridor width will not result in a significant adverse impact to the habitat, and is consistent with the adopted Local Coastal Plan. (Former Section CZ#A314-63(F)(3))

33.1.7 Permitted Development and Uses Within Riparian Corridors and Forests.

33.1.7.1 Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities carried out under the Forest Improvement Program (FIP), Agricultural Conservation Program (ACP), or California Forest Improvement Program (Cal FIP) shall be exempt from requirements of this section. (Former Section CZ#A314-63(G)(1))

33.1.7.2 New development within riparian corridors shall be limited to: (Former Section CZ#A314-63(G)(2))

33.1.7.2.1 Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Land Regulations; (Former Section CZ#A314-63(G)(2)(a))

33.1.7.2.2 Maintenance or replacement of flood control structures, roads, fences, drainage channels, levees, floodgates, and tide gates; (Former Section CZ#A314-63(G)(2)(b))

33.1.7.2.3 Wells in rural areas; (Former Section CZ#A314-63(G)(2)(c))

33.1.7.2.4 Replacement or construction of roads, bridges, pipelines, electrical utility lines, municipal water systems, and incidental public service purposes, provided that the length of the facilities within the riparian corridor shall be minimized, where feasible, by rights-of-way which cross streams at right angles and do not parallel streams within the riparian corridor; (Former Section CZ#A314-63(G)(2)(d))

33.1.7.2.5 Removal of trees for disease control, or public safety purposes, or for firewood for personal use; (Former Section CZ#A314-63(G)(2)(e))

33.1.7.2.6 New fences, as long as they do not impede natural drainage or would not adversely affect the stream environment or wildlife. (Former Section CZ#A314-63(G)(2)(f))

33.1.7.2.7 Timber management activities, provided that:

33.1.7.2.7.1 In pre-commercial thinning and release activities, at least fifty percent (50%) of the tree crown canopy and fifty percent (50%) of other vegetation present before management operations
shall be left standing. If either the County or the landowner requests, they may agree, after an on-the-ground inspection, to increase these percentages to protect special habitat values. (Former Section CZ#A314-63(G)(2)(g)(i))

33.1.7.2.7.2 Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release. (Former Section CZ#A314-63(G)(2)(g)(ii))

33.1.7.2.7.3 In all timber management activities, including but not limited to pre-commercial thinning, release activities, and site preparation, heavy equipment shall be excluded from any area within fifty feet (50'), measured as a slope distance, from the stream transition line, and shall not be permitted in other portions of the riparian corridor except where justified as the least environmentally damaging feasible alternative. (Former Section CZ#A314-63(G)(2)(g)(iii))

33.1.7.2.7.4 All activities shall be consistent with the Timber Harvest Rules of the California Board of Forestry which are applicable to the protection of aquatic life and water quality. (Former Section CZ#A314-63(G)(2)(g)(iv))

33.1.7.2.7.5 Timber management proposals in conformance with the requirements listed in subsections 33.1.7.2.7.1 through 33.1.7.2.7.4, shall be prepared by a Registered Professional Forester. (Former Section CZ#A314-63(G)(2)(g)(v))

33.1.7.2.8 Timber harvests of merchantable timber eighteen inches (18") in diameter, measured at four and one half feet (4½) vertically above the ground, or greater, provided that timber harvest practices shall be consistent with those permitted by the Forest Practices Rules for Stream Protection Zones in Coastal Commission Special Treatment Areas. Unmerchantable hardwoods or shrubs shall be protected from unreasonable damage. Timber harvest proposals shall be prepared by a Registered Professional Forester. (Former Section CZ#A314-63(G)(2)(h))

33.1.7.3 Within riparian forests in the Eel River Planning Area: Conversion to agriculture is permitted on soils that are shown to be Class I or Class II, provided that a minimum 200 foot buffer of woody riparian vegetation remains between the boundaries of converted areas and the stream transition line. (Former Section CZ#A314-63(G)(3))

33.1.8 Bank Protection.

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33.1.8.1 Protection measures for the Mad and Eel River banks shall be permitted for the following purposes: (Former Section CZ#A314-63.1(A))

33.1.8.1.1 Maintenance of necessary public or private roads; (Former Section CZ#A314-63.1(A)(1))

33.1.8.1.2 Maintenance of existing levees and dikes; (Former Section CZ#A314-63.1(A)(2))

33.1.8.1.3 Protection of principal structures in danger due to erosion; and/or (Former Section CZ#A314-63.1(A)(3))

33.1.8.1.4 Protection of lands zoned AE (Agricultural Exclusive) from erosion. (Former Section CZ#A314-63.1(A)(4))

33.1.8.2 Types of Bank Protection Measures Permitted. The bank protection measures permitted are listed below in order of preference. The measures chosen for any bank protection project shall employ the highest-ranked protection measures wherever feasible. The preference ranking for permitted protection measures shall be as follows: (Former Section CZ#A314-63.1(B))

33.1.8.2.1 Piling fence; (Former Section CZ#A314-63.1(B)(1))

33.1.8.2.2 Rock hard points; (Former Section CZ#A314-63.1(B)(2))

33.1.8.2.3 Continuous revetment. (Former Section CZ#A314-63.1(B)(3))

33.1.9 Required Findings. A Coastal Development Permit for development or activity within stream channels and riparian corridors shall be approved only if the applicable Resource Protection and Impact Findings in Chapter 2, Procedures, Supplemental Findings, are made. (Former Section CZ#A314-63(H))

33.1.10 Required Mitigation. The best feasible measures to mitigate adverse environmental effects of development within riparian corridors shall be provided, and shall, at a minimum, include the following: (Former Section CZ#A314-63(I))

33.1.10.1 Replanting of disturbed areas with riparian vegetation; or posting of a performance bond guaranteeing re-establishment of natural vegetation within two years (2yr). The mitigation plan for replanting and/or bonding shall be approved by the Hearing Officer. (Former Section CZ#A314-63(I)(1))
33.1.10.2 Retaining snags, unless removal is required by CAL-OSHA regulations or for stream bank protection; (Former Section CZ#A314-63(I)(2))

33.1.10.3 Retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons or egrets. (Former Section CZ#A314-63(I)(3))

33.1.11 Required Mitigation for Bank Protection Projects. Bank protection projects employing rock hard points or continuous revetment shall incorporate, at a minimum, the following mitigation measures: (Former Section CZ#A314-63.1(C))

33.1.11.1 Bank protection projects, including design and materials, shall minimize adverse effects on fisheries, wildlife and recreation; (Former Section CZ#A314-63.1(C)(1))

33.1.11.2 Where feasible, riparian vegetation shall be planted and maintained within the riparian corridor up to 200 feet landward of the bank protection project throughout its length. (Former Section CZ#A314-63.1(C)(2))

313-34 “S” COMBINING ZONE DESIGNATIONS

313-34.1 S: DEVELOPMENT STANDARD COMBINING ZONE REGULATIONS

34.1.1 Title and Purpose. The provisions of this section shall be known as the Development Standard Combining Zone Regulations. The Development Standard Combining Zone Regulations are intended to allow modification of the specific development standards in the principal zones to more precisely implement the General Plan. (Former Section CZ#A313-41(A))

34.1.2 Applicability. The County Board of Supervisors, in approving a zone reclassification as allowed by Chapter 2 of this Division, may include the “S” - “Development Standard Combining Zone” with any Principal Zone. By doing so, the Board of Supervisors may modify any or all of the following development standards: (Former Section CZ#A313-41(B))

34.1.2.1 Minimum Lot Size
34.1.2.2 Minimum Average Lot Size
34.1.2.3 Minimum Lot Width
34.1.2.4 Maximum Lot Depth
34.1.2.5 Minimum Yard Setbacks
34.1.2.6 Maximum Ground Coverage
34.1.2.7 Maximum Building Height
34.1.2.8 Permitted Principal Building Types

34.1.3 Limitations to Modifying Development Standards. Modifications of development standards are subject to the following limitations: (Former Section CZ#A313-
34.1.3.1 Minimum Lot Size shall not be modified below 5,000 square feet. (Former Section CZ#A313-41(C)(1))

34.1.3.2 Minimum Lot Width shall not be modified below fifty feet (50’). (Former Section CZ#A313-41(C)(2))

34.1.3.3 Principal Zones may be modified to allow manufactured homes as a permitted building type only when the zoning district to be modified will include a minimum area of four acres (4a) or four (4) city blocks. (Former Section CZ#A313-41(C)(3))

34.1.4 Map Designation. When combined with a principal zone, the Development Standard Combining Zone shall be designated on the adopted zoning maps by the designator “S,” except as provided herein. The “S” designator shall immediately follow the principal zone designator, or, where applicable, shall immediately follow the maximum density designator. The development standards that are modified shall also be represented on the adopted zoning maps in a table format in the order listed in this section. Arabic numerals shall be used in the table to specify all modified development standards, except for permitted principal building types. Permitted building types shall be represented by name in the table. Minimum Lot Size shall be represented by a number which represents thousands of square feet, followed by the lower case letter “s,” or by a number which represents numbers of acres, followed by the lower case letter “a,” whichever is appropriate. For example: RS7.5s would require a minimum lot size of 7,500 square feet. (Former Section CZ#A313-41(D))

313-34.2 SM: MODIFIED BUILDING STANDARDS INCLUDING PROVISION FOR MANUFACTURED HOMES
(See also Special Combining Zone “M”)

34.2.1 Special Designation for Manufactured Home Building Type Modifications. Whenever the Development Standard Combining Zone is used to modify a principal zone to allow manufactured homes as permitted building types, the following designators shall be used as applicable: (Former Section CZ#A313-41(E))

34.2.1.1 SM - where development standards in addition to the Manufactured Homes Building Type are modified. (Former Section CZ#A313-41(E)(1))

34.2.1.2 (See also, the subsection, Special Combining Zone “M”, where the development standards are modified for the sole purpose of allowing manufactured homes.) (Former Section CZ#A313-41(E)(2))

When the M designator is used, the permitted building type shall not be listed by name in the table format. (Former Section CZ#A313-41(E))
313-34.3 SX: DEVELOPMENT STANDARDS WHICH ARE COMBINED WITH A PROHIBITION AGAINST FURTHER SUBDIVISION
(See also Special Combining Zone “X”)

34.3.1 Special Representation for Development Standards Where No Further Subdivisions are Permitted. Whenever the Development Standard Combining Zone is used to modify the principal zone as well as prohibit further subdivisions of any lots within the zone, the following designators shall be used as applicable: (Former Section CZ#A313-41(F))

34.3.1.1 SX - where development standards are modified in addition to prohibiting further subdivision. (Former Section CZ#A313-41(F)(1))

34.3.1.2 (See also, the subsection, Special Combining Zone “X”, where the development standards are modified for the sole purpose of prohibiting further subdivisions of any lots within the zone.) (Former Section CZ#A313-41(F)(2))

313-34.4 SY: DEVELOPMENT STANDARDS WHERE STANDARDS IN ADDITION TO MINIMUM LOT SIZE ARE MODIFIED
(See also Special Combining Zone “Y”)

34.4.1 Special Representation for Minimum Lot Size, where a Minimum Lot Size and Minimum Average Lot Size are Both Specified. Whenever the Development Standard Combining Zone is used to modify the principal zone to specify a minimum lot size and a minimum average lot size that must be maintained in subdividing any lot within the zone, the following designators shall be used as applicable: (Former Section CZ#A313-41(G))

34.4.1.1 SY - where development standards in addition to the minimum lot size are modified. (Former Section CZ#A313-41(G)(1))

34.4.1.2 SY (x) - where, on the zoning maps, “x” indicates the minimum lot size, and where the subdivision of any parcel results in a density consistent with the General Plan. As part of the subdivision action, a rezone to the appropriate SY(x) parcel size designation shall be required. As necessary to maintain consistency with the General Plan, the lot size specification requirements shall be a part of the enforceable restrictions of the subdivision. (Former Section CZ#A313-41(G)(3))

34.4.1.3 (See also, the subsection, Special Combining Zone “Y.”)
313-35 "T" COMBINING ZONE DESIGNATIONS

313-35.1 T: TRANSITIONAL AGRICULTURAL LANDS

35.1.1 **Purpose.** The purpose of these regulations is to permit agricultural use as a principal permitted use while providing that development in transitional agricultural lands is conducted in such a manner as to maintain long-term wetland habitat values and minimize short-term habitat degradation within these environmentally sensitive habitat areas. (Former Section CZ#A314-64(A))

35.1.2 **Applicability.** These regulations shall apply to land containing transitional agricultural land designated “T” on the Zoning Maps, and to unmapped areas as defined in this Chapter, Section C: Index of Definitions of Language and Legal Terms. These regulations shall not apply to lands designated “W” - “Wetland,” which are subject to the Wetland Area Combining Zone Regulations set forth in this chapter. (Former Section CZ#A314-64(B))

35.1.3 **Determination of Transitional Agricultural Land Boundary.** The following criteria shall be used to determine the upland boundary of transitional agricultural land: (Former Section CZ#A314-64(C)(1))

35.1.3.1 Either the boundary of a clearly defined slough which is periodically covered with standing water; or (Former Section CZ#A314-64(C)(1)(a))

35.1.3.2 The boundary of the area which would be below tidal elevations (plus five feet (+5') above mean sea level) if tidegates, dikes, or other drainage works were not in place; or (Former Section CZ#A314-64(C)(1)(b))

35.1.3.3 As determined pursuant to the requirements of the Transitional Agricultural Land Boundary Adjustment of this section (see subsection 313-35.1.4). (Former Section CZ#A314-64(C)(1)(c))

35.1.4 **Transitional Agricultural Land Boundary Adjustment Requests.**

35.1.4.1 If any party claims that lands (or portions of lands) below the plus five (+5) foot elevation (above mean sea level) are not Transitional Agricultural Lands, the burden of proof thereof rests upon said party. (Former Section CZ#A314-64(D)(1))

35.1.4.2 If any party claims that lands (or portions of lands) above the plus five (+5) foot elevation (above mean sea level) are Transitional Agricultural Lands, the burden of proof thereof rests upon said party. (Former Section CZ#A314-64(D)(2))

35.1.4.3 In any dispute under subsections 35.1.4.1 or 35.1.4.2, the factors to be considered shall include but not be limited to a review and analysis of the boundary of the wetland prior to alteration for agricultural use, as indicated by soils maps, elevation, or historic information, including maps and photographs. (Former Section CZ#A314-64(D)(3))
35.1.5 **Areas Excluded from Transitional Agricultural Lands.** Notwithstanding the Determinations of Transitional Agricultural Land Boundary or the Transitional Agricultural Land Boundary Adjustment Regulations (see Sections 35.1.3 and 35.1.4), any areas with drained or filled hydric soils that are no longer capable of supporting a predominance of hydrophytes shall not be considered transitional agricultural lands and such areas are exempt from the requirements of this section.  (Former Section CZ#A314-64(E))

35.1.6 **Transitional Agricultural Land Boundary Disputes or Uncertainties.** Any dispute or uncertainty regarding the precise locations of boundaries of the Transitional Agricultural Land designation shall be resolved in accordance with the Procedure for Boundary Adjustment of Sensitive Habitat Areas.  (Former Section CZ#A314-64(F))

35.1.7 **Modifications Imposed by the Transitional Agricultural Land Regulations.** The provisions of the Transitional Agricultural Land Regulations shall be in addition to regulations imposed by the Principal Zones, Development Regulations, and other Special Area Combining Zone regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the regulation most protective of wetland resources shall apply.  (Former Section CZ#A314-64(G))

35.1.8 **Consultation with Agencies.** In reviewing applications for new agricultural development within Transitional Agricultural Land, the County shall cooperate closely with the Coastal Commission, the Department of Fish and Game, Agricultural Stabilization and Soil Conservation Service, Agricultural Extension, and farm organizations. Agencies commenting on proposed development within Transitional Agricultural Lands shall be requested to respond to the Planning Division within ten (10) working days of the receipt of the notice.  (Former Section CZ#A314-64(H))

35.1.9 **Permitted Diking and Filling.** Permitted diking and filling shall be limited to the following developments:

35.1.9.1 Principal permitted uses in the AE Agricultural Exclusive zone.  (Former Section CZ#A314-64(I)(1))

35.1.9.2 Construction of spillways and modification and repair of existing dikes threatened by erosion. Modification of dikes includes minor relocation where, for example, a river changes course necessitating relocation of the dike landward or seaward, provided however, that there is no significant increase in gross acreage under cultivation.  (Former Section CZ#A314-64(I)(2))

35.1.9.3 Oil and gas wells, subject to the Oil and Gas Drilling and Processing Regulations.  (Former Section CZ#A314-64(I)(3))

35.1.9.4 Incidental public service purposes.  (Former Section CZ#A314-64(I)(4))

35.1.9.5 Wetland restoration.  (Former Section CZ#A314-64(I)(5))

35.1.10 **Permitted Dredging.** Dredging in Transitional Agricultural land shall be limited to:  (Former Section CZ#A314-64(J))
35.1.10.1 Pipelines, transmission lines and incidental public service purposes; (Former Section CZ#A314-64(J)(1))

35.1.10.2 Maintenance or replacement of levees, roads, fences, dikes, drainage channels, floodgates, and tide gates; (Former Section CZ#A314-64(J)(2))

35.1.10.3 Maintenance dredging for flood control and drainage purposes; and (Former Section CZ#A314-64(J)(3))

35.1.10.4 Wetlands, fishery and wildlife enhancement, and restoration projects. (Former Section CZ#A314-64(J)(4))

35.1.11 Land Divisions. Notwithstanding the provisions of this Code’s Land Division Regulations to the contrary, no division of Transitional Agricultural Lands shall be permitted which would create a new parcel of less than sixty acres (60a) if the parcel created will consist entirely of designated Transitional Agricultural Lands, except where the division is necessary for a wetland restoration project. (Former Section CZ#A314-64(K))

35.1.12 Findings Required. Prior to approval of new development within Transitional Agricultural Lands, the applicable Resource Protection Impact Findings of Chapter 2, Procedures, Supplemental Findings, shall be made. (Former Section CZ#A314-64(L))

35.1.13 Required Mitigations. The following mitigations shall be required for all development, as applicable: (Former Section CZ#A314-64(M))

35.1.13.1 Where feasible, new structures shall be sited 100 feet from the edge of tidal or non-tidal sloughs; (Former Section CZ#A314-64(M)(1))

35.1.13.2 Where feasible, new structures shall be clustered adjacent to existing structures; (Former Section CZ#A314-64(M)(2))

35.1.13.3 Road crossings of sloughs, channels and ditches shall be by culvert or bridge. It should be noted that all crossings may require a stream alteration agreement with the California Department of Fish and Game (contact the State Agency for more information, as the County does not create or process these agreements); (Former Section CZ#A314-64(M)(3))

35.1.13.4 Any dikes or fill constructed as a part of an oil and gas development shall be removed upon completion of the activity and the site revegetated to its former condition; (Former Section CZ#A314-64(M)(4))

35.1.13.5 Diking or fill constructed as a part of oil and gas well construction shall be mitigated consistent with the mitigation requirements of the Coastal Wetland regulations. (Former Section CZ#A314-64(M)(5))

(313-36 & 313-37: Sections Reserved for Future Use)
313-38 “W” COMBINING ZONE DESIGNATIONS

313-38.1 W: COASTAL WETLAND AREAS

38.1.1 Purpose. The purpose of these provisions is to establish regulations to provide that any development in coastal wetlands will not degrade the wetland, but will maintain optimum populations of marine or freshwater organisms and, where feasible, will enhance wetland resources. (Former Section CZ#A314-56(A))

38.1.2 Applicability of the Wetland Area Regulations. These Wetland Area Regulations shall apply to lands containing wetlands designated “W” on the Zoning Maps, and shall also apply to unmapped wetlands. These regulations shall not apply to lands designated “T - Transitional Agricultural Lands,” which are subject to the Coastal Transitional Agricultural Lands Regulations. (Former Section CZ#A314-56(B))

38.1.3 Modifications Imposed by the Wetland Area Regulations. These regulations shall apply in addition to regulations imposed by the principal zone, development regulations, and other Special Area Combining Zone regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the regulation most protective of wetland resources shall apply. Development requiring mitigation is also subject to supplemental application and review requirements in Chapter 2 of these regulations. (Former Section CZ#A314-56(C))

38.1.4 Consultation with Department of Fish and Game. The County shall request the California Department of Fish and Game to review development plans proposed within wetlands, and to respond within ten (10) working days of the referral. (Former Section CZ#A314-56(D))

38.1.5 Diking, Filling and Dredging. Permitted diking, filling and dredging shall be limited to the following developments: (Former Section CZ#A314-56(E))

38.1.5.1 Wetland restoration; (Former Section CZ#A314-56(E)(1))

38.1.5.2 Hunting blinds and similar minor facilities; (Former Section CZ#A314-56(E)(2))

38.1.5.3 In open coastal waters, other than wetlands, including estuaries, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide access and recreation opportunities. (Former Section CZ#A314-56(E)(3))

38.1.5.4 In wetland areas only, entrance channels for new or expanded boating facilities. (Former Section CZ#A314-56(E)(4))

38.1.5.5 Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (Former Section CZ#A314-56(E)(5))
38.1.5.6 Access facilities consistent with the access inventory development recommendations of the Coastal Land Use Plans; (Former Section CZ#A314-56(E)(6))

38.1.5.7 Aquaculture; however, upland support facilities that are not coastal-dependent shall not be located within designated Wetland Areas. (Former Section CZ#A314-56(E)(7))

38.1.5.8 Coastal-Dependent Industrial Use Types subject to the Coastal-Dependent Industrial Development Regulations at Section 313-45.1. (Former Section CZ#A314-56(E)(8))

38.1.6 Filling of Pocket Marshes.

38.1.6.1 Within the Humboldt Bay Planning Area, fill for development not specifically listed in subsection 38.1.5 may be permitted only if all of the Pocket Marsh Findings in Chapter 2, Section 312-39.14.2, are made. (Former Section CZ#A314-56(F)(1))

38.1.6.2 Required Mitigation.

38.1.6.2.1 Restoration of an area to mitigate for the fill shall occur at a site which is contiguous or adjacent to a wetland area and which would provide significant fish and wildlife habitat benefits. (Former Section CZ#A314-56(F)(2)(a))

38.1.6.2.2 Mitigation must be consistent with the Required Mitigation regulations of Section 313-38.1.9. (Former Section CZ#A314-56(F)(2)(b))

38.1.7 Filling of Dune Hollows. Permitted filling of dune hollow wetlands located on the North Spit of Humboldt Bay shall be limited to the following: (Former Section CZ#A314-56(G))

38.1.7.1 Wetland restoration; (Former Section CZ#A314-56(G)(1))

38.1.7.2 Hunting blinds and similar minor facilities; (Former Section CZ#A314-56(G)(2))

38.1.7.3 In estuaries, maintenance and improvement of boating facilities and minor alterations to existing facilities, allowable consistent with Public Resources Code Section 30233; (Former Section CZ#A314-56(G)(3))

38.1.7.4 Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines; (Former Section CZ#A314-56(G)(4))

38.1.7.5 Access facilities consistent with the access inventory development recommendations of the Coastal Land Use Plans (the Coastal Land Use Plans are a component of the County General Plan and may be reviewed at the Planning and Building Divisions of Community Development Services); (Former Section
38.1.7.6 Aquaculture; however, upland support facilities, including steel or concrete holding tanks and raceways, administrative buildings, and parking facilities may not be located within dune hollow wetland areas; (Former Section CZ#A314-56(G)(6))

38.1.7.7 Coastal-Dependent Industrial Use Types subject to the Coastal-Dependent Industrial Development Regulations at Section 313-45.1; and (Former Section CZ#A314-56(G)(7))

38.1.8.8 Expansion of existing industrial facilities. (Former Section CZ#A314-56(G)(8))

Required Findings. The diking, filling, and dredging of wetlands shall be permitted only if the applicable Resource Protection Impact Findings in Chapter 2, Procedures, are made. (Former Section CZ#A314-56(H))

38.1.9 Required Mitigation.

38.1.9.1 If the project involves dredging, mitigation measures must include at least the following: (Former Section CZ#A314-56(I)(1))

38.1.9.1.1 Dredging and spoils disposal must be planned and carried out to avoid significant disruption to wetland habitats and to water circulation. (Former Section CZ#A314-56(I)(1)(a))

38.1.9.1.2 Dredge spoils suitable for beach replenishment shall, where feasible, be transported to appropriate beaches or into suitable longshore current systems. (Former Section CZ#A314-56(I)(1)(b))

38.1.9.2 If the project involves diking or filling of a wetland, required minimum mitigation measures shall include the following: (Former Section CZ#A314-56(I)(2))

38.1.9.2.1 Either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action. (Former Section CZ#A314-56(I)(2)(a))

38.1.9.2.1.1 A restoration plan shall be prepared, pursuant to the Wetland Restoration Plan Procedures in Chapter 2, Procedures, of these regulations, which includes provisions for purchase and restoration of an equivalent area of equal or greater biological productivity. (Former Section CZ#A314-56(I)(2)(a)(i))

38.1.9.2.1.2 The mitigation site shall be purchased before the dike or fill development may proceed. (Former Section CZ#A314-56(I)(2)(a)(ii))

38.1.9.2.1.3 The site shall be protected permanently through the dedication of the land to a public agency capable of managing the resource or through open space easements or similar restrictions. (Former Section CZ#A314-56(I)(2)(a)(iii))
38.1.9.2.1.4 The restoration plan shall provide for appropriate public access to the restoration site. (Former Section CZ#A314-56(I)(2)(a)(iv))

38.1.9.2.2 Where no appropriate restoration sites are available, an in-lieu fee shall be required and paid to an appropriate public agency, which fee shall be of sufficient value for the purchase and restoration of an area of equivalent productive value or equivalent surface area. (Former Section CZ#A314-56(I)(2)(b))

38.1.9.3 Mitigation measures shall not be required for temporary or short-term fill or diking, if a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time. For the purposes of this section, “short-term” generally means that the fill or dikes would be removed immediately upon completion of the construction of the project necessitating the short-term fill or diking. (Former Section CZ#A314-56(I)(3))

313-39 “X” COMBINING ZONE DESIGNATIONS

313-39.1 X: NO FURTHER SUBDIVISION ALLOWED
(See also Special Combining Zone “SX”)

39.1.1 Special Representation for Development Standards Which Prohibit Further Subdivisions. Whenever the Combining Zone is used to modify the principal zone to prohibit further subdivisions of any lots within the zone, the following designators shall be used as applicable: (Former Section CZ#A313-41(F))

39.1.1.1 X - where the development standards are modified for the sole purpose of prohibiting further subdivisions of any lots within the zone. When the X designator is used, the minimum lot size shall not be listed in the table format. (Former Section CZ#A313-41(F)(1))

39.1.1.2 (See also, the subsection, Special Combining Zone “SX”, where development standards are modified in addition to prohibiting further subdivision.) (Former Section CZ#A313-41(F)(2))
313-40 "Y" COMBINING ZONE DESIGNATIONS

313-40.1 Y: SPECIFIED MINIMUM AND AVERAGE LOT SIZES
   (See also Special Combining Zone “SY”)

40.1.1 Special Representation for Minimum Lot Size, where a Minimum Lot Size and Minimum Average Lot Size are Both Specified. Whenever the principal zone is modified to specify a minimum lot size and a minimum average lot size that must be maintained in subdividing any lot within the zone, the following designators shall be used as applicable: (Former Section CZ#A313-41(G))

40.1.1.1 Y - where the development standards are modified for the sole purpose of specifying a minimum lot size and minimum average lot size. (Former Section CZ#A313-41(G)(2))

40.1.1.2 Y (x) - where, on the zoning maps, “x” indicates the minimum lot size, and where the subdivision of any parcel results in a density consistent with the General Plan. As part of the subdivision action, a rezone to the appropriate Y(x) parcel size designation shall be required. As necessary to maintain consistency with the General Plan, the lot size specification requirements shall be a part of the enforceable restrictions of the subdivision. (Former Section CZ#A313-41(G)(3))

40.1.1.3 (See also, the subsection, Special Combining Zone “SY.”)

(313-41: Section Reserved for Future Use)
SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL ZONES

PART 1: USES AND ACTIVITIES

313-42 GENERAL PROVISIONS

Applicability. These General Regulations shall apply to all zones and all use classifications unless otherwise stated. (Former Section CZ#A314-1(A); Ord. 519, Sec. 601, 5/11/65; Ord. 1662, Sec. 1, 11/27/84)

313-43–68 ALPHABETICAL LISTING OF USES AND ACTIVITIES

313-43.1 ACCESSORY USES

(See also, Section 313-69.1, Accessory Structures)

43.1.1 Purpose. The purpose of these provisions is to specify the uses that are permitted as accessory to the permitted uses in the principal zones, and to establish the regulations that apply to the permitted accessory uses. (Former Section CZ#A314-2(A); Ord. 1623, Sec. 1, 12/13/83; amended by Ord. 1726, Sec. 1, 3/4/86)

43.1.2 Accessory Uses Encompassed By Principal Use. In addition to the principal uses expressly set forth in a use classification, each use classification shall be deemed to include such accessory uses as are specifically identified by these regulations, and such other accessory uses as are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such principal uses. The Director shall determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director’s evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Where these regulations are unclear, a Special Permit may be submitted and processed to a decision for a proposed accessory use per Section 311-4 of this Code. (Former Section CZ#A314-2(B))

43.1.3 Accessory Uses Subject to Regulations. Accessory uses shall be regulated in the same manner as the principal uses within each use classification, except as otherwise expressly provided by these regulations. (Former Section CZ#A314-2(C); Ord. 519, Sec. 601, 5/11/65; Ord. 1662, Sec. 1, 11/27/84)

43.1.4 Permitted Accessory Uses in All Zones. The following accessory uses shall be permitted in all zones, except as otherwise stated, and shall be subject to all other County permit requirements, including grading permits for grading projects: (Former Section
43.1.4.1 Grading, fill or excavation or major vegetation removal for the construction of any building or structure for which a necessary building permit has been issued. (Former Section CZ#A314-2(D)(4))

43.1.4.2 Grading, fill or excavation which is all or part of a grading operation necessary to bring the contours of a proposed land subdivision to the grade shown on an approved tentative subdivision plan. (Former Section CZ#A314-2(D)(5))

43.1.4.3 Excavation, grading or streambed skimming that is exempt from provisions of the Surface Mining and Reclamation Regulations and which is normally accessory to a principal permitted use type in the adopted zoning district. (Former Section CZ#A314-2(D)(6))

43.1.4.4 Temporary accessory uses as permitted by the Temporary Use regulations in this Code. (Former Section CZ#A314-2(D)(7))

43.1.5 Permitted Residential Accessory Uses. The following accessory uses shall be permitted in residential zones: (Former Section CZ#A314-2(E))

43.1.5.1 Family Day Care; (Former Section CZ#A314-2(E)(1))

43.1.5.2 Community Care Facilities; (Former Section CZ#A314-2(E)(2))

43.1.5.3 Home Occupations; (Former Section CZ#A314-2(E)(7))

43.1.5.4 Animal keeping as permitted under the provisions of Section 313-43.3, Animal Keeping. (Former Section CZ#A314-2(E)(8))

43.1.6 Permitted Agricultural Accessory Uses. The following accessory uses shall be permitted in the (AE) Agricultural Exclusive, (TC) Commercial Timberland, (TPZ) Timber Production, and (RA) Rural Residential Agricultural zones: (Former Section CZ#A314-2(G))

43.1.6.1 Roadside Sales of Agricultural Products. Operation of a single roadside stand for the display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by these regulations, provided that the stand does not exceed an area of 200 square feet, and is located not nearer than fifteen feet (15') from any street or highway right-of-way. Roadside sales of agriculture products shall not be allowed on RA zoned parcels. (See also, Section 313-69.1, Accessory Structures.) (Former Section CZ#A314-2(G)(8))

43.1.6.2 Other Necessary and Customary Uses. Accessory uses in addition to those identified in this Section, which are necessary and customarily associated with, and are appropriate, incidental, and subordinate to agricultural activity, as determined by the Director. (Former Section CZ#A314-2(G)(10))
313-43.2  Allowed Agricultural Activities Not a Nuisance (“RIGHT TO FARM ORDINANCE”)

43.2.1  Definitions  The following terms shall have the meaning established by this section and as defined in this Chapter. Section C: Index of Definitions of Language and Legal Terms.  (From Section INL#316.2-1; Added by Ord. 1662, Sec 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec 1, 1/14/97)

43.2.1.1  Agricultural Land

43.2.1.2  Agricultural Operation

43.2.2  Findings and Policy

43.2.2.1  It is the declared policy of this County to enhance and encourage agricultural operations within the County. It is the intent of this County to provide to its residents notification of this County policy through adoption of this ordinance setting forth persons’ and/or entities’ right to farm.  (From Section INL#316.2-2(A); Added by Ord. 1662, Sec 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec 1, 1/14/97)

43.2.2.2  Where non-agricultural land uses extend into agricultural areas, or exist side by side, agricultural operations can be the subject of nuisance complaints by which the complainants seek to cease or curtail agricultural operations. Such actions discourage investments in farm improvements and act to the detriment of such adjacent agricultural uses, and the economic viability of the County’s agricultural industry as a whole.  (From Section INL#316.2-2(B); Added by Ord. 1662, Sec 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec 1, 1/14/97)

43.2.2.3  It is the purpose and intent of this section to reduce the loss to the County of its agricultural resources by limiting the circumstances under which existing and planned agricultural operations may be considered as a nuisance. This ordinance is not to be construed as in any way modifying or abridging State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agriculture Code, Division 7 of the Water Code, or any other applicable provision of State Law relative to nuisances. Rather, it is intended to be utilized in the interpretation and enforcement of the provisions of this Code and other County regulations.  (From Section INL#316.2-2(C); Added by Ord. 1662, Sec 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec 1, 1/14/97)

43.2.2.4  An additional purpose of this ordinance is to promote a good neighbor policy between agricultural and non-agricultural property uses by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such agricultural uses, including but not limited to the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations.  (From Section INL#316.2-2(D); Added by Ord. 1662, Sec 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec 1, 1/14/97)
43.2.3  **Nuisance.** No agricultural activity, operations, or facility or appurtenances thereof, conducted or maintained for any agricultural purpose in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, public or private, pursuant to the Humboldt County Code after the same has been in operation for more than three years (3yr) if the activity was not a nuisance when it began. *(From Section INL#316.2-3; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)*

43.2.4  **Disclosure.**

43.2.4.1 Humboldt County is an agricultural county with many areas planned and zoned for agricultural operations. The presence of farms, ranches and timberland yields significant aesthetic and economic benefits to the health and welfare of the residents of the County. In accordance with the findings in subsection 43.2.2, this County’s agriculture must be protected, including in areas where it is near residential development. This is accomplished in part by the adoption of subsection 43.2.3, which provides that properly conducted agricultural operations will not be deemed a nuisance. *(From Section INL#316.2-4(A); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)*

43.2.4.2 This section further requires sellers of real property to give notice of this ordinance and its provisions to buyers of real property located in Humboldt County. The notice shall be in substantially the following form:

“You are hereby notified that if the property you are purchasing is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry, and commercial practices performed as incident to or in conjunction with such agricultural operations, including preparation for market, delivery to storage or market, or to carriers or transportation to market. These operations may generate, among other things, dust, smoke, noise and odor. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. For information concerning where agricultural operations are located in relation to your property, you may contact the Planning Division of Humboldt County Community Development Services. For questions concerning specific kinds of agricultural operations in your area, including their use of fertilizers and pesticides, you should contact the Humboldt County Agricultural Commissioner. This Notice is given for informational
purposes only and nothing in the Ordinance or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available action to remedy any unlawful or improper agricultural practice.”

(From Section INL#316.2-4(B); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.4.3 The statement set forth in the foregoing subsection 313-43.2.4.2 shall be used under the following circumstances and in the following manners.

43.2.4.3.1 Upon any transfer of real property or any portion thereof by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground sale lease coupled with improvements, or residential stock cooperative improved with dwelling units, the transferor shall require that a statement containing the language set forth in subsection 313-43.2.4.2 shall be signed by the purchaser or lessee. (From Section INL#316.2-4(C)(1); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.4.3.2 Upon the issuance of a discretionary development permit, including but not limited to subdivision approvals, Use Permits & Special Permits, for use on or adjacent to lands designated and/or zoned for agricultural operations, the discretionary development permit shall include a condition that the owners of the property shall be required to sign a statement of acknowledgment containing the Disclosure set out in subsection 313-43.2.4.2. The statement need not be notarized, and shall be retained in the permit file at the Planning Division. (From Section INL#316.2-4(C)(2 Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.4.4 The disclosure statement as set forth in subsection 313-43.2.4.2, and required by this Chapter shall be made on a copy of, or attached to the Real Estate Transfer Disclosure Statement required by Section 1102.6 of the Civil Code, relating to real property. In situations in which the Real Estate Disclosure statement set forth in Civil Code Section 1102 is not required, notice shall be given on or accompanying any other required disclosure documents or, if none, with the deed transferring the interest in the property. A form for the notice is available from the Planning and Building Divisions. The seller should retain a copy of the signed disclosure notice as proof of compliance with this section. (From Section INL#316.2-4(D); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.5 **Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of the ordinance. (From Section INL#316.2-5; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.6 **Precedence.** This ordinance shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith, to the extent of the conflict and no more. (From Section INL#316.2-6; Added by Ord. 1662, Sec. 1, 11/27/84; Amended
43.2.7 **Mediation.**

43.2.7.1 It is suggested, and expected by the County and the Courts that an attempt to resolve any dispute which arises under or is governed by this Chapter of the Code be subjected to mediation or other attempt at dispute resolution by the parties. Such utilization of a mediation process shall be at the expense of the parties and shall be completed in a reasonable time frame before litigation may be pursued. This mediation process is not a mandatory prerequisite to pursuing alternative legal remedies. (From Section INL#316.2-7(A); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.7.2 At a minimum, any party making a complaint alleging that an agricultural operation constitutes a nuisance, shall have informed the operator of the alleged nuisance as to the specific complaints of the party making the complaint. This process shall include, at a minimum the sending of a certified letter, containing the details of the complaint, and suggesting a proposed resolution of the problem which the complaining party perceives to exist. This requirement is a mandatory prerequisite to the filing of any civil action for nuisance. (From Section INL#316.2-7(B); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.8 **Violation of the Disclosure Provisions of Subsection 313-43.2.4 an Infraction.**

Notwithstanding any other provision of this Code to the contrary, a violation of the disclosure provisions contained in Subsection 313-43.2.4 shall be an infraction. The punishment for such a violation shall be subject to the maximum penalties set by State Law for an infraction (see, Penal Code Section 19c, or any successor provision thereto). The violation shall not be punished as a misdemeanor. (From Section INL#316.2-8; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.9 **Model Notice for Use in Complying with this Section:**
(From Section INL#316.2-9; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

(See Next Page)
NOTICE AND ACKNOWLEDGMENT REGARDING AGRICULTURAL ACTIVITIES IN HUMBOLDT COUNTY

This notice is given pursuant to the “Right to Farm Ordinance” of the Humboldt County Code Section 313-43.2. The purpose of this notice is to inform owners and purchasers of real property that there may be an impact on their property from adjacent agricultural activities. For full information about the ordinance, please read the full text of Section 313-43.2, Allowed Agricultural Activities Not a Nuisance, of the County Code. This document is for information purposes only and confers no legal rights or obligations with respect to any particular property or agricultural activity other than those conferred by the County Code, State Law, or other applicable law or regulation. In accordance with Humboldt County Code Section 313-43.2.4:

You are hereby notified that, if the property you are purchasing or developing is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry, and commercial practices performed as incident to or in conjunction with such agricultural operations, including preparation for market, delivery to storage or market, or to carriers for transportation to market. These operations may generate, among other things, dust, smoke, noise and odor. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. For information concerning where agricultural operations are located in relation to your property, you may contact the Planning Division of Humboldt County Community Development Services. For questions concerning specific kinds of agricultural operations in your area, including their use of fertilizers and pesticides, you should contact the Humboldt County Agricultural Commissioner. This Notice is given for informational purposes only and nothing in the Ordinance or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available action to remedy any unlawful or improper agricultural practice.

Dated: __________________________  Dated: __________________________

______________________________  ________________________________
Signature of Seller(s)           Signature(s) of purchaser or owner(s)/owners’ representative
(if property transfer)

______________________________  ________________________________
Print name(s)                   Print name(s)

Please note that Section 313-43.2 of the County Code does not require recording this document. However, a seller of property may wish to record this document with other disclosure documents as proof of compliance with this Code section.
313-43.3 animal keeping

43.3.1 Purpose. The purpose of these provisions is to regulate the density of animals and the setbacks of animal enclosures in residential zones (RM, R2 and RS) in order to maintain the quality of the urban and rural environments and to prevent public and private nuisances. (Former Section CZ#A314-3(A))

43.3.2 General Health Regulations. All animals must be kept in a manner so as not to constitute a private or public nuisance and must be afforded food and care in sanitary facilities. (Former Section CZ#A314-3(B))

43.3.3 Animals in Agriculture and Timber Zones. Nothing in this section shall limit the keeping of animals in agriculture and timber zones. (Former Section CZ#A314-3(C))

43.3.4 Domestic Animals in Residential Zones. Domestic animals may be kept as an accessory use in any residential zone where the minimum lot size, animal density and animal enclosure setback requirements of this section are satisfied. (Former Section CZ#A314-3(D))

43.3.5 Minimum Lot Size and Animal Density Requirements. Animal keeping in RS, RM and R2 residential zones shall be limited according to the Animal Density Table. The Animal Density Table is incorporated into this section, and all references to this section shall include references to it. (Former Section CZ#A314-3(E))

<table>
<thead>
<tr>
<th>ANIMAL DENSITY TABLE</th>
<th>MINIMUM LOT SIZE</th>
<th>MAXIMUM ANIMAL DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large domestic bovine and equine animals</td>
<td>one (1) acre</td>
<td>Two animals plus one animal for each additional 20,000 square feet of lot area</td>
</tr>
<tr>
<td>Medium sized domestic animals, such as sheep, pigs, and goats</td>
<td>10,000 square feet</td>
<td>Two animals plus one animal for each additional 3,000 square feet of lot area</td>
</tr>
<tr>
<td>Small domestic animals such as rabbits and poultry</td>
<td>5,000 square feet</td>
<td>Ten animals plus one animal for each additional 500 square feet of lot area</td>
</tr>
<tr>
<td>Household pets limited to dogs and cats</td>
<td>No minimum</td>
<td>Four (4) dogs and/or four (4) cats per dwelling unit</td>
</tr>
</tbody>
</table>

(a) No animal other than those listed in this section may be kept without first securing a Special Permit.
(b) Permitted animal densities may be increased through substitution by young animals in accordance with the schedule set forth herein.
(c) No crowing rooster may be kept in any RS, RM or R2 zone.
(d) No limitations shall be placed upon household pets whose normal place of abode is within the dwelling units, such as caged birds, caged rodents, fish, reptiles and amphibia confined to aquaria and terraria.

(Former Section CZ#A314-3(E); Ord. 528, Sec. 1, 10/5/65; Ord. 556, Sec. 2, 3/22/66)

43.3.6 Young Animal Substitution Schedule. The maximum animal densities permitted under subsection 43.3.5 may be modified by substituting young animals...
according to the following schedule: (Former Section CZ#A314-3(F))

<table>
<thead>
<tr>
<th>ANIMAL TYPE</th>
<th>PERMITTED SUBSTITUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large domestic animals including cows and horses</td>
<td>For each one (1) adult animal three (3) young animals less than six (6) months old may be substituted.</td>
</tr>
<tr>
<td>Medium-sized domestic animals including sheep, pigs, and goats</td>
<td>For each one (1) adult animal three (3) young animals less than six (6) months old may be substituted.</td>
</tr>
<tr>
<td>Small domestic animals including rabbits and poultry.</td>
<td>For each one (1) adult animal three (3) young animals less than three (3) months old may be substituted.</td>
</tr>
<tr>
<td>Household pets.</td>
<td>Not applicable; No limit on dogs or cats less than four (4) months old.</td>
</tr>
</tbody>
</table>

43.3.7 **Animal Enclosure Setback Table.** In addition to conforming with all applicable yard requirements, enclosures for animals in areas zoned residential shall have the minimum setbacks specified in the Animal Enclosure Setback Table. The Animal Enclosure Setback Table is incorporated into this section, and all references to this section shall include reference to it. (Former Section CZ#A314-3(G))

<table>
<thead>
<tr>
<th>ANIMAL ENCLOSURE SETBACK TABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANIMAL ENCLOSURE LOCATION</td>
</tr>
<tr>
<td>Distance from Dwelling</td>
</tr>
<tr>
<td>Distance from Front Lot Line</td>
</tr>
<tr>
<td>Distance from Side Lot Line</td>
</tr>
<tr>
<td>Distance from Rear Lot Line</td>
</tr>
</tbody>
</table>

43.3.8 **Animal Slaughtering.** Killing or dressing of large and medium-sized animals as specified in Section 313-43.3.5 is prohibited in RS, R2 and RM zones. (Former Section CZ#A314-3(H))
313-44.1 BED AND BREAKFAST ESTABLISHMENTS

44.1.1 Purpose. The purpose of these regulations is to establish standards to ensure compatibility of these commercial lodging establishments with the residential character of the surrounding neighborhoods. (Former Section CZ#A314-4(A))

44.1.2 Applicability. These regulations shall apply in all zones in which the Bed and Breakfast use type is permitted. (Former Section CZ#A314-4(B))

44.1.3 Occupancy Standards. A maximum of four (4) guest bedrooms or eight (8) guests at one time shall be provided by a Bed and Breakfast Establishment. The owner/operator shall reside on the premises. The calculation of total permitted guest rooms shall include any rooms used for rooming or boarding. The guest rooms shall not include kitchen facilities. (Former Section CZ#A314-4(C))

44.1.4 Provision of Meals for Guests. Meals shall not be provided to other than guests of the establishment. (Former Section CZ#A314-4(D))

44.1.5 Signs. One sign is permitted advertising the Bed and Breakfast establishment. Notwithstanding any other provision of this Code, such sign shall not exceed four square feet (4sf) in the aggregate, shall be non-moving, and shall have, if any, only illumination which is indirect and non-flashing and shielded to prevent illumination off-site. (Former Section CZ#A314-4(E))

44.1.6 Required Findings. A Bed and Breakfast Establishment may be approved only if the applicable Commercial Use findings Chapter 2: Procedures, Supplemental Findings (312-2.19), are made. (Former Section CZ#A314-4(F))

313-45.1 COASTAL-DEPENDENT INDUSTRIAL DEVELOPMENT

45.1.1 Purpose. The purpose of these regulations is to ensure that Coastal-Dependent Industrial Development shall be located within, contiguous with, or in close proximity to, existing developed industrial areas, or where such areas are not able to accommodate it, to locate such development in other areas with adequate public services and where it will not have significant adverse effects on coastal resources. (Former Section CZ#A314-5(A))

45.1.2 Applicability. The provisions of these regulations shall apply in all zones in which Coastal-Dependent Industrial use types and Coastal-Related use types are permitted. (Former Section CZ#A314-5(B))

45.1.3 Environmental Review to Include Alternative Site Study. Coastal-Dependent and Coastal-Related Industrial Developments shall be subject to the following requirements, in addition to California Environmental Quality Act requirements: (Former Section CZ#A314-5(C))

45.1.3.1 The initial environmental study and subsequent environmental documents shall include, at a minimum, a comparative evaluation of appropriately designated alternative locations to the project site; (Former Section CZ#A314-5(C)(1))
45.1.3.2 Alternative sites included in the evaluations shall include, at a minimum, those sites identified by the following agencies, from whom input shall be solicited: (Former Section CZ#A314-5(C)(2))

45.1.3.2.1 California Coastal Commission, (Former Section CZ#A314-5(C)(2)(a))

45.1.3.2.2 Humboldt Bay Harbor Recreation and Conservation District, (Former Section CZ#A314-5(C)(2)(b))

45.1.3.2.3 Army Corps of Engineers, and (Former Section CZ#A314-5(C)(2)(c))

45.1.3.2.4 Humboldt County Planning Division. (Former Section CZ#A314-5(C)(2)(d))

45.1.3.3 Alternative sites shall be classified in accordance with the following priority schedule: (Former Section CZ#A314-5(C)(3))

45.1.3.3.1 **Priority 1 Sites.** Sites with existing facilities suitable to accommodate the proposed use, or that could accommodate the proposed use with minor alteration or through expansion of the existing facilities;

45.1.3.3.2 **Priority 2 Sites.** Sites which require construction of new facilities to accommodate the proposed use, but which do not require conversion of wetlands. Within this category, preferred sites are those requiring least alteration (e.g., dredging, grading, habitat modification);

45.1.3.3.3 **Priority 3 Sites.** Sites where the proposed use could be accommodated only through the conversion of wetlands;

45.1.3.3.4 **Priority 4 Sites** Sites where the proposed use could be accommodated only through the dredging of a new deep water channel.

45.1.4 **Public Acquisition of Priority Sites.** Where appropriate, the Humboldt Bay Harbor Recreation and Conservation District shall be petitioned by the County to consider exercising its right of eminent domain to acquire and manage the site as identified pursuant to Section 313-45.1.3. (Former Section CZ#A314-5(D))

45.1.5 **Required Findings.** Coastal-Dependent Industrial Uses and Coastal-Related Industrial Uses shall be approved only if the applicable Industrial Development Findings of Chapter 2, Procedures, Supplemental Findings, are made. (Former Section CZ#A314-5(E))

45.1.6 **Marine Petroleum Transfer Facilities Prohibited.** The applicable Industrial Development Findings shall be made prior to approval of new, or expansions to existing marine petroleum transfer facilities and marine transfer facilities for other hazardous liquids. (Former Section CZ#A314-5(F))
45.1.7 Required Mitigations. The coastal-dependent industrial and coastal-related industrial facilities shall be designed and operated to incorporate the following mitigation measures, as applicable: (Former Section CZ#A314-5(G))

45.1.7.1 Adverse environmental effects will be mitigated to the maximum extent feasible and will conform to the applicable provisions of the Special Area Combining Zone Regulations, and the other resource protection regulations of this Division; (Former Section CZ#A314-5(G)(1))

45.1.7.2 Maximum feasible and legally permissible multi-company use shall occur; (Former Section CZ#A314-5(G)(2))

45.1.7.3 The total volume of oil spilled shall be minimized; (Former Section CZ#A314-5(G)(3))

45.1.7.4 Approved facilities shall have ready access to the most effective feasible containment and recovery equipment for spills; (Former Section CZ#A314-5(G)(4))

45.1.7.5 Approved facilities shall have onshore deballasting facilities to receive fouled ballast water from tankers where operationally or legally required; (Former Section CZ#A314-5(G)(5))

45.1.7.6 New development or expansion of marine petroleum transfer facilities will not increase the risk of an oil spill to Humboldt Bay; (Former Section CZ#A314-5(G)(6))

45.1.7.7 Where expansion of existing marine petroleum transfer facilities or construction of new facilities may result in an increased risk of spill associated with the expanded facility, such risk will be mitigated through alteration of existing operations. (Former Section CZ#A314-5(G)(7))
313-45.2 COTTAGE INDUSTRY

45.2.1 Purpose. The purpose of these regulations is to establish development standards and limitations for the operation and maintenance of cottage industries in the Coastal Zone of Humboldt County. (Former Section CZ#A314-12(A))

45.2.2 Applicability. The provisions of these regulations shall apply in all zones in which the cottage industry use type is permitted. (Former Section CZ#A314-12(B))

45.2.3 Performance Standards For Cottage Industries Allowed As Appurtenant And Accessory Use. Cottage Industries allowed as a principally permitted appurtenant and accessory use to the residential use shall comply with all the following performance standards in addition to the applicable Industrial Performance Standards of Section 313-103.1: (Former Section CZ#A314-12(C)(1); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.1 The cottage industry shall conform with the development standards in the applicable zoning district; and (Former Section CZ#A314-12(C)(1)(a); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.2 The dwelling on the site shall be occupied by the owner of the cottage industry. (Former Section CZ#A314-12(C)(1)(b); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.3 The Cottage Industry shall occupy no more than twenty five percent (25%) or 1,000 square feet (whichever is less) of the floor area of the dwelling or accessory structure; and (Former Section CZ#A314-12(C)(1)(c); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.4 The cottage industry shall not produce evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke or other nuisances to a degree greater than that normal for the neighborhood; and (Former Section CZ#A314-12(C)(1)(d); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.5 There shall be no structural, electrical or plumbing alterations necessary for the Cottage Industry which are not customarily found in dwellings or residential accessory structures; and (Former Section CZ#A314-12(C)(1)(e); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.6 No persons other than residents of the dwelling shall be employed to conduct the Cottage Industry; and (Former Section CZ#A314-12(C)(1)(f); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.7 There shall be no articles sold on the premises; and (Former Section CZ#A314-12(C)(1)(g); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.8 All noise generating operations shall be buffered so that they do not exceed the exterior ambient noise level anywhere on the site by more than 5 dB(a), or an equivalent standard which achieves comparable results; and (Former Section CZ#A314-12(C)(1)(h); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.9 All lights shall be directed on-site and shielded to reduce glare to adjacent areas; and (Former Section CZ#A314-12(C)(1)(i); Amended by Ord. 2167, Sec. 24, 4/7/98)
45.2.3.10 The use shall not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which it is located; and (Former Section CZ#A314-12(C)(1)(j); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.11 No perceptible vibrations shall be permitted off the building site; and (Former Section CZ#A314-12(C)(1)(k); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.12 No visual or audible interference of radio or television reception by operations shall be permitted. (Former Section CZ#A314-12(C)(1)(l); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.13 A business license shall be required for the Cottage Industry. (Former Section CZ#A314-12(C)(1)(m); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.3.14 The cottage industry shall not significantly increase demand for, or require significant amounts of additional services including water, sewer, septic, or wastewater treatment. (Added by Ord. 2167, Sec. 24, 4/7/98)

45.2.4 No coastal development permit is required for cottage industries that conform with the performance standards in the preceding section (313-45.2.3) if established in an existing permitted residence or accessory structure. A coastal development permit will be required for a new accessory structure or enlarged residence in which such cottage industry is to be located that is not otherwise exempt from coastal development permit requirements pursuant to Title 14, California Code of Regulations Section 13250(b).

45.2.5 Performance Standards For Cottage Industries Allowed As Accessory Uses With a Coastal Development Permit. Cottage Industries that meet all the following performance standards in addition to the applicable Industrial Performance Standards of Section 313-103.1, may be permitted as accessory uses to any residential use with a Coastal Development Permit: (Former Section CZ#A314-12(D); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.5.1 The cottage industry shall conform with the development standards in the applicable zoning district; and (Former Section CZ#A314-12(D)(a))

45.2.5.2 There shall be no articles sold on the premises. (Former Section CZ#A314-12(D)(b); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.5.3 One nameplate, attached to the structure, is permitted advertising the cottage industry, not exceeding two (2) square feet, that is non-moving, and which has illumination, if any, which is indirect and non-flashing. (Former Section CZ#A314-12(D)(c))

45.2.5.4 The total land area occupied by the cottage industry shall not exceed two (2) acres, including portions of the lot occupied by buildings, storage areas, and work places devoted to the cottage industry. (Former Section CZ#A314-12(D)(d))

45.2.5.5 A business license shall be approved for the Cottage Industry. (Former Section CZ#A314-12(D)(e); Added by Ord. 2167, Sec. 24, 4/7/98)

45.2.6 Operational Standards.
45.2.6.1 At a minimum, the Hearing Officer shall set the following operational standards as conditions of the Coastal Development Permit for a cottage industry. (Former Section CZ#A314-12(E); Amended by Ord. 2167, Sec. 24, 4/7/98)

The Hearing Officer may also condition the Coastal Development Permit as permitted by Chapter 2, Procedures, of this Code. (Former Section CZ#A314-12(E); Amended by Ord. 2167, Sec. 24, 4/7/98)

45.2.6.1.1 Number of employees; and  (Former Section CZ#A314-12(E)(1))
45.2.6.1.2 Hours of operation. (Former Section CZ#A314-12(E)(2))
313-46.1  DREDGE SPOILS DISPOSAL

46.1.1  **Purpose.** The purpose of these regulations is to ensure that spoils disposal is planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation, that spoils discharge or disposal takes place in the least environmentally damaging manner and location, and that feasible mitigation measures be provided to minimize adverse environmental effects. (Former Section CZ#A314-13(A))

46.1.2  **Applicability.** These regulations shall apply throughout the Coastal Zone, wherever dredge spoils are proposed to be discharged or deposited. (Former Section CZ#A314-13(B))

46.1.3  **Location of Dredge Spoils Disposal Sites.** Dredge spoils disposal is preferred at those sites designated for such purpose on the resource protection maps of the Coastal Land Use Plan. (Former Section CZ#A314-13(C))

46.1.4  **Protection of Designated Sites.** Dredge spoils disposal sites identified on the Humboldt Bay Area Plan Resource Protection Maps shall be protected for spoils disposal. (Former Section CZ#A314-13(D))

46.1.5  **Findings Required.** Dredge spoils disposal shall be approved only if the applicable Industrial Development Findings in this Code are made. (Former Section CZ#A314-13(E))

(313-47 through 313-49: Sections Reserved for Future Use)

313-50.1  HOME OCCUPATION AND ADDRESSES OF CONVENIENCE

50.1.1  **Purpose and Applicability.** The purpose of these regulations is to permit limited nonresidential accessory activities to be performed within dwellings as home occupations clearly incidental and secondary to residential uses, provided that surrounding properties are protected from objectionable external effects resulting from such activities. These regulations shall apply in all zones and to all permitted commercial uses of a nonresidential nature which are subordinate to the residential use. An application for a Home Occupation Permit shall be accompanied by an application fee in the amount established by the Board of Supervisors. (Former Section CZ#A314-17(A))

50.1.2  **Home Occupation Permitted.** Home Occupations, as defined in this Code, shall be permitted, as appurtenant and accessory to any residential use, in any zone, subject to all applicable requirements of this section. (Former Section CZ#A314-17(B))

50.1.3  **Home Occupation Requirements.** All home occupations shall continuously meet all of the following standards except that with a Coastal Development Permit, the Hearing Officer may modify or waive requirements (1), (3), (4) and (5) as provided in the following subsections 50.1.3.1, 3.3, 3.4 and 3.5: (Former Section CZ#A314-17(C); Amended by Ord. 2167, Sec. 26, 4/7/98)

50.1.3.1  **Location.** The home occupation may only be performed within a habitable room of a dwelling unit. It may not be performed in an open area; (Former Section...
50.1.3.2 **Floor Area.** The home occupation use shall not occupy more than twenty-five (25) percent of the floor area of the dwelling unit in which it is located; (Former Section CZ#A314-17(C)(2))

50.1.3.3 **Separate Access.** There shall be no separate designated access or private entrance specifically intended for the portion of any dwelling used for a home occupation; (Former Section CZ#A314-17(C)(3))

50.1.3.4 **Physical Alterations.** No owner of any dwelling used for a home occupation shall make any internal alterations or extensions to such dwelling, or make structural, electrical, or plumbing alterations in any portion thereof if such alterations or extensions are not customarily found in similar dwellings. Waiver of this requirement may only be allowed if interior and exterior physical alterations retain the residential character of the structure; (Former Section CZ#A314-17(C)(4); Amended by Ord. 2167, Sec. 26, 4/7/98)

50.1.3.5 **Employees.** No person other than residents of the dwelling unit may be employed in the conduct of the home occupation. Waiver of this requirement may be allowed, but in no case shall more than one person other than residents of the dwelling be employed in the conduct of the home occupation; (Former Section CZ#A314-17(C)(5); Amended by Ord. 2167, Sec. 26, 4/7/98)

50.1.3.6 **Articles Sold.** Articles offered for sale shall be limited to those produced on the premises, except where the person conducting the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers in which case all articles, except for samples, shall be received, stored and sold directly to customers at off-premises locations; (Former Section CZ#A314-17(C)(6))

50.1.3.7 **Exterior Display and Signs.** There shall be no exterior or window display of materials or products. An exterior or window nameplate may advertise or otherwise identify the home occupation, provided that the display surface does not exceed two (2) square feet, the nameplate is non-moving, is attached to the dwelling unit, and has illumination, if any, which is indirect and non-flashing. There shall be no other exterior indication of the home occupation or impairment of the residential appearance of the facilities within which the home occupation is performed. (Former Section CZ#A314-17(C)(7))

50.1.3.8 **Outside Storage.** There shall be no storage of materials or supplies or products outside the dwelling unit; (Former Section CZ#A314-17(C)(8))

50.1.3.9 **Vehicle Storage.** No more than one (1) truck or other motor vehicle of no larger size than three-fourths (3/4) of a ton shall be permitted in conjunction with any home occupation; (Former Section CZ#A314-17(C)(9))

50.1.3.10 **Mechanical Equipment.** Mechanical equipment and supplies of a type customarily appurtenant to the occupation may be used so long as no external manifestations thereof are apparent; (Former Section CZ#A314-17(C)(10))
50.1.3.11 **Nuisances.** The home occupation shall be operated so that it does not generate noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance to a degree greater than that normal for the neighborhood; (Former Section CZ#A314-17(C)(11))

50.1.3.12 **Traffic Generation.** Pedestrian and vehicular traffic generated by the home occupation shall not be substantially greater than that normally generated by residential uses in the neighborhood in which it is located; and (Former Section CZ#A314-17(C)(12))

50.1.3.13 **Additional Home Occupations.** More than one (1) home occupation may be performed within a single dwelling unit provided that all other requirements of this section are met and a permit is secured for each home occupation. (Former Section CZ#A314-17(C)(13))

50.1.4 **Exclusions.** The following activities shall not in any case qualify as a “home occupation:” (Former Section CZ#A314-17(D)(13))

50.1.4.1 Teaching of organized classes totaling more than six (6) persons at one time. (The total number is applicable to the aggregate of all home occupations in the dwelling if more than one (1) home occupation exists); (Former Section CZ#A314-17(D)(1))

50.1.4.2 Bed and Breakfast Inns; (Former Section CZ#A314-17(D)(2))

50.1.4.3 Care, treatment, boarding or breeding of animals for profit; (Former Section CZ#A314-17(D)(3))

50.1.4.4 Operation of a barbershop; (Former Section CZ#A314-17(D)(4))

50.1.4.5 Operation of food handling, processing or packing; (Former Section CZ#A314-17(D)(5))

50.1.4.6 Operation of an eating or drinking establishment or licensed premises; (Former Section CZ#A314-17(D)(6))

50.1.4.7 Operation of an antique shop or similar retail use; (Former Section CZ#A314-17(D)(7))

50.1.4.8 Operation of hospitals or sanitariums; (Former Section CZ#A314-17(D)(8))

50.1.4.9 Auto or other motor vehicle repair shop, junk or secondhand merchandise yard storage. (Former Section CZ#A314-17(D)(9))

50.1.5 **Address of Convenience.** An address of convenience, as defined by this Code, is a type of home occupation which, due to the low potential for significant impacts on the neighborhood, may be approved without the analysis and review required for other home occupations. (Former Section CZ#A314-17(E); Added by Ord. 1848, Sec. 16, 9/13/88)

50.1.6 **Revocation.** In the event of a failure to comply with these home occupation regulations, the Hearing Officer may after notice revoke approval of a home occupation. Such revocation shall follow the revocation procedures in Chapter 2, Section 312-14. In any case, a permit for a home occupation shall expire at the same time a business license
issued therefor expires, unless such business license is renewed within thirty (30) days after such expiration. (Former Section CZ#A314-17(F))

(313-51 through 313-56: Sections Reserved for Future Use)

313-57.1 OIL AND GAS DRILLING AND PROCESSING

57.1.1 Purpose. The purpose of these regulations is to provide for development of new or expanded oil and gas wells and pipelines in the least environmentally damaging location and manner feasible, and to provide for public review of proposed oil and gas wells and associated development in order to effectuate this purpose. (Former Section CZ#A314-27(A))

57.1.2 Applicability. These regulations shall apply in all zones in which the Oil and Gas Drilling and Processing use type is permitted. (Former Section CZ#A314-27(B))

57.1.3 Supplemental Permit Application Materials. In addition to the application materials required to be submitted under the permit procedure in this Code, applications for oil and gas wells and associated facilities shall contain information sufficient to determine that the project will be so sited and designed as to mitigate, to the maximum extent feasible, adverse environmental effects. Application materials shall include, but are not limited to, the following: (Former Section CZ#A314-27(C))

57.1.3.1 A plot plan of the entire area under lease or ownership, showing the relationship of the proposed facilities to the ultimate potential development; (Former Section CZ#A314-27(C)(1))

57.1.3.2 A contour or topographic map of the subject site, showing the relationship of existing and proposed structures and facilities with natural and/or artificial features; (Former Section CZ#A314-27(C)(2))

57.1.3.3 Proposed procedures for the transport and disposal of all solid and liquid wastes; (Former Section CZ#A314-27(C)(3))

57.1.3.4 Grading plans and procedures for minimizing erosion; (Former Section CZ#A314-27(C)(4))

57.1.3.5 Where the proposed facilities are located within a designated Coastal View Area or Coastal Scenic Area, or in an area zoned AE Agricultural Exclusive, landscaping plans and measures for minimizing visual impacts; (Former Section CZ#A314-27(C)(5))

57.1.3.6 Fire prevention procedures; (Former Section CZ#A314-27(C)(6))

57.1.3.7 Air pollution control procedures; (Former Section CZ#A314-27(C)(7))

57.1.3.8 Oil spill contingency procedures; (Former Section CZ#A314-27(C)(8))
57.1.3.9 For production facilities, a phasing plan for the staging of development indicating the approximate anticipated timetable and production levels for the project; and (Former Section CZ#A314-27(C)(9))

57.1.3.10 Procedures for abandonment and restoration of the site. (Former Section CZ#A314-27(C)(10))

57.1.4 Drillsite Density. Where feasible, drillsites shall be established at a maximum density of one (1) site per eighty acres (80a). (Former Section CZ#A314-27(D))

57.1.5 Permit Processing. Separate permits shall be required for drillsites and production facilities. Applications for new drillsites or production facilities shall be referred to the Hearing Officer for disposition after a noticed public hearing. Applications for additional wells at approved wellsites or for expanded production facilities require a Special Permit. (Former Section CZ#A314-27(E))

57.1.6 Required Mitigation. Oil and/or gas drilling and processing operations shall incorporate the following mitigation: (Former Section CZ#A314-27(F))

57.1.6.1 With respect to new facilities, all oil field brines will be reinjected into oil-producing zones except where: (Former Section CZ#A314-27(F)(1))

57.1.6.1.1 The Division of Oil and Gas of the State Department of Conservation determines that to do so would adversely affect production of the reservoirs; and (Former Section CZ#A314-27(F)(1)(a))

57.1.6.1.2 Injection into other subsurface zones will reduce environmental risks; or (Former Section CZ#A314-27(F)(1)(b))

57.1.6.1.3 Disposal into ocean waters will be consistent with the Ocean Water Discharge Plans of the State Water Resources Control Board, and adequate provisions will be made for the elimination of petroleum odors and water quality problems. (Former Section CZ#A314-27(F)(1)(c))

57.1.6.2 Where oil or gas wells are proposed in or near designated Wetland Areas and Transitional Agricultural Land, or Riparian Corridors as defined in these regulations, directional drilling shall be employed to avoid these sensitive habitat areas, except where an independent engineering contractor, selected by the County, determines that to do so would not be feasible. Where directional drilling is not feasible, mitigation measures shall include either acquisition of equivalent areas of equal or greater biological productivity or alternative mitigation consistent with Public Resources Code Section 30607.1. (Former Section CZ#A314-27(F)(2))
57.1.6.3 The disposal of waste from drilling operations which may damage soil, plant life or surface or sub-surface water supplies, shall not be permitted. All liquid drilling discharge wastes shall be accumulated in steel tanks prior to disposal at any approved disposal site; and such steel tanks shall be removed within thirty (30) days after completion or abandonment of the subject wells. (Former Section CZ#A314-27(F)(3))

57.1.6.4 Solid drilling waste materials may be temporarily deposited in an earthen depression with the final deposition of the solid waste materials to be accomplished in compliance with the requirements of the Regional Water Quality Control Board. Disposal of oil field wastes which may pollute surface or subsurface water shall not be permitted. (Former Section CZ#A314-27(F)(4))

57.1.6.5 Upon discontinuance of production at a well site, all earthen sumps or other depressions containing drilling mud, oil or other waste products from the drilling operation shall be cleaned up by removing such waste products or by consolidating them into the land by diking, harrowing, regrading and recontouring to restore the site to its original condition. The site shall be reseeded and planted to conform with the surrounding vegetation. (Former Section CZ#A314-27(F)(5))

57.1.7 Required Findings. Oil and gas drilling and processing shall be approved only if the applicable Extractive Development Impact Findings of Chapter 2, Procedures, Supplemental Findings (312-2.19), are made. (Former Section CZ#A314-27(G))

(313-58 through 313-60: Sections Reserved for Future Use)

313-61.1 SOLID WASTE DISPOSAL

61.1.1 Purpose. The purpose of these regulations is to ensure that proposed solid waste disposal projects shall be sited and developed to avoid or minimize harmful effects to human health, natural resources and scenic resources. (Former Section CZ#A314-34(A))

61.1.2 Applicability. These regulations shall apply in all zones in which the Solid Waste use type is permitted, including but not limited to proposed expansions at existing solid waste disposal sites, and to proposed new project sites. (Former Section CZ#A314-34(B))

61.1.3 Supplemental Application Materials. In addition to materials required pursuant to the Permit Procedures in Chapter 2 of this Code, applications for solid waste disposal projects shall include a solid waste disposal plan, which shall include: (Former Section CZ#A314-34(C))

61.1.3.1 Estimates of the quantity of waste to be disposed of and the area and volume required for disposal, on an annual basis, including five (5) and ten (10) year projections; (Former Section CZ#A314-34(C)(1))

61.1.3.2 Description of toxicity and harmful effects on people, plants, and animals of
61.1.3.3 Site alternatives and description of impacts associated with each, a list of possible future uses for each of the sites considered, and a list of uses which would not be possible after project completion; (Former Section CZ#A314-34(C)(3))

61.1.3.4 Relationship of this disposal project to other disposal projects in the area; (Former Section CZ#A314-34(C)(4))

61.1.3.5 A monitoring and mitigation program to insure the prevention of damage to soil, plant and animal life, and surface and subsurface water supplies; (Former Section CZ#A314-34(C)(5))

61.1.3.6 A reclamation and restoration plan, including descriptions of recontouring, revegetation, visual buffering during and after the project; and (Former Section CZ#A314-34(C)(6))

61.1.3.7 Assessment of conformity with the Humboldt County Solid Waste Management Plan. (Former Section CZ#A314-34(C)(7))

61.1.4 Required Findings. Solid waste disposal projects shall be approved only if the applicable Civic Development Impact Findings in this Code are made. (Former Section CZ#A314-34(D))

61.1.5 Compliance with Applicable Laws. It should be noted that any solid waste disposal facility must, in addition to complying with these zoning regulations, comply with all applicable Federal, State and local laws related to solid waste disposal.

313-61.2 Surface Mining and Reclamation

61.2.1 Purpose This section is adopted pursuant to the provisions of the Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.). Nothing contained herein is intended to modify or abridge the provisions of that act.

It is the intent of these regulations to protect the quality of the County’s environment, to protect against land uses incompatible with preservation and utilization of natural resources and to assure the community of adequate supply of these resources for present and future generations. (Former Section CZ# A314-36(A))

61.2.2 Applicability. These regulations shall apply to all surface mining including metallic and non-metallic minerals and reclamation activities in Humboldt County as permitted by Chapter 3 of this Division. (Former Section CZ# A314-36(B))

61.2.3 Vested Rights.

61.2.3.1 Vested Right. No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a use permit to mine as long as such vested right continues, provided that no substantial
change is made in that operation except in accordance with the provisions of the Act and this Section. (Former Section CZ# A314-36(C)(1))

61.2.3.2 Vested Right, Defined. A person shall be deemed to have vested rights if, prior to January 1, 1976, he has, in good faith and in reliance upon a permit or other legal authorization, if such permit or other authorization was required, diligently commenced surface operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials. (Former Section CZ# A314-36(C)(2))

61.2.3.3 Special Permit Plan Approval. A person who has obtained a vested right to conduct surface mining operations shall submit an application for a special permit, which includes a reclamation plan that was prepared in compliance with the requirements of this Section, to the Planning Division for review and approval.

The reclamation plan shall provide for the reclamation of the area disturbed by surface mining operations mined after January 1, 1976. No substantial changes shall be made in the operation during the period in which the reclamation plan is being considered for approval. (Former Section CZ# A314-36(C)(3))

61.2.3.4 Statement of Vested Right. Upon submission of a special permit application for surface mining operations proposed to be conducted on a site believed by the applicant to have vested rights, the applicant shall submit a “Statement of Vested Right” form provided by the County. (Former Section CZ# A314-36(C)(4))

61.2.3.5 Filing Deadline. Application for a special permit for a surface mining operation with vested rights shall be filed within nine (9) months after the effective date of this ordinance. (Former Section CZ# A314-36(C)(5))

61.2.3.6 Extension. Should approval of the special permit not be obtained within twelve (12) months after the effective date of this ordinance, all of the subject surface mining operations shall be terminated and those areas mined after January 1, 1976, shall be reclaimed in a manner generally in conformance with this Section and subject to the approval of the Hearing Officer. The Hearing Officer may grant reasonable extensions of time for obtaining approval of the reclamation plan if approval is being diligently pursued by the applicant and if more time is required to fulfill all of the requirements and complete all of the procedures for such approval. (Former Section CZ# A314-36(C)(6))

61.2.4 Reclamation Plan Requirements. A Reclamation Plan, prepared pursuant to the requirements of this section, shall be required for all surface mining operation use types and the metallic mineral extraction use type when it includes surface mining extraction. All surface mining operators shall adhere to the conditions and requirements of any applicable plan that has been approved pursuant to the requirements of this Division. (Former Section CZ# A314-36(D))
61.2.5 Reclamation Plan Contents. The required Reclamation Plan shall contain, at a minimum, the following information:

61.2.5.1 The name and address of the operator and the names and addresses of any persons designated by him as his agents for the service of process. (Former Section CZ# A314-36(E)(1))

61.2.5.2 The anticipated quantity and type of mineral for which surface mining operation is to be conducted. (Former Section CZ# A314-36(E)(2))

61.2.5.3 The proposed dates for the initiation and termination of such operation. Notification of the termination of an operation prior to the expiration of its permit shall be provided to the Planning Division within fifteen (15) days of such termination. (Former Section CZ# A314-36(E)(3))

61.2.5.4 The maximum anticipated depth of the surface mining operation. (Former Section CZ# A314-36(E)(4))

61.2.5.5 The size and legal description of the lands that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the general geology of the area in which surface mining is to be conducted, the location of all proposed access roads to be constructed in conducting such operation, and the names and addresses of the owners of all surface and minerals interests of such lands. (Former Section CZ# A314-36(E)(5))

61.2.5.6 A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation. (Former Section CZ# A314-36(E)(6))

61.2.5.7 A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses. (Former Section CZ# A314-36(E)(7))

61.2.5.8 A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including:

61.2.5.8.1 A description of the manner in which contaminants will be controlled and mining waste will be disposed; and (Former Section CZ# A314-36(E)(8)(a))

61.2.5.8.2 A description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur. (Former Section CZ# A314-36(E)(8)(b))

61.2.5.9 An assessment of the effect of implementation of the reclamation plan on future mining in the area. (Former Section CZ# A314-36(E)(9))

61.2.5.10 A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan. (Former
61.2.5.11 Any other information which may be required by this ordinance. (Former Section CZ# A314-36(E)(11))

61.2.6 Development Standards.

61.2.6.1 Surface Mining Operations. In addition to meeting the minimum acceptable surface mining and reclamation practices in the Act and policy guidelines, each surface mining operation requiring a use permit shall be conducted and designed to meet the following operational standards. Conditions may be imposed on use permits to ensure compliance with minimum acceptable practices and standards. Operations authorized by a use permit shall be conducted only by the operator named in the permit or by his authorized agent. (Former Section CZ# A314-36(F)(1))

61.2.6.1.1 Access Roads. All private access approaches leading off any paved public street onto a mining site shall be adequately surfaced to prevent aggregate or other materials being drawn onto the public right-of-way. (Former Section CZ# A314-36(F)(1)(a))

61.2.6.1.2 Dust Suppression. All haul roads and driveways shall be maintained as necessary to minimize the emission of dust. Maintenance shall be conducted as necessary to prevent a nuisance to adjacent properties. (Former Section CZ# A314-36(F)(1)(b))

61.2.6.1.3 Discharge waters. Any waters discharged from the site to adjacent lands, streams or bodies of water or to any groundwater body shall meet all applicable water quality standards of the Regional Water Quality Control Board and any other agency with authority over such discharges. Discharges of water to designated on-site settling ponds or desilting basins shall not be deemed to be in violation of this part solely on the basis of sediment content. (Former Section CZ# A314-36(F)(1)(c))

61.2.6.1.4 Erosion Prevention. During the period mining operations are being conducted, and prior to final reclamation of mined lands, measures shall be taken to prevent erosion of adjacent lands from waters discharged from the site of mining operations and the off-site discharge of sediment. Such measures may include the construction of properly designed retarding basins, settling ponds and other water treatment facilities, ditches, diking and revegetation of slopes. Settling ponds and other water treatment facilities shall be located and managed so that accumulated sediment will not enter any stream. (Former Section CZ# A314-36(F)(1)(d))

61.2.6.1.5 Maintenance of Existing Grades in areas being mined shall be maintained so as to avoid accumulations of water that could serve as breeding areas for mosquitoes or as sites of fish entrapment. (Former Section CZ# A314-36(F)(1)(e))

61.2.6.1.6 Surroun

near or into usable water bearing strata shall not substantially reduce the transmissivity or area through which water may flow unless approved equivalent transmissivity or area has been provided elsewhere, nor subject such ground water basin or subbasin to pollution or contamination. (Former Section CZ# A314-36(F)(1)(f))

61.2.6.2 Reclamation Activities. Properties used for surface mining operations shall be reclaimed after the operation, or an approved phase of the operation, has been completed in accordance with the following standards:

61.2.6.2.1 Time Limitation reclamation shall in all cases be completed within the time schedule set forth in the approved reclamation plan. In all cases reclamation shall commence not later than twelve (12) months following termination of the excavation operation or approved phase. However, the operator is required to proceed as soon as practicable and may be required to progressively rehabilitate the site as the excavation operation or approved phase is completed. (Former Section CZ# A314-36(F)(2)(a))

61.2.6.2.2 Final Reclaimed Slopes. Final reclaimed slopes, abandoned spoil piles and the entire mining site shall be graded and smoothed as necessary so as to control erosion, prevent the creation of potentially dangerous areas and present a natural appearance. The grades of final reclaimed slopes shall be no steeper than 1½:1 horizontal to 1 vertical unless a steeper angle of repose is recommended as safe and self supporting by a registered Civil Engineer qualified in the field of soils engineering and soil mechanics. Fill slopes flatter than 1½:1 will generally be acceptable. In pits, slopes below the minimum water level shall be no steeper than the natural angle of repose. (Former Section CZ# A314-36(F)(2)(b))

61.2.6.2.3 Resoiling. Resoiling to replace topsoil removed during the mining operation shall be accomplished in the following manner: coarse, hard material shall be graded and covered with a layer of finer material or weathered waste and a soil layer then placed on this prepared surface where practical. Where quantities of available soils are inadequate to provide cover, native materials should be upgraded to the extent feasible for revegetation. (Former Section CZ# A314-36(F)(2)(c))

61.2.6.2.4 Revegetation. All permanently exposed lands that have been denuded by mining operations shall be revegetated unless any such revegetation is determined by the Planning Division to be technically infeasible or not beneficial with respect to the intent of this section. Revegetation methods and plant materials utilized shall be appropriate for the topographical, soil and climatic conditions present at the site. Native species shall be used wherever practical. (Former Section CZ# A314-36(F)(2)(d))

61.2.6.2.5 Instream Operations. Where mining will occur between the banks of a watercourse, streambed channels and stream banks affected by the operation shall be rehabilitated periodically so as to minimize erosion and sedimentation and so as to minimize undermining or damage to off-site public or private property, improvements or structures. (Former Section CZ#
61.2.6.2.6 Grading, Backfilling and Cleanup Reclamation plans shall make provisions to ensure that the mining site is left in a final condition after operations are complete, that is:

61.2.6.2.6.1 Safe with stable waste piles, cut slopes, fill slopes and with the elimination of steep-sided pits and holes. (Former Section CZ# A314-36(F)(2)(f)(i))

61.2.6.2.6.2 Free of derelict machinery, waste materials, mining waste and scrap. (Former Section CZ# A314-36(F)(2)(f)(ii))

61.2.6.2.6.3 Revegetated where necessary for soil stabilization. (Former Section CZ# A314-36(F)(2)(f)(iii))

61.2.6.2.6.4 Free of drainage problems. (Former Section CZ# A314-36(F)(2)(f)(iv))

61.2.6.2.6.5 Free of toxic substances in fill material. (Former Section CZ# A314-36(F)(2)(f)(v))

61.2.6.2.6.6 Coordinated with present and potential future land use, topography and the general environment of surrounding property. (Former Section CZ# A314-36(F)(2)(f)(vi))

61.2.6.2.7 Water-filled Areas. Unless a water-filled excavation is recognized in the reclamation plan as an integral part of future development or use of the property, all excavations made to a level below the highest seasonal ground water table shall be filled with inert materials to a level above the highest seasonal ground water table and with slopes less than the critical gradient upon completion of a mining phase. The person responsible for reclamation shall practice effective mosquito control measures. (Former Section CZ# A314-36(F)(2)(g))

61.2.6.2.8 Drainage, Erosion and Sediment Control

61.2.6.2.8.1 Regrading and revegetation shall be designed and carried out to minimize erosion, provide for drainage to natural outlets or interior basins designed for water storage and to eliminate potholes and similar catchments that could serve as breeding areas for mosquitoes, sites of fish entrapment or threats to public safety. (Former Section CZ# A314-36(F)(2)(h)(i))

61.2.6.2.8.2 Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlet to lower ground. (Former Section CZ# A314-36(F)(2)(h)(ii))
61.2.6.2.8.3 Final grading and drainage shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations. (Former Section CZ# A314-36(F)(2)(h)(iii))

61.2.6.2.8.4 Upon reclamation, no condition shall remain which will or could lead to the degradation of water quality below applicable standards of the Regional Water Quality Control Board or any other agency with authority over water quality. (Former Section CZ# A314-36(F)(2)(h)(iv))

61.2.7 Periodic Review. As a condition of approval for the use permit or the reclamation plan, or both, the applicant shall establish an acceptable schedule for periodic inspections of the site to evaluate continuing compliance with the permit and the reclamation plan. The schedule may require the County to give applicant notice of the day and hour of an intended inspection and may require that the applicant or its representatives accompany the County inspector. (Former Section CZ# A314-36(G))

61.2.8 Responsibilities.

61.2.8.1 Responsibility. The holder of a special or use permit for surface mining operations shall be responsible for adhering to the approved reclamation plan. (Former Section CZ# A314-36(H)(1))

61.2.8.2 Succession of Responsibility. Whenever one operator succeeds to the interest of another in an incomplete surface mining operation by sale, assignment, transfer, conveyance, exchange or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this Section. (Former Section CZ# A314-36(H)(2))

61.2.9 Minor Modifications of Approved Reclamation Plan. Minor modifications from an approved reclamation plan may be allowed, pursuant to Chapter 5 of these regulations upon request of the operator and applicant, if they are not one and the same, and upon a finding by the Hearing Officer that the requested modifications are necessary to achieve the prescribed post-mining use of the reclaimed land. (Former Section CZ# A314-36(I))

61.2.10 Term of Use Permit. Where a use permit is required for surface mining operations, by Chapter 3 of this Division, the use permit shall be granted at the discretion of the Hearing Officer for a period of not less than three years (3yr) and not more than fifteen years (15yr) depending on the life expectancy of the operation. Upon written request to the Hearing Officer, before the expiration of said permit, the permit shall be reissued for a period equal to that grant of the original permit so long as the permit holder establishes to the satisfaction of the Hearing Officer or on appeal to the Board of Supervisors that the use has been conducted in compliance with permit conditions. (Former Section CZ# A314-36(J))

61.2.11 Exception. The provisions of this Section shall not apply to the following excavation and surface mining operation:
61.2.11.1 Excavations or grading conducted for the purposes of farming, on-site construction, or restoring land following a flood or natural disaster. Streambed skimming, not in excess of one acre (1a), or streambed skimming where the total material removed, including overburden, does not exceed 1,000 cubic yards. (Former Section CZ# A314-36(K)(1))

61.2.11.2 Excavation for the construction of any building or structure for which a necessary building permit has been duly issued, or excavation which in all or part of a grading operation necessary to bring the contours of a proposed land subdivision to the grades shown on a tentative subdivision plan which has been officially approved. (Former Section CZ# A314-36(K)(2))

61.2.11.3 Surface mining operations, including prospecting and exploration for minerals of commercial value, so long as the lands mined do not exceed one acre (1a) in any location and the total material removed, including overburden, does not exceed 1,000 cubic yards. (Former Section CZ# A314-36(K)(3))

61.2.11.4 Surface mining operations that are required by federal law in order to protect mining claim, if such operations are conducted solely for that purpose. (Former Section CZ# A314-36(K)(4))

61.2.11.5 Such other mining operations of an infrequent nature, and which involve only minor surface disturbances as may be categorically identified by the State Board of Mining and Geology from time to time. (Former Section CZ# A314-36(K)(5))

61.2.12 Public Records. Reclamation plans, reports, applications and other documents submitted pursuant to this chapter are public records unless it can be demonstrated to the satisfaction of the County that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The County shall identify such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications and other documents submitted pursuant to this chapter, including proprietary information, shall be furnished to the State Geologist by the Planning Division. Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine owner in accordance with Section 2778 of the Public Resources Code. (Former Section CZ# A314-36(L))

313-62.1 TEMPORARY USES
(See also, Section 313-88.1, Temporary Structures.)

62.1 Temporary Uses Permitted with a Special Permit. The following temporary uses may be permitted upon obtaining a Special Permit, subject to the following conditions: (Former Section CZ#A314-37(A))

62.1.1 Special Events and Attractions. Circus, Carnival, Outdoor Event, or Similar Assemblage of People: The temporary gathering of people for a circus, carnival, or other outdoor event, or similar assemblage of people and motorized vehicles may be permitted with a Special Permit in all zones except residential zones.
62.1.1.2 Other Temporary Uses. Temporary uses not specifically identified in this section and not normally associated with and accessory to uses permitted in these regulations. (For more information on temporary uses and structures, see Section 313-88.1, Temporary Structures.) (Former Section CZ#A314-37(A)(8))

(313-63: Section Reserved for Future Use)

313-64.1 VEGETATION REMOVAL, MAJOR

64.1.1 Purpose. The purpose of these provisions is to: (1) preserve and protect major vegetation within the County Coastal Zone that directly and indirectly prevents soil erosion, landslide and flood hazard; (2) reduce runoff, provide windbreaks or provide protection to adjacent trees from irreparable wind damage; and (3) protect property values and the local economy by maintaining the visual quality of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent. (Former Section CZ#A314-20(A))

64.1.2 Major Vegetation Removal Permitted With a Special Permit in All Zones as an Accessory Use. Major vegetation removal may be permitted with a Special Permit in all zones, as an accessory use associated with a specified principal or conditionally permitted use. Major vegetation removal may be permitted with a Special Permit in conjunction with or prior to the establishment of a principal or conditionally permitted use. (Former Section CZ#A314-20(B))

64.1.3 Applicability. These regulations shall apply to major vegetation removal as defined in this section, within the Humboldt County Coastal Zone, except that the following development shall be exempt: (Former Section CZ#A314-20(C))

64.1.3.1 Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities carried out under the Forest Incentives Program (FIP), Agricultural Conservation Program (ACP), or California Forest Improvement Program (Cal FIP); (Former Section CZ#A314-20(C)(1))

64.1.3.2 Major vegetation removal necessary to carry out activities authorized by: (1) an approved building permit, Coastal Development Permit, Use Permit, or Special Permit; or (2) satisfying improvement requirements of an approved subdivision; (Former Section CZ#A314-20(C)(2))

64.1.3.3 Major vegetation removal subject to the Coastal Streams and Riparian Corridor regulations; and (Former Section CZ#A314-20(C)(3))

64.1.3.4 Major vegetation removal associated with general agriculture, in zones where the General Agriculture use type is a principal permitted use, except where the Director determines that pursuant to subsection 313-64.1.4.3., that the major vegetation removal may result in a significant environmental impact. (Former
64.1.4 **Definition of Major Vegetation Removal.** For purposes of this section major vegetation removal shall be defined to include one or more of the following: (Former Section CZ#A314-20(D))

64.1.4.1 The removal of one or more trees with a circumference of thirty-eight inches (38") or more measured at four and one-half feet (4½’) vertically above the ground; (Former Section CZ#A314-20(D)(1))

64.1.4.2 The removal of trees within a total aggregate contiguous or non-contiguous area or areas exceeding 6,000 square feet, measured as the total of the area(s) located directly beneath the tree canopy; or (Former Section CZ#A314-20(D)(2))

64.1.4.3 The Director may determine that a proposal to remove woody vegetation constitutes major vegetation removal if the Director finds that it may result in a significant environmental impact pursuant to this section. In making a finding that the proposed major vegetation removal may result in a significant environmental impact, the Director shall review the proposal and determine if any of the following conditions exist or are proposed: (Former Section CZ#A314-20(D)(3))

64.1.4.3.1 The major vegetation removal involves the use of heavy equipment; (Former Section CZ#A314-20(D)(3)(a))

64.1.4.3.2 The major vegetation removal:

64.1.4.3.2.1 is proposed on either a steep slope (15% or greater), or on a slope designated on the Geological Map of the General Plan with slope stability index of “2” - moderate instability, or “3” - high instability; and (Former Section CZ#A314-20(D)(3)(b))

64.1.4.3.2.2 may result in soil erosion or landslide; (Former Section CZ#A314-20(D)(3)(b))

64.1.4.3.3 The major vegetation removal is located within or adjacent to an environmentally sensitive habitat as identified in the applicable coastal area plan; or (Former Section CZ#A314-20(D)(3)(c))

64.1.4.4 The major vegetation removal may result in significant exposure of adjacent trees to wind damage. (Former Section CZ#A314-20(D)(3)(d))

64.1.5 **Appeal of the Director’s Determination of Major Vegetation Removal.**

Appeals may be filed pursuant to the appeal procedures in Chapter 2, Section 312-13.

*(313-65 through 313-68: Sections Reserved for Future Use)*
SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL ZONES

PART 2: STRUCTURES AND FACILITIES

313-69–94 ALPHABETICAL LISTING OF STRUCTURES AND FACILITIES

313-69.1 ACCESSORY STRUCTURES
(See also, Section 313-43.1, Accessory Uses.)

69.1.1 Purpose. The purpose of these provisions is to specify the buildings that are permitted as accessory to the permitted buildings in the principal zones, and to establish the regulations that apply to the permitted accessory buildings. (Former Section CZ#A314-2(A)); Ord. 1623, Sec. 1, 12/13/83; amended by Ord. 1726, Sec. 1, 3/4/86)

69.1.2 Permitted Accessory Structures in All Zones. The following accessory structures shall be permitted in all zones, except as otherwise stated, and shall be subject to the standards set forth in this Code: (Former Section CZ#A314-2(D))

69.1.2.1 Off-street parking areas and parking structures for use by persons living, conducting business, or visiting the premises; (Former Section CZ#A314-2(D)(1))

69.1.2.2 Structures housing equipment and materials used exclusively on the premises; (Former Section CZ#A314-2(D)(2))

69.1.2.3 Structures for the conduct of recreational activities for use by persons living on the premises; (Former Section CZ#A314-2(D)(3))

69.1.2.4 Temporary accessory structures as permitted by the Temporary Use regulations in this Code. (Former Section CZ#A314-2(D)(7))

69.1.3 Permitted Residential Accessory Structures. The following accessory structures shall be permitted in residential zones: (Former Section CZ#A314-2(E))

69.1.3.1 Detached Accessory Buildings; (Former Section CZ#A314-2(E)(3))

69.1.3.2 Children’s Playhouses; (Former Section CZ#A314-2(E)(4))

69.1.3.3 Radio and Television Receiving Antennas; (Former Section CZ#A314-2(E)(5))

69.1.3.4 Swimming Pools; (Former Section CZ#A314-2(E)(6))
69.1.4 Special Permit Requirements for Accessory Detached Buildings in Residential Zones. A Special Permit must be secured to allow for the following accessory buildings in RS, R2 and RM zones: (Former Section CZ#A314-2(F))

69.1.4.1 The construction of any accessory building, on any lot where a principal permitted use is not present; (Former Section CZ#A314-2(F)(1))

69.1.4.2 Detached accessory buildings that exceed fifteen feet (15’) in height or 1,000 square feet of gross floor area. (Former Section CZ#A314-2(F)(2))

69.1.5 Permitted Agricultural Accessory Structures. The following accessory structures shall be permitted in the (AE) Agricultural Exclusive, (TC) Commercial Timberland, (TPZ) Timber Production, and (RA) Rural Residential Agricultural zones: (Former Section CZ#A314-2(G))

69.1.5.1 Windmills, not including windmills that produce energy for export off of the property; (Former Section CZ#A314-2(G)(1))

69.1.5.2 Greenhouses which do not result in lot coverage exceeding five acres (5a) on lots twenty acres (20a) or larger in size, or exceeding 25% of the lot coverage for lots less than twenty acres (20a) in size, either individually or collectively, with or without a perimeter foundation, and without an improved floor or footpath which will preclude the agricultural use of the underlying soil. Greenhouses with an improved floor or footpath which will preclude the agricultural use of the underlying soil shall not be located on prime agricultural soils, but may be located on non-prime agricultural soils with a Special Permit. Concrete, asphalt, and similarly constructed footpaths are permitted within a greenhouse located on non-prime agricultural soils, and may be permitted on prime agricultural soils with a Special Permit; (Former Section CZ#A314-2(G)(2); Ag Zone Amendments approved by the Humboldt County Board of Supervisors on 2/9/99)

69.1.5.3 Silos; (Former Section CZ#A314-2(G)(3))

69.1.5.4 Tank Houses; (Former Section CZ#A314-2(G)(4))

69.1.5.5 Barns and outbuildings; (Former Section CZ#A314-2(G)(5))

69.1.5.6 Coops; (Former Section CZ#A314-2(G)(6))

69.1.5.7 Drainage facilities and structures. (Note: in the Coastal Zone these facilities and structures are subject to the following Combining Zone regulations, as applicable, and to Chapter 2, Procedures: R - Streams and Riparian Corridors Protection (Section 313-33.1); T - Transitional Agricultural Lands (Section 313-35.1); and Coastal Wetland Areas (Section 313-38.1). (Former Section CZ#A314-2(G)(7))
69.1.5.8 **Roadside Sales of Agricultural Products.** Operation of a single roadside stand for the display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by these regulations, provided that the stand does not exceed an area of 200 square feet, and is located not nearer than fifteen feet (15') from any street or highway right-of-way. Roadside sales of agriculture products shall not be allowed on RA zoned parcels. (See also, Section 313-43.1, Accessory Uses.) (Former Section CZ#A314-2(G)(8))

69.1.5.9 **Public Stables for six (6) horses or less.** Public stables for seven (7) or more horses may be permitted with a Special Permit. (Former Section CZ#A314-2(G)(9); Ag Zone Amendments approved by the Humboldt County Board of Supervisors on 2/9/99)

69.1.5.10 **Other Necessary and Customary Structures.** Accessory structures in addition to those identified in Section 69.1.5, which are necessary and customarily associated with, and are appropriate, incidental, and subordinate to agricultural activity, as determined by the Director. Structures, which result in lot coverage exceeding five acres (5a) on lots twenty acres (20a) or larger, or exceeding 25% lot coverage on lots less than twenty acres (20a), either individually or collectively, shall not be permitted as agricultural accessory structures and shall only be permitted with a Special Permit. (Former Section CZ#A314-2(G)(10); Ag Zone Amendments approved by the Humboldt County Board of Supervisors on 2/9/99)

69.1.6 **Special Setback Requirements for Permitted, Detached Accessory Buildings and Structures.** Detached accessory buildings and structures shall, in addition to conforming with all required yard setbacks, be setback at least six feet (6') from any other buildings or structures located on the same building site. (Former Section CZ#A314-2(J))

(313-70: Section Reserved for Future Use)
313-71.1 COUNTY HISTORIC STRUCTURES

71.1.1 Purpose. The purpose of these regulations is to provide procedures for the designation of County historical structures and the preservation of designated County historical structures. (Former Section CZ#A314-35(A))

71.1.2 Designation of County Historical Structures. The Board of Supervisors may, by resolution, designate any structure within the unincorporated areas of the County to be a County historical structure. In making this designation, the Board of Supervisors shall review the significance of the structure in the context of Humboldt County history. (Former Section CZ#A314-35(B))

71.1.3 Demolition or Exterior Alteration of Designated County Historical Structures. No designated County historical structure shall be demolished, altered, improved, or otherwise changed in exterior appearance except as hereinafter provided:

71.1.3.1 Normal repair and maintenance of a County historical structure shall be allowed without first securing Design Review approval. (Former Section CZ#A314-35(C)(1))

71.1.3.2 Exterior alterations of County historic structures shall be limited to necessary repairs and shall be subject to Design Review. (Former Section CZ#A314-35(C)(2))

71.1.3.3 Within the sixty (60) day period, the Board of Supervisors shall determine whether any Federal, State, or local agencies or organizations can acquire the structures and site, or make other suitable arrangements with the owner which would protect the historical significance of the structure. (Former Section CZ#A314-35(C)(3))

71.1.4 Exceptions to Minimum Parcel Size. An exception to the minimum parcel size may be made for the purposes of historic preservation for County designated historical structures, or for buildings listed on the State or Federal Historic Register where:

71.1.4.1 It will not adversely impact the viability of continued agricultural operations; (Former Section CZ#A314-35(D)(1))

71.1.4.2 No additional building sites beyond what would be permitted as part of the existing agricultural operations are created. (Former Section CZ#A314-35(D)(2))

(313-72: Section Reserved for Future Use)
313-73.1 ELECTRICAL TRANSMISSION LINES, MAJOR

73.1.1 **Purpose.** The purpose of these regulations is to ensure that major electrical transmission and distribution facilities are located, designed and constructed in a manner which is least environmentally damaging to natural resources and minimizes degradation of coastal scenic resources. (Former Section CZ#A314-14(A))

73.1.2 **Applicability.** These regulations shall apply throughout the Coastal Zone, in any zone in which the Major Electrical Transmission Lines use type is permitted. Placement in service or the replacement of any necessary utility connection between an existing service facility and any development are exempt from these regulations. (Former Section CZ#A314-14(B))

73.1.3 **Required Mitigation.** The following mitigation measures shall be included in the siting and installation of major electrical transmission lines: (Former Section CZ#A314-14(C))

73.1.3.1 Scarring, grading or other vegetative removal shall be minimized; disturbed areas shall be revegetated with plants similar to those in the area; (Former Section CZ#A314-14(C)(1))

73.1.3.2 Where above-ground transmission line placement will unavoidably affect views, transmission lines will be underground where it is technically and economically feasible, except where it has been shown that other alternatives are less environmentally damaging; (Former Section CZ#A314-14(C)(2))

73.1.3.3 Where above-ground facilities are necessary, design of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow; (Former Section CZ#A314-14(C)(3))

73.1.3.4 Transmission lines shall be routed to avoid the crests of roadways to minimize their visibility on distant views. Where visual impacts will be minimized, lines shall cross roadways at downhill low elevation sites or curves in the road, wherever feasible; (Former Section CZ#A314-14(C)(4))

73.1.3.5 New major steel tower electrical transmission facilities shall be sited in the same utility corridor with existing electrical steel tower transmission facilities, except where there are social, aesthetic or significant economic concerns which make such routing inappropriate; (Former Section CZ#A314-14(C)(5))

73.1.3.6 Existing right-of-way shall be utilized for other related utilities, in order to provide consolidated corridors, wherever such consolidation is compatible and feasible; (Former Section CZ#A314-14(C)(6))

73.1.3.7 Access and construction roads shall be located to minimize landform alternations. Road grades and alignments shall follow the contour of the land with smooth, gradual curves, wherever possible. (Former Section CZ#A314-14(C)(7))
73.1.4 **Findings Required.** Major electrical transmission lines shall be approved only if the applicable Civic Development Impact Findings are made. (Former Section CZ#A314-14(D))

(313-74 through 313-82: Sections Reserved for Future Use)

### 313-83.1 OIL AND GAS PIPELINES

83.1.1 **Purpose.** The purpose of these regulations is to ensure that new oil and gas pipelines shall be sited in the least environmentally damaging manner, and to provide for public review of proposed oil and gas pipelines and associated development. (Former Section CZ#A314-28(A))

83.1.2 **Applicability.** These regulations shall apply in all zones in which the Oil and Gas Pipelines use type is permitted. The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development are exempt from these regulations. (Former Section CZ#A314-28(B))

83.1.3 **Required Mitigation.** All oil and gas pipeline development shall incorporate, at a minimum, the following mitigation measures: (Former Section CZ#A314-28(C))

83.1.3.1 All rights-of-way will be regraded and revegetated to their original state; (Former Section CZ#A314-28(C)(1))

83.1.3.2 Any degraded habitat along the right-of-way which has been recommended for restoration by a responsible agency, will be so restored, except where the lead agency indicates it would be more appropriate to do otherwise; (Former Section CZ#A314-28(C)(2))

83.1.3.3 All compressor, metering and odorizing stations will be visually and acoustically buffered with vegetation and other means as necessary; and (Former Section CZ#A314-28(C)(3))

83.1.3.4 Where liquid-carrying pipelines are to pass through important coastal resource areas, including recreation, habitat, archaeological and geologically unstable areas, segments will be isolated by automatic shutoff valves. (The County may determine whether spacing of automatic shutoff valves at intervals less than the maximum set by the Department of Transportation is required to protect sensitive coastal resources.) (Former Section CZ#A314-28(C)(4))

(313-84 through 313-86: Sections Reserved for Future Use)
313-87.1 SECOND RESIDENTIAL UNIT

87.1.1 Purpose. These regulations are intended to set forth standards for the creation of a subordinate residential unit or the conversion of existing living space into independent living space on lots in rural areas and residential neighborhoods. These units are also referred to as second units, second dwelling units, secondary dwelling units, etc., but all refer to the same type of structure and use and mean the same. (Former Section CZ#A314-31(A))

87.1.2 Second Residential Units Permitted with Coastal Development Permit or Special Permit. A second residential unit use type, as defined in this Code, may be permitted with a Coastal Development Permit in RS and RA zones if all the criteria of subsection 313-87.1.4, Development Regulations and Standards, are met. A second residential unit that cannot meet all the criteria in subsection 87.1.4 may be permitted with a coastal development permit and Special Permit pursuant to subsections 313-87.1.7 through 313-87.1.10 so long as the second unit meets the criteria of section 87.1.4.8 – 87.1.4.12. (Former Section CZ#A314-31(B); Amended by Ord. 2167, Sec. 30, 4/7/98)

87.1.3 General Provisions. The following General Provisions shall apply to all secondary residential units. (Former Section CZ#A314-31(C))

87.1.3.1 Ownership: A second residential unit shall remain under the same ownership as the main residential building. Such units shall not be the subject of condominium conversion or subdivision unless, in the case of a subdivision, the full lot area requirements of the zone are met. (Former Section CZ#A314-31(C)(1))

87.1.3.2 Renting Permitted: The second residential unit may be rented although rental is not required. (Former Section CZ#A314-31(C)(2))

87.1.3.3 Building Type: The second residential unit may be attached to, or detached from, the principal residence and may be over a garage. (Former Section CZ#A314-31(C)(3))

87.1.3.4 Kitchen and Bathroom Facilities Required: The second residential unit shall contain separate kitchen or kitchenette and bathroom facilities. Where the unit has a separate entrance, the entrance shall be subordinate to the entrance of the main unit. (Former Section CZ#A314-31(C)(4))

87.1.3.5 Manufactured Homes: A manufactured home may be permitted as a second residential unit in certain zoning districts where the manufactured home building type is specifically authorized. (Former Section CZ#A314-31(C)(5))
87.1.3.6 **Existing Single Family Residence**: Where one single family dwelling unit exists on a lot, a larger second unit may be constructed as the principal dwelling unit, and the existing unit treated as the second unit, provided that the floor area of the existing unit is within the limitations of this section, and all other development regulations and standards can be met for both units. (Former Section CZ#A314-1(C)(6))

87.1.4 **Development Regulations and Standards.** The following development regulations and standards shall apply to all second residential units: (Former Section CZ#A314-31(D))

87.1.4.1 **Utilities.** Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the County Code, including the currently effective versions of the Uniform Building Codes. (Former Section CZ#A314-31(D)(1))

87.1.4.2 **Building Site.** The building site shall be shared in common with the main dwelling unit. The residences share a common building site when they are located no further than thirty (30) feet from each other and when they share a common driveway. (Former Section CZ#A314-31(D)(2); Amended by Ord. 2167, Sec. 30, 4/7/98)

87.1.4.3 **Minimum Lot Size.** A second residential unit may be constructed or placed on a lot substandard to the zone. (Former Section CZ#A314-31(D)(3); Amended by Ord. 2167, Sec. 30, 4/7/98)

87.1.4.4 **Total Floor Area.** The total floor area of any detached second dwelling unit, or in the case of an attached unit, the increase in floor area, shall be no more than 1,000 square feet, or sixty (60) percent of the principal dwelling, whichever is less. (Former Section CZ#A314-31(D)(4); Amended by Ord. 2167, Sec. 30, 4/7/98)

87.1.4.5 **Development Standards.** The second dwelling unit shall conform to the development standards for the main dwelling of the zoning district in which it is located, including but not limited to, standards for front, rear and side yard setbacks, height and lot coverage. (Former Section CZ#A314-31(D)(5))

87.1.4.6 **Design Standards.** The second dwelling unit shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping. The height of the secondary dwelling unit shall not exceed the height of the principal unit by more than eight (8) feet. (Former Section CZ#A314-31(D)(6))

87.1.4.7 **Access.** The subject lot shall have a minimum of fifty (50) feet of frontage on a road improved to a road category 4 or better, as specified in the Appendix to Title III, Division 2, of the Humboldt County Code. (Former Section CZ#A314-31(D)(7); Added by Ord. 2167, Sec. 30, 4/7/98)

87.1.4.8 **Services.** The applicant shall provide evidence of adequate services to serve the second residential unit including water supply and sewage disposal. (Added by Ord. 2167, Sec. 30, 4/7/98)
87.1.4.9 **Public Access.** Second residential units shall not obstruct public access to and along the coast or public trails. (Added by Ord. 2167, Sec. 30, 4/7/98)

87.1.4.10 **Visual Resources.** Second residential units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast. (Added by Ord. 2167, Sec. 30, 4/7/98)

87.1.4.11 **Environmentally Sensitive Habitat Areas and Wetlands.** All development associated with second residential units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area or the average setback of existing development immediately adjacent as determined by the “string line method”. (Added by Ord. 2167, Sec. 30, 4/7/98)

87.1.4.12 **Agricultural Lands.** All development associated with second residential units shall be prohibited on prime agricultural soils and where there are no prime soils, be sited so as to minimize impacts to ongoing agriculturally related activities. (Added by Ord. 2167, Sec. 30, 4/7/98)

87.1.5 **Second Dwelling Units on Lots with Nonconforming Use or Structure.** Second dwelling units may be approved on lots with nonconforming uses, structures or support facilities provided that: (Former Section CZ#A314-31(E))

87.1.5.1 In the case of nonconformity due to use, the application can be processed consistent with the regulations for nonconforming uses in this Code; (Former Section CZ#A314-31(E)(1))

87.1.5.2 In the case of nonconformity due to height or yard setbacks, no greater degree of nonconformity is created; (Former Section CZ#A314-31(E)(2))

87.1.5.3 In the case of nonconformity due to County Code health provisions, all currently applicable County Code health provisions can be met; (Former Section CZ#A314-31(E)(3))

87.1.5.4 In the case of nonconformity due to building codes, parking and road easements, encroachments and standards, all current applicable codes can be met, or substantially met to the extent that it is determined that no abnormal risk to health or safety will result from occupancy of the unit. (Former Section CZ#A314-31(E)(4))

87.1.6 **Existing Second Dwelling Units.**

87.1.6.1 A Special Permit may be approved by the Hearing Officer for a second dwelling unit which was constructed or partially constructed prior to March 13, 1984, on any lot. (Former Section CZ#A314-31(F)(1))

87.1.6.2 The Hearing Officer may approve a Special Permit for the second dwelling unit, provided that: (Former Section CZ#A314-31(F)(2))

87.1.6.2.1 an inspection of the dwelling shall be made by the appropriate county official(s); and (Former Section CZ#A314-31(F)(2))
87.1.6.2.2 the Official(s) determine(s) that the requirements of the applicable County codes, including modification thereof, have been met or substantially met, to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling, and

87.1.6.2.3 the dwelling otherwise conforms to the County Code. (Former Section CZ#A314-31(F)(2))

87.1.7 Waiver of Density Standards. Applicable density standards shall be waived for secondary dwelling units in RS zones and RA zones which are planned and zoned for minimum parcel sizes of five acres or less. (Former Section CZ#A314-31(G); Amended by Ord. 2167, Sec. 30, 4/7/98)

87.1.8 Waiver of Maximum Floor Area. The maximum floor area requirement may be modified or waived with a Special Permit where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed, and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood. (Former Section CZ#A314-31(H); Amended by Ord. 2167, Sec. 30, 4/7/98)

87.1.9 Waiver of Building Site Standards. With a Special Permit, the requirement that the building site be shared in common may be modified or waived where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood. (Former Section CZ#A314-31(I); Added by Ord. 2167, Sec. 30, 4/7/98)

87.1.10 Waiver of Road Category 4 Access Standards. The requirement that the subject lot be served by a road that at a minimum meets the Road Category 4 standard, may be modified or waived with a Special Permit where the subject property is served by a road design equivalent to a Road Category 4 or better that is acceptable to the California Department of Forestry and Fire Protection and the Humboldt County Department of Public Works. (Former Section CZ#A314-31(J); Added by Ord. 2167, Sec. 30, 4/7/98)

87.1.11 REQUIRED FINDINGS. IN ADDITION TO THE FINDINGS REQUIRED FOR ALL PERMITS, THE FOLLOWING APPLICABLE RESIDENTIAL USE FINDINGS SHALL ALSO BE MADE PRIOR TO THE APPROVAL OF A COASTAL DEVELOPMENT PERMIT OR SPECIAL PERMIT FOR A SECOND DWELLING UNIT: “THE SECOND DWELLING UNIT IS SUBORDINATE TO THE PRINCIPAL RESIDENCE AND IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD, AND THE DEVELOPMENT IS CONSISTENT WITH LCP POLICIES REGARDING MAINTENANCE OF OPEN SPACE, RETENTION OF AGRICULTURE AND TIMBER LANDS, AND THE CRITERIA OF 87.1.4.8 – 87.1.4.12. (FORMER SECTION CZ#A314-31(I); CZ#A315-16(A)(1); AMENDED BY ORD. 2167, SEC. 30, 4/7/98)
313-87.2 SHORELINE PROTECTION STRUCTURES

87.2.1 Purpose. The purpose of these regulations is to provide for the construction of shoreline protection structures consistent with the maintenance of adjacent shoreline areas and with maintenance of off-shore sand transport. (Former Section CZ#A314-32(A))

87.2.2 Applicability. The Shoreline Protection Structures Regulations shall apply to development proposing shoreline protection structures. (Former Section CZ#A314-32(B))

87.2.3 Limitations. Shoreline protection structures, including revetments, breakwater bulkheads, graving yards, groins, seawalls, and other such construction, that alter natural shoreline processes may only be permitted as follows: (Former Section CZ#A314-32(C))

87.2.3.1 To protect existing principal structures or public facilities in areas subject to damage from wave action where relocation of the structures is not feasible; (Former Section CZ#A314-32(C)(1))

87.2.3.2 When required to serve coastal-dependent uses; (Former Section CZ#A314-32(C)(2))

87.2.3.3 To reconstruct existing bulkheads; (Former Section CZ#A314-32(C)(3))

87.2.3.4 In areas planned exclusive agriculture, to protect existing dikes, consistent with the regulations on modification and repair of dikes in Transitional Agricultural Lands. (Former Section CZ#A314-32(C)(4))

87.2.4 Comprehensive Study Required. Permanent shoreline structures, other than revetment of existing dikes, shall be permitted only when based on a comprehensive study of area wide shoreline processes which study assesses long-term effects of the structures on sand transport, down drift beaches, circulation patterns and flow rates, including effects such as erosion, shoaling, or reflection of wave energy on adjacent shorelines. Projects other than placement of revetment on existing dikes, must be designed by a Registered Civil Engineer with expertise in shoreline processes. (Former Section CZ#A314-32(D))

87.2.5 Consultation with Department of Boating and Waterways. The County shall request the Department of Boating and Waterways to review plans for construction of shoreline protective structures. The Department may recommend measures to mitigate adverse effects on shoreline processes. (Former Section CZ#A314-32(E))

87.2.6 Required Findings. Shoreline protection structures shall be permitted only if the applicable Public Safety Impact Findings in Chapter 2, Procedures, Supplemental Findings, are made. (Former Section CZ#A314-32(F))

87.2.7 Required Mitigation. Shoreline protection structures shall be constructed such that adverse impacts on shoreline sand supply and public access have been eliminated or minimized by the project’s design or through other mitigation measures such as providing alternate access. (Former Section CZ#A314-32(G))
87.2.8 **Temporary Shoreline Structures.** Consistent with the Emergency Provisions in Chapter 2, Procedures, temporary shoreline structures may be permitted in emergencies as determined by the Director, provided that any such temporary structure is either:

(Former Section CZ#A314-32(H))

- 87.2.8.1 Removed; (Former Section CZ#A314-32(H)(1))
- 87.2.8.2 Incorporated into a permanent structure; or (Former Section CZ#A314-32(H)(2))
- 87.2.8.3 Removed upon construction of a permanent structure. (Former Section CZ#A314-32(H)(3))

313-87.3 **SIGNS AND NAMEPLATES**

87.3.1 **Purpose and Applicability.** The purpose of these regulations is to ensure: (1) that signs within Humboldt County will not impair the public health, safety, and welfare by being excessively intrusive, and, (2) that any permitted signs will maintain visual quality and will be compatible with nearby development. These regulations shall apply to the placement of any sign within the unincorporated area of Humboldt County. (Former Section CZ#A314-33(A))

87.3.2 **Permitted Signs.** Signs may be permitted in conformity with the following regulations: (Former Section CZ#A314-33(B))

87.3.2.1 **Nameplates.**

- 87.3.2.1.1 Shall be limited to a statement of the name, address and location of the occupant. (Former Section CZ#A314-33(B)(1))

- 87.3.2.1.2 One (1) nameplate, not illuminated and not exceeding two square feet (2sf), appurtenant to any permitted use, shall be permitted in any residential zone. (Former Section CZ#A314-33(B)(1))

- 87.3.2.1.3 One (1) nameplate, not illuminated and not exceeding twenty square feet (20sf), appurtenant to any permitted use, shall be permitted only in AE, TPZ and TC zones. (Former Section CZ#A314-33(B)(1))

87.3.2.2 **Property Sale Signs.**

- 87.3.2.2.1 Two (2) signs, not illuminated, to advertise the sale of property on which it is displayed, and not exceeding six square feet (6sf) each, shall be permitted in any zone. Two such signs, not exceeding fifteen square feet (15sf), shall be permitted in any Commercial Zone. Two such signs, not exceeding twenty square feet (20sf), shall be permitted in any Industrial Zone. The Director may approve a Special Permit for additional signs if the applicant demonstrates a need, based upon site-specific physical conditions. (Former Section CZ#A314-33(B)(2)(a))

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87.3.2.2 Signs, not illuminated and not exceeding one hundred square feet (100sf) in the aggregate, to advertise the sale of lots in the subdivision in which they are displayed shall be permitted with a Use Permit in any zone. (Former Section CZ#A314-33(B)(2)(b))

87.3.2.3 Appurtenant Signs. Signs appurtenant to any permitted use which are not illuminated, are not over seventy-five square feet (75sf) in the aggregate, and not divided into more than three (3) single-faced or double-faced signs shall be permitted with a Use Permit in any zone except Residential Zones, in which such signs are not permitted. (Former Section CZ#A314-33(B)(3))

87.3.2.4 Signs in Commercial or Industrial Zones.

87.3.2.4.1 Signs, appurtenant to any permitted use, which do not exceed three square feet (3sf) per linear foot of the front lot line, shall be permitted in any commercial or industrial zone, subject to the limitations of this paragraph. Any lawfully existing lot shall be permitted to have a sign of at least fifty square feet (50sf) in size. The permitted sign(s) shall not exceed 300 square feet in the aggregate, and shall not be divided into more than six (6) single-faced or double-faced signs. (Former Section CZ#A314-33(B)(4)(a))

87.3.2.4.2 Signs, whether appurtenant to a permitted use or not, and not limited as to size or number, may be permitted with a Special Permit in any commercial or industrial zone. (Former Section CZ#A314-33(B)(4)(b))

87.3.2.5 Directional Signs.

87.3.2.5.1 Signs Permitted. Directional signs and/or guide signs may be located in any zone to indicate directions to public recreational areas, visitor serving facilities, and any other facilities for which the Director has determined that such a sign is necessary for the public convenience and/or safety. (Former Section CZ#A314-33(B)(5)(a))

87.3.2.5.2 Location. Signs shall be located only along arterial roadways and higher order streets. (Former Section CZ#A314-33(B)(5)(b))

87.3.2.5.3 Design Criteria.

87.3.2.5.3.1 Directional signs shall contain only the name of the use(s), a directional arrow or a directional statement, and the approximate distance to the use(s). (Former Section CZ#A314-33(B)(5)(c)(1))

87.3.2.5.3.2 Where feasible, directional signs shall be designed to accommodate more than one use. (Former Section CZ#A314-33(B)(5)(c)(2))

87.3.2.5.3.3 The display surface of any such sign shall not exceed twenty-four by twenty-four inches (24”x24”) for each use, with a
maximum aggregate area of display surface not to exceed 100 square feet. (Former Section CZ#A314-33(B)(5)(c)(3))

87.3.2.5.4 Permit Required. A Special Permit is required for placement of a directional sign in any zone. (Former Section CZ#A314-33(B)(5)(d))

87.3.3 General Prohibitions on Signs. The following signs shall be prohibited in all zones except as provided in this Section. (Former Section CZ#A314-33(C))

87.3.3.1 No sign shall endanger the public health and safety by causing distractions to operators of motor vehicles on public rights-of-way, such as may be caused by signs employing motion, sound, mechanical devices, blinkers, flashing lights, animation or unusual lighting. (Former Section CZ#A314-33(C)(1))

87.3.3.2 No sign shall be erected adjacent to any right-of-way in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any locations where, by reason of position, shape or color, such sign may interfere with, obstruct the vision of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words “stop,” “danger,” or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse motor vehicle operators. (Former Section CZ#A314-33(C)(2))

87.3.3.3 No red, green or amber lights or illuminated signs shall be placed in such a position that they could be confused with any authorized traffic sign, signal or device. (Former Section CZ#A314-33(C)(3))
87.3.3.4 No sign shall be erected in such a manner as to obstruct free and clear vision of pedestrian traffic on rights-of-way or to otherwise endanger pedestrians.

(Former Section CZ#A314-33(C)(4))
313-88.1 TEMPORARY STRUCTURES
(See also, Section 313-62.1, Temporary Uses.)

88.1.1 Temporary Structures Permitted with a Special Permit. The following temporary structures may be permitted upon obtaining a Special Permit, subject to the following conditions: (Former Section CZ#A314-37(A))

88.1.1.1 Temporary Office. One (1) manufactured home may be used as an office appurtenant to, accessory to, and in conjunction with the operation of a manufactured home sales area. (Former Section CZ#A314-37(A)(1))

88.1.1.2 Recreational Vehicle. A recreational vehicle may be used in recreational areas for up to six months by person(s) who have a permanent residence elsewhere. (Former Section CZ#A314-37(A)(2); Amended by Ord. 2167, Sec. 33, 4/7/98)

88.1.1.3 Employee Housing or Contractor's Office. A manufactured home, recreational vehicle, or office may be used by a construction contractor as employee housing for the duration of a construction project. (Former Section CZ#A314-37(A)(3); Amended by Ord. 2167, Sec. 33, 4/7/98)

88.1.1.4 Temporary Care. In residential zones that allow manufactured homes, a manufactured home may be set up temporarily where the health and well being of either the property owner or the proposed occupant requires that the manufactured home be on the property, subject to all of the following: (Former Section CZ#A314-37(A)(4))

88.1.1.4.1 The manufactured home is occupied by a specific person or people who are related to the property owner; (Former Section CZ#A314-37(A)(4)(a))

88.1.1.4.2 The Chief Building Inspector approves the proposed setup; (Former Section CZ#A314-37(A)(4)(b))

88.1.1.4.3 The manufactured home is located on a lot with at least one other dwelling; (Former Section CZ#A314-37(A)(4)(c))

88.1.1.4.4 The occupants of the existing dwelling must care for the occupant of the proposed temporary manufactured home; (Former Section CZ#A314-37(A)(4)(d))

88.1.1.4.5 A doctor's statement verifying the applicant's request is submitted; (Former Section CZ#A314-37(A)(4)(e))

88.1.1.4.6 The temporary manufactured home shares as many utilities and improvements as possible with the support dwelling; and (Former Section CZ#A314-37(A)(4)(f))

88.1.1.4.7 The temporary manufactured home is located as close as possible to the support dwelling, but no closer than ten (10) feet from the support dwelling. (Former Section CZ#A314-37(A)(4)(g))
88.1.1.5 **Temporary Occupancy.** In all zones, a recreational vehicle may be occupied by an owner-builder during the construction of the owner-builder’s permanent dwelling. In zones that allow manufactured homes, a manufactured home may be occupied by an owner-builder during the construction of the owner-builder’s permanent dwelling. Temporary occupancy by an owner-builder is subject to all of the following requirements: (Former Section CZ#A314-37(A)(5))

88.1.1.5.1 That the recreational vehicle or manufactured home is not defined as a nuisance by Title 25 of the California Code of Regulations, or any successor provision thereto; (Former Section CZ#A314-37(A)(5)(a))

88.1.1.5.2 That the applicant has a building permit for the permanent residence; (Former Section CZ#A314-37(A)(5)(b))

88.1.1.5.3 That any septic system used with the temporary quarters is sized for the permanent residence; (Former Section CZ#A314-37(A)(5)(c))

88.1.1.5.4 That any water supply developed on the property is sized for the permanent residence; (Former Section CZ#A314-37(A)(5)(d))

88.1.1.5.5 That the temporary occupancy permit shall be valid for six (6) months from the date the building permit was issued. The Chief Building Inspector may renew the temporary occupancy permit for additional six (6) month periods if he/she determines that substantial progress is being made on construction of the permanent residence. The temporary occupancy permit shall expire when the building permit expires; (Former Section CZ#A314-37(A)(5)(e))

88.1.1.5.6 That services shall not be transferred to the permanent residence until: (1) the temporary quarters are removed from the property, or (2) they are converted to a permitted accessory building, or (3) security has been posted, in the form of a bond or other security determined sufficient by the County Counsel to ensure performance; and (Former Section CZ#A314-37(A)(5)(f))

88.1.1.5.7 The applicant shall sign a document stating that he/she has read and understands the conditions of the permit. (Former Section CZ#A314-37(A)(5)(g))

88.1.1.6 **Temporary Storage of Manufactured Homes in Zones that Allow Manufactured Homes.** A manufactured home may be temporarily stored on a parcel, subject to the following: (Former Section CZ#A314-37(A)(6))

88.1.1.6.1 The applicant is the landowner and has a building permit for the placement of the manufactured home on the subject parcel as a permanent residence; and (Former Section CZ#A314-37(A)(6)(a))

88.1.1.6.2 The applicant signs a document stating that he or she has read and understands the conditions of the permit. (Former Section CZ#A314-37(A)(6)(b))
88.1.1.7  **Construction Support Facilities.** Temporary buildings and structures supporting residential development and major construction. (Former Section CZ#A314-37(A)(7))

88.1.1.8  **Tract Offices.** Temporary uses in new subdivisions and other residential developments if the temporary use supports the sale of dwellings and lots within the same subdivision or residential development. (Former Section CZ#A314-37(A)(9))

88.1.1.9  **Christmas Tree Sales.** A temporary facility used for the sale of Christmas trees and related items in all zones except residential zones. (Former Section CZ#A314-37(A)(10))

88.1.1.10 **Other Temporary Uses.** Temporary uses not specifically identified in this section and not normally associated with and accessory to uses permitted in the regulations for principal zones and combining zones of this Division. (See also, Section 313-62.1, Temporary Uses.) (Former Section CZ#A314-37(A)(11))

(313-89 through 313-90: Sections Reserved for Future Use)

### 313-91.1  WIND-GENERATING FACILITY

91.1.1  **Purpose.** The purpose of these regulations is to provide for the development of wind-generating facilities as an alternative energy source, while ensuring that such facilities are not detrimental to public safety, and that associated environmental effects, including adverse visual impacts, are minimized. (Former Section CZ#A314-39(A))

91.1.2  **Applicability.** These regulations shall apply in all zones in which wind-generating facilities are permitted. (Former Section CZ#A314-39(B))

91.1.3  **Permit Review.** The following concerns, at a minimum, shall be considered in proposals for wind-generation facilities subject to the permit procedures in Chapter 2, Procedures, of this Code. (Former Section CZ#A314-39(C))

91.1.3.1  Parcel size; (Former Section CZ#A314-39(C)(1))

91.1.3.2  Relationship to other structures; (Former Section CZ#A314-39(C)(2))

91.1.3.3  Effects on downwind sites; (Former Section CZ#A314-39(C)(3))

91.1.3.4  Compliance with Uniform Building Code and National Electrical Code; (Former Section CZ#A314-39(C)(4))

91.1.3.5  Rotor and tower safety; (Former Section CZ#A314-39(C)(5))

91.1.3.6  Noise; (Former Section CZ#A314-39(C)(6))
91.1.3.7  Electromagnetic interference;  (Former Section CZ#A314-39(C)(7))

91.1.3.8  Utility notification;  (Former Section CZ#A314-39(C)(8))

91.1.3.9  Height;  (Former Section CZ#A314-39(C)(9))

91.1.3.10 Liability insurance;  (Former Section CZ#A314-39(C)(10))

91.1.3.11 Appearance and design.  (Former Section CZ#A314-39(C)(11))

91.1.4  **Required Findings.** Wind-generating facilities shall be approved only if the applicable Civic Development Impact Findings of Chapter 2: Procedures, Supplemental Findings (312-31.3), are made.  (Former Section CZ#A314-39(C))

*313-92 through 313-94: Sections Reserved for Future Use*
SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL ZONES

PART 3: DEVELOPMENT STANDARDS

313-95.1 ACCESS DEDICATION REQUIREMENTS FOR NEW DEVELOPMENTS

95.1.1 **Purpose.** The purpose of these regulations is to specify the nature and location of development subject to coastal public access requirements, to set forth standards for the incorporation of coastal accessways into new development projects, and to prescribe the legal methods and instruments to be used in creating and making the public access dedication. (Former Section CZ#A314-6(A))

95.1.2 **Applicability.** These regulations shall apply to all new development containing the accessways recommended for dedication in the North Coast, Trinidad, McKinleyville, Eel River and Humboldt Bay Area Plans. For purposes of this section, “new development” shall include development as defined in Public Resources Code Section 30212. These requirements shall not apply to development located in the County’s Coastal Zone that does not require approval of a Coastal Development Permit, consistent with the Permit Requirements in Chapter 2, Procedures, of these regulations. (Former Section CZ#A314-6(B))

95.1.3 **Dedication of Public Access Required.** New development on parcels containing the accessways recommended for dedication in the applicable Coastal Land Use Plan shall include an irrevocable offer to dedicate an easement for public access to and along the coast, as described in subsection 313-95.1.4. (Former Section CZ#A314-6(C))

95.1.4 **Dedication Procedure.**

95.1.4.1 Prior to the issuance of a permit for development subject to these regulations, the applicant shall be required to record one of the following legal documents for the provisions of coastal access as specified in the condition of approval: (Former Section CZ#A314-6(D)(1))

95.1.4.1.1 **Irrevocable Offer of Dedication.** The property owner shall submit a preliminary offer of dedication for public easement free of prior liens and encumbrances except tax liens. The offer shall run for a period of twenty-one years (21yr) and shall expire if not accepted by an appropriate public agency or private association, within that period. The County of Humboldt shall have the first right of refusal of the offer of dedication for a period of two years (2yr). Such an offer shall be to grant and convey in perpetuity to the people of the State of California, an easement of access over and across the offeror’s property. (Former Section CZ#A314-6(D)(1)(a))
95.1.4.1.2 **Outright Grant of In-fee Interest or Easement.** If the size and scope of the proposed development is such that the grant of an in-fee interest or easement is appropriate, or there is an accepting agency available to accept the dedication, a grant of an in-fee interest or easement shall be required. (Former Section CZ#A314-6(D)(1)(b))

95.1.4.1.3 **Deed Restrictions.** A deed restriction which does not grant any ownership interest in the land proposed for public access, and whereby the land owner retains all responsibility for the improvement and maintenance of the accessway may be appropriate in the following limited types of development: (1) Large Residential Developments, (2) Planned Unit Developments, (3) Visitor Serving Facilities, and (4) Commercial Developments. Deed restrictions shall not be allowed for accessways that will require public maintenance or improvements. (Former Section CZ#A314-6(D)(1)(c))

95.1.4.2 **Title Information.** As a condition to the issuance of the permit, the applicant shall be required to furnish a title report and all necessary subordination agreements. Title insurance may also be required where extensive easements are being granted. The amount of title insurance shall be estimated on the basis of what it would cost for a public agency to acquire an equivalent access. (Former Section CZ#A314-6(D)(2))

95.1.4.3 **Coastal Commission Review.** Copies of the documents to be recorded, the title report, and the permit shall be forwarded to the State Coastal Commission for review consistent with the requirements of Chapter 2, Procedures. of this Code. (Former Section CZ#A314-6(D)(3))

95.1.5 **Guidelines for Location and Design of Accessways.** The nature, location, and size of the required public accessways shall meet the following requirements: (Former Section CZ#A314-6(E))

95.1.5.1 The accessway conforms with and is adequate to carry out the public access recommendations and policies of the County’s Coastal Land Use Plan; (Former Section CZ#A314-6(E)(1))

95.1.5.2 **Vertical Access Design Criteria:** (Former Section CZ#A314-6(E)(2))

95.1.5.2.1 The location should be along boundaries of property but may be re-sited, as necessary; (Former Section CZ#A314-6(E)(2)(a))

95.1.5.2.2 The width should be a minimum of ten feet (10’) for pedestrian use with additional width required for slope or construction easements and/or other uses; (Former Section CZ#A314-6(E)(2)(b))

95.1.5.2.3 A privacy buffer between accessway and residence shall be a minimum of five feet (5’) for pedestrian accessways; (Former Section CZ#A314-6(E)(2)(c))

95.1.5.2.4 The accessway should extend from the first public road, trail, or use
area nearest to the sea to the publicly owned tidelands or established lateral accessway.  (Former Section CZ#A314-6(E)(2)(d))

95.1.5.3 Lateral Access Design Criteria:  (Former Section CZ#A314-6(E)(3))

95.1.5.3.1 Where there is an existing accessway adjoining the proposed accessways, the location and size of the new accessway shall be the same as the adjoining accessways;  (Former Section CZ#A314-6(E)(3)(a))

95.1.5.3.2 Where there is a fixed landward point from which to measure (e.g. bluffline) the accessway shall be no less than twenty-five feet (25’) in width seaward from the fixed landmark; or  (Former Section CZ#A314-6(E)(3)(b))

95.1.5.3.3 Where there are not any fixed landward points (e.g. blufflines) the accessway shall be a minimum of twenty-five feet (25’) in width, and shall run from the mean high tide line of the sea to the first line of terrestrial vegetation, excepting dune areas;  (Former Section CZ#A314-6(E)(3)(c)(d))

95.1.5.3.4 Where there is no vertical gradient differential between major development and the accessway, a privacy buffer of fifty feet (50’) shall be established as follows: (1) the first ten feet (10’) from the development shall be used solely for a privacy buffer; (2) only limited uses shall be allowed between ten and twenty feet (20’) from the development; and (3) only passive recreational uses shall be allowed between twenty and fifty feet (20’ & 50’) from the development.  (Former Section CZ#A314-6(E)(3)(e))

95.1.5.4 Vista Points.  Where no beach area exists, but the project is proposed along a shorefront blufftop lot, public access for public viewing of the shoreline shall be required. Vista points should be accessible from a public road or from an upland public trail.  (Former Section CZ#A314-6(E)(4))

95.1.5.5 Support Facilities.  Where required by the Land Use Plan, areas sufficient to provide minimum support facilities shall be offered for dedication.  (Former Section CZ#A314-6(E)(5))

95.1.6 Exception to Access Design Criteria.  The Hearing Officer may modify the access design criteria of Section 95.1.5 for vertical and lateral accessways when strict application of these criteria would prohibit new development or cause new development to become nonconforming with respect to other development standards of these regulations. Any exception to the design criteria shall not preclude an offer of dedication for public access as required in the applicable Coastal Land Use Plan, and the exception shall be allowed only if the applicable findings for granting exceptions of Chapter 2, Procedures, Supplemental Findings (312-2.19), can be made.  (Former Section CZ#A314-6(F))

95.1.7 Required Findings.  A Coastal Development Permit for construction or improvement of public accessway facilities shall be approved only if the applicable Resource Protection Impact Findings are made (see, Chapter 2, Section 312-39).  (Former Section CZ#A314-6(G))
95.1.8 **Commencement of Public Use.** Dedicated accessways shall not be opened to public use until a public agency or private association that has accepted the access offered for dedication agrees to accept responsibility for maintenance and liability of the accessway, and to provide the access improvements recommended in the Land Use Plan. (Former Section CZ#A314-6(H))

313-95.2 ACCESS DEDICATION REQUIREMENTS FOR NEW DEVELOPMENTS IN SHELTER COVE

95.2.1 **Purpose.** The purpose of these regulations is to specify the nature, location and appropriateness of coastal public access requirements, to set forth standards for the incorporation of coastal accessways into new development projects, and to prescribe the legal methods and instruments to be used in creating the public access dedications special to the Shelter Cove Area. (Former Section CZ#A314-7(A))

95.2.2 **Applicability.** The Public Access Dedication Requirements for New Development in Shelter Cove shall apply to the following areas: (Former Section CZ#A314-7(B))

95.2.2.1 Lateral bluff top trail along lot Assessors Parcel numbers 111-121-25 through -31, inclusive, and Assessors Parcel numbers 111-171-29 through -34, inclusive. (Former Section CZ#A314-7(B)(1))

95.2.2.2 Storm Drain Easement opposite Steelhead Court. (Vertical) (Former Section CZ#A314-7(B)(2))

For purposes of this section, “new development” shall include development as defined in the California Public Resources Code Section 30212. These requirements shall not apply to development located in the County’s Coastal Zone that does not require approval of a Coastal Development Permit. (Former Section CZ#A314-7(B))

95.2.3 **Dedication of Public Access Reviewed.** New development on parcels containing the accessways identified for possible dedication in the Shelter Cove section of the South Coast Area Land Use Plan shall be subject to the Access Dedication Review Procedures. (Former Section CZ#A314-7(C))

95.2.4 **Dedication Procedure.**

95.2.4.1 Prior to or upon application for a development permit the County shall consult with the following agencies and experts regarding potential provisions and management of public access at the site in question: (Former Section CZ#A314-7(D)(1))

95.2.4.1.1 Representatives from the County (Planning Division and Public Works Department), (Former Section CZ#A314-7(D)(1)(a))

95.2.4.1.2 Bureau of Land Management, (Former Section CZ#A314-7(D)(1)(b))
95.2.4.1.3 U.S. Fish and Wildlife, (Former Section CZ#A314-7(D)(1)(c))

95.2.4.1.4 California Fish and Game, (Former Section CZ#A314-7(D)(1)(d))

95.2.4.1.5 California Water Quality Control, (Former Section CZ#A314-7(D)(1)(e))

95.2.4.1.6 California Coastal Commission staff, (Former Section CZ#A314-7(D)(1)(f))

95.2.4.1.7 A registered archaeologist, (Former Section CZ#A314-7(D)(1)(g))

95.2.4.1.8 A marine biologist, (Former Section CZ#A314-7(D)(1)(h))

95.2.4.1.9 Humboldt County Sheriff’s Department. (Former Section CZ#A314-7(D)(1)(i))

95.2.4.2 In consulting with the groups listed in subsection 95.2.4.1, the County shall solicit information, evidence, advice, and recommendations on the following matters: (Former Section CZ#A314-7(D)(2))

95.2.4.2.1 The need to regulate the time, place, and manner of public access depending on the facts and circumstances of each case, including, but not limited to: (Former Section CZ#A314-7(D)(2)(a))

95.2.4.2.1.1 Topographic and geologic site characteristics; (Former Section CZ#A314-7(D)(2)(a)(i))

95.2.4.2.1.2 The capacity of the site to sustain use and at what level of intensity; (Former Section CZ#A314-7(D)(2)(a)(ii))

95.2.4.2.1.3 The appropriateness of limiting public access to the right to pass or repass; (Former Section CZ#A314-7(D)(2)(a)(iii))

95.2.4.2.1.4 Fragile coastal bluffs; (Former Section CZ#A314-7(D)(2)(a)(iv))

95.2.4.2.1.5 Fragile marine biota; (Former Section CZ#A314-7(D)(2)(a)(v))

95.2.4.2.1.6 Adequacy of adjacent access; (Former Section CZ#A314-7(D)(2)(a)(vi))

95.2.4.2.1.7 Risk to public safety. (Former Section CZ#A314-7(D)(2)(a)(vii))

95.2.4.2.2 The County shall utilize the information, evidence, advice, and recommendations received in response to the solicitation to make a determination, in accordance with Public Resources Code Section 30214, as well as other Code sections that might apply, as to whether or not to require a dedication of access as a condition of issuing the Coastal Development Permit. (Former Section CZ#A314-7(D)(2)(b))
95.2.4.3 Where a dedication of access is required, it shall: (Former Section CZ#A314-7(D)(3))

95.2.4.3.1 Be specific as to whether or not public access is limited to the right to pass and repass; and (Former Section CZ#A314-7(D)(3)(a))

95.2.4.3.2 Be in accordance with the Access Dedication Requirements for New Developments (see, Section 313-95.1) in these regulations. (Former Section CZ#A314-7(D)(3)(b))

313-95.3 ACCESS PROTECTION

95.3.1 Purpose. The purpose of these regulations is to insure that development permitted by the County and located within the County’s Coastal Zone does not interfere with public access acquired through use. The County, through the administration of these requirements, is not determining whether implied dedication or prescriptive rights exist. (Former Section CZ#A314-8(A))

95.3.2 Applicability. The Public Access Protection shall apply to lands located between the first public road and the sea. (Former Section CZ#A314-8(B))

95.3.3 Protection of the Accessway. Where, pursuant to the applicable review process in Chapter 2, Procedures, of these regulations, there is substantial evidence of historic public use of the accessway, and the proposed development would interfere with such public use, the following shall apply: (Former Section CZ#A314-8(C))

95.3.3.1 The proposed development shall be sited and designed so as not to block or interfere with the use of such accessway; or (Former Section CZ#A314-8(C)(1))

95.3.3.2 An equivalent accessway shall be provided, including dedication of an easement as described in the Access Dedication Sections of this Code, if the applicable Resource Protection Impact Findings of Chapter 2, Procedures, Supplemental Findings (312-2.19), are made. (Equivalent accessway means public access of equivalent type, intensity, and area of use to the same destination.) (Former Section CZ#A314-8(C)(2))

95.3.4 Protection of Accessway Not Required. The requirements of subsection 313-95.3.3, shall not apply if the applicant has established that the State of California has disposed of any interest in the accessway or that there has been a final court determination that there has been no implied dedication or prescriptive use. (Former Section CZ#A314-8(D))

(313-96 through 313-98: Sections Reserved for Future Use)

313-99.1 EXCEPTIONS TO THE DEVELOPMENT STANDARDS

99.1.1 Exceptions to Development Standards. The following exceptions to the
development standards in this Division are allowed subject to the specified limitations: (Former Section CZ#A314-15(A))

99.1.1.1 Exceptions to Height Standards. Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in this division provided that a Special Permit is first obtained. Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required. (Former Section CZ#A314-15(A)(1))

99.1.1.2 Exceptions to Lot Size, Lot Width and Lot Depth Standards in Residential Zones. In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Special Permit: (Former Section CZ#A314-15(A)(2))

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>PERMITTED MODIFICATION</th>
<th>LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>Minimum Lot Size may be modified down to a minimum of fifty percent (50%) of the required lot size, or 5,000 square feet, whichever is greater.</td>
<td>Such modifications must be approved in conjunction with a subdivision or lot line adjustment. No lot created by the proposed subdivision or lot line adjustment shall exceed 1.8 times the applicable minimum lot size. Also, the total number of lots created by the subdivision shall not be more than that allowed by the applicable zone.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>Minimum Lot Width may be modified to a minimum of fifty percent (50%) of the required lot width.</td>
<td>Minimum Lot Width shall not be modified below fifty feet (50').</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>Maximum Lot Depth may be modified up to a maximum of twice that permitted.</td>
<td>Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.</td>
</tr>
</tbody>
</table>

99.1.1.3 Exceptions to Yard Standards.

99.1.1.3.1 Architectural Features. Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet (2½') into the minimum required yard. (Former Section CZ#A314-15(A)(3)(a))
99.1.1.3.2 Uncovered Porches, Decks or Stairways. Uncovered porches, decks or stairways, fire escapes or landings may extend a maximum of six feet (6') into front or rear yards and three feet (3') into side yards. (Former Section CZ#A314-15(A)(3)(b))

99.1.1.3.3 Developed Block in a Residential Zone. In any RM, R2 or RS zone where more than one-half of the existing and potential lots on the block are occupied with residential main buildings, the required front yard shall be the average of those of the improved sites to a maximum of that required for the zone. (Former Section CZ#A314-15(A)(3)(c))

99.1.1.3.4 Substandard Lots. Minimum yard standards for substandard lots less than two and one-half acres (2.5a) in size in RA, AE, TPZ and TC zones shall be reduced to:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Twenty feet (20')</td>
</tr>
<tr>
<td>Rear</td>
<td>Ten feet (10')</td>
</tr>
<tr>
<td>Interior Side</td>
<td>Five feet (5')</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Twenty feet (20')</td>
</tr>
</tbody>
</table>

(Former Section CZ#A314-15(A)(3)(d); Amended by Ord. 1842, Sec. 22, 8/16/88)

(313-100 through 313-102: Sections Reserved for Future Use)
313-103.1  INDUSTRIAL PERFORMANCE STANDARDS

103.1.1  **Purpose.** The purpose of these regulations is to establish minimum standards for the operation of industrial development in Humboldt County. (Former Section CZ#A314-18(A))

103.1.2  **Applicability.** The provisions of this section shall apply to all of the Industrial use types. (Former Section CZ#A314-18(B))

103.1.3  **Standards for Industrial Development that Impact Residential Zones.** (Former Section CZ#A314-18(C))

   103.1.3.1  **Noise.** All noise generating operations shall be buffered so that they do not exceed the exterior ambient noise level by more than 5 dB(A). (Former Section CZ#A314-18(C)(1))

   103.1.3.2  **Lights.** All lights shall be directed on-site and shielded to reduce glare to adjacent residential areas. (Former Section CZ#A314-18(C)(2))

   103.1.3.3  **Traffic.** New development shall demonstrate that it will not substantially increase truck traffic on residential streets. (Former Section CZ#A314-18(C)(3))

   103.1.3.4  **Vibrations.** No perceptible vibrations shall be permitted off the building site. (Former Section CZ#A314-18(C)(4))

   103.1.3.5  **Electronic Interference.** No visual or audible interference of radio or television reception by operations shall be permitted. (Former Section CZ#A314-18(C)(5))

   103.1.3.6  **Dust Control.** All areas used for parking, traffic circulation and material storage shall be surfaced with asphalt concrete. (Former Section CZ#A314-18(C)(6))

   103.1.3.7  **All manufacturing and fabricating areas shall be enclosed in buildings.** (Former Section CZ#A314-18(C)(7))

   103.1.3.8  **All equipment and materials storage areas adjacent to any residential zone shall be screened by walls, fences, or adequate plantings to a height of not less than six feet (6’), and said fencing and plantings shall conform to all yard requirements.** (Former Section CZ#A314-18(C)(8))

103.1.4  **Standards for Industrial Development that Impact Nonresidential Zones.** (Former Section CZ#A314-18(D))

   103.1.4.1  **Noise.** Mitigation measures shall be required where necessary to insure that noise generated by industrial operations does not exceed 70 dB(A) anywhere off the site. (Former Section CZ#A314-18(D)(1))

   103.1.4.2  **Lights.** No restrictions. (Former Section CZ#A314-18(D)(2))

   103.1.4.3  **Traffic.** No restrictions. (Former Section CZ#A314-18(D)(3))
103.1.4.4 **Vibrations.** No perceptible vibrations shall be permitted to interfere with adjacent land uses. (Former Section CZ#A314-18(D)(4))

103.1.4.5 **Electronic Interference.** No visual or audible interference of radio or television reception by operations shall be permitted. (Former Section CZ#A314-18(D)(5))

103.1.4.6 All manufacturing and fabricating areas shall be enclosed in buildings. (Former Section CZ#A314-18(D)(6))

103.1.5 **Modifications to Industrial Performance Standards.** The Hearing Officer may modify any of the Industrial Performance Standards during review of a Use Permit for an industrial development. However, the Hearing Officer shall set, as a condition of the Use Permit, new minimum performance standards to replace those modified. (Former Section CZ#A314-18(E))

(313-104 through 313-105: Sections Reserved for Future Use)

313-106.1 **Agriculture Exclusive Sixty Acre Minimum (AE-60) LAND DIVISION**

106.1.1 **Applicability.** These regulations shall apply to lands located within the County’s Coastal Zone designated AE-60 on the County Zoning Maps. (Former Section CZ#A314-19.2(A))

106.1.2 **General Provisions.** Division of lands zoned AE-60 acres shall not be permitted, except that division of lands to a minimum size of twenty acres (20a) may be permitted subject to the regulations of this section and the Transitional Agricultural Land regulations. (Former Section CZ#A314-19.2(B))

106.1.3 **Required Conditions for Approval of Land Divisions Creating Substandard Parcels.** A subdivision creating an agricultural parcel of less than sixty acres (60a) may be approved only upon satisfaction of all the following conditions. (Former Section CZ#A314-19.2(C))

106.1.3.1 Execution of a Land Conservation Contract (Williamson Act contract) with the County; (Former Section CZ#A314-19.2(C)(1))
106.1.3.2 Acknowledgment in a recorded conveyance and agreement, recorded on the
title, to the effect that although the new parcel is of a size below that considered
an economically viable agricultural unit, its creation was approved for a specific
agricultural purpose, and that no further land division or other conversion from
agricultural use shall be permitted in the future even if agricultural use of such a
parcel does not provide adequate economic return; and  (Former Section CZ#A314-
19.2(C)(2))

106.1.3.3 Rezoning of any substandard parcel to AE-20.  (Former Section CZ#A314-
19.2(C)(3))

106.1.4   **Required Findings.** In addition to the requirements and conditions of this
section, the Hearing Officer may approve a division of AE-60 land of less than sixty
acres (60a), to a minimum size of twenty acres (20a), if the applicable findings in Chapter
2, Procedures, including but not limited to those in Sections 312-18 through 312-49,
Supplemental Findings, are made.  (Former Section CZ#A314-19.2(D))

313-106.2 **Agriculture Exclusive One Hundred Sixty Acre Minimum (AE-160) Land
Division**

106.2.1 **Applicability.** These regulations shall apply to lands located within the County’s
Coastal Zone designated AE-160 on the County Zoning Maps.  (Former Section CZ#A314-
19.3(A))

106.2.2 **General Provisions.** Division of land zoned AE-160, which would create any
parcel of less than 160 acres, shall not be permitted, except that division of land creating
smaller parcels may be permitted provided the following requirements are all met:
(Former Section CZ#A314-19.3(B))

106.2.2.1 The average parcel size shall be no smaller than twenty acres (20a).  (Former
Section CZ#A314-19.3(B)(1))

106.2.2.2 New lots or parcels shall be no smaller than one acre (1a) and no larger than
two and one-half acres (2.5a), and such lots or parcels shall be clustered together
adjacent to existing developed areas of the ranch, or on portions of the site least
suited for agricultural use and where the adverse effects on coastal resources will
be minimized.  (Former Section CZ#A314-19.3(B)(2))

106.2.2.3 The created lots shall be zoned AE Agricultural Exclusive with a minimum
parcel size that prohibits further subdivisions that would establish an average
parcel size smaller than twenty acres (20a).  (Former Section CZ#A314-19.3(B)(3))

106.2.3 **Required Conditions for Approval of Land Divisions.** The rezoning and
subdivision creating parcels of less than 160 acres shall be approved only upon
satisfaction of two (2) or more of the following conditions, which shall apply to the
remaining land resulting from the division:  (Former Section CZ#A314-19.3(C))
106.2.3.1 Execution of a Land Conservation Contract (Williamson Act Contract) with the County;  
(Former Section CZ#A314-19.3(C)(1))

106.2.3.2 Acknowledgment either on the parcel map or in a recorded conveyance and agreement to the effect that, although the new parcel is of a size below that considered an economically viable agricultural unit, its creation was approved for a specific agricultural purpose, and no further land division or other conversion from agricultural use shall be permitted in the future even if agricultural use of such a parcel does not provide adequate economic return;  
(Former Section CZ#A314-19.3(C)(2))

106.2.3.3 Conveyance of an open space easement to the County of Humboldt, or other public entity or private non-profit entity having as its primary purpose and chief goal the preservation of agricultural or open space lands.  
(Former Section CZ#A314-19.3(C)(3))

106.2.4 Required Findings. In addition to the requirements and conditions of this Section, the Hearing Officer may approve a division of AE-160 land of less than 160 acres if all the applicable findings in Chapter 2, Procedures, including but not limited to those in Sections 312-18 through 312-49, Supplemental Findings, are made.  
(Former Section CZ#A314-19.3(D))

313-106.3 Agriculture Exclusive Six Hundred Acre Minimum (AE-600) Land Division

106.3.1 Applicability. The Coastal AE-600 Land Division Requirements shall apply to lands located within the County’s Coastal Zone designated AE-600 on the County Zoning Maps.  
(Former Section CZ#A314-19.4(A))

106.3.2 General Provisions. Division of land zoned AE-600, which would create any parcel of less than 600 acres, shall not be permitted, except that divisions of land creating smaller parcels may be permitted provided the following requirements are met:  
(Former Section CZ#A314-19.4(B))

106.3.2.1 The average parcel size shall be no smaller than 160 acres.  
(Former Section CZ#A314-19.4(B)(1))

106.3.2.2 New lots or parcels shall be no smaller than one acre (1a) and no larger than five acres (5a), and such lots or parcels shall be clustered together adjacent to existing developed areas of the ranch, or on portions of the site least suited for agricultural use and where the adverse effects on coastal resources will be minimized.  
(Former Section CZ#A314-19.4(B)(2))

106.3.2.3 The created lots shall be zoned AE Agricultural Exclusive with a minimum parcel size that prohibits further subdivisions that would establish an average parcel size smaller than 160 acres.  
(Former Section CZ#A314-19.4(B)(3))

106.3.3 Required Conditions for Approval of Land Divisions. The rezoning and subdivision creating parcels of less than 600 acres shall be approved only upon satisfaction of two (2) or more of the following conditions, which shall apply to the
remaining land resulting from the division:  (Former Section CZ#A314-19.4(C))

106.3.3.1 Execution of a Land Conservation Contract (Williamson Act Contract) with the County;  (Former Section CZ#A314-19.4(C)(1))

106.3.3.2 Acknowledgment in a recorded conveyance and agreement to the effect that, although the new parcel is of a size below that considered an economically viable agricultural unit, its creation was approved for a specific agricultural purpose, and no further land division or other conversion from agricultural use shall be permitted in the future even if agricultural use of such a parcel does not provide adequate economic return; or  (Former Section CZ#A314-19.4(C)(2))

106.3.3.3 Conveyance of an open space easement to the County of Humboldt, or other public entity or private non-profit entity having as its primary purpose and chief goal the preservation of agricultural or open space lands;  (Former Section CZ#A314-19.4(C)(3))

106.3.4 Required Findings. In addition to the requirements and conditions of this Section, the Hearing Officer may approve a division of AE-600 land of less than 600 acres if all of the applicable findings in Chapter 2, including but not limited to those in Sections 312-18 through 312-49, Supplemental Findings, are made.  (Former Section CZ#A314-19.4(D))

313-106.4 Coastal Recreational (CR) Land Division

106.4.1 Applicability. These regulations shall apply to lands located within the County’s Coastal Zone designated CR-Coastal Recreation on the County Zoning Maps.  (Former Section CZ#A314-19.6(A))

106.4.2 Required Conditions. Conditions of approval for division of lands designated CR shall include the following:  (Former Section CZ#A314-19.6(B))

106.4.2.1 No conversion from commercial recreational use shall be permitted in the future; and  (Former Section CZ#A314-19.6(B)(1))

106.4.2.2 Acknowledgment, in a recorded conveyance and agreement within the chain of title, to the effect that the parcel was created for recreational purpose(s) only.  (Former Section CZ#A314-19.6(B)(2))

106.4.3 Required Findings. In addition to the requirements and conditions of this Section, the Hearing Officer may approve a division of CR land if all of the applicable findings in Chapter 2, including but not limited to those in Sections 312-18 through 312-49, Supplemental Findings, are made.  (Former Section CZ#A314-19.6(C))

313-106.5 Rural Residential Agriculture (RA) Land Division

106.5.1 Applicability. These regulations shall apply to lands located within the County’s Coastal Zone designated for Rural Residential Agriculture (RA).  (Former Section CZ#A314-
106.5.2 **Land Division Criteria.** Land divisions in coastal areas zoned RA shall be permitted only if at least fifty percent (50%) of the lots in the same zone, and within the same Coastal Land Use Planning Area where the proposed development is to be located, have been developed with a permitted main building. (Former Section CZ#A314-19.1(B))

313-106.6 **Commercial Timber (TC) AND Timber Production Zone (TPZ) Land Division**

106.6.1 **Applicability.** These regulations shall apply to all lands located within the County’s Coastal Zone designated TC or TPZ on the County Zoning Maps. (Former Section CZ#A314-19.5(A))

106.6.2 **General Provisions.** Any division of timberlands which create parcels of less than forty acres (40a) shall not be permitted, except sites for timber processing and related facilities where the remainder parcel stays in the original zone. (Former Section CZ#A314-19.5(B))

106.6.3 **Required Conditions for Approval of Land Division.** The subdivision of timberlands of less than 160 acres shall be approved only upon the preparation and approval of a joint timber management plan, as required pursuant to Government Code Section 51100 and following, which shall also provide for: (Former Section CZ#A314-19.5(C))

106.6.3.1 **Restocking** - Including stocking to minimum levels described by the District Forest Practices Rules; (Former Section CZ#A314-19.5(C)(1))

106.6.3.2 **Access** - That will insure joint use by all persons with interests in the parcels subject to the management plan of access roads, log landings, and similar facilities. Deeded access routes are required; (Former Section CZ#A314-19.5(C)(2))

106.6.3.3 **Statement of Purpose and Intent of Management** - Including scope and intensity of management for both the timber and compatible uses; (Former Section CZ#A314-19.5(C)(3))

106.6.3.4 **Topography and Physical Features** - Including site classes and soil types; (Former Section CZ#A314-19.5(C)(4))

106.6.3.5 **Timber Inventory** - Including species, age classes, stocking levels, volume and growth; (Former Section CZ#A314-19.5(C)(5))

106.6.3.6 **Management Descriptions** - Including silviculture, stand regulation, cutting cycle, expected yields, regeneration systems, intermediate treatments, harvest systems, access systems, protection of timber from fir, insects, disease, and erosion, and protection of compatible uses; (Former Section CZ#A314-19.5(C)(6))

106.6.3.7 **Organization** - Including: cost allocations for management, road construction maintenance, and protection; statements of legal rights and responsibilities,
including but not limited to rights of way, easements, and deed restrictions; and provisions for continuity of management; and (Former Section CZ#A314-19.5(C)(7))

106.6.3.8 Schedule - Including harvesting, regeneration, protection, and management guide update. (Former Section CZ#A314-19.5(C)(8))

106.6.5 Additional Required Conditions for Approval of Land Division in Commercial Timberland (TC) Zones. These regulations shall apply to lands located within the County’s Coastal Zone designated Commercial Timberland (TC). (Former Section CZ#A314-19.1(A))

106.6.4.1 Land divisions in coastal areas zoned TC shall be permitted only if at least fifty percent (50%) of the lots in the same zone, and within the same Coastal Land Use Planning Area where the proposed development is to be located, have been developed with a permitted main building. (Former Section CZ#A314-19.1(B))

106.6.5 Bond Required. All work required for Joint Timber Management Plans shall be secured by a guarantee or bond with the County. (Former Section CZ#A314-19.5(D))

313-107.1 MANUFACTURED HOME PARK DEVELOPMENT

107.1.1 Purpose. The purpose of these regulations is to establish standards for the development of new manufactured home parks and the expansion of existing manufactured home parks in Humboldt County. (Former Section CZ#A314-22(A))

107.1.2 Applicability. These regulations shall apply to the development, expansion, or alteration of any manufactured home park, as defined in the Manufactured Home Park use type. (Former Section CZ#A314-22(B))

107.1.3 Development Standards. The construction, alteration or expansion of a manufactured home park shall be subject to the following development standards, except as provided herein: (Former Section CZ#A314-22(C))

107.1.3.1 Minimum Lot Size. No manufactured home park shall be permitted on a lot that is less than five (5) acres in area. (Former Section CZ#A314-22(C)(1); Amended by Ord. 2167, Sec. 27, 4/7/98)

107.1.3.2 Minimum Recreation Area. A minimum recreation area of 1,500 net square feet per acre of manufactured home park shall be provided and improved in conjunction with the development. (Former Section CZ#A314-22(C)(2))

107.1.3.3 Minimum Yards. Minimum yards around manufactured home parks - front, side and rear, twenty (20) feet. Yard areas may not be used to satisfy the minimum recreation area that is required by this section. (Former Section CZ#A314-22(C)(3); Amended by Ord. 2167, Sec. 27, 4/7/98)

107.1.3.4 Access.
107.1.3.4.1 All manufactured home parks shall have either one (1) fifty foot (50') minimum width access or two (2) twenty-five foot (25') minimum width permanent points of access to a public road. (Former Section CZ#A314-22(C)(4)(a))

107.1.3.4.2 All circulation roads within the park shall be a minimum of twenty-four feet (24') (two-way traffic) from curb to curb and shall be increased in width by eight feet (8') for curb parking space on each side of the street on which such curb parking is permitted. (Former Section CZ#A314-22(C)(4)(b))

107.1.3.4.3 All roads and parking spaces shall be permanently paved. (Former Section CZ#A314-22(C)(4)(c))
107.1.3.5 Parking.

107.1.3.5.1 Two (2) on-site parking spaces or the equivalent in parking bays shall be provided for each manufactured home site. A parking space shall not be less than eight feet (8') wide and eighteen feet (18') long, and shall contain seven feet (7') of vertical clearance. (Former Section CZ#A314-22(C)(5)(a))

107.1.3.5.2 Guest parking shall be provided at a ratio of one (1) space for every four (4) manufactured home sites.

107.1.3.5.2.1 On-street parking is acceptable in meeting this requirement if all the streets providing the spaces are constructed to forty (40) feet in width. (Former Section CZ#A314-22(C)(5)(b))

107.1.3.5.2.2 If the streets within the manufactured home park are less than 40 feet in width, the ratio for guest parking shall be one (1) space for every two (2) manufactured home sites, accomplished by the use of parking bays containing at least four (4) parking spaces per bay. Such bays shall be located no greater than 200 feet apart. (Former Section CZ#A314-22(C)(5)(b))

107.1.3.5.3 If any type of commercial use(s) is (are) proposed within the manufactured home park, additional parking shall be provided consistent with the Off-Street Parking Requirements in Section 313-109.1. (Former Section CZ#A314-22(C)(5)(c))

107.1.3.6 Fencing and Landscaping.

107.1.3.6.1 Every manufactured home park shall provide an ornamental, sight-obscuring fence, wall, or other suitable screening/planting, with a minimum height of six (6) feet, along all boundaries of the manufactured home park site that abut on public roads, or on property lines. (Former Section CZ#A314-22(C)(6)(a))

107.1.3.6.2 All areas not used for access, parking, circulation, recreation, or services shall be completely and permanently landscaped and the entire site shall be maintained in a neat, orderly, and sanitary condition. (Former Section CZ#A314-22(C)(6)(b))

107.1.3.7 Storage Area. A minimum outdoor storage shed of forty-eight (48) square feet shall be provided for each unit. (Former Section CZ#A314-22(C)(7))

107.1.4 Exceptions for Existing Substandard Manufactured Home Parks. The Hearing Officer may modify the requirements of Section 107.1.3 for an existing substandard park proposed to be enlarged or altered provided that the modifications are limited to the extent that an overall improvement in the design or standards of such existing park will result, and subject to making the applicable findings for granting exceptions in Chapter 2, Procedures, of this Code. (For more information on manufactured homes, see Section
313-107.2 MERGER OF SUBSTANDARD LOTS

107.2.1 A substandard lot can be developed or sold if: (Former Section CZ#A314-21(A))

107.2.1.1 The substandard lot in question was lawfully created; and (Former Section CZ#A314-21(A)(1))

107.2.1.2 The substandard lot has not been merged with adjoining property. (Former Section CZ#A314-21(A)(2))

107.2.2 Where the owner of a substandard lot owns adjoining property, the substandard lot may be merged with the adjoining property, pursuant to the provisions of state law and this Code. Thereafter the merged lots must be developed or sold as one unit or lot. Separate conveyance of the merged lots is prohibited. Notwithstanding the above, adjacent substandard lots do not merge if each of them has been fully developed in accordance with the zoning regulations for the zone in which said lots are located. (Former Section CZ#A314-21(B); Ord. 1104, 1/5/76; Amended by Ord. 1875, Sec. 3, 9/26/89)

313-108: Section Reserved for Future Use)
313-109.1  OFF-STREET PARKING

109.1.1  Purpose.

109.1.1.1  The intent of these requirements is to provide for the on-site, off-street parking of motor vehicles that are associated with any use or uses on the premises. The facilities required by this section represent the minimum that will be required for the various land use types (as specified by the zoning designation or as allowed by a permit for the use). (Former Section CZ#A314-26)

109.1.1.2  It shall be the responsibility of the developer, owner or operator of any specific use to provide “adequate off-street parking,” even if the amount of such parking is in excess of the minimum requirements set forth in this section. “Adequate Off-Street Parking” means an amount of parking sufficient to meet the level of anticipated parking demand generated by the use for which the parking is required. (Former Section CZ#A314-26)

109.1.1.3  The purpose of these requirements is to enhance public safety by minimizing traffic congestion, by providing for off-street motor vehicle parking, and thereby permitting safe passage for vehicle passengers and pedestrians to and from their destinations. More off-street parking will allow on-street parking to be limited or prohibited to permit greater utilization of streets for moving traffic. (Former Section CZ#A314-26)

109.1.2  Applicability. These requirements shall apply in all zones to the activities specified herein. (Former Section CZ#A314-26(B))

109.1.3  General Requirements.

109.1.3.1  Location of Off-Street Parking. Required parking facilities shall be located on the same building site and conveniently proximate to the use or uses they serve, and shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times. Exceptions to the location requirement for parking facilities for commercial uses may be allowed if it is found that: (Former Section CZ#A314-26(C)(1))

109.1.3.1.1  A substitute parking area is provided and remains available for as long as the use for which the parking is required continues; and (Former Section CZ#A314-26(C)(1)(a))

109.1.3.1.2  The substitute parking is within an area designated in the General Plan for commercial or other business use, and within which area parking is a permitted and compatible use; and (Former Section CZ#A314-26(C)(1)(b))

109.1.3.1.3  All or part of the substitute location is within 400 feet of the principal use for which the parking is being provided, measured in walking distance along a way open to public pedestrian passage; and (Former Section CZ#A314-26(C)(1)(c))
109.1.3.1.4 The substitute parking area is either: (1) owned by the owner of the property on which is located the use for which the parking is required, or (2) is owned by a public entity empowered to provide public parking facilities, and the property is developed for that purpose; or  (Former Section CZ#A314-26(C)(1)(d))

109.1.3.1.5 Consistent with the general requirements in this section which may be applicable, there is available a site specifically designated for entrepreneurial parking at which substitute parking can be provided at the expense of the party seeking the exception to on-site parking. When substitute parking is provided in this manner, a Special Permit shall be required for such substitute parking unless the use to which the parking relates is being conducted pursuant to a Use Permit. In either instance, the Special Permit or Use Permit shall contain conditions providing that: (1) an easement for the use of the site for parking shall be obtained and filed with the County Recorder prior to the issuance of building permits, and (2) providing that the use shall automatically terminate at any time when the required parking is not fully available for the associated use.  (Former Section CZ#A314-26(C)(1)(e))

109.1.3.2 Size and Improvement.

109.1.3.2.1 Each normal size parking space shall be not less than eight feet (8') wide, eighteen feet (18') long and contain seven feet (7') of vertical clearance;  (Former Section CZ#A314-26(C)(2)(a))

109.1.3.2.2 Each compact car space shall be not less than seven and one-half feet (7½') wide and sixteen feet (16') long.  (Former Section CZ#A314-26(C)(2)(b))

109.1.3.2.2.1 No compact car spaces shall be allowed in parking areas containing less than ten (10) parking spaces.  (Former Section CZ#A314-26(C)(2)(b)(i))

109.1.3.2.2.2 In lots where compact car spaces are permitted, up to twenty-five percent (25%) of all spaces in the lot may be compact car parking spaces.  (Former Section CZ#A314-26(C)(2)(b)(ii))

109.1.3.2.2.3 Compact car spaces shall be visibly marked with signs and shall be clustered in one section of the parking area.  (Former Section CZ#A314-26(C)(2)(b)(iii))

109.1.3.2.3 Each loading space shall be not less than ten feet (10') wide, sixty feet (60') long and shall contain at least fourteen feet (14') of vertical clearance.  (Former Section CZ#A314-26(C)(2)(c))

109.1.3.2.4 In recreational use areas, adequate parking facilities shall be provided consistent with the level of anticipated use. Special parking provisions shall be made for recreational vehicles, boats and trailers.
109.1.3.2.5 All improvements to parking spaces, driveway locations, and maneuvering areas shall be improved to levels consistent with the anticipated uses as determined by the Department of Public Works.

109.1.3.3 Required Off-Street Parking.

109.1.3.3.1 Off-street parking facilities shall be provided for any new building constructed and for any new use established. (Former Section CZ#A314-26(C)(3))

109.1.3.3.2 Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, or any manner of operation that would result in additional parking spaces being required, provided that the required additional parking shall be based only on the parking required for the addition, enlargement, or change. (Former Section CZ#A314-26(C)(3))

109.1.3.4 Requirements for Lots Fronting Unimproved Roads. Wherever the use for which off-street parking is required is served by a roadway not improved to a width of forty feet (40’) with asphalt or gravel, the following provisions shall be applicable: (Former Section CZ#A314-26(C)(4))

109.1.3.4.1 Additional improved off-street parking must be provided consistent with the standards of Section 313-109.1.4, or a parking lane may be constructed along the frontage of the lot in lieu of such additional parking requirements. (Former Section CZ#A314-26(C)(4)(a))

109.1.3.4.2 If the lot frontage exceeds 120 feet the parking lane shall not be required to accommodate more than three (3) vehicles. Construction standards for the parking lane shall be as specified by the Department of Public Works in accordance with the Appendix to Title III, Division 2 of this Code, establishing subdivision design and improvement standards. (Former Section CZ#A314-26(C)(4)(b); Amended by Ord. 1842, Sec. 23, 8/16/88)

109.1.3.5 Parking Requirements for Lawfully Established Uses Which Are Not in Compliance with Current Parking Requirements. (Former Section CZ#A314-26(C)(5))

109.1.3.5.1 Whenever existing uses not in compliance with the parking standards of this Code are transferred to new owners or operators who will continue the use without significant change, or when new uses are initiated within existing structures which generate the same level of parking demand as the former use, no additional parking spaces shall be required. (Former Section CZ#A314-26(C)(5)(a))

109.1.3.5.2 Whenever the use of any premises which is not in compliance with the parking standards of this Code is enlarged, expanded, or intensified,
additional parking spaces consistent with this Code shall be provided only for the enlargement, expansion, or intensification, and not for the entire use. (Former Section CZ#A314-26(C)(5)(b))

109.1.3.5.3  Whenever the use of any premises which is not in compliance with the parking standards of this Code is changed to a use where a higher parking demand is identified, additional parking spaces consistent with this Code shall be provided only for the additional intensity of the use, and not for the entire use. When a new use generates a lower parking demand, no additional parking spaces will be required. (Former Section CZ#A314-26(C)(5)(c))

109.1.3.5.4  Levels of use, as they relate to this division, shall be determined by the Director based on engineering standards and design studies, and the principal and conditional uses of the specific zone district. (Former Section CZ#A314-26(C)(5)(d))

109.1.3.5.5  Notwithstanding the foregoing provisions of this section, existing uses are not subject to the requirements for parking only to the extent that the use was lawfully created and continues as a lawful use. If the use was not lawfully established or is no longer lawfully being carried out, the parking provisions of this section apply to both the existing use as well as any expansion thereto.

109.1.3.6  Multiple Uses and Joint Uses.

109.1.3.6.1  Whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use. (Former Section CZ#A314-26(C)(6))

109.1.3.6.2  Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except when use of the parking facilities for the different uses would not be concurrent or would otherwise not be conflicting, as determined by the Planning Commission at a noticed public hearing. (Former Section CZ#A314-26(C)(6))

109.1.3.7  Lighting. Any lights used to illuminate the parking spaces or driveways shall be designed and located so that direct rays are confined to the property where the parking is located. (Former Section CZ#A314-26(C)(7))

109.1.3.8  Parking Facilities for the Physically Handicapped. Facilities accommodating the general public, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, retail establishments, medical offices and office buildings shall provide parking spaces for the physically handicapped in compliance with the Humboldt County Code and the following provisions: (Former Section CZ#A314-26(C)(8))

109.1.3.8.1  The handicapped parking spaces shall be fourteen feet (14’) wide and eighteen feet (18’) long. (Former Section CZ#A314-26(C)(8)(a))
109.1.3.8.2 Parking facilities containing six (6) through forty (40) spaces, inclusive, shall include one (1) handicapped parking space permanently signed with the International Symbol of Accessibility. One handicapped space shall be provided for each additional forty (40) spaces or portion thereof. (Former Section CZ#A314-26(C)(8)(b))

109.1.3.8.3 Two (2) handicapped spaces, permanently signed, shall be required in conjunction with any use or combined uses which occur within a space of more than 10,000 square feet gross floor area. (Former Section CZ#A314-26(C)(8)(c))

109.1.3.9 Parking Spaces for Uses Not Specified. The parking space requirements for uses not set forth herein shall be fixed by the Director and shall be based upon the available studies and standards for the most comparable use. (Former Section CZ#A314-26(C)(9))

109.1.3.10 Fractional Spaces. Where the application of the parking schedule results in a fractional parking space requirement, a fraction of 0.5 or higher shall be resolved to the higher whole number. (Former Section CZ#A314-26(C)(10))

109.1.3.11 Variable Parking Demand. Where demand for parking is variable because of work shifts or peak business periods, parking space requirements shall be based upon the periods of highest parking demand. (Former Section CZ#A314-26(C)(11))

109.1.3.12 Exceptions. Exceptions to the requirements for the number of off-street parking spaces may be allowed subject to securing a Special Permit. Exceptions may be granted by the Hearing Officer based upon the following factors: geographic location of site, site-specific topographic constraints, historically designated structures, proximity to urban built-up areas, and levels of anticipated use. (Former Section CZ#A314-26(C)(12))

109.1.4 Parking Spaces Required. The number of off-street parking spaces required shall not be less than the following: (Former Section CZ#A314-26(D))

109.1.4.1 Residential Uses.

109.1.4.1.1 Single Detached and Duplex Building Types. (Former Section CZ#A314-26(D)(1)(a))

109.1.4.1.1.1 One (1) parking space for each dwelling unit containing not more than one (1) bedroom; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom. The required parking shall be sited outside the front yard setback. (Former Section CZ#A314-26(D)(1)(a)(i))

109.1.4.1.1.2 Except as provided in subsection 109.1.4.1.1.3, when a single family residence or duplex is proposed on a parcel that is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, parking spaces in addition to those required...
by subsection 109.1.4.1.1.1, shall be provided as follows:  (Former Section CZ#A314-26(D)(1)(a)(ii))

109.1.4.1.1.2.1 One (1) space for each single family residence containing one bedroom or less;  (Former Section CZ#A314-26(D)(1)(a)(ii))

109.1.4.1.1.2.2 One (1) space for each duplex unit;  (Former Section CZ#A314-26(D)(1)(a)(ii))

109.1.4.1.1.2.3 Two (2) spaces for each single family residence containing two or more bedrooms.  (Former Section CZ#A314-26(D)(1)(a)(ii); Amended by Ord. 1842, Sec. 23, 8/16/88)

109.1.4.1.1.3 Instead of providing the additional parking spaces required by subsection 109.1.4.1.1.2, a parking lane may be constructed along the frontage of the lot. The parking lane shall meet the standards required by subsection 313-109.1.3.4, Requirements for Lots Fronting Unimproved Roads.  (Former Section CZ#A314-26(D)(1)(a)(iii))

109.1.4.1.1.4 Driveway opening shall be in conformance with the standards detailed in Section 411 and following of this Code (the Encroachment Regulations).  (Former Section CZ#A314-26(D)(1)(a)(iv))

109.1.4.1.2 Multiple Unit Building Types With More Than Two Dwelling Units.  (Former Section CZ#A314-26(D)(1)(b))

109.1.4.1.2.1 One (1) parking space for each unit containing one (1) bedroom or less; two (2) parking spaces for each two (2) or three (3) bedroom dwelling unit; two and one-half (2½) parking spaces for each dwelling unit containing four (4) or more bedrooms.  (Former Section CZ#A314-26(D)(1)(b)(i))

109.1.4.1.2.2 Except as provided in subsection 109.1.4.1.2.3, if the units are proposed on a parcel that is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, parking spaces in addition to those required by subsection 109.1.4.1.2.1, shall be provided as follows:  (Former Section CZ#A314-26(D)(1)(b)(ii))

109.1.4.1.2.2.1 One-half (½) space for each one bedroom unit;  (Former Section CZ#A314-26(D)(1)(b)(iii))

109.1.4.1.2.2.2 Three-quarters (¾) space for each two or three bedroom unit.  (Former Section CZ#A314-26(D)(1)(b)(iii))

109.1.4.1.2.2.3 One (1) space for each four bedroom unit.  (Former Section CZ#A314-26(D)(1)(b)(iii))

109.1.4.1.2.3 Instead of providing the additional parking spaces required by subsection 109.1.4.1.2.2, a parking lane may be constructed
along the frontage of the lot. The parking lane shall meet the standards required by subsection 313-109.1.3.4. (Former Section CZ#A314-26(D)(1)(b)(iii))

109.1.4.1.2.4 Driveway openings shall be in conformance with the standards detailed in the Encroachment Regulations of Section 411 and following of this Code. (Former Section CZ#A314-26(D)(1)(b)(iv))

109.1.4.1.3 Hotel, Motel, Rooming House. One (1) parking space for each sleeping unit, plus two (2) manager parking spaces. (Former Section CZ#A314-26(D)(1)(c))

109.1.4.1.4 Senior Housing Complex. One (1) parking space for every two dwelling units (2du). A parking space requirement study may be conducted to identify the special parking needs for such projects. Parking facilities shall include handicapped parking spaces no less than specified in this Section 109.1.4. (Former Section CZ#A314-26(D)(1)(d))

109.1.4.1.5 Rest Homes and/or Convalescent Homes. One (1) parking space for every five (5) licensed patient beds, plus the higher of either: one (1) parking space for every 500 square feet of gross floor area; or one parking space for each employee of the peak shift. (Former Section CZ#A314-26(D)(2)(e))

109.1.4.2 Civic Uses.

109.1.4.2.1 Hospitals. One (1) parking space per bed, plus one (1) space for every three (3) employees and medical staff members. (Former Section CZ#A314-26(D)(2)(a))

109.1.4.2.2 Clinics. One (1) parking space for every 300 square feet of gross floor area, plus one (1) space for each employee and doctor or other professional attendant serving the clinic, with a minimum of four (4) spaces required. (Former Section CZ#A314-26(D)(2)(b))

109.1.4.2.3 Churches. One (1) parking space for every four (4) seats of seating or occupancy capacity, as determined by the Fire Marshal, in the largest assembly area of the church, plus one (1) parking space for every thirty square feet (30sf) of gross floor area in said assembly area not used for seating. (Former Section CZ#A314-26(D)(2)(c))

109.1.4.2.4 Schools.

109.1.4.2.4.1 Kindergarten/Day Care Center. One (1) parking space for every ten (10) children, plus one (1) space for each employee. Additionally, sufficient loading area should be provided for the safe loading and unloading of children and adults; (Former Section CZ#A314-26(D)(2)(d)(i))
109.1.4.2.4.2 **Elementary Schools.** One (1) parking space for every ten (10) children, plus one (1) space for each employee; (Former Section CZ#A314-26(D)(2)(d)(ii))

109.1.4.2.4.3 **Junior High/Middle Schools and High Schools.** One (1) parking space for every five (5) students, plus one (1) space for each employee; (Former Section CZ#A314-26(D)(2)(d)(iii))

109.1.4.2.4.4 **College and Trade Schools.** One (1) parking space for every five (5) students, plus one (1) space for each employee; (Former Section CZ#A314-26(D)(2)(d)(iv))

109.1.4.3 **Commercial Uses.**

109.1.4.3.1 **Retail Sales/Service.** One (1) parking space for every 300 square feet of gross floor area, with a minimum of four (4) spaces plus one (1) for each employee. (Former Section CZ#A314-26(D)(3)(a))

109.1.4.3.2 **Furniture/Appliance Sales.** One (1) parking space for every 750 square feet of gross floor area, with a minimum of four (4) spaces plus one (1) for each employee. (Former Section CZ#A314-26(D)(3)(b))

109.1.4.3.3 **Restaurants.** The higher of either: one (1) parking space for each 200 square feet of gross floor area; or one (1) parking space for every four (4) seats. Additionally, one (1) parking space for every two (2) employees shall be provided. (Former Section CZ#A314-26(D)(3)(c))

109.1.4.3.4 **Theaters/Stadiums.** One (1) parking space for every four (4) seats, plus one (1) space for every two (2) employees. (Former Section CZ#A314-26(D)(3)(d))

109.1.4.3.5 **Offices.** One (1) parking space for every 300 square feet of gross floor area, plus one (1) for each employee. (Former Section CZ#A314-26(D)(3)(e))

109.1.4.3.6 **Dance Halls/Amusements.** The higher of either: one (1) parking space for every four (4) seats; or one (1) parking space for each 200 square feet of gross floor area. (Former Section CZ#A314-26(D)(3)(f))

109.1.4.3.7 **Shopping Centers.** A shopping center covering two acres (2a) or more shall provide one (1) parking space per 200 square feet of gross floor area. Neighborhood shopping centers less than two acres (2a) shall provide parking spaces as required for retail sales or service uses. (Former Section CZ#A314-26(D)(3)(g))

109.1.4.4 **Industrial Uses.**

109.1.4.4.1 **Management Offices.** One (1) parking space for every 300 square feet of gross floor area, plus one (1) for each employee. (Former Section
109.1.4.4.2 Manufacturing. The higher of either: one (1) parking space for each 1500 square feet of gross floor space within all enclosed building areas; or one (1) parking space for each employee at the peak shift. A minimum of two (2) parking spaces are required. (Former Section CZ#A314-26(D)(4)(b))

109.1.4.4.3 Warehouse. The higher of either: one (1) parking space for every four (4) employees; or one (1) parking space for each 2,500 square feet of gross floor area. (Former Section CZ#A314-26(D)(4)(c))

109.1.5 Loading Spaces Required. The minimum number of off-street loading spaces required shall be as follows: (Former Section CZ#A314-26(E))

109.1.5.1 One (1) loading space for each 20,000 square feet of gross floor area, or portion thereof. The loading space requirement for uses containing 10,000 square feet or less may be eliminated upon issuance of a Special Permit by the Director, in conjunction with the Public Works Department, based on the type and intensity of the proposed use. (Former Section CZ#A314-26(E)(1))

109.1.5.2 Exceptions to loading space size requirements may be allowed subject to securing a Special Permit. Exceptions may be granted by the Hearing Officer based upon the following factors: geographic location of the site; site specific topographic constraints; identification as a Rural Center in the Community Plan; historically designated structures; proximity to urban built-up areas; and levels of anticipated use. (See, Chapter 2, Section 312-9, Public Hearing Requirements, regarding Hearing Officers; and Section 312-41.1, Required Findings for Granting Exceptions with a Special Permit.) (Former Section CZ#A314-26(E)(2))

109.1.6 Additional Requirements.
109.1.6.1 Any off-street parking area for other than residential uses wherein five (5) or more spaces are proposed shall be in conformance with the standards detailed in Section 411 and following (Encroachment Regulations) of this Code, and shall be designed so as to provide sufficient maneuvering room for vehicles on-site so that they may leave the site to enter onto any street without backing onto the street. The adequacy of maneuvering room shall be determined by the Department of Public Works, based upon engineering standards. (Former Section CZ#A314-26(F)(1))

109.1.6.2 Landscaping. The Planning Commission may require the landscaping of any off-street parking facility. The landscaping material, if required, should be appropriately placed within off-street parking areas that are equivalent to not less than two percent (2%) of the total area devoted to such off-street parking areas and associated drives or aisles. Such landscaping shall be designed to be consistent with Title III, Division 4 of the Humboldt County Code relating to visibility corridors along streets and highways. The Planning Commission may require a landscaping plan approved by the Design Review Committee established as part of each area plan. (Former Section CZ#A314-26(F)(2))

313-110.1 PARKLAND DEDICATION

110.1.1 Purpose. The purpose of these requirements is to provide opportunities for public recreation in conjunction with residential development in conformity with the County General Plan. (Former Section CZ#A314-29(A))

110.1.2 Applicability. These regulations shall apply to all divisions of land for residential uses where parkland dedication pursuant to the Quimby Act is required by local community plans. (Former Section CZ#A314-29(B); Amended by Ord. 2167, Sec. 29, 4/7/98)

110.1.3 Requirement. As a condition of approval of a Final Map or Parcel Map, the subdivider shall satisfy one (1) of the following requirements, at the option of the County: (Former Section CZ#A314-29(C))

110.1.3.1 For new subdivisions containing fifty-one (51) or more parcels: (Former Section CZ#A314-29(C)(1))

110.1.3.1.1 An offer of dedication of a portion of the land planned for development to a public or private non-profit agency for public park or recreation use as identified in the County General Plan, according to the formula and standards set forth in subsections 313-110.1.4 and 313-110.1.5, trails and support facilities identified in the County Trails Plan, and coastal access as identified in the access component of the Coastal Land Use Plan; or (Former Section CZ#A314-29(C)(1); Amended by Ord. 2167, Sec. 29, 4/7/98)

110.1.3.1.2 An in lieu fee in accordance with the provisions of subsection 313-110.1.6, to provide an appropriate contribution to public parks or recreation. It shall be the County’s option to decide whether a dedication
of land or payment of in lieu fees shall be required. (Former Section CZ#A314-29(C)(1))

110.1.3.2 For new subdivisions containing fifty (50) or fewer lots or parcels: an in lieu fee shall be provided consistent with the provisions of subsection 313-110.1.6; except that, if mutually agreeable, the subdivider and the County may agree to the dedication of land or a combination of land dedication and in lieu fee payment to satisfy this requirement. (Former Section CZ#A314-29(C)(2))

110.1.3.3 Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section. However, a condition shall be placed on the approval of such a parcel map subdivision providing that, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee shall be required to be paid by the owner of each such parcel as a condition to the issuance of such a permit. (Former Section CZ#A314-29(C)(3))

110.1.4 General Standard. Public parkland and/or recreation facilities shall be provided at the rate of three acres for each 1,000 persons, equal to a standard of 130 square feet per person. This standard shall be utilized pursuant to subsection 313-110.1.6, for the determination of parkland dedication requirements. (Former Section CZ#A314-29(D))

110.1.5 Formula for Dedication of Parkland. The amount of land (per dwelling unit), where land is dedicated, shall be determined by the application of the following formula:

\[
130 \text{ square feet per person multiplied by the average number of persons per household.}
\]

The average number of persons per household shall be determined by the Planning Division from time to time based on demographic research and available County census data from the United States Bureau of the Census. The current “average number of persons per household” can be obtained by contacting the Planning Division. (Former Section CZ#A314-29(E))

110.1.6 Fees in Lieu of Land Dedication.

110.1.6.1 Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to subsection 313-110.1.4. The “fair market value” shall be determined at the time of filing the Tentative Map or Tentative Parcel Map.

110.1.6.2 If the subdivider objects to the fair market value determination, he may, at his or her own expense, obtain an appraisal of the property by a qualified real estate appraiser, who is mutually acceptable to the County for the purpose of determining the fair market value. It is the obligation of the developer to determine the acceptability of the appraiser to the County before incurring any appraisal expense. (Former Section CZ#A314-29(F))

110.1.6.3 A fee paid in-lieu of land dedication shall be paid to the County prior to the recordation of the Subdivision Map or Parcel Map. For multiple final maps, the
fee paid in-lieu of land dedication shall be paid prior to the recordation of the final map for each unit or phase. (Former Section CZ#A314-29(F); Added by Ord. 2167, Sec. 29, 4/7/98)

110.1.7 **Deferred Payment of Fees for Secondary Dwelling Units.**

110.1.7.1 The Hearing Officer may approve a request by the subdivider to defer payment of a portion of the fee paid in-lieu of land dedication for secondary dwelling units on each parcel created by the subdivision map. Any such deferral shall be subject to the recordation of an agreement between the subdivider and the County to convey development rights for the secondary dwelling unit. (Former Section CZ#A314-29(G); Added by Ord. 2167, Sec. 29, 4/7/98)

110.1.7.2 The amount of the fee paid in-lieu of dedication subject to the conveyance agreement shall be determined for each affected parcel prior to the recordation of the Subdivision Map or Parcel Map. The fee breakdown for individual parcels subject to deferment shall be in the same proportion that the size of the lot bears to the total aggregate area of the parcels covered by the conveyance. (Former Section CZ#A314-29(G); Added by Ord. 2167, Sec. 29, 4/7/98)

110.1.7.3 If the fee paid in-lieu of land dedication is deferred, reconveyance of development rights shall be initiated upon payment of the fee in-lieu of dedication by the record owner of the subject parcel at the time the request for reconveyance is made to the County. (Former Section CZ#A314-29(G); Added by Ord. 2167, Sec. 29, 4/7/98)

110.1.8 **Procedures for Determining Land Dedication, Fee Payment or a Combination of Both.** The procedure for determining whether the subdivider is to dedicate land, pay a fee, or a combination of both, is as follows: (Former Section CZ#A314-29(G))

110.1.8.1 At the time of filing a Tentative Subdivision Map or Tentative Parcel Map for approval, the subdivider shall, as part of such filing, indicate whether the subdivider desires to dedicate property for park and recreational purposes, or instead desires to pay a fee in lieu thereof. If the subdivider desires to dedicate land for this purpose, the area of land proposed for dedication shall be designated on the subdivision map as submitted. (Former Section CZ#A314-29(G)(1))

110.1.8.2 At the time of the approval of the Tentative Subdivision Map or Tentative Parcel Map, the Hearing Officer (see, Chapter 2, Section 312-9, Public Hearing Requirements, which specifies the Hearing Officer for various types of cases) shall determine as a part of such approval whether to require a dedication of land within the subdivision, payment of a fee in lieu thereof, or a combination of both. (Former Section CZ#A314-29(G)(2))

110.1.8.3 The Hearing Officer, may approve of the offer of land dedication, or elect to recommend that a payment of a fee in lieu thereof be required, or that a combination of both be required. In making this determination the Hearing Officer shall consider the following: (Former Section CZ#A314-29(G)(3))

110.1.8.3.1 The Humboldt County General Plan; (Former Section CZ#A314-
29(G)(3)(a))

110.1.8.3.2 Topography, geology, access, and location of land in the subdivision available for dedication; (Former Section CZ#A314-29(G)(3)(b))

110.1.8.3.3 Size and shape of the subdivision available for dedication; (Former Section CZ#A314-29(G)(3)(c))

110.1.8.3.4 Feasibility of dedication; (Former Section CZ#A314-29(G)(3)(d))

110.1.8.3.5 Availability and adequacy of previously acquired park property; and (Former Section CZ#A314-29(G)(3)(e))

110.1.8.3.6 The desirability of fees being used for indoor recreational facilities. (Former Section CZ#A314-29(G)(3)(f))

110.1.9 Credit for Private Recreation Facilities. Where a substantial private park and recreational area is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed fifty percent (50%), may be given against the requirement of land dedication or payment of fees in lieu thereof, if the Hearing Officer finds that it is in the public interest to do so and that the following standards are met: (Former Section CZ#A314-29(H))

110.1.9.1 Yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; (Former Section CZ#A314-29(H)(1))

110.1.9.2 The private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions; (Former Section CZ#A314-29(H)(2))

110.1.9.3 The use of private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property, and which covenant cannot be defeated or eliminated without the consent of the County or its successor; (Former Section CZ#A314-29(H)(3))

110.1.9.4 The proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; (Former Section CZ#A314-29(H)(4))

110.1.9.5 The facilities proposed for the open space area are in substantial conformance with the provisions of the Humboldt County General Plan. (Former Section CZ#A314-29(H)(5))

Before credit is given, the Planning Commission shall make findings that the standards in this section are met. (Former Section CZ#A314-29(H))

313-111.1 RESIDENTIAL DENSITY BONUS

111.1.1 Purpose and Intent. This Density Bonus Ordinance is intended to provide incentives
for the production of housing for very low, lower income, or senior households in accordance with Sections 65915 and 65917 of the California Government Code. In enacting this section, it is the intent of the County of Humboldt to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County’s Housing Element. (Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.2 Definitions. Whenever the following terms are used in this section, they shall have the meaning established by this subsection and as defined in Section C: Index of Definitions of Language and Legal Terms. (Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.2.1 Additional Incentives
111.1.2.2 Affordable Rent
111.1.2.3 Very Low Income
111.1.2.4 Lower Income
111.1.2.5 Affordable Sales Price
111.1.2.6 Density Bonus
111.1.2.7 Density Bonus Housing Agreement
111.1.2.8 Density Bonus Unit
111.1.2.9 Equivalent Financial Incentive
111.1.2.10 Housing Cost
111.1.2.11 Housing Development
111.1.2.12 Lower Income Household
111.1.2.13 Maximum Residential Density
111.1.2.14 Non-Restricted Unit
111.1.2.15 Qualifying Resident
111.1.2.16 Senior Citizen Housing
111.1.2.17 Target Unit
111.1.2.18 Very Low Income Household

313-111.1 RESIDENTIAL DENSITY BONUS

111.1.1 Purpose and Intent. This Density Bonus Ordinance is intended to provide incentives for the production of housing for very low, lower income, or senior households in

111.1.3 Implementation.

111.1.3.1 The County shall grant either: a Density Bonus, or a Density Bonus with an Additional Incentive(s), or Equivalent Financial Incentive; as set forth in subsection 111.1.5 of this section, to an applicant or developer of a Housing Development, who agrees to provide the following: (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)
111.1.3.1.1 At least ten percent (10%) of the total units of the Housing Development as Target Units affordable to Lower Income Households; or (Former Section CZ#A314-12.1(C)(1); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.3.1.2 At least five percent (5%) of the total units of the Housing Development as Target Units affordable to Very Low Income Households; or (Former Section CZ#A314-12.1(C)(2); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.3.1.3 Senior citizen housing. (Former Section CZ#A314-12.1(C)(3); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.3.2 In determining the minimum number of Density Bonus Units to be granted pursuant to this section, the Maximum Residential Density for the site shall be multiplied by 0.25. When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer. (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.3.3 In determining the number of Target Units to be provided pursuant to this section, the Maximum Residential Density shall be multiplied by 0.05 where Very Low Income Households are targeted, or by 0.10 where Lower Income Households are targeted. The Density Bonus Units shall not be included when determining the total number of Target Units in the Housing Development. When calculating the required number of Target Units, any resulting decimal fraction shall be rounded to the next larger integer. (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.3.4 In cases where a density increase of less than twenty-five percent (25%) is requested, no reduction will be allowed in the number of Target Units required. In cases where a density increase of more than twenty-five percent (25%) is requested, the requested density increase, if granted, shall be considered an Additional Incentive, as outlined in subsection 111.1.5 of this section. (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.3.5 In cases where the developer agrees to construct more than ten percent (10%) of the total units for Lower Income Households, or more than five percent (5%) of the total units for Very Low Income Households, the developer is entitled to only one Density Bonus and an Additional Incentive(s) (or an Equivalent Financial Incentive) pursuant to subsection 111.1.5 of this section. (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.3.6 Similarly, a developer who agrees to construct Senior Citizen Housing with ten percent (10%) or five percent (5%) of the units reserved for Lower- or Very Low-Income Households, respectively, is only entitled to one Density Bonus and an Additional Incentive(s). (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.3.7 The County may, however, grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required by this section. (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)
111.1.4 Development Standards.

111.1.4.1 Target Units should be constructed concurrently with Non-Restricted Units unless both the County and the developer/applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development. (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.4.2 Target Units shall remain restricted and affordable to the designated group for a period of thirty (30) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program; or rental subsidy program), (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.4.3 Circumstances may arise in which the public interest would be served by allowing some or all of the Target Units associated with one Housing Development to be produced and operated at an alternative development site. Where the developer and County form such an agreement, the resulting linked developments shall be considered a single Housing Development for purposes of this section. Under these circumstances, the developer shall be subject to the same requirements of this section for the Target Units to be provided on the alternative site. (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.4.4 Target Units should be built on-site wherever possible and, when practical, be dispersed within the Housing Development. Where feasible, the number of bedrooms of the Target Units should be equivalent to the bedroom mix of the non-Target units of the Housing Development; except that the Developer may include a higher proportion of Target Units with more bedrooms. The design and appearance of the Target Units shall be compatible with the design of the total Housing Development. Housing Developments shall comply with all applicable development standards, except those which may be modified as provided by this section. (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.4.5 A Density Bonus Housing Agreement shall be made a condition of the discretionary planning permits for all Housing Developments pursuant to this chapter. The Agreement shall be recorded as a restriction on the parcel or parcels on which the Target Units will be constructed. The Agreement shall be consistent with subsection 313-111.1.7 of this section. (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5 Development Incentives.

111.1.5.1 The County shall provide a Density Bonus and an Additional Incentive(s), for qualified Housing Developments, upon the written request of a developer, unless the County makes a written finding that the Additional Incentive(s) is not necessary to make the Housing Development economically feasible to accommodate a Density Bonus, or unless all the required findings for approving subdivisions cannot be made. (Former Section CZ#A314-12.1(E); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.2 The development incentives granted shall contribute significantly to the
The economic feasibility of providing the Target Units. Applicants seeking a waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the Housing Development economically feasible in accordance with Government Code Section 65915(e). This requirement may be satisfied by reference to applicable sections of the County's general plan housing element. (Former Section CZ#A314-12.1(E); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.3 The applicant shall receive the following number of incentives or concessions:

111.1.5.3.1 One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a condominium or planned development.

111.1.5.3.2 Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.

111.1.5.3.3 Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.

111.1.5.4 The Additional Incentives may include, but are not limited to, any of the following: (Former Section CZ#A314-12.1(E); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.4.1 A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code). These may include, but are not limited to, any of the following: (Former Section CZ#A314-12.1(E)(1); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.4.1.1 Reduced minimum lot sizes and dimensions. (Former Section CZ#A314-12.1(E)(1)(a); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.4.1.2 Reduced minimum yard setbacks. (Former Section CZ#A314-12.1(E)(1)(b); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.4.1.3 Increased maximum lot coverage. (Former Section CZ#A314-12.1(E)(1)(c); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.4.1.4 Increased maximum building height. (Former Section CZ#A314-12.1(E)(1)(d); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.4.1.5 Reduced on-site parking standard; including the number or
111.1.5.4.1.6 Reduced minimum building separation requirements.
(Former Section CZ#A314-12.1(E)(1)(f); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.4.1.7 Reduced street standards (e.g. reduced minimum street widths). (Former Section CZ#A314-12.1(E)(1)(g); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.3.2 Allow the Housing Development to include nonresidential uses and/or allow the Housing Development within a nonresidential zone. (Former Section CZ#A314-12.1(E)(2); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.3.3 Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance. (Former Section CZ#A314-12.1(E)(3); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.3.4 A Density Bonus of more than twenty-five percent (25%). (Former Section CZ#A314-12.1(E)(4); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.3.5 Waived, reduced, or deferred planning, plan check, construction permit, and/or development impact fees. (Former Section CZ#A314-12.1(E)(5); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.3.6 Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on- or off-site improvements, land or construction costs. (Former Section CZ#A314-12.1(E)(6); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.5.3 The County may offer an Equivalent Financial Incentive instead of granting a Density Bonus and an Additional Incentive(s). The value of the Equivalent Financial Incentive shall equal at least the land cost per dwelling unit savings that would result from a Density Bonus and must contribute significantly to the economic feasibility of providing the Target Units pursuant to this section. (Former Section CZ#A314-12.1(E); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.6 Procedures for Approval

112.1.6.1 When required by Government Code Section 65915, the County shall grant a density bonus that allows the applicant to build up to 35% more units than a property’s general plan density would ordinarily allow, if the County finds;

112.1.6.1.1 The project is for any one of the types of residential projects described in Government Code Section 654915(b);

112.1.6.1.2 The project complies with all standards set forth in Government Code Section 65915;
112.1.6.1.3 The project is a housing development consisting of five or more units.

112.1.6.2 In accordance with Government Code Section 65915(g), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinance and land use plan certified by the Coastal Commission.

112.1.6.3 Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.

112.1.6.4 In addition to a density bonus, the County shall grant in a housing development that complies with the provisions of Section A, above, one of the incentives or concessions identified in Government Code Section 65915(h), unless the County finds that an incentive or concession is not required in order to provide for affordable housing costs or rents. In reviewing a proposed incentive or concession, the County shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The County shall only grant an incentive or concession if the County determines that the development incentive or concession requested by an applicant pursuant to this section will not have any adverse effects on coastal resources. The County may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources. If all feasible incentives or concessions would have an adverse effect on coastal resources, the County shall not grant any incentive or concession. For the purpose of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et. seq., including, but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

111.7 Application Requirements and Review.

111.7.1 An application for a density bonus and additional incentive as allowed pursuant to this section shall be processed concurrently with any other application(s) required for the Housing Development. Final approval or disapproval of the application (with right of appeal to the Board of Supervisors) shall be made by the Planning Commission unless direct financial assistance is
requested. If direct financial assistance is requested, the Planning Commission shall make a recommendation to the Board of Supervisors who will have the authority to make the final decision on the application.  (Former Section CZ#A314-12.1(F); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.7.2 An applicant/developer proposing a Housing Development pursuant to this section, may submit a preliminary application prior to the submittal of any formal request for approval of a Housing Development. Applicants are encouraged to schedule a pre-application conference with the Director or designated staff to discuss and identify potential application issues including prospective Additional Incentives pursuant to subsection 111.1.5 of this section. (Former Section CZ#A314-12.1(F); Added by Ord. 2167, Sec. 25, 4/7/98)
111.1.7.3 The Director or designated staff shall inform the applicant/developer that the requested Additional Incentives shall be recommended for consideration with the proposed Housing Development, or that alternative or modified Additional Incentives pursuant to subsection 111.1.5 shall be recommended for consideration instead of the requested Incentives. If alternative or modified Incentives are recommended by the Director, the recommendation shall establish how the alternative or modified Incentives can be expected to have an equivalent affordability effect as the requested Incentives. (Former Section CZ#A314-12.1(F); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8 Density Bonus Housing Agreement.

111.1.8.1 Applicant/Developers requesting a Density Bonus, shall agree to enter into a Density Bonus Housing Agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director or designated staff, who shall formulate a recommendation to the Planning Commission for final approval. (Former Section CZ#A314-12.1(G); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.2 Following execution of the agreement by all parties, the completed Density Bonus Housing Agreement, or equivalent recording instrument, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of Target Units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The Density Bonus Housing Agreement shall be binding to all future owners and successors in interest. (Former Section CZ#A314-12.1(G); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3 The Density Bonus Housing Agreement shall include at least the following:

111.1.8.3.1 The total number of units approved for the Housing Development, including the number of Target Units. (Former Section CZ#A314-12.1(G)(1); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.2 A description of the household income group to be accommodated by the Housing Development, as outlined in subsection 111.1.3 of this section, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price and Housing Cost. (Former Section CZ#A314-12.1(G)(2); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.3 The location, unit sizes (square feet) and number of bedrooms of Target Units. (Former Section CZ#A314-12.1(G)(3); Added by Ord. 2167, Sec. 25, 4/7/98)
111.1.8.3.4 Tenure of use restrictions for Target Units of at least 10 or 30 years, in accordance with subsection 111.1.4 of this section. (Former Section CZ#A314-12.1(G)(4); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.5 A schedule for completion and occupancy of Target Units. (Former Section CZ#A314-12.1(G)(5); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.6 A description of the Additional Incentive(s) or Equivalent Financial Incentives being provided by the County. (Former Section CZ#A314-12.1(G)(6); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.7 A description of remedies for breach of the agreement by either party (the County may identify tenants or qualified purchasers as third party beneficiaries under the agreement). (Former Section CZ#A314-12.1(G)(7); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.8 Other provisions to ensure implementation and compliance with this section. (Former Section CZ#A314-12.1(G)(8); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.9 In the case of for-sale Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the initial sale and use of Target Units during the applicable use restriction period: (Former Section CZ#A314-12.1(G)(9))

111.1.8.3.9.1 Target Units shall, upon initial sale, be sold to eligible Very Low or Lower Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents (i.e. maintained as Senior citizen housing) as defined by this section. (Former Section CZ#A314-12.1(G)(9)(a); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.9.2 Target Units shall be initially owner-occupied by eligible Very Low or Lower Income Households; or by Qualified Residents in the case of Senior citizen housing. (Former Section CZ#A314-12.1(G)(9)(b); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.9.3 The initial purchaser of each Target Unit shall execute an instrument or agreement approved by the County restricting the sale of the Target Units in accordance with this ordinance during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Target Unit and shall contain such provisions as the County may require to ensure continued compliance with this ordinance and the State Density Bonus Law. (Former Section CZ#A314-12.1(G)(9)(c); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.10 In the case of rental Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period: (Former Section CZ#A314-12.1(G)(9); Added by Ord. 2167, Sec. 25, 4/7/98)
111.1.8.3.10.1 The rules and procedures for qualifying tenants, establishing Affordable Rent, filling vacancies, and maintaining Target Units for qualified tenants; (Former Section CZ#A314-12.1(G)(9)(d); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.10.2 Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this section. (Former Section CZ#A314-12.1(G)(9)(e); Added by Ord. 2167, Sec. 25, 4/7/98)

111.1.8.3.10.3 Provisions requiring owners to submit an annual report to the County, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit. (Former Section CZ#A314-12.1(G)(9)(f); Added by Ord. 2167, Sec. 25, 4/7/98)

312-112.1 ROAD CONSTRUCTION

112.1.1 Purpose. The purpose of these regulations is to insure that any road construction activity within the County’s Coastal Zone will not degrade coastal water resources, including but not limited to streams, wetlands, estuaries, and lakes. (Former Section CZ#A314-9(A))

112.1.2 Applicability. These regulations shall apply to all public and private road construction projects, except, that road construction activity under timber harvest plans and driveways for single family dwellings on existing lots, shall not be subject to these regulations. (Former Section CZ#A314-9(B))

112.1.3 Erosion and Sedimentation Control Mitigation Measures Required. Road construction projects shall employ, at a minimum, the following measures necessary to prevent erosion and minimize surface runoff: (Former Section CZ#A314-9(C))

112.1.3.1 Limiting soil exposure time and the extent of the disturbed area; (Former Section CZ#A314-9(C)(1))

112.1.3.2 Minimizing uninterrupted slope length through surface roughening and the use of serrated slopes; (Former Section CZ#A314-9(C)(2))

112.1.3.3 If grading operations occur during the rainy season (November through April), employing temporary slope stabilization features such as mulches, nettings, chemical and natural binders, and/or rip-rap; (Former Section CZ#A314-9(C)(3))

112.1.3.4 Immediate vegetative plantings of disturbed slopes at finished grades; (Former Section CZ#A314-9(C)(4))

112.1.3.5 Control of runoff through controlled water and drainage systems with dissipated discharges and receiving stream bank protection; (Former Section CZ#A314-9(C)(5))
112.1.3.6 Diversion of runoff away from graded areas and areas traveled during project development; (Former Section CZ#A314-9(C)(6))

112.1.3.7 Temporary and permanent sediment control through use of dikes, filter beams, and sediment basins. (Former Section CZ#A314-9(C)(7))

313-113.1 SPECIAL OCCUPANCY PARKS

113.1.1 Purpose. The purpose of these regulations is to ensure that special occupancy parks meet minimum standards of habitability and do not adversely impact surrounding property. (Former Section CZ#A314-34.1(A); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.2 Applicability. These regulations shall apply to all Special Occupancy Park Use Types. Nothing herein contained shall be deemed to relieve the owner or operator of a Special Occupancy park of the duty of complying with all applicable state and local laws and regulations. (Former Section CZ#A314-34.1(B); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3 Development Standards.

113.1.3.1 Location. Special occupancy parks shall be established for the convenience of the traveling public. (Former Section CZ#A314-34.1(C)(1); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.2 Minimum Site Area. Special occupancy parks shall be located on a parcel of land not less than one (1) acre in area. (Former Section CZ#A314-34.1(C)(2); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.3 Density of Occupation. Occupation of campground spaces within special occupancy parks is limited to one (1) recreational vehicle or two (2) tents per each campground space. (Former Section CZ#A314-34.1(C)(3); Amended by Ord. 2167, Sec. 32, 4/7/98)
113.1.3.4 **Fences and Walls.** Each special occupancy park shall be entirely enclosed at its exterior boundaries by appropriate decorative screening or landscaping material; provided, however, that said screen when located within a front yard shall be constructed at or behind the required setback. (Former Section CZ#A314-34.1(C)(4); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.5 **Required Setbacks.** The setbacks prescribed by the applicable zone shall apply to special occupancy parks. (Former Section CZ#A314-34.1(C)(5); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.6 **Minimum Campground Space Dimensions.** Each campground space within a special occupancy park shall be not less than 1,000 square feet in area, except that thirty percent (30%) of said spaces may not be less than 650 square feet in area for the accommodation of tents and small camping units only. (Former Section CZ#A314-34.1(C)(6); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7 **Minimum Campground Space Setbacks and Campground Space Density.** (Former Section CZ#A314-34.1(C)(7); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7.1 Each recreational vehicle or tent occupying a campground space and all accessory buildings shall maintain a six (6) foot setback from any building, or other recreational vehicle or tent, pursuant to regulations contained in Title 25 of the California Code of Regulations, or any successor provisions thereto. (Former Section CZ#A314-34.1(C)(7)(a); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7.2 No recreational vehicle or tent shall be located less than fifteen (15) feet from any abutting property. (Former Section CZ#A314-34.1(C)(7)(b); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7.3 No recreational vehicle or tent shall be located less than twenty-five (25) feet from any prime arterial or collector road, and not less than fifteen (15) feet from any street right-of-way. (Former Section CZ#A314-34.1(C)(7)(c); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7.4 Campground space density shall not exceed twelve (12) units per acre. (Former Section CZ#A314-34.1(C)(7)(d); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.8 **Landscaping.** All setbacks from streets and other areas in a special occupancy park not used for driveways, parking, buildings and service areas shall be landscaped in accordance with the conditions of the Use Permit. Walls, earthen berms, and landscaped buffer strips shall be used wherever possible to minimize noise from freeway sources. (Former Section CZ#A314-34.1(C)(8); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.9 **Interior Roadways.** Private streets within a special occupancy park shall have the following minimum clearance widths: (Former Section CZ#A314-34.1(C)(9)(a-e); Amended by Ord. 2167, Sec. 32, 4/7/98)

<table>
<thead>
<tr>
<th>Landscaping Condition</th>
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<td>One-way parking with no side parking</td>
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### Table: Roadway Space Requirements

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<tr>
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<tr>
<td>Two-way with no parking on either side</td>
<td>20 feet</td>
</tr>
<tr>
<td>Two-way with parking permitted on one side</td>
<td>27 feet</td>
</tr>
<tr>
<td>Two-way with parking permitted on both sides</td>
<td>34 feet</td>
</tr>
</tbody>
</table>

113.1.3.10 Adequate roadway space for turn-arounds shall be provided. (Former Section CZ#A314-34.1(C)(10); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.11 Off-Street Parking: Parking space in a special occupancy park shall be provided as follows: (Former Section CZ#A314-34.1(C)(11); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.11.1 One (1) parking space for each recreational vehicle. (Former Section CZ#A314-34.1(C)(11)(a); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.11.2 One (1) parking space for each full-time employee. (Former Section CZ#A314-34.1(C)(11)(b); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.11.3 For the purpose of registration, the following number of spaces for temporary parking in proximity to the park office shall be provided: (Former Section CZ#A314-34.1(C)(11)(c); Amended by Ord. 2167, Sec. 32, 4/7/98)

<table>
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<th>Occupant Spaces</th>
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<td>10</td>
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</table>

113.1.3.12 Location Map. Each campground space in a special occupancy park shall be clearly identified and a map showing the location of each space shall be provided at the park office. (Former Section CZ#A314-34.1(C)(12); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.13 Trash Collection. Common storage enclosures for garbage and trash shall be provided. Such enclosures shall be of sturdy construction and designed to screen trash and garbage receptacles from public view. (Former Section CZ#A314-34.1(C)(13); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.14 Lighting. Adequate artificial lighting shall be provided for all walkways, streets, parking areas, sanitary facilities, storage areas, and recreational facilities. No lighting shall be constructed or positioned so as to cause direct or undesirable illumination of adjacent property or campground spaces within the park. (Former Section CZ#A314-34.1(C)(14); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15 Sanitary Facilities. Sanitary facilities for a special occupancy park facility shall be in accordance with the regulations of Title 25 of the California Code of Regulations, or any successor provisions thereto, and shall include: (Former Section CZ#A314-34.1(C)(15); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15.1 The availability of a portable water supply from a public utility or a distributor holding a valid permit from the State. Water supplies from
other sources shall be approved by the Humboldt County Department of Health; (Former Section CZ#A314-34.1(C)(15)(a); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15.2 Wastewater disposal facilities provided by a public agency which has met the requirements of the Regional Water Quality Control Board. Alternative or individual disposal systems shall be approved by the County Health Department; (Former Section CZ#A314-34.1(C)(15)(b); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15.3 A recreational vehicle sanitation station designed and constructed in accordance with the regulations of Title 25 of the California Code of Regulations, or any successor provision thereto; and approved by the County Health Department where on-site sanitation is proposed; (Former Section CZ#A314-34.1(C)(15)(c); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15.4 Toilets, showers and lavatories for the exclusive use of the occupants of the special occupancy park shall be provided as required by Health and Safety Code Section 1864(b), or any successor provision thereto; (Former Section CZ#A314-34.1(C)(15)(d); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15.5 Laundry facilities in accordance with the requirements of the State Health and Safety Code and/or other applicable State laws or regulations. (Former Section CZ#A314-34.1(C)(15)(e); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.16 Storage Facilities. Storage facilities may be provided for the storage of vehicles belonging to park occupants. Storage areas shall be paved or graveled and enclosed by a solid wall or fence not less than six (6) feet in height. (Former Section CZ#A314-34.1(C)(16); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4 Accessory Buildings. A special occupancy park may include the following accessory buildings; provided such uses are designed to be clearly accessory to the special occupancy park and intended for the convenience of the occupants and their guests; (Former Section CZ#A314-34.1(D); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4.1 Assembly and Recreation. A building or buildings designed for indoor assembly or recreation. (Former Section CZ#A314-34.1(D)(1); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4.2 Commercial Services. Commercial structures and uses such as general store, restaurant, lunch counter, or snack bar. (Former Section CZ#A314-34.1(D)(2); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4.3 Personal Services. Service buildings and facilities incidental to and customarily accessory to permitted uses, including sauna baths and swimming pools. (Former Section CZ#A314-34.1(D)(3); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4.4 Caretaker’s Residence. (Former Section CZ#A314-34.1(D)(4); Amended by Ord. 2167, Sec. 32, 4/7/98)
113.1.5  **Limitations.** No person or group of persons other than the owner or operator thereof shall occupy any of the campground spaces in a special occupancy park for permanent family or group residential use. Length of occupancy of all other campground spaces shall be regulated as follows: (Former Section CZ#A314-34.1(E); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.5.1 Persons occupying vehicles with total hook-up capacity, including sewer, water and electricity, shall not occupy any campground space in a special occupancy park for a period exceeding four (4) months in any twelve (12) month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed four (4) months in any twelve (12) month period. (Former Section CZ#A314-34.1(E)(1); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.5.2 Persons occupying tents or vehicles with less than total hook-up capacity shall not occupy any campground space in a special occupancy park for a period exceeding thirty (30) days in any twelve (12) month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of thirty (30) days in any twelve (12) month period. (Former Section CZ#A314-34.1(E)(2); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.6  **Modification of Development Criteria.**

113.1.6.1 Modification of the development standards 113.1.3 of this section may be granted by the Hearing Officer subject to making the required findings for Granting Special Permit Exceptions in Chapter 2, Procedures, and the finding that the development will be consistent with all applicable State and local health and safety standards, and that the development would have no adverse impact on coastal resources. (Former Section CZ#A314-34.1(F); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.6.2 To ensure the park is compatible with surrounding property uses, the Hearing Officer may limit the term of the permit to a specified time period, and may require that the caretaker of the park has specific plans and sufficient experience with anticipated users to effectively engage the cooperation of the users to maintain the park in a clean, safe and sanitary condition. (Former Section CZ#A314-34.1(F); Added by Ord. 2167, Sec. 32, 4/7/98)

113.1.6.3 The Hearing Officer may also require the caretaker to:
(Former Section CZ#A314-34.1(F); Added by Ord. 2167, Sec. 32, 4/7/98)

113.1.6.3.1 demonstrate the ability to implement a plan for responding to the ongoing concerns of the neighbors, such as regularly scheduled meetings and 24 hour crisis response capacity, and (Former Section CZ#A314-34.1(F); Added by Ord. 2167, Sec. 32, 4/7/98)

113.1.6.3.2 agree to mediation by a disinterested party agreeable to all parties, where conflicts with neighbors persist. (Former Section CZ#A314-34.1(F);
(313-114 through 313-120: Sections Reserved for Future Use)
SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL ZONES

PART 4: REGULATIONS THAT APPLY IN SENSITIVE HABITATS AND HAZARDOUS AREAS

313-121 GEOLOGIC HAZARDS REGULATIONS

121.1 Purpose. The purpose of these regulations is: (Former Section CZ#A314-16(A))

121.1.1 To ensure that risks to life and property in high and potentially high geologic hazard areas shall be minimized, and further, (Former Section CZ#A314-16(A))

121.1.2 To assure the geologic stability and structural integrity of development, and (Former Section CZ#A314-16(A))

121.1.3 To ensure that development neither creates nor contributes significantly to erosion, geologic instability or destruction of development sites or surrounding areas, or in any way requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (Former Section CZ#A314-16(A))

121.2 Applicability. The Geologic Hazards Regulations shall apply throughout Humboldt County. (Former Section CZ#A314-16(B))

121.3 Modifications Imposed by Geologic Hazards Regulations. The provisions of the Geologic Hazards Regulations shall be in addition to requirements imposed by all other Zoning Regulations. Whenever the provisions of these regulations conflict with or are inconsistent in application with any other regulations, including any conflict with the County Grading Ordinance (see, Chapter 70 of the currently applicable Uniform Building Code), the most restrictive regulations shall apply. (Former Section CZ#A314-16(C))

121.4 Natural Hazards/Land Use Rating Matrix. New development shall be reviewed, approved and sited in accordance with the Geologic Hazards Land Use Matrix of this section. (Former Section CZ#A314-16(D))

121.5 Reports Required. Engineering geologic and/or soil engineering reports shall be required according to the following schedule: (Former Section CZ#A314-16(E))
121.5.1  **R1 Report Requirements.**

121.5.1.1 A preliminary engineering geologic report and a preliminary soil engineering report shall be prepared for the classes of development and hazard areas indicated by an “R1” in the Geologic Hazards Land Use Matrix. (Former Section CZ#A314-16(E)(1)(a))

121.5.1.2 The preliminary engineering geologic report shall be prepared by a certified engineering geologist. The preliminary soil engineering report shall be prepared by a civil engineer experienced and knowledgeable in the practice of soil engineering or by a certified engineering geologist. (Former Section CZ#A314-16(E)(1)(b))

121.5.2  **R2 Report Requirements.**

121.5.2.1 A preliminary engineering geologic report and a preliminary soil engineering report shall be prepared for the classes of development and hazard areas indicated by an “R2” in the Geologic Hazards Land Use Matrix. (Former Section CZ#A314-16(E)(2)(a))

121.5.2.2 The reports required under this subsection shall be prepared by either a registered geologist or a registered civil engineer experienced and knowledgeable in the practice of soil engineering. (Former Section CZ#A314-16(E)(2)(b))

121.5.2.3 It is incumbent upon the project engineer to consult a registered geologist should it become apparent that an adequate subdivision design or structural solution requires additional geologic input. If, after preliminary investigation of the project site and the surrounding terrain, no geological consultation is felt by the engineer to be required, the engineer shall provide a written statement that such an evaluation is not required. It is incumbent upon the project geologist to recommend that a soils engineer be consulted when it becomes apparent that soils mechanics analyses are needed. (Former Section CZ#A314-16(E)(2)(c))

121.5.3  **Discretionary Report Requirements.** The Chief Building Official shall determine if a preliminary geologic report or a preliminary soil engineering report is required for the classes of development and hazard areas indicated by a “D” (discretionary) in the Geologic Hazards Land Use Matrix. The criteria for determining whether or not a report is required when it is designated in the Geologic Hazards Land Use Matrix as discretionary include the following; however, where evaluation of items listed below is inconclusive, a statement is required by a registered engineer that a geologic or soil report is not required for the safety of the project. (Former Section CZ#A314-16(E)(3))

121.5.3.1 Criteria for either type of report shall include: (Former Section CZ#A314-16(E)(3)(a))
121.5.3.1.1 results of a site inspection by the building inspector;  
(Former Section CZ#A314-16(E)(3)(a)(i))

121.5.3.1.2 geologic maps and reports covering the area;  
(Former Section CZ#A314-16(E)(3)(a)(ii))

121.5.3.1.3 the potential for the development to affect adjacent 
property or improvements;  
(Former Section CZ#A314-16(E)(3)(a)(iii))

121.5.3.1.4 the degree to which public exposure to risk may be a factor;  
(Former Section CZ#A314-16(E)(3)(a)(iv))

121.5.3.1.5 the size and scale of the proposed development; or  
(Former Section CZ#A314-16(E)(3)(a)(v))

121.5.3.2 A soil engineering report is indicated when one or more of the 
following conditions exist or are proposed:  
(Former Section CZ#A314-16(E)(3)(b))

121.5.3.2.1 the depth (or height) of cut or fill is three feet (3’) or 
greater;  
(Former Section CZ#A314-16(E)(3)(b)(i))

121.5.3.2.2 the fill is to support structural footings;  
(Former Section CZ#A314-16(E)(3)(b)(ii))

121.5.3.2.3 an engineered cut or fill is required;  
(Former Section CZ#A314-16(E)(3)(b)(iii))

121.5.3.2.4 the soils are or may be subject to significant shrink-swell;  
or  
(Former Section CZ#A314-16(E)(3)(b)(iv))

121.5.3.2.5 areas where material exists that may be subject to 
settlement or subsidence.  
(Former Section CZ#A314-16(E)(3)(b)(v))

121.5.3.3 An engineering geologic report is indicated when one or more of the 
following conditions exist or are proposed:  
(Former Section CZ#A314-16(E)(3)(c)(i-ix))

121.5.3.3.1 finish cut or fill slope faces with vertical heights in excess 
of ten feet (10’);  

121.5.3.3.2 existing slope steeper than five (5) horizontal to one (1) 
vertical;  

121.5.3.3.3 an existing cut slope having a vertical height in excess of 
ten feet (10’);  

121.5.3.3.4 existing sea cliffs, stream bank cliffs, etc. in excess of ten 
feet (10’);  

121.5.3.3.5 existing or suspected earthquake or seismic hazards;
121.5.3.6 existing or suspected groundwater hazards;

121.5.3.7 areas that are underlain by landslides or soil creep or by rock material susceptible to landslide or creep activity;

121.5.3.8 areas where materials exist that may be subject to settlement or subsidence; or

121.5.3.9 areas subject to drifting or loose sand.

121.5.4 Report Waiver. The report requirements of subsections 121.5.1. and 121.5.2. may be waived or the contents modified by the Director when: (Former Section CZ#A314-16(E)(4))

121.5.4.1 An adequate geologic and/or soil assessment at a suitable scale already exists for the site proposed for development; or (Former Section CZ#A314-16(E)(4)(a))

121.5.4.2 Reports are not indicated as necessary under the criteria listed in subsection 121.5.3.1; and (Former Section CZ#A314-16(E)(4)(b))

121.5.4.3 The proposed development is not within a Critical Water Supply Area as designated in the General Plan. (Former Section CZ#A314-16(E)(4)(c))

121.5.4.4 Report requirements may not be waived within the Coastal Zone, except that for Coastal Zone portions of Shelter Cove only, the requirements may be waived if the proposed development is within a waiver area as specified in Appendix E of the Southcoast Area Plan, and the Chief Building Official concurs. (Former Section CZ#A314-16(E)(4)(d))

121.5.5 The required soil report may serve to meet the soil report requirement under County Code Section 326-24 where, in the opinion of the Chief Building Inspector, it contains substantially the same information and addresses the concerns that may have been identified by the Department’s field inspection. (Former Section CZ#A314-16(E)(5))

121.5.6 When a report is required pursuant to the Alquist-Priolo Fault Hazard Regulations of this ordinance, it should be combined with the reports required under this part where feasible. (Former Section CZ#A314-16(E)(6))

121.6 Contents of Reports.

121.6.1 Engineering Geologic Report. The above required engineering geologic reports, designated “R1” and “R2,” shall provide a preliminary geological reconnaissance and evaluation of the project site and surrounding terrain. The degree of analysis should be appropriate to the degree of potential risk presented by the site and the proposed project. Reports shall be prepared in accordance with the California Division of Mines and Geology (CDMG) Note #44, “Recommended Guidelines for Preparing Engineering Geologic Reports.” CDMG
Notes #37, 43 and 49 shall be utilized as applicable when seismic or fault rupture hazards are identified as concerns.

In citing the CDMG Notes, it is not the intent of the County to seek lengthy dissertations on the area geology, but rather to provide uniform outlines to serve as checklists with points to be discussed as applicable. (Former Section CZ#A314-16(F)(1))

121.6.2 Preliminary Soil Engineering Report. The above required preliminary soil engineering report shall describe the nature of the subsurface soils and any soil conditions which would affect the design and/or layout of the proposed development. The report shall include the locations and logs of any test borings and percolation test results if on-site sewage disposal is proposed. The report shall recommend areas or issues of concern which require additional engineering or geologic evaluation. These reports shall be prepared in accordance with the Uniform Building Code, Appendix, Chapter 70, Excavation and Grading, and/or Chapter 29, Excavations, Foundations and Retaining Walls, as applicable. (Former Section CZ#A314-16(F)(2))

121.6.3 Within the Coastal Zone, Supplementary Information for Reports for Development Located in the Coastal Zone. Within the Coastal Zone, the reports should give particular treatment and analyze the following, as applicable: (Former Section CZ#A314-16(F)(3))

121.6.3.1 Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and sand transport; (Former Section CZ#A314-16(F)(3)(a))

121.6.3.2 Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e., introduction of sewage effluent and irrigation water to the ground water system, alterations in surface drainage, etc.); (Former Section CZ#A314-16(F)(3)(b))

121.6.3.3 Potential erodability of site and mitigation measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design); (Former Section CZ#A314-16(F)(3)(c))

121.6.3.4 Effects of marine erosion of seaciffs; (Former Section CZ#A314-16(F)(3)(d))

121.6.3.5 Detailed mitigation measures or alternative solutions for avoiding potential impacts; (Former Section CZ#A314-16(F)(3)(e))
121.6.3.6 Professional conclusions as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the life span of the project; and (Former Section CZ#A314-16(F)(3)(f))

121.6.3.7 Currently acceptable engineering stability analysis method should be used. The method(s) of field analysis should be described, and the degree of uncertainty of analytical results due to assumptions and unknowns should be described. (Former Section CZ#A314-16(F)(3)(g))
## Table: Geologic Hazards Land Use Matrix

<table>
<thead>
<tr>
<th>Building Type/Land Use</th>
<th>Earthquake Shaking</th>
<th>Slope Stability**</th>
<th>Liquefaction Mod. High</th>
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<td><strong>Hazardous</strong></td>
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<td>Nuclear power plants,</td>
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<td>Hospitals, fire and</td>
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<tr>
<td><strong>Low Risk</strong></td>
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</tbody>
</table>

| Final map subdivisions, heavy industrial | D | R2 | R2 | R1 | R1 | D | R2 |
|                                             |   |    |    |    |    |   |    |
| Multi-family structures greater than 4-plexes | D | D | D | R2 | R1 | D | R2 |
| Parcel map subdivisions                     | D | D | D | R2 | R2 | D | D |
| Light industrial, warehousing, commercial   | D | D | D | D/A | R2 | D | D |
| Residential structures on existing lots with footing loads greater than typical two story wood frame dwellings or residential structures with three stories or more | D | D | D | R2 | R2 | D | D |
| Residential wood frame structures two stories or less on existing lots | D | D | D | D/A | D/R2* | D | D |

*R" Means preliminary report is required.
*D" Means preliminary report is discretionary.
*A" Within a Coastal Zone Area of Demonstration, an R2 report is report is required, and is not discretionary.
*Within the Coastal Zone an R2 report is required and is not discretionary; except as provided in subsection 313-121.5.4: Report Waiver.
**As designated on the Geological Map of the Humboldt County General Plan.
121.7 **Development Standards.**

121.7.1 The applicant shall either provide additional information as recommended by the preliminary geologic and/or soils report, or modify the proposed development to avoid identified areas of potential instability. The proposed development shall be sited, designed and constructed in accordance with the recommendations of the report(s) in order to minimize risk to life and property on the project site and for any other affected properties. (Former Section CZ#A314-16(G)(1))

121.7.2 Projects shall be constructed in accordance with the currently applicable Uniform Building Code, Section 2312, Earthquake Regulations, or any successor provision, as applicable. As referred to in the Uniform Building Code (UBC), Section 2312, the seismic zone boundaries shall be defined as follows: UBC Seismic Zone 4 applies south and west of the Grogan Fault; and Zone 3 applies north and east of the Grogan Fault. (Former Section CZ#A314-16(G)(2))

121.7.3 Within the Coastal Zone, the following shall also apply: (Former Section CZ#A314-16(G)(3))

121.7.3.1 Developments shall be sited and designed to assure stability and structural integrity for their expected economic life spans while minimizing alteration of natural landforms; (Former Section CZ#A314-16(G)(3)(a))

121.7.3.2 Bluff and cliff developments (including related storm runoff, irrigation, wastewater disposal and other activities and facilities accompanying such development) shall not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas; (Former Section CZ#A314-16(G)(3)(b))

121.7.3.3 Alteration of cliffs and bluff tops, faces, or bases by excavation or other means shall be minimized. Cliff retaining walls shall be allowed only to stabilize slopes. (Former Section CZ#A314-16(G)(3)(c))
313-122 NATURAL DRAINAGE COURSES

122.1 Purpose. The purpose of these provisions is to establish standards for developments on land which includes natural drainage courses to ensure that adverse effects on drainage and water quality are minimized. (Former Section CZ#A314-23(A))

122.2 Applicability. These regulations shall apply to all development in the Coastal Zone and located near natural drainage courses or with off-site facilities such as access roads and storm drainage, including but not limited to, utilities which are located near natural drainage courses. (Former Section CZ#A314-23(B))

122.3 Required Mitigation. Developments which will have an effect on natural drainage courses shall be required to include the following mitigation: (Former Section CZ#A314-23(C))

122.3.1 The discharge from stormwater outfalls, culverts, gutters and the like, shall be dissipated, and, where feasible, screened. (Former Section CZ#A314-23(C)(1))

122.3.2 Natural vegetation, within and immediately adjacent to the bankfull channel, shall be maintained except for removal consistent with the provisions of the Streams and Riparian Corridors Protection Regulations. (Former Section CZ#A314-23(C)(2))

122.4 Required Findings. Development lands having a potential impact on natural drainage courses shall be approved only if the applicable Resources Protection Impact Findings in Chapter 2, Procedures, are made. (Former Section CZ#A314-23(D))
313-123 NATURAL LANDFORMS PROTECTION

123.1. **Purpose.** The purpose of these regulations is to ensure that coastal natural landforms shall suffer the minimum disturbance, to the extent feasible, as a result of any new development. (Former Section CZ#A314-24(A))

123.2. **Applicability.** These regulations shall apply to all lands proposed for development within the County’s Coastal Zone, if the lands contain natural features as listed in the Land Use Plans or contain significant natural contours, including slopes, visible contours of hilltops, bluffs, and rock outcroppings. Applicability of these regulations to particular sites shall be determined by the Director, on a case-by-case basis, upon submission of development permit applications and based upon the purposes and policies of the Land Use Plans. (Former Section CZ#A314-24(B))

123.3 **Modifications Imposed by Coastal Natural Landforms Protection Regulations.** These provisions shall be in addition to any other regulations imposed by this Division. Whenever the provisions of these regulations conflict with or are inconsistent in application with any other regulations, including conflicts with the County Grading Ordinance (see the most recently effective provisions of the Uniform Building Code, and any other adopted County Grading Ordinance), the most restrictive regulation shall apply. (Former Section CZ#A314-24(C))

123.4 **Required Mitigation.** The following mitigation measures shall be applied to development on lands containing natural landforms: (Former Section CZ#A314-24(D))

123.4.1 Where development is permitted, including the alteration of natural landforms during construction, mineral extraction, or other approved development, the topography shall be restored to as close to the pre-development natural contours as possible, and the affected area planted with attractive vegetation common to the region; (Former Section CZ#A314-24(D)(1))

123.4.2 In permitted development, landform alteration for access roads and public utilities shall be minimized by: (Former Section CZ#A314-24(D)(2))

123.4.2.1 Running hillside roads and utility corridors along natural contours, where feasible; (Former Section CZ#A314-24(D)(2)(a))

123.4.2.2 In order to keep hillside roads as narrow as possible, the minimum street width requirements may be waived provided such reductions are consistent with public safety. (Former Section CZ#A314-24(D)(2)(b))

123.5 **Required Findings.** Projects including natural landforms shall be approved only if the applicable Resource Protection Impact Findings of Chapter 2, Procedures, Supplemental Findings (312-39), are made. (Former Section CZ#A314-24(E))
313-124 WATER WITHDRAWALS FROM ANADROMOUS FISH STREAMS

124.1 Purpose. The purpose of these regulations is to provide that new development not cause the reduction of stream flows below the minimum levels required to protect any identified fish habitat. (Former Section CZ#A314-38(A))

124.2 Application. The provisions of these regulations shall apply to new development which is proposed to be supported by water withdrawn from any anadromous fish stream. (Former Section CZ#A314-38(B))

124.3 Limitation of Development Dependent Upon Water Withdrawals. Development which is proposed to be supported by water withdrawn from an anadromous fish stream shall be permitted only if such withdrawals will not have a significant impact on in-stream flow regimes and coastal resources. Such developments shall, overall, maintain in-basin beneficial uses of water, enhance in-stream beneficial uses of water, where feasible, and prevent significant adverse effects upon coastal resources. (Former Section CZ#A314-38(C))

124.4 Required Findings. Development dependent upon water withdrawn from anadromous streams shall be approved only if the Resource Protection Impact Findings in Chapter 2, Procedures, are made. (Former Section CZ#A314-38(D))

124.5 Required Mitigation. Development dependent upon water withdrawals from anadromous fish streams shall at a minimum, incorporate the following mitigation measures: (Former Section CZ#A314-38(E))

124.5.1 Minimum stream flows necessary to protect the anadromous stream population shall be maintained; (Former Section CZ#A314-38(E)(1))

124.5.2 The timing of water withdrawals will not cause stream flows to fall below minimum levels required for the habitat. (Former Section CZ#A314-38(E)(2))
313-125 WETLAND BUFFER AREAS

125.1 **Purpose.** The purpose of these regulations is to ensure that any development permitted in lands adjacent to coastal wetlands will not degrade the wetland and detract from its natural resource value, and will incorporate such features into the development site design without significant impact. (Former Section CZ#A314-10(A))

125.2 **Application of the Coastal Wetland Buffer Area Regulations.** These regulations shall apply in the Coastal Zone to lands identified as meeting the definition for Wetland Buffer Areas in subsection 313-125.5, on a case-by-case basis, in accordance with the setback provisions of subsection 313-125.7. (Former Section CZ#A314-10(B))

125.3 **Modifications Imposed by the Coastal Wetland Buffer Area Regulations.** These regulations shall be in addition to regulations imposed by the principal zone development regulations, Special Area Combining Zone regulations, and other general regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the most restrictive regulations most protective of wetland resources shall apply. (Former Section CZ#A314-10(C))

125.4 **Consultation with Department of Fish and Game.** The County shall request the California Department of Fish and Game to review development plans proposed within coastal wetland buffer areas, and to recommend, within ten (10) working days of the request, measures to mitigate disturbance of habitats. (Former Section CZ#A314-10(D))

125.5 **Definitions.** Wetland buffer areas shall be defined as: (Former Section CZ#A314-10(E))

125.5.1 The area between a wetland and the nearest paved road or the forty (40) foot contour line (as determined from the 7.5-minute USGS contour maps), whichever is the shortest distance; or (Former Section CZ#A314-10(E)(a))

125.5.2 250 feet from the wetland, where the nearest paved road or forty foot (40’) contour exceed this distance. (Former Section CZ#A314-10(E)(b))

125.5.3 Transitional Agricultural Lands zoned AE are excluded from the wetland buffer. (Former Section CZ#A314-10(E)(c))

125.6 **Development Permitted Within Coastal Wetland Buffer Areas.** The following uses and developments may be permitted anywhere within Coastal Wetland Buffer Areas: (Former Section CZ#A314-10(F))

125.6.1 Uses permitted in the NR - Natural Resources Zone; (Former Section CZ#A314-10(F)(1))

125.6.2 Uses permitted in the Transitional Agricultural Land Regulations; (Former Section CZ#A314-10(F)(2))

125.6.3 Uses permitted in the Coastal Wetland Regulations; and (Former Section CZ#A314-10(F)(3))
125.6.4  Wells in rural areas.  (Former Section CZ#A314-10(F)(4))

125.7  Development Permitted Within Coastal Wetland Buffer Areas with Supplemental Setback.  Developments not listed as permitted uses within subsection 313-125.6 may be permitted if they maintain the following setbacks from the boundary of the wetland:  (Former Section CZ#A314-10(G))

125.7.1  Within an urban limit line:  the setback from the boundaries of the wetland shall be either 100 feet or the average setback of existing development immediately adjacent as determined by the “stringline method” as described in the definitions in this Chapter, Section C: Index of Definitions of Language and Legal Terms.  (Former Section CZ#A314-10(G)(1))

125.7.2  Outside an urban limit line: The setback shall be between 100 and 200 feet, depending upon the size and sensitivity of the wetland, drainage boundaries, vegetation, adjacent uses, and the potential impacts of the project on the wetland habitat values. The precise width of the setback shall be sufficient to prevent significant effects to the wetland.  (Former Section CZ#A314-10(G)(2))

125.7.3  Reduction of Required Setback:  In both urban and rural areas, setbacks of less than the distance specified in this section may be permitted only when:  (Former Section CZ#A314-10(G)(3))

125.7.3.1  The applicant for the proposed development demonstrates, to the satisfaction of the County, that a setback of less than the distance specified will not result in significant adverse impacts to the wetland habitat and will be compatible with the continuance of such habitats.  (Former Section CZ#A314-10(G)(3)(a))

125.7.3.2  Any such reduction in development setback may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the wetland habitat values.  (Former Section CZ#A314-10(G)(3)(b))

125.8  Required Findings.  Development within Coastal Wetland Buffer Areas shall be permitted only if the applicable Resource Protection Impact Findings in Chapter 2, Procedures, Supplemental Findings (312-39.15), are made.  (Former Section CZ#A314-10(H))

125.9  Required Mitigation.  All development permitted within wetland buffer areas shall be required to include the following mitigation measures:  (Former Section CZ#A314-10(I))

125.9.1  Coverage of the lot or parcel with impervious surfaces shall not exceed twenty-five percent (25%) of the total lot area;  (Former Section CZ#A314-10(I)(1))

125.9.2  The release rate of stormwater runoff to adjacent wetlands shall not exceed the natural rate of stormwater runoff for a 50-year storm of 10-minute duration;  (Former Section CZ#A314-10(I)(2))
125.9.3 Stormwater outfalls, culverts, gutters, and the like, shall be dissipated, and where feasible, screened; (Former Section CZ#A314-10(I)(3))

125.9.4 Areas disturbed during construction, grading, etc., within 100 feet of the boundary of the wetland shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area; (Former Section CZ#A314-10(I)(4))

125.9.5 Development and construction shall minimize cut-and-fill operations and erosion and sedimentation potential through construction of temporary and permanent sediment basins, seeding or planting bare soil, diversion of runoff away from grading areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April). (Former Section CZ#A314-10(I)(5))

(313-126 through 313-130: Sections Reserved for Future Use)
SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL ZONES

PART 5: NONCONFORMING USES AND STRUCTURES

313-131 NONCONFORMING USES

131.1 Purpose. The purpose of these regulations is to establish the rights associated with nonconforming uses, and to establish conditions under which nonconforming uses may be expanded. (Former Section CZ#A314-25(A))

131.2 Applicability. These regulations shall apply to all nonconforming uses which were in conformance with the regulations applicable at the time the use commenced. (Former Section CZ#A314-25(B))

131.3 Right to Continue as a Nonconforming Use. A nonconforming use which is in existence on the effective date of these zoning regulations, or of any amendment thereto which makes such use nonconforming, may be continued indefinitely, except as otherwise specified in these regulations. Expansion or change to a use type that is not permitted by the County Zoning Regulations shall not be allowed, except as expressly provided by law, or expressly provided herein. (Former Section CZ#A314-25(C))

131.4 Rights Pertaining to the Use Itself. The rights pertaining to a nonconforming use shall be deemed to pertain to the use itself, regardless of the ownership of the land on which such nonconforming use is conducted, or the nature or the tenure of the occupancy thereof. (Former Section CZ#A314-25(E))

131.5 Special Permit Required for the Substitution of Nonconforming Uses. The Hearing Officer may approve a Special Permit for the substitution of a proposed nonconforming use for an existing nonconforming use if the substituted nonconforming use does not increase the degree of nonconformity and if the Hearing Officer makes all of the required findings in this Code. Substituted nonconforming uses approved pursuant to this section shall occupy the same area that is occupied by the existing nonconforming use. (Former Section CZ#A314-25(F))

131.6 Termination of Nonconforming Use. If any nonconforming use ceases for any reason for a continuous period of two years (2yr) or more, or is changed to or replaced by a conforming use, the land previously devoted to such nonconforming use shall become subject to all the current land use regulations for the zone in which such land is located, in the same way as it would if the nonconforming use had been expressly abandoned. (Former Section CZ#A314-25(I))
131.7 Non-Application to Use Initiated or Constructed in Violation of Law. All of the foregoing provisions pertaining to nonconforming uses shall apply to all nonconforming uses existing on the original effective date of the regulations governing such nonconforming uses, and to all uses that become nonconforming by reason of any amendment thereof. The provisions of this section shall not apply to any use established in violation of law. (Former Section CZ#A314-25(J))

313-132 NONCONFORMING STRUCTURES
(See also, Section 313-131, Nonconforming Uses.)

132.1 Purpose. The purpose of these regulations is to establish the rights associated with nonconforming structures, and to establish conditions under which nonconforming structures may be expanded or structurally altered. (Former Section CZ#A314-25(A))

132.2 Applicability. These regulations shall apply to all nonconforming structures which were constructed in conformance with the County Building Regulations applicable at the time of initial construction, and/or subsequent alteration or modification. (Former Section CZ#A314-25(B))

132.3 Right to Continue to Use a Nonconforming Structure. A nonconforming structure which is in existence on the effective date of these zoning regulations, or any amendment thereto which makes such structure nonconforming, may be used and maintained indefinitely, except as otherwise specified in these regulations. No structural alterations to a nonconforming structure shall be allowed, except as expressly required by law or as expressly provided herein; unless the structural alterations conform with the applicable development standards of these zoning regulations. (Former Section CZ#A314-25(D))

132.4 Rights Pertaining to the Structure Itself. The rights pertaining to a nonconforming structure shall be deemed to pertain to the structure itself, regardless of the ownership of the land or of such nonconforming structure, or the nature or the tenure of the occupancy thereof. (Former Section CZ#A314-25(E))

132.5 Expansion, Reconstruction, Structural Alteration or Replacement of Nonconforming Structures and Manufactured Homes.

132.5.1 Structural Alterations, Reconstruction, and Expansion to Existing Nonconforming Structures. The Director or Hearing Officer may approve the structural alteration of an existing structure not conforming with development standards. Approval of a variance or other discretionary permit shall not be required for “one-for-one” structural alterations. A structural alteration changing a flat roof to a pitched roof where no expansion of floor area is involved is determined to be a “one-for-one” structural alteration. A variance will be required for the total replacement or expansion of structures where such replacement or expansion of structures would not conform with development standards. (Former Section CZ#A314-25(G)(1))

132.5.2 Reconstruction of a Nonconforming Structure that is Damaged by any Casualty. The Director may approve a Special Permit for the reconstruction of a
nonconforming structure that is damaged by any casualty if application is made within two (2) years after such destruction or damage and if the Director makes all of the required findings in Chapter 2 of this Code. (Former Section CZ#A314-25(G)(2))

132.5.3 Replacement of Nonconforming Manufactured Homes. The Director may approve a Special Permit for the replacement of an existing nonconforming manufactured home by a newer manufactured home. The replacement manufactured home shall be set up on a standard foundation as required by the County Building Regulations, and the currently effective version of the Uniform Building Codes. (Former Section CZ#A314-25(G)(3))

132.6 Special Provisions Concerning Nonconforming Manufactured Homes.

132.6.1 Existing Manufactured Homes. Each existing manufactured home placed on an individual lot in accordance with the then applicable laws and Code sections may remain at the existing location without the construction of a foundation. The Use Permit for such manufactured home shall run with the land and shall be transferable to subsequent purchasers. If such manufactured home is moved to another individual lot not within a manufactured home park it must be placed upon a foundation. (Former Section CZ#A314-25(H)(1))

132.6.2 Replacement in Flood-Prone Area. If a nonconforming manufactured home or recreational vehicle is removed from an area which is subject to the Flood Hazard Area Regulations, the same manufactured home or recreational vehicle may be relocated on the same site within six (6) months and installed in accordance with the applicable regulations in effect at the time of the unit’s original installation. (Former Section CZ#A314-25(H)(2); Amended by Ord. 2167, Sec. 28, 4/7/98)

132.7 Non-Application to Structure Constructed in Violation of Law. All of the foregoing provisions pertaining to nonconforming structures shall apply to all nonconforming structures existing on the original effective date of the regulations governing such nonconforming structures (unless otherwise indicated), and to all buildings that become nonconforming by reason of any amendment thereof. The provisions of this section shall not apply to any structure erected in violation of law. (Former Section CZ#A314-25(J))

(313-133 through 313-134: Sections Reserved for Future Use)
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 dedicator’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 dedicator’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 Storrie 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 non-bearing 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, by-products 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 fender straightening 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)

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.)

**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)
313-142 DEFINITIONS (G)

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 self-propelled 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)

**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 (“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)
313-150  DEFINITIONS (O)

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 crossties 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.)
313-153 DEFINITIONS (R)

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)
313-155 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: (See below table.)

<table>
<thead>
<tr>
<th>SRO (residential hotel) unit</th>
<th>75% of 1 person</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 bedroom (studio)</td>
<td>1 person</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>2 persons</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>3 persons</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>4 persons</td>
</tr>
<tr>
<td>4 bedroom</td>
<td>6 persons</td>
</tr>
</tbody>
</table>

(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
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)

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 60 degrees 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, 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 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)

313-159 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 D: USE TYPES

PART 1: CLASSIFICATION OF USE TYPES

313-162 PURPOSE OF USE TYPE AND PRINCIPAL PERMITTED USE CLASSIFICATIONS

The purpose of these provisions is to classify uses of property into a limited number of use types and principal permitted uses on the basis of common functional, product, or compatibility characteristics. The desired result is to provide a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions apply throughout the County. (Former Section CZ#A313-1)

313-163 LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE CLASSIFICATIONS

163.1 All uses are classified into the following use types and principal permitted uses.

Use types are described and defined in Section D, Part 2: Glossary of Use Types. (Former Section CZ#A313-2)

163.1.1 Agricultural Use Types.
- Agriculture-Related Recreational
- Feed Lot/Slaughter House
- General Agriculture
- Hog Farming
- Intensive Agriculture
- Stables and Kennels

(Former Section CZ#A313-2(E))

163.1.2 Civic Use Types.
- Administrative
- Community Assembly
- Cultural Non-Assembly
- Electrical Distribution Lines, Major
- Essential Services
- Extensive Impact Civic Uses
- Generation and Distribution Facilities, Minor
- Health Care Services
- Oil and Gas Pipelines
- Public Recreation and Open Spaces
- Solid Waste Disposal
- Utilities, Minor

(Former Section CZ#A313-2(B))
163.1.3 **Commercial Use Types.**
- Automotive Sales, Service and Repair
- Bed and Breakfast Establishment
- Coastal-Dependent Commercial Recreation
- Commercial Recreation
- Heavy Commercial
- Neighborhood Commercial
- Office and Professional Service
- Private Institution
- Private Recreation
- Recreational Vehicle Park
- Retail Sales
- Retail Service
- Transient Habitation
- Visitor Serving Facilities
- Warehousing, Storage and Distribution
  (Former Section CZ#A313-2(C))

163.1.4 **Commercial Timber Use Types.**
- Timber Production
- Timber Related Recreation
  (Former Section CZ#A313-2(F))

163.1.5 **Extractive Use Types.**
- Metallic Mineral Extraction
- Oil and Gas Drilling and Processing
- Surface Mining - 1
- Surface Mining - 2
- Surface Mining - 3
  (Former Section CZ#A313-2(G))

163.1.6 **Industrial Use Types.**
- Aquaculture
- Coastal-Dependent
- Coastal-Related
- Cottage Industry
- Hazardous Industrial
- Heavy Industrial
- Research/Light Manufacturing
- Timber Products Processing
  (Former Section CZ#A313-2(D))
163.1.7  **Natural Resource Use Types.**

- Boating Facilities
- Fish and Wildlife Habitat Management
- Coastal Public Access Facilities
- Resource-Related Recreational
- Watershed Management
- Wetland Restoration

(Former Section CZ#A313-2(H))

163.1.8  **Residential Use Types.**

- Caretaker’s Residence
- Community Care Facility
- Family Day Care Center
- Family Day Care Home
- Farm Employee Housing
- Group Residential
- Guest House
- Labor Camp
- Manufactured Home Park Development
- Multi Family Residential
- Residence Incidental to Agriculture or Commercial Timber Production (See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)
- Second Agriculture or Commercial Timber Production Residence (See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)
  - Second Residential Unit (See also, Second Dwelling Unit, Secondary Dwelling Unit)
- Single Family Residential

(Former Section CZ#A313-2(A))

163.1.9  **Principal Permitted Uses** These are uses that are allowed without a conditional use permit and that are considered the “principal permitted use” for purposes of appeal to the Coastal Commission (with the exception of (a) Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), or Cottage Industry uses in the Agriculture Exclusive zoning district as enumerated in Section 163.1.9.9 below, and (b) Single Family Residential or Cottage Industry uses in the Timber Production zoning district as enumerated in Section 163.1.9.11 below). Subdivisions, including lot line adjustments, are not considered a principal permitted use in any zoning district in the coastal zone. (Added by Ord. 2367A, 7/25/06, Amended by Ord. 2383, 2/27/07)
163.1.9.1 Neighborhood Commercial
The Neighborhood Commercial Principal Permitted Use includes the following uses: Neighborhood Commercial, Cottage Industry; subject to the Cottage Industry Regulations, Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.2 Public Recreation
The Public Recreation Principally Permitted Use includes the following uses: Public Recreation and Open Space, Coastal Access Facilities, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.3 Commercial Recreation
The Commercial Recreation Principally Permitted Use includes the following uses: Visitor Serving Facilities, Transient Habitation, Commercial Recreation, Coastal Dependent Recreation, Resource Related Recreation, Coastal Access Facilities, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.4 Coastal Dependent Commercial Recreation
The Coastal Dependent Commercial Recreation Principally Permitted Use includes the following uses: Coastal Dependent Recreation, Resource-Related Recreation, Coastal Access Facilities, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.5 Residential Single Family
The Residential Single Family Principally Permitted Use includes the following uses: Single Family Residential, Second Residential Unit, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.6 Residential Multi Family
The Residential Multi Family Principally Permitted Use includes the following uses: Multi Family Residential, Group Residential, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.7 Mixed Residential
The Mixed Residential Principally Permitted Use includes the following uses: Single Family Residential, Multi Family Residential (Duplex only), Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.8 Rural Residential Agricultural
The Rural Residential Agricultural Principally Permitted Use includes the following uses: Single Family Residential, Second Residential Unit, General Agriculture, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.9 Agricultural Exclusive
The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential (on lots sixty (60) acres or larger in size, two single detached dwellings are permitted), General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act. (Added by Ord. 2367A, 7/25/06, Amended by Ord. 2383, 2/27/07)

163.1.9.10 Commercial Timber
The Commercial Timber Principally Permitted Use includes the following uses: Single Family Residential, General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.11 Timber Production
The Timber Production Principally Permitted Use includes the following uses: Single Family Residential, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act. (Added by Ord. 2367A, 7/25/06, Amended by Ord. 2383, 2/27/07)

313-164 HOW TO DETERMINE AND CLASSIFY ALLOWED USES WHEN MORE THAN ONE USE TYPE MIGHT APPLY

The following rules shall apply when a lot or building site contains multiple uses which constitute or resemble two or more different use types, and which are not classified as accessory uses pursuant to the Accessory Use Regulations. (Former Section CZ#A313-3)

164.1 Separate Classifications of Several Establishments. The uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types. (Former Section CZ#A313-3(A))

164.2 Classification and Limitation of Different Uses Within Same Category of Use Types Conducted by Individual Establishment. If uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types within the same category of use types, all such uses shall be classified in the use type whose description most closely portrays the overall nature of such uses. However, when the uses have any of the characteristics of the following listed use types, all such uses shall be classified in one of the use types on the following list.
Extensive Impact Civic Uses
General/Heavy Manufacturing
Hazardous Industrial
Oil and Gas Drilling and Processing
Surface Mining - 1
Surface Mining - 2
Surface Mining - 3

If multiple uses on a lot resemble more than one of the use types on the above list, the uses shall be classified as the use type which is most similar to the predominant or most significant use on the lot, except that any commercial uses shall be classified within the Heavy Commercial Use Type if they have any heavy commercial characteristics. (Former Section CZ#A313-3(B))

313-165 CLASSIFYING USES NOT SPECIFICALLY MENTIONED IN USE TYPE DESCRIPTIONS

Whenever a development is proposed that contains a use not specifically mentioned under use types described in these regulations, the Hearing Officer shall make a determination as to whether the proposed use is encompassed by any use types permitted or conditionally permitted under the use designator applicable to the subject property. (See designated Hearing Officer in Chapter 2, Section 312-9; usually it is initially the Director or designee.) The classification of a use is subject to the right of appeal pursuant to the Appeals Procedures in Chapter 2, Section 312-13. The Director shall maintain a written record of all such determinations, which determinations are maintained and available for review at the Planning Division. (Former Section CZ#A313-4)

(313-166 through 313-169: Sections Reserved for Future Use)
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:

(Form 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 a 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))

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))
313-171 CIVIC USE TYPES

Civic Use Types include the performance of utility, educational, recreational, cultural, medical, Protective, governmental, and similar uses of importance to the public. The following are Civic Use Types: (Former Section CZ#A313-6(A))

171.1 Administrative. The Administrative Use Type includes the uses performed by public, public non-profit, parochial, and public utility administrative offices. (Former Section CZ#A313-6(C))

171.2 Community Assembly. The Community Assembly Use Type includes the activities typically performed by, or at, the following institutions or installations: (Former Section CZ#A313-6(D))

171.2.1 Churches, temples, synagogues, and other places of worship; (Former Section CZ#A313-6(D)(1))
171.2.2 Public parochial, and private non-profit clubs, lodges, meeting halls, and recreation centers; (Former Section CZ#A313-6(D)(2))
171.2.3 Public swimming pools. (Former Section CZ#A313-6(D)(3))

171.3 Cultural, Non-Assembly. The Non-Assembly Cultural Use Type includes the activities typically performed by the following institutions: (Former Section CZ#A313-6(E))

171.3.1 Public, parochial, and private non-profit museums and art galleries and similar organizations; (Former Section CZ#A313-6(E)(1))
171.3.2 Public, parochial, and private non-profit libraries and observatories and similar institutions. (Former Section CZ#A313-6(E)(2))

171.4 Electrical Distribution Lines, Major.

171.4.1 This use type includes electrical utility wires, 60 kilovolt or larger, either above ground or underground, including supporting towers, poles and appurtenances, which are used for distributing, conveying or transmitting electrical energy. (Former Section CZ#A313-6(M))
171.4.2 This use type does not include the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this ordinance. (Former Section CZ#A313-6(M))

171.5 Essential Services. The Essential Services Use Type includes uses which are necessary to support principal development. Typical Essential Services uses include: Former Section CZ#A313-6(B))

171.5.1 Fire and police stations; (Former Section CZ#A313-6(B)(1))
171.5.2 Ambulance services; (Former Section CZ#A313-6(B)(2))
171.5.3 Post offices, excluding major processing centers; (Former Section CZ#A313-
171.5.4 Dumpster sites, solid waste transfer stations, and road maintenance yards; (Former Section CZ#A313-6(B)(4))

171.5.5 Community wells, water storage tanks, and associated water treatment facilities. (Former Section CZ#A313-6(B)(5))

171.5.6 Public, parochial and private day-care centers, family day care centers, nursery schools, elementary, junior high, and high schools. (Former Section CZ#A313-6(B)(6); (Amended by Ord. 1842, Sec. 18, 8/16/88)

171.5.7 Public and parochial parks, playgrounds and playing fields. (Former Section CZ#A313-6(B)(7))

171.6 **Extensive Impact Civic Use.** The Extensive Impact Civic Use Type includes the uses typically performed by, or the maintenance and operation of, the following institutions and installations: (Former Section CZ#A313-6(H))

171.6.1 Airports, heliports, and helistops; (Former Section CZ#A313-6(H)(1))

171.6.2 Railroad stations; (Former Section CZ#A313-6(H)(2))

171.6.3 Bus Depots; (Former Section CZ#A313-6(H)(3))

171.6.4 Publicly operated parking garages; (Former Section CZ#A313-6(H)(4))

171.6.5 Water and wastewater treatment plants; (Former Section CZ#A313-6(H)(5))

171.6.6 Cemeteries, mausoleums, crematoriums and columbariums; (Former Section CZ#A313-6(H)(6))

171.6.7 Sites for storage, repair and processing of materials and equipment and vehicles operated by governmental entities; (Former Section CZ#A313-6(H)(7))

171.6.8 Military installations; (Former Section CZ#A313-6(H)(8))

171.6.9 Electrical power plants operated by a government entity or public utility; (Former Section CZ#A313-6(H)(9))

171.6.10 Gas and oil storage facilities for power plants operated by a government entity or public utility. (Former Section CZ#A313-6(H)(10))
171.7 **Generation and Distribution Facilities, Minor.**

171.7.1 The Minor Generation and Distribution Facilities Use Type includes wind generators and accessory structures; small hydroelectric generators (less than 5 megawatt) and accessory structures and utility lines; and communication transmission facilities, including radio and television transmission antennae, communication equipment installations and exchanges, and substations. (Former Section CZ#A313-6(K))

171.7.2 The Minor Generation and Distribution Facilities Use Type does not include broadcasting and offices or sites for the storage or processing of materials or equipment. (Former Section CZ#A313-6(K))

171.8 **Health Care Services.**

171.8.1 The Health Care Services Use Type includes the uses typically performed by the following institutions: (Former Section CZ#A313-6(G))

171.8.1.1 Health and medical clinics; (Former Section CZ#A313-6(G)(1))

171.8.1.2 Hospitals; (Former Section CZ#A313-6(G)(2))

171.8.1.3 Nursing homes, convalescent hospitals, rest homes, and homes for the aged with seven or more patients, or with mental, drug addict, or alcohol addict cases; (Former Section CZ#A313-6(G)(3))

171.8.1.4 Medical centers for observation or rehabilitation, with full-time supervision or care. (Former Section CZ#A313-6(G)(4))

171.8.2 This use type does not include Community Care Facilities, which are a residential use. (See, Community Care Facilities.) (Former Section CZ#A313-6(G))

171.9 **Oil and Gas Pipelines.**

171.9.1 The Oil and Gas Pipelines Use Type includes any gas pipeline, carrying 60 PSI pressure or above, distribution line, above or below ground, used to transport, convey, or distribute oil, petroleum, petroleum products, natural gas, or other flammable or hazardous substances. (Former Section CZ#A313-6(L))

171.9.2 This use type does not include the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this ordinance. (Former Section CZ#A313-6(L))

171.10. **Public Recreation and Open Space.** The Public Recreation and Open Space Use Type refers to a publicly-owned and maintained parkland and low intensity uses attendant thereto, such as tent camps and picnic areas and food service and other concessions. (Former Section CZ#A313-6(F); Amended by Ord. 2167, Sec. 11, 4/7/98)

171.11 **Solid Waste Disposal.**
171.11.1 **The Solid Waste Disposal Use Type includes:**

171.11.1.1 The disposal of all putrescible and non-putrescible solid and semi-solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes; and (Former Section CZ#A313-6(I))

171.11.1.2 Liquid wastes disposed of in conjunction with solid wastes at solid waste transfer stations, processing facilities or disposal sites. (Former Section CZ#A313-6(I))

171.11.2 **The Solid Waste Disposal Use Type excludes:**

171.11.2.1 Sewage collected and treated in a sewerage system; or (Former Section CZ#A313-6(I)(1))

171.11.2.2 Materials or substances having commercial value that have been salvaged for reuse, recycling or resale. (Former Section CZ#A313-6(I)(2))

171.12 **Utilities, Minor.** The Minor Utilities Use Type includes the erection, construction, alteration or maintenance of private wells and on-site sewage disposal system, gas, electric and water. (Former Section CZ#A313-6(J))

313-172 **COMMERCIAL USE TYPES**

Commercial Uses include the distribution and sale or rental of goods; the provision of services other than those classified as Civic Uses; and the administrative and research operations of private, profit-oriented firms. The following are Commercial Use Types: (Former Section CZ#A313-7(A))

172.1 **Automotive Sales, Service and Repair.** The Automotive Sales, Service and Repair Use Type includes the sales from the premises of motor vehicles, accessory parts and supplies, and the provision of services generally required in the operation and maintenance of motor vehicles; the major repair or painting of motor vehicles, including body work and installation of major accessories, as well as the washing and polishing of motor vehicles. Auto sales from the premises are also included. (Former Section CZ#A313-7(D))

172.2 **Bed and Breakfast Establishment.**

172.2.1 The Bed and Breakfast Establishment Use Type refers to a residential structure with one family in permanent residence where a maximum of four (4) bedrooms without individual cooking facilities are rented for overnight lodging, and where at least one meal daily is provided. (Former Section CZ#A313-7(K))

172.2.2 This use type does not include “hotels and motels” which are included in the
Transient Habitation Use Type; nor does this use type include rooming and boarding houses which are included under the Group Residential Use Type. (Former Section CZ#A313-7(K))

172.3 **Coastal-Dependent Commercial Recreation.** The Coastal-Dependent Recreation Use Type includes visitor serving recreational facilities which require channel access, such as marinas serving other than solely commercial vessels, fishing piers, boat launching facilities, bait shops, and marine hardware. (Former Section CZ#A313-7(P))

172.4 **Commercial Recreation.** The Commercial Recreation Use Type refers to facilities serving recreational needs but operated for private profit, including, for example, riding stables, chartered fishing boats, tourist attractions and amusement or marine parks, including special occupancy parks and tent camps. (Former Section CZ#A313-7(M); Amended by Ord. 2167, Sec. 12, 4/7/98)

172.5 **Heavy Commercial.** The Heavy Commercial Use Type includes activities such as transfer, storage or processing of used, scrap or waste materials, including automobile wrecking, the sales, storage of building materials, construction and agricultural equipment, kennels, and animal hospitals. (Former Section CZ#A313-7(G))

172.6 **Incidental Camping Area.** “Incidental Camping Area” as used in this ordinance has the same meaning as stated in Sec. 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 (2) or more campsites used for camping are rented or leased or held out for rent or lease. The density of usage shall not exceed twenty-five (25) camping parties within a radius of 265 feet from any campsite within the incidental camping area. (Added by Ord. 2167, Sec. 12, 4/7/98)

172.7 **Neighborhood Commercial.** The Neighborhood Commercial Use Type includes retail sales and services which provide convenient facilities to residential areas, such as coin operated laundries, food markets, variety stores, and automobile gas or filling stations. (Former Section CZ#A313-7(E))

172.8 **Office and Professional Services.** The Office and Professional Services Use Type includes administrative activities of private, profit-oriented administrative firms; radio and television broadcasting stations and offices; medical, dental and related services; professional, consultative, and financial services. (Former Section CZ#A313-7(H))

172.9 **Private Institution.**

172.9.1 The Private Institution Use Type includes sanitariums, rest homes and convalescent homes providing for the rooming or boarding of any aged or convalescent person, whether ambulatory or nonambulatory, for which a license has been acquired from county, state or federal agencies. (Former Section CZ#A313-7(I))

172.9.2 This use type does not include accessory residential uses. (Former Section CZ#A313-7(I))

172.10 **Private Recreation.** The Private Recreation Use Type includes clubs or recreation
facilities operated by a nonprofit organization and open only to members of such nonprofit organizations and their guests. (Former Section CZ#A313-7(O))

172.11. **Recreational Vehicle Parks.** “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 this Chapter (Section 313-113.1). (Former Section CZ#A313-7(N); Amended by Ord. 2167, Sec. 12, 4/7/98)

172.12  **Retail Sales.** The Retail Sales Use Type includes the rental or sale, from the premises, of various consumer goods including food, household goods, business supplies, small equipment, agricultural supplies, and parts and accessories, and incidental storage activities. (Former Section CZ#A313-7(B))

172.13  **Retail Service.** The Retail Service Use Type includes the provision of services other than those classified as Civic Uses, including personal service, business service, eating and drinking establishments, automobile gas or filling station, minor automotive repair, group assembly for entertainment or athletic events, animal care and treatment, and undertaking services. (Former Section CZ#A313-7(C))

172.15. **Temporary Recreational Vehicle Park.** “Temporary Recreational Vehicle Park” as used in this ordinance 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 eleven (11) consecutive days, and is then removed. (Former Section CZ#A313-7(S); Added by Ord. 2167, Sec. 12, 4/7/98)

172.16. **Tent Camp.** “Tent Camp” as used in this ordinance 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 for the exclusive use of camping parties. (Former Section CZ#A313-7(T); Added by Ord. 2167, Sec. 12, 4/7/98)

172.17. **Transient Habitation.** The Transient Habitation Use Type includes motels, hotels, resorts and other facilities other than special occupancy parks providing lodging services to guests on a less-than-weekly basis. (Former Section CZ#A313-7(J); Amended by Ord. 2167, Sec. 12, 4/7/98)

172.18. **Visitor Serving Facilities.** The Visitor Serving Facilities Use Type includes public and private developments that provide accommodations, food and services for tourists, including, for example, hotels, motels, tent camps, restaurants, vacation home rentals, and commercial-recreation developments such as art galleries, antique shops, curio shops, eating and amusement areas. (Former Section CZ#A313-7(L); Amended by Ord. 2153, Sec. 2, 12/9/97; Amended by Ord. 2167, Sec. 7, 4/7/98)
172.19 **Warehousing, Storage and Distribution.** The Warehousing, Storage and Distribution Use Type refers to establishments or places of business primarily engaged in enclosed or open-air wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. (Former Section CZ#A313-7(F))

313-173 **COMMERCIAL TIMBER USE TYPES**

The Commercial Timber Use Type includes the on-site production of commercial timber products. The following are Commercial Timber Use Types: (Former Section CZ#A313-10(A)

173.1 **Timber Production.** The Timber Production Use Type refers to the growing, management, and harvesting of trees of any commercial species used to produce timber and other forest products including Christmas trees, and may include any use which is integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas, portable chippers and portable sawmills. (See also, definitions for “Timber Harvest” and “Timber Management.”) (Former Section CZ#A313-10(B))

173.2 **Timber-Related Recreation.**

173.1.1 The Timber-Related Recreation Use Type includes recreational facilities developed in conjunction with timber production, including hunting and duck camps, skiing, and dude ranches. (Former Section CZ#A313-10(C)

173.1.2 The Timber-Related Recreation Use Type does not include such recreational activities as golf courses which require non-timber related development. (Former Section CZ#A313-10(C))

313-174 **EXTRACTIVE USE TYPES**

Extractive Use Types include the on-site production of mineral products by extractive methods. The following are Extractive Use Types: (Former Section CZ#A313-11(A))

174.1 **Metallic Mineral Extraction.** The Metallic Mineral Extraction Use Type refers to the surface or subsurface extraction of metallic minerals such as gold, copper, chromium, and zinc, and not including stationary on-site processing facilities of any type; subject to Surface Mining and Reclamation Regulations in this Chapter (see Section 313-61.2). (Former Section CZ#A313-11(F))

174.2 **Oil and Gas Drilling and Processing.** The Oil and Gas Drilling and Processing Use Type refers to the operation and maintenance of oil and gas drilling including essential on-site processing, subject to the Oil and Gas Drilling and Processing Regulations in this Chapter (see Section 313-57.1). (Former Section CZ#A313-11(E))

174.3 **Surface Mining - 1.** The Surface Mining - 1 Use Type refers to surface extraction of nonmetallic minerals, such as sand, gravel and rock, and including fixed on-
site processing facilities such as stationary crushers, separators, kilns, and transfer stations; or similar fixed facilities subject to the Surface Mining and Reclamation Regulations in this Chapter (see Section 313-61.2).  (Former Section CZ#A313-11(B))

174.4 **Surface Mining - 2.** The Surface Mining - 2 Use Type refers to surface extraction of nonmetallic minerals such as sand and gravel, but not including stationary on-site processing facilities of any type, subject to the Surface Mining and Reclamation Regulations in this Chapter (see Section 313-61.2).  (Former Section CZ#A313-11(C))
174.5 **Surface Mining - 3.** The Surface Mining - 3 Use Type refers to surface extraction on nonmetallic minerals such as sand and gravel, confined only to rivers and areas of wind-blown sands, and not including stationary on-site processing facilities of any type; subject to the Surface Mining and Reclamation Regulations in this Chapter (see Section 313-61.2). *(Former Section CZ#A313-11(D))*

313-175 **INDUSTRIAL USE TYPES**

Industrial and Manufacturing Uses include the on-site production of goods by methods not agricultural or extractive in nature. The following are Industrial Use Types: *(Former Section CZ#A313-8(A))*

175.1 **Aquaculture.** The Aquaculture Use Type refers to aquaculture operations, including but not limited to oyster and mussel culturing, crab holding facilities and including support facilities such as earthen impoundments, steel or concrete holding tanks and raceways. *(Former Section CZ#A313-8(G))*

175.2 **Coastal-Dependent.** The Coastal-Dependent Use Type includes any coastal-dependent industrial use which requires a maintained navigable channel to function, including, for example: public docks, water-borne carrier import and export operations, ship building and boat repair, commercial fishing facilities, including berthing and fish receiving, and fish processing when product is for human consumption (fish waste processing and fish processing of products for other than human consumption are permitted under the Coastal-Related Use Type), marine oil terminals, Outer Continental Shelf (OCS) service or supply bases, ocean intake, outfall or discharge pipelines and pipelines serving offshore facilities, aquaculture and aquaculture support facilities. *(Former Section CZ#A313-8(E))*

175.3 **Coastal-Related.** The Coastal-Related Use Type includes coastal-related industrial uses, including but not limited to fish waste processing and fish processing of products for other than human consumption, gas or oil processing and treatment facilities, electrical generating facilities or other facilities which require an ocean intake, outfall, or pipeline. Within the MC Zone, this use type includes alterations, improvements, and relocations of existing general industrial uses. *(Former Section CZ#A313-8(F))*

175.4 **Cottage Industry.** The Cottage Industry Use Type refers to establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment or a single kiln, and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, custom jewelry or small furniture and cabinet manufacturers. *(Former Section CZ#A313-8(H))*

175.5 **Hazardous Industrial.** The Hazardous Industrial Use Type includes any industrial activity which involves the handling of toxic, highly flammable, explosive or radioactive materials in such quantities that would, if released or ignited, constitute a significant risk to adjacent human populations or development. *(Former Section CZ#A313-8(D))*
175.6 **Heavy Industrial.** The Heavy Industrial Use Type refers to industrial plants engaged in manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products, wrecking and salvage yards, petroleum refining, animal and fish products processing, electrical generation and distribution, and pulp mills, but excludes activities included within the Hazardous Industrial Use Type. (Former Section CZ#A313-8(C))

175.7 **Research/Light Industrial.** The Research/Light Industrial Use Type includes non-nuisance, industrial, low-impact manufacturing, and development activities which do not create objectionable levels of noise, vibration, air pollution, odor, humidity, heat, cold or glare on nearby residential or commercial uses, such as the manufacture of electrical and electronic equipment, industrial and scientific research, medical testing and analysis and product testing, carpentry and cabinetmaking shops, clothing manufacture, contractor’s yards, dry cleaning and laundry plants, lumber yards, metal-working shops, wholesale outlet stores, painter’s and decorators’ yards, plumbing shops, printing and lithographing, and associated administrative offices. (Former Section CZ#A313-8(B))

175.8 **Timber Products Processing.** The Timber Products Processing Use Type refers to the commercial processing of raw wood and wood products, including saw mills, lumber mills and plywood mills, but not including pulp mills. (Former Section CZ#A313-8(I))

313-176 **NATURAL RESOURCE USE TYPES**

Natural Resource Use Types include the on-site structures and activities which are compatible with the protection and enhancement of sensitive coastal resources. The following are Natural Resource Use Types: (Former Section CZ#A313-12(A))

176.1 **Boating Facilities.** The Boating Facilities Use Type includes the maintenance, improvement, and minor alteration of existing boating facilities in estuaries, consistent with Public Resources Code Section 30233. (Former Section CZ#A313-12(F))

176.2 **Fish and Wildlife Habitat Management.** The Fish and Wildlife Habitat Management Use Type refers to the manipulation or maintenance of vegetation or streams, or construction of minor structures to yield desired results in terms of habitat suitable for designated wildlife or fishery species or groups of species. (Former Section CZ#A313-12(B))

176.3 **Coastal Public Access Facilities.** The Coastal Public Access Facilities Use Type includes the development of coastal access facilities consistent with the Coastal Access Development Requirements. (Former Section CZ#A313-12(G))

176.4 **Resource-Related Recreational.** The Resource-Related Recreational Use Type includes activities such as nature study, hunting and fishing, and includes the development of hunting blinds and similar minor facilities. (Former Section CZ#A313-12(E))

176.5 **Watershed Management.** The Watershed Management Use Type includes manipulation or maintenance of a total area or portion of an area draining into a given waterway or reservoir for purposes of wildlife or fishery enhancement, water quality or
quantity enhancement, siltation and erosion control and for flood plain management.  
(Former Section CZ#A313-12(C))

176.6  **Wetland Restoration.** The Wetland Restoration Use Type includes manipulation or management of an area to create or enhance wetland resource values such as fish and wildlife habitat, siltation and erosion control, and flood storage.  
(Former Section CZ#A313-12(D))

313-177  **RESIDENTIAL USE TYPES**

Residential Use Types include the occupancy of dwelling units on a wholly or principally non-transient basis. Residential uses do not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as in nursing homes, orphanages, asylum, and prisons, except as otherwise provided for various community care facilities.  
(Former Section CZ#A313-5(A))

177.1  **Caretaker’s Residence.** The Caretaker’s Residence Use Type refers to living quarters which are incidental to and under the same ownership as the principal use.  
(Former Section CZ#A313-5(G))

177.2  **Community Care Facility.** This term includes all the use types defined in State Law as Community Care Facilities (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 home finding 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 or fewer individuals shall be considered a residential use of the property for the purposes of zoning.  
(See also, “Family Day Care Homes” and “Family Day Care Centers.”)  
(Former Section CZ#A313-5(K), CZ#A312-5; Added by Ord. 1842, Sec. 15, 8/16/88)

177.3  **Family Day Care Center.** Any facility which provides, to more than twelve 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 hour basis.  
Such Day Care Centers are a residential use of property. A Use Permit shall be required for the establishment of such a center.  
(See also, “Community Care Facilities” and “Family Day Care Homes.”)  
(Former Section CZ#A312-8; Added by Ord. 1842, Sec. 16, 8/16/88)

177.4  **Family Day Care Home.** Any facility which provides, to twelve or fewer children (including children of the owner or operator of the facility who reside at the home), 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 hour basis.  
(See also, “Community Care Facility” and “Family Day Care Center.”)  
(Former Section CZ#A313-5(L), CZ#A312-8; Added by Ord. 1842, Sec. 16, 8/16/88)

177.5  **Farm Employee Housing.** The Farm Employee Housing Use Type refers to the occupancy by four or fewer farm employees and their families of any living
accommodations, without regard to duration, which occurs exclusively in association with the performance of agricultural labor. (See also, “Farm Employee” in Section C: Index of Definitions of Language and Legal Terms.) (Former Section CZ#A313-5(H))

177.6 **Group Residential.** The Group Residential Use Type refers to the residential occupancy, for compensation, by groups of persons or individuals by pre-arrangement for definite periods. Typical uses include occupancy of sorority houses, retirement homes, and boarding houses. (Former Section CZ#A313-5(D))

177.7 **Guest House.** 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. (Former Section CZ#A313-5(F))

177.8 **Labor Camp.** The Labor Camp Use Type refers to the occupancy of five or more farm or timber production employees and their families of any living quarters in association with the performance of agricultural or timber production labor. Labor camps shall be located on the premises where the work is performed and shall have a maximum continuous permitted duration of one year (1 yr) from the effective date of the required Use Permit. (Former Section CZ#A313-5(I))

177.9. **Manufactured Home Park Development.** The Manufactured Home Park Development Use Type refers to a tract of land where two or more manufactured home lots are rented or leased or held out for rent or lease to accommodate manufactured homes or recreational vehicles used for human habitation. The Home Park Development Use Type includes manufactured home development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code. (Reference: Section 65852.7, Government Code.) (Former Section CZ#A313-5(E); Amended by Ord. 2167, Sec. 10, 4/7/98)

177.10 **Multi Family Residential.** The Multi Family Residential Use Type includes the residential occupancy of a duplex, or multiple main building or buildings by individuals or families on a non-transient basis. The specific types of multi-family uses allowed on a lot are specified in the Zoning Designations contained in this Chapter 3, Section A: Regulations for Zoning Districts. (Former Section CZ#A313-5(C))

177.11 **Residence Incidental to Agriculture or Commercial Timber Production.** (See Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)

177.12 **Second Agriculture or Commercial Timber Production Residence.** (See Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)

177.13 **Second Residential Unit (Second/Secondary Dwelling Unit).** The Second Residential Unit Use Type refers to a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot for occupancy by individuals or a family. (See Section 313-87.1, Second Residential Unit for regulations governing second residential units.) (Former Section CZ#A313-5(J); INL#312-61.1)

177.14 **Single Family Residential.** The Single Family Residential Use Type includes the
residential occupancy of a single detached main building by one family on a non-transient basis, except for rental of single family dwellings as vacation homes, where the use would not be otherwise different than the uses allowed to be made of single family dwellings. (See also, Residential Use Types, Vacation Home Rental.) (Former Section CZ#A313-5(B))
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CHAPTER 4

REGULATIONS OUTSIDE THE COASTAL ZONE

Chapter 4 contains the regulations which apply outside of the California Coastal Zone in Humboldt County and is organized as follows:

Section A: Regulations For the Zoning Districts
Section B: Regulations That Apply In All or Several Zones
Section C: Index of Definitions of Language and Legal Terms
Section D: Permitted Use Types
## CHAPTER 4

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SECTION A: REGULATIONS FOR THE ZONING DISTRICTS

PART 1: PRINCIPAL ZONES

314-1 LISTS OF ZONE MAPPING DESIGNATIONS AND LISTS OF PERMITTED USE TYPES

1.1 ZONE MAPPING DESIGNATIONS

The Principal Zone is the first zone designation applied to property which designates the principally permitted uses on the property. These uses are permitted pursuant to the Development Permit Procedures in Chapter 2 of this Division. The Principal Zoning Districts shall be represented on the adopted zoning maps by the designations in the following table. (Former Section INL#313-1; Amended by Ord. 2214, 6/6/00)

1.2 LISTS OF PERMITTED USES

Beginning with Section 314-2, Section A, Part 1 of this Chapter contains a list of permitted uses in the Principal Zones. These uses are listed by zone district, and are permitted pursuant to the Development Permit Procedures in Chapter 2 of this Division. Definitions and terms used (such as “principal zone”) are explained in Section C: Index of Definitions of Language and Legal Terms. (Added by Ord. 2214, 6/6/00)
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314-2 COMMERCIAL ZONE DISTRICTS

314-2.1 C-1: NEIGHBORHOOD COMMERCIAL ZONE

The Neighborhood Commercial or C-1 Zone is intended to provide for neighborhood shopping centers which will provide convenient sales and service facilities to residential areas without detracting from the residential desirability of such areas. The following regulations shall apply in all Neighborhood Commercial or C-1 Zones. (Former Section INL#314-34; Ord. 1086, Sec. 7, 7/13/76; Amended by Ord. 2214, 6/6/00)

### Principal Permitted Uses
- Social halls, fraternal and social organizations, and clubs.
- Professional and business offices, and commercial instruction.
- Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries.
- Sales of used and secondhand goods when appurtenant to any of the foregoing.
- Caretaker’s Residence which is incidental to and under the same ownership as an existing commercial use. (Added by Ord. 2166, Sec. 14, 4/7/98)

### Uses Permitted with a Special Permit
- Apartments on the upper floors of multistory structures where below are establishments engaged in commercial uses designated “Principally Permitted” or “Conditionally Permitted” in the C-1 Zone, as well as transitional housing, and emergency shelters. (Added by Ord. 2313A 12/16/2003, Amended by Ord. 2335 12/14/2004)

### Uses Permitted with a Use Permit
- Manufactured homes, hotels, motels, boarding and rooming houses, and manufactured home parks.
- Small animal hospitals completely enclosed within a building.
- Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses.
- Private institutions where specifically allowed by the General Plan. (Amended by Ord. 2161 on 3/3/98)

### Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the C-1 zone.

### Other Regulations

| Minimum Lot Area | 2,000 square feet. |
| Minimum Lot Width | Twenty-five feet (25'). |
| Minimum Yard Setbacks* | None, except that where frontage is in a block which is partially in a Residential Zone (RS, R-1, R-2, R-3, R-4) the front yard shall be the same as that required in such Residential Zone. |
| Rear | Fifteen feet (15'), except that where a rear yard abuts on an alley, such rear yard may be not less than five feet (5'). |
| Side | None, except that a side yard of an interior lot abutting on a Residential Zone (RS, R-1, R-2, R-3, R-4) or Agricultural Zone (AE, AG) shall be not less than the front yard required in such Residential Zone or Agricultural Zone. |
| Maximum Ground Coverage | (None specified.) |
| Maximum Building Height | Forty-five feet (45'). | (Ord. 1086, Sec. 7, 7/13/76) |

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-34(c)(1-4); Amended by Ord. 2166, Sec. 13, 4/7/98)
314-2.2 C-2: COMMUNITY COMMERCIAL ZONE

The Community Commercial or C-2 Zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. The following regulations shall apply in all Community Commercial or C-2 Zones. (Former Section INL#314-37; Amended by Ord. 2214, 6/6/00)

<table>
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<th><strong>314-2.2</strong> C-2: COMMUNITY COMMERCIAL</th>
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</thead>
<tbody>
<tr>
<td><strong>Principal Permitted Uses</strong></td>
</tr>
<tr>
<td>Social halls, fraternal and social organizations, and clubs.</td>
</tr>
<tr>
<td>Professional and business offices, and commercial instruction.</td>
</tr>
<tr>
<td>Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailors shops, enclosed theaters, variety stores, and mortuaries. (From Section INL#314-34(a)(3))</td>
</tr>
<tr>
<td>Caretaker’s Residence which is incidental to and under the same ownership as an existing commercial use. (From Section INL#314-34(a)(5); Added by Ord. 2166, Sec. 14, 4/7/98)</td>
</tr>
<tr>
<td>Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses. (From Section INL#314-34(b)(3); Ord. 1086, Sec. 8, 7/13/76)</td>
</tr>
<tr>
<td><strong>Uses Permitted with a Special Permit</strong></td>
</tr>
<tr>
<td>Apartments on the upper floors of multistory structures where below are establishments engaged in commercial uses designated “ Principally Permitted” or “Conditionally Permitted” in the C-2 Zone, as well as transitional housing, and emergency shelters. (Added by Ord. 2313A, 1/15/2003, Amended by Ord 2235, 12/14/2004)</td>
</tr>
<tr>
<td><strong>Uses Permitted with a Use Permit</strong></td>
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<tr>
<td>Dwellings, hotels, motels, boarding and rooming houses and manufactured home parks.</td>
</tr>
<tr>
<td>Small animal hospitals completely enclosed within a building.</td>
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<tr>
<td>Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors’ yards, dry cleaning and laundry plants, handcraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters’ and decorators’ yards, plumbing shops, printing, lithographing and major auto repair. (Amended by Ord. 1848, Sec. 14, 9/13/88)</td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the C-2 zone.</td>
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<td><strong>Other Regulations</strong></td>
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<td><strong>Minimum Lot Area</strong></td>
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<td><strong>Minimum Yard Setbacks</strong></td>
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<td><strong>Maximum Ground Coverage</strong></td>
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<td><strong>Maximum Building Height</strong></td>
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*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-37(c)(1-2); Ord. 1086, Sec. 8, 7/13/76)
The Industrial Commercial or C-3 Zone is intended to apply to areas where heavy commercial uses and compatible light industrial uses not serving day to day needs are the desirable predominant uses. The following regulations shall apply in all Industrial Commercial or C-3 zones. For further description of use types, see “Glossary of Use Types” in Section D: Use Types, at the end of this Chapter.

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<thead>
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<th>Use Type</th>
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<td>Community Assembly</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Heavy Commercial</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Commercial</td>
</tr>
<tr>
<td></td>
<td>Retail Sales</td>
</tr>
<tr>
<td></td>
<td>Retail Service</td>
</tr>
</tbody>
</table>

| Use Types Not Listed in This Table | Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the C-3 zone. |

**Other Regulations**

- **Minimum Lot Area**: 5,000 square feet.
- **Minimum Lot Width**: Fifty feet (50').
- **Minimum Yard Setbacks**:
  - Front: Five feet (5').
  - Rear: Five feet (5').
  - Side: Five feet (5') or ten (10') feet on one side.
- **Maximum Ground Coverage**: (None specified.)
- **Maximum Building Height**: Forty-five feet (45').

**Special Regulations**

All equipment and materials storage areas shall be security fenced to a height of not less than six feet (6'). (Added by Ord. 1801, Sec. 1, 6/30/87)

In addition, all such areas shall be screened from view of any residential area, public roadway, or recreational use area. (Former Section INL#314-38(c)(5); Added by Ord. 1801, Sec. 1, 6/30/87)

Such fencing and screening need not comply with yard setbacks, but shall comply with the Visibility Obstruction Regulations (Humboldt County Code, Section 341). (Former Section INL#314-38(c)(5); Added by Ord. 1801, Sec. 1, 6/30/87)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

(Former Section INL#314-38(a)(1-5); INL#314-38(b)(1-6); INL#314-38(c)(1-5))
314-2.4  CH: HIGHWAY SERVICE COMMERCIAL ZONE

The Highway Service Commercial or CH Zone is intended to provide necessary services and conveniences for the traveling public along main roads and highway frontages at proper intervals and locations in developments designed for safety, convenience and suitable appearance. The following regulations shall apply in all highway Service Commercial or CH Zones. (Former Section INL#314-40; Ord. 1086, Sections 9 and 10, 7/13/76; Amended by Ord. 2214, 6/6/00)

<table>
<thead>
<tr>
<th>Principal Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotels and motels.</td>
</tr>
<tr>
<td>Car washes.</td>
</tr>
<tr>
<td>Nurseries and greenhouses.</td>
</tr>
<tr>
<td>Amusement parks and commercial recreational facilities.</td>
</tr>
<tr>
<td>Social halls, fraternal and social organizations, and clubs. (From Section INL#314-34(a)(1))</td>
</tr>
<tr>
<td>Professional and business offices, and commercial instruction. (From Section INL#314-34(a)(2))</td>
</tr>
<tr>
<td>Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries. (From Section INL#314-34(a)(3))</td>
</tr>
<tr>
<td>Caretaker’s Residence which is incidental to and under the same ownership as an existing commercial use. (From Section INL#314-34(a)(5); Added by Ord. 2166, Sec. 14, 4/7/98)</td>
</tr>
<tr>
<td>Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses. (From Section INL#314-34(b)(3))</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses Permitted with a Special Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments on the upper floors of multistory structures where below are establishments engaged in commercial uses designated “Principally Permitted” or “Conditionally Permitted” in the CH Zone, as well as transitional housing, and emergency shelters. (Added by Ord. 2313A, 12/16/2003, Amended by Ord. 2335, 12/14/04)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses Permitted with a Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small animal hospitals and kennels.</td>
</tr>
<tr>
<td>Special occupancy parks. (Amended by Ord. 2166, Sec. 15, 4/7/98)</td>
</tr>
<tr>
<td>Dwellings, manufactured homes, manufactured home parks and boarding and rooming houses.</td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CH zone.</td>
</tr>
</tbody>
</table>
## 314-2.4  
**CH: HIGHWAY SERVICE COMMERCIAL**

<table>
<thead>
<tr>
<th><strong>Other Regulations</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Area</strong></td>
<td>5,000 square feet.</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td>Fifty feet (50').</td>
</tr>
<tr>
<td><strong>Minimum Yard Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Fifteen feet (15').</td>
</tr>
<tr>
<td>Rear</td>
<td>None, except that where a rear yard abuts on a Residential Zone (RS, R-1, R-2, R-3, R-4) such rear yard shall not be less than twenty feet (20').</td>
</tr>
<tr>
<td>Side</td>
<td>None, except that, where a side yard abuts on a Residential Zone (RS, R-1, R-2, R-3, R-4), such side yard shall not be less than fifteen feet (15') provided further that such side yard, of a motel shall not be less than six feet (6').</td>
</tr>
<tr>
<td><strong>Maximum Ground Coverage</strong></td>
<td>(None specified.)</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td>Forty-five feet (45').</td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-40(a)(1-5); INL#314-40(b)(1-3); INL#314-40(c)(1-4))

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*Former Section INL#314-40(a)(1-5); INL#314-40(b)(1-3); INL#314-40(c)(1-4)*
314-3  INDUSTRIAL USE REGULATIONS

314-3.1  MB: BUSINESS PARK ZONE

The MB zone is intended to protect sites which are suitable for "business park" developments: well-designed mixed industrial/commercial areas composed of nuisance-free light industrial, research and development, administrative and business and professional office facilities, developed in a park-like environment. For further description of use types, see “Glossary of Use Types” in Section D: Use Types, at the end of this Chapter. (Former Section INL#314-44; Ord. 1800, Sec. 1, 6/23/87)

<table>
<thead>
<tr>
<th>314-3.1</th>
<th>MB: BUSINESS PARK</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Type</strong></td>
<td><strong>Principal Permitted Use</strong></td>
</tr>
<tr>
<td>Civic Use Types</td>
<td>Administrative</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Office and Professional Service, Warehousing, Storage and Distribution</td>
</tr>
<tr>
<td>Industrial Use Types</td>
<td>Research/Light Industrial</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Use Type</strong></th>
<th><strong>Uses Permitted with a Special Permit</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types</td>
<td>Residential Uses Subordinate to the Permitted Use including caretaker's residences and, apartments on the upper floors of multistory structures where below are establishments engaged in uses designated &quot;Principally Permitted&quot; or &quot;Conditionally Permitted&quot; in the MB Zone. as well as transitional housing, and emergency shelters. (Added by Ord. 2335, 12/14/04)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Use Type</strong></th>
<th><strong>Uses Permitted with a Use Permit</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Use Types</td>
<td>Retail Sales, Retail Service, Transient Habitation</td>
</tr>
</tbody>
</table>

Use Types Not Listed in This Table

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MB zone.

Other Regulations

| **Minimum Lot Area** | 10,000 square feet. |
| **Minimum Lot Width** | Sixty (60) feet. |
| **Minimum Yard Setbacks** | |
| Front | Thirty (30) feet. |
| Rear | Ten (10) feet. |
| Side | Thirty (30) feet where side yard adjoins a public street and ten (10) feet otherwise. |
| **Maximum Ground Coverage** | Fifty percent (50%). |
| **Maximum Building Height** | Fifty (50) feet. |

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-44(a)(1-4); (Former Section INL#314-44(b)(1-3); INL#314-44(c)(1-5); Ord. 1800, Sec. 1, 6/23/87)
### 314-3.2 ML: LIMITED INDUSTRIAL ZONE

The Limited Industrial or ML Zone is intended to apply to areas in which light manufacturing and heavy commercial uses of the non-nuisance type and large administrative facilities are the desirable predominant uses. The following regulations shall apply in all Limited Industrial or ML Zones. (Former Section INL#314-43; Ord. 1086, Sec. 11, 7/13/76; Amended by Ord. 2214, 6/6/00)

<table>
<thead>
<tr>
<th>Principal Permitted Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Small animal hospitals completely enclosed within a building. (From Section INL#314-37(b)(2); Ord. 1086, Sec. 8, 7/13/76)</td>
<td></td>
</tr>
<tr>
<td>Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. (From Section INL#314-37(b)(3); Ord. 1086, Sec. 8, 7/13/76)</td>
<td></td>
</tr>
<tr>
<td>Administrative, business and professional offices. (From Section INL#314-43(a)(2))</td>
<td></td>
</tr>
<tr>
<td>Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories. (From Section INL#314-43(a)(3))</td>
<td></td>
</tr>
</tbody>
</table>

**Uses Permitted with a Use Permit**

- Dwellings, manufactured homes, hotels, motels, emergency shelters, and manufactured home parks. (Amended by Ord. 2335, 12/14/04)
- Animal hospitals and kennels.
- Animal feed and sales yards.
- Manufacture of furniture, finished paper and paper products.
- Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the ML zone.

**Other Regulations**

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>One (1) acre.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Minimum Yard Setbacks*</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Fifty feet (50');</td>
</tr>
<tr>
<td>Rear</td>
<td>Fifty feet (50');</td>
</tr>
<tr>
<td>Side</td>
<td>Ten percent (10%) of average lot width but not less than twenty-five feet (25').</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>Twenty-five percent (25%).</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>Seventy-five feet (75').</td>
</tr>
</tbody>
</table>

**Special Regulations**

- All manufacturing and fabricating areas shall be enclosed in buildings; and
- All equipment and materials storage areas adjacent to Residential (RS, R-1, R-2, R-3, R-4) Zones shall be screened by walls, fences or adequate plantings to a height of not less than six feet (6'); and
- Said fencing and screening shall conform to all yard requirements.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

(Former Section INL#314-43(a)(1-3); INL#314-43(b); INL#314-43(c))
314-3.3 MH: HEAVY INDUSTRIAL ZONE

The Heavy Industrial or MH Zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas. The following regulations shall apply to all Heavy Industrial or MH Zones. (Former Section INL#314-46; Ord. 1086, Sec. 12, 7/13/76; Amended by Ord. 2214, 6/6/00)

<table>
<thead>
<tr>
<th>Principal Permitted Uses</th>
<th>(From Section INL#314-37(b)(2); Ord. 1086, Sec. 8, 7/13/76)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small animal hospitals completely enclosed within a building.</td>
<td></td>
</tr>
<tr>
<td>Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair.</td>
<td>(From Section INL#314-37(b)(3); Ord. 1086, Sec. 8, 7/13/76)</td>
</tr>
<tr>
<td>Administrative, business and professional offices.</td>
<td>(From Section INL#314-43(a)(2))</td>
</tr>
<tr>
<td>Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories.</td>
<td>(From Section INL#314-43(a)(3))</td>
</tr>
<tr>
<td>Animal hospitals and kennels.</td>
<td>(From Section INL#314-43(b)(2))</td>
</tr>
<tr>
<td>Animal feed and sales yards.</td>
<td>(From Section INL#314-43(b)(3))</td>
</tr>
<tr>
<td>Manufacture of furniture, finished paper and paper products.</td>
<td>(From Section INL#314-43(b)(4))</td>
</tr>
<tr>
<td>Industrial manufacturing uses, except as provided in the following subsection, Uses Permitted with a Use Permit.</td>
<td></td>
</tr>
</tbody>
</table>

Uses Permitted with a Use Permit

<table>
<thead>
<tr>
<th>Uses Permitted with a Use Permit</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings, manufactured homes, hotels, motels, emergency shelters, manufactured home parks, and special occupancy parks.</td>
<td>(Amended by Ord. 2335, 12/14/04)</td>
</tr>
<tr>
<td>All uses except: One-family dwellings; general agriculture; rooming and boarding of not more than two (2) persons; and manufactured homes.</td>
<td>(Former Sections 314-2(c); 314-2(b)(1-4) and 314-46(b)(2))</td>
</tr>
</tbody>
</table>

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MH zone.

Other Regulations

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>One (1) acre.</th>
<th>(From Section INL#314-43(c))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>(None specified.)</td>
<td>(From Section INL#314-43(c))</td>
</tr>
<tr>
<td>Minimum Yard Setbacks*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Fifty feet (50')</td>
<td>(From Section INL#314-43(c))</td>
</tr>
<tr>
<td>Rear</td>
<td>Fifty feet (50')</td>
<td>(From Section INL#314-43(c))</td>
</tr>
<tr>
<td>Side</td>
<td>Ten percent (10%) of average lot width but not less than twenty-five feet (25').</td>
<td>(From Section INL#314-43(c))</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>(None specified.)</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>Seventy-five feet (75').</td>
<td>(From Section INL#314-43(c))</td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-2.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-46(a)(1-3); Ord. 1086, Sec. 12, 7/13/76) (Former Section INL#314-46(b)(1-2); Ord. 894, Sec. 1, 12/19/72; Amended by Ord. 1086, Sec. 12, 7/13/76; Amended by Ord. 2166, Sec. 16, 4/7/98)
314-4  PUBLIC ZONES

314-4.1 AV: AIRPORT ZONE

The Airport or AV Zone is intended to be applied on properties used or planned to be used as airports where special regulations may be necessary to protect life and property. The following regulations shall apply in all Airport or AV Zones. (Former Section INL#314-49; Ord. 1086; Sec. 13, 7/13/76)

<table>
<thead>
<tr>
<th>314-4.1</th>
<th>AV: AIRPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Permitted Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Airports, heliports and landing strips for aircraft.</td>
<td></td>
</tr>
<tr>
<td>Storage, service, fueling, freight and passenger service, lighting, and radio and radar facilities.</td>
<td></td>
</tr>
<tr>
<td>Sales and rental of aircraft and aviation supplies and equipment.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses Permitted with a Use Permit</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other residential, agricultural, recreational, commercial or industrial use.</td>
<td></td>
</tr>
<tr>
<td>Manufactured homes.</td>
<td></td>
</tr>
</tbody>
</table>

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AV zone.

<table>
<thead>
<tr>
<th>Other Regulations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>(None specified.)</td>
</tr>
</tbody>
</table>

**Minimum Yard Setbacks***

| Front | (None specified.) |
| Rear | (None specified.) |
| Side | (None specified.) |

**Maximum Ground Coverage**

| (None specified.) |

**Maximum Building Height**

Federal aviation height safety standards shall apply except that heights in excess of thirty feet (30’) may be permitted only upon securing of a Use Permit.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

Note: Any new development must also conform with the adopted Humboldt County Airport Master Plan. (Former Section INL#314-49(a)(1-3); INL#314-49(b)(1-2); INL#314-49(c)(1))
314-5  NATURAL HAZARD/FLOOD ZONES

314-5.1  DF: DESIGN FLOODWAY ZONE

The Design Floodway or DF Zone is intended to be applied to areas which lie in a designated floodway, as defined in Section 8402 of the Water Code of the State of California, and such Design Floodway or DF Zone is intended to comply with Section 8410 of said Code. The Design Floodway or DF Zone is intended to prohibit such structures in the zone as might endanger life or significantly restrict the carrying capacity of the designated floodway. (Former Section INL#314-55; Ord. 542, Sections 9-12, 2/8/66)

<table>
<thead>
<tr>
<th>314-5.1</th>
<th>DF: DESIGN FLOODWAY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Permitted Uses</strong></td>
<td></td>
</tr>
<tr>
<td>General agriculture, nurseries, animal sales and feed yards except as provided in the following subsection, Uses Permitted with a Use Permit.</td>
<td></td>
</tr>
<tr>
<td>Recreational uses not requiring permanent structures.</td>
<td></td>
</tr>
<tr>
<td><strong>Uses Permitted with a Use Permit</strong></td>
<td></td>
</tr>
<tr>
<td>Permanent structures appurtenant to any Principal Permitted use in this Section. Principal Permitted Uses, which do not endanger life or significantly restrict the carrying capacity of the designated floodway.</td>
<td></td>
</tr>
<tr>
<td>Commercial and industrial uses not requiring permanent buildings which are compatible with permitted uses or with contiguous zones.</td>
<td></td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the DF zone.</td>
<td></td>
</tr>
</tbody>
</table>

**Other Regulations**

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>Five (5) acres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>314-52(c)(3)</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>300 feet.</td>
</tr>
<tr>
<td>314-52(c)(3)</td>
<td></td>
</tr>
<tr>
<td>Minimum Yard Setbacks*</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Twenty feet (20').</td>
</tr>
<tr>
<td>314-52(c)(3)</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>Twenty feet (20').</td>
</tr>
<tr>
<td>314-52(c)(3)</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>Ten feet (10').</td>
</tr>
<tr>
<td>314-52(c)(3)</td>
<td></td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>None specified.</td>
</tr>
<tr>
<td>314-52(c)(3)</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>None specified.</td>
</tr>
<tr>
<td>314-52(c)(3)</td>
<td></td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. Note: Any development must also conform with the County flood hazard regulations in title III, Division 3, Chapter 5 of the Humboldt County Code. (Former Section INL#314-55(a)(1-2); INL#314-55(b)(1-2); INL#314-55(c); Ord. 1086, Sections 14 and 15, 7/13/76)
314-5.2 FP: FLOOD PLAIN ZONE

The Flood Plain or FP Zone is intended to be applied to areas which have been inundated by flood waters in the past and which may reasonably be expected to be inundated by flood waters in the future. The Flood Plain Zone is intended to limit the use of areas subject to such inundation and flooding to protect lives and property from loss, destruction and damage due to flood waters and to the transportation by water of wreckage and debris. The following regulations shall apply in all Flood Plain or FP Zones. (Former Section INL#314-52; Ord. 1086, Sections 14 and 15, 7/13/76)

<table>
<thead>
<tr>
<th>314-5.2</th>
<th>FP: FLOOD PLAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Permitted Uses</strong></td>
<td></td>
</tr>
<tr>
<td>General agriculture, nurseries and greenhouses, and animal sales and feed yards except as provided in the following subsection, Uses Permitted with a Use Permit.</td>
<td></td>
</tr>
<tr>
<td>Temporary recreational vehicle parks.</td>
<td></td>
</tr>
<tr>
<td>Roadside stands.</td>
<td></td>
</tr>
<tr>
<td>Recreational uses, including public stables, docks, boat houses, golf courses, and shooting ranges.</td>
<td></td>
</tr>
<tr>
<td><strong>Uses Permitted with a Use Permit</strong></td>
<td></td>
</tr>
<tr>
<td>Residential uses including farm dwellings.</td>
<td></td>
</tr>
<tr>
<td>Commercial and industrial uses which, in the opinion of the Planning Commission, are compatible with contiguous zones.</td>
<td></td>
</tr>
<tr>
<td>Recreational uses requiring enclosed buildings.</td>
<td></td>
</tr>
<tr>
<td>Special occupancy parks.</td>
<td></td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the FP zone.</td>
<td></td>
</tr>
<tr>
<td><strong>Other Regulations</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>Five (5) acres.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>300 feet.</td>
</tr>
<tr>
<td>Minimum Yard Setbacks*</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Twenty feet (20').</td>
</tr>
<tr>
<td>Rear</td>
<td>Twenty feet (20').</td>
</tr>
<tr>
<td>Side</td>
<td>Ten feet (10').</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
<td>(None specified.)</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>(None specified.)</td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

Note: Any development must also conform with the County flood hazard regulations in title III, Division 3, Chapter 5 of the Humboldt County Code. (Former Section INL#314-52(a)(1-4); INL#314-52(b)(1-4); INL#314-52(c)(1-3); Amended by Ord. 1086, Sections 14 and 15, 7/13/76; Amended by Ord. 2166, Sec. 17, 4/7/98)
314-6.1 RS: RESIDENTIAL SUBURBAN ZONE

The Residential Suburban or RS Zone is intended to be applied in areas of the County which are particularly suited to large-lot development. The following regulations shall apply in all Residential Suburban or RS Zones. (Former Section INL#314-21; Ord. 1057, Sec. 3, 12/8/75; Amended by Ord. 1738, Sec. 1, 5/20/86; Amended by Ord. 1848, Sec. 9, 9/13/88; Amended by Ord. 1876 Sec. 4, 9/26/89)

<table>
<thead>
<tr>
<th>314-6.1</th>
<th>RS: RESIDENTIAL SUBURBAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Permitted Uses</td>
<td></td>
</tr>
<tr>
<td>One-family dwellings.</td>
<td></td>
</tr>
<tr>
<td>Servants’ quarters and guest houses.</td>
<td></td>
</tr>
<tr>
<td>Keeping of no more than eight (8) household pets on each lot.</td>
<td></td>
</tr>
<tr>
<td>Uses Permitted with a Use Permit</td>
<td></td>
</tr>
<tr>
<td>Private Institutions.</td>
<td></td>
</tr>
<tr>
<td>Private recreation facilities, including golf courses.</td>
<td></td>
</tr>
<tr>
<td>Manufactured home parks at a density no greater than allowed by the minimum parcel size in the zone or as may be modified by a combining zone.</td>
<td></td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RS zone.</td>
<td></td>
</tr>
</tbody>
</table>

Other Regulations

| Minimum Lot Area | One (1) acre. |
| Minimum Lot Width | 125 feet. |
| Minimum Lot Depth | 110 feet. |

Minimum Yard Setbacks*

| Front | Twenty (20) feet |
| Rear | Ten (10) feet |
| Interior Side | Five (5) feet |
| Exterior Side | Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.) |

Double Frontage Lots

| Front and rear twenty (20) feet, except the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley. |

Flag Lots

| For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot. |

Maximum Ground Coverage

| 35 percent. |

Maximum Building Height

| Thirty-five feet (35'). |

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

(Former Section INL#314-21(a)(1-3); INL#314-21(b)(1-3); INL#314-21(c)(1-6))
### 314-6.2  R-1: RESIDENTIAL ONE-FAMILY ZONE

The Residential One-Family or R-1 Zone is intended to be applied in areas of the County in which topography, access, utilities and public services make the area suitable and desirable for low density residential development. The following regulations shall apply in all Residential One-Family or R-1 Zones. (Former Section INL#314-24; Ord. 1235, Sec. 1, 6/13/78; Amended by Ord. 1738, Sec. 2, 5/20/86; Amended by Ord. 1848, Sec. 10, 9/13/88; Amended by Ord. 1876, Sec. 5, 9/26/89)

<table>
<thead>
<tr>
<th><strong>314-6.2</strong> R-1: RESIDENTIAL ONE-FAMILY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Permitted Uses</td>
</tr>
<tr>
<td>One-family dwelling.</td>
</tr>
<tr>
<td>Rooming and boarding of not over two (2) persons not employed on the premises.</td>
</tr>
<tr>
<td>Keeping of no more than four (4) household pets on each lot.</td>
</tr>
<tr>
<td><strong>Uses Permitted with a Use Permit</strong></td>
</tr>
<tr>
<td>Guest houses and servants quarters.</td>
</tr>
<tr>
<td>Public and private noncommercial recreation facilities, including golf courses.</td>
</tr>
<tr>
<td>Manufactured home parks at a density no greater than allowed by the minimum parcel size in the zone or as may be modified by a combining zone.</td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-1 zone.</td>
</tr>
<tr>
<td><strong>Other Regulations</strong></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
</tr>
<tr>
<td>Minimum Yard Setbacks*</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Interior Side</td>
</tr>
<tr>
<td>Exterior Side</td>
</tr>
<tr>
<td>Double Frontage Lots</td>
</tr>
<tr>
<td>Flag Lots</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
</tr>
<tr>
<td>Maximum Building Height</td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-24(a)(1-3); INL#314-24(b)(1-3); INL#314-24(c)(1-6))
314-6.3 R-2: RESIDENTIAL TWO-FAMILY ZONE

The Residential Two-Family or R-2 Zone is intended to be allowed in areas of the County close to urban centers where all utilities and services are available and where an increased density is appropriate on each building site. The following regulations shall apply in all Residential Two-Family or R-2 Zones. (Former Section INL#314-27; Ord. 1057, Sec. 5, 12/8/75: Amended by Ord. 1738, Sec. 3, 5/20/86; Amended by Ord. 1848, Sec. 11, 9/13/88; Amended by Ord. 1876, Sec. 6, 9/26/89)

<table>
<thead>
<tr>
<th>314-6.3</th>
<th>R-2: RESIDENTIAL TWO-FAMILY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Permitted Uses</strong></td>
<td></td>
</tr>
<tr>
<td>One-family dwellings.</td>
<td></td>
</tr>
<tr>
<td>Two-family dwellings.</td>
<td></td>
</tr>
<tr>
<td>Rooming and boarding of not more than two (2) persons not employed on the premises.</td>
<td></td>
</tr>
<tr>
<td>Keeping of no more than four (4) household pets for each dwelling unit.</td>
<td></td>
</tr>
<tr>
<td><strong>Uses Permitted with a Use Permit</strong></td>
<td></td>
</tr>
<tr>
<td>Guest houses and servants quarters.</td>
<td></td>
</tr>
<tr>
<td>Private institutions.</td>
<td></td>
</tr>
<tr>
<td>Manufactured home parks at a density no greater than allowed by the minimum parcel size in the zone or as may be modified by a combining zone.</td>
<td></td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-2 zone.</td>
<td></td>
</tr>
</tbody>
</table>

**Other Regulations**

| Minimum Lot Area | 5,000 square feet. |
| Minimum Lot Width | Fifty feet (50'). |
| Maximum Lot Depth | Three (3) times lot width. |

**Minimum Yard Setbacks**

| Front | Twenty (20) feet. |
| Rear | Ten (10) feet. |
| Interior Side | Five (5) feet. |
| Exterior Side | Same as front or one-half the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.) |
| Double Frontage Lots | Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley. |
| Flag Lots | For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot. |

**Maximum Ground Coverage**

Forty percent (40%).

**Maximum Building Height**

Thirty-five feet (35').

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-27(a)(1-4); INL#314-27(b)(1-3); INL#314-27(c)(1-6))
314-6.4  R-3: RESIDENTIAL MULTIPLE FAMILY ZONE

The Residential Multiple Family or R-3 Zone is intended to apply in areas of the County where it is reasonable to permit and protect low density apartment developments. The following regulations shall apply in all Residential Multiple Family or R-3 Zones. (Former Section INL#314-30; Ord. 519, Sec. 440, 5/11/65; Amended by Ord. 1848, Sec. 12, 9/13/88; Amended by Ord. 1876, Sec. 7, 9/26/89; Amended by Ord. 2166, Sec. 12, 4/7/98)

### 314-6.4 R-3: RESIDENTIAL MULTIPLE FAMILY

<table>
<thead>
<tr>
<th>Principal Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-family dwellings. (Amended by Ord. 2166, 4/7/98)</td>
</tr>
<tr>
<td>Dwelling groups and multiple dwellings containing four or fewer units per building.. (Amended by Ord. 2313A, 12/16/03)</td>
</tr>
<tr>
<td>Keeping of no more than two (2) household pets for each dwelling unit.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses Permitted with a Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotels, motels, manufactured home parks, rooming and boarding houses, emergency shelters and transitional housing. (Amended by Ord. 2335, 12/14/04)</td>
</tr>
<tr>
<td>Private institutions.</td>
</tr>
<tr>
<td>Professional offices.</td>
</tr>
<tr>
<td>One family dwellings where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. (Added by Ord. 2166, Sec. 12, 4/7/98)</td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-3 zone.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
</tr>
<tr>
<td>Minimum Yard Setbacks*</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Interior Side</td>
</tr>
<tr>
<td>Exterior Side</td>
</tr>
<tr>
<td>Double Frontage Lots</td>
</tr>
<tr>
<td>Flag Lots</td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.
### 314-6.4  R-3: RESIDENTIAL MULTIPLE FAMILY

<table>
<thead>
<tr>
<th>Other Regulations, cont.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Special yards for multiple dwellings on the same lot</strong></td>
</tr>
<tr>
<td>The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10'). (Amended by Ord. 2214, 6/6/00)</td>
</tr>
<tr>
<td>The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20').</td>
</tr>
<tr>
<td>The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12').</td>
</tr>
<tr>
<td>All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2) stories.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Ground Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sixty percent (60%).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forty-five feet (45’).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>The maximum density as specified by the General Plan. The maximum density for the parcel shall be calculated as the maximum density permitted by the General Plan land use designation (i.e. number of dwelling units per acre) divided by the total area within the lot and within one-half of any adjacent street(s). (Added by Ord. 2313A, 12/16/03)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design Considerations (Advisory only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following items shall guide the design of projects involving more than four units:</td>
</tr>
<tr>
<td>- Avoid letting garages, driveways and parking lots dominate the streetscape.</td>
</tr>
<tr>
<td>- Design to minimize conflicts between vehicles and pedestrians.</td>
</tr>
<tr>
<td>- Design public open areas to the same level of quality as any other &quot;space&quot; in the development.</td>
</tr>
<tr>
<td>- Provide direct access to open space from the dwelling units that the open space is intended to serve.</td>
</tr>
<tr>
<td>- Provide visual access to shared open spaces from individual units, preferably from the kitchen, living room or dining room.</td>
</tr>
<tr>
<td>- Avoid lighting which shines directly into dwelling units on- and off-site.</td>
</tr>
<tr>
<td>- Private outdoor space, including patios, porches, decks, balconies and yards should be of adequate size and within easy access of each dwelling unit.</td>
</tr>
<tr>
<td>- Good landscaping is critical to the quality of any multifamily project. (Added by Ord. 2313A, 12/16/03)</td>
</tr>
</tbody>
</table>

(Former Section INL#314-30(a)(1-3); INL#314-30(b)(1-4); INL#314-30(c)(1-7; Amended by Ord. 2166, 4/7/98)
314-6.5 R-4: APARTMENT PROFESSIONAL ZONE

The Apartment Professional or R-4 Zone is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses. The following regulations shall apply in all Apartment Professional or R-4 Zones. (Former Section INL#314-31; Ord. 519, Sec. 440, 5/11/65; Amended by Ord. 1848, Sec. 13, 9/13/88; Amended by Ord. 1876, Sec. 8, 9/26/89; Amended by Ord. 2166, Sec. 13, 4/7/98)

<table>
<thead>
<tr>
<th>314-6.5 R-4: APARTMENT PROFESSIONAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Permitted Uses</strong></td>
</tr>
<tr>
<td>Two-family dwellings and multiple dwellings and dwelling groups. (Amended by Ord. 2166, Sec. 13, 4/7/98)</td>
</tr>
<tr>
<td>Professional and business offices.</td>
</tr>
<tr>
<td>Commercial instruction.</td>
</tr>
<tr>
<td>Boarding and rooming houses.</td>
</tr>
<tr>
<td>Keeping of no more than two (2) household pets for each dwelling unit.</td>
</tr>
<tr>
<td>Manufactured home parks.</td>
</tr>
</tbody>
</table>

**Uses Permitted with a Use Permit**

- Hotels motels, transitional housing, and emergency shelters. (Amended by Ord. 2335, 12/14/04)
- Private institutions.
- Social Halls and fraternal and social organizations.
- Noncommercial recreation facilities.
- Mortuaries.
- Small animal hospitals completely enclosed within a building.
- One family dwellings where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. (Added by Ord. 2166, Sec. 13, 4/7/98)
- Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-4 zone.
## 314-6.5 R-4: APARTMENT PROFESSIONAL

### Other Regulations

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Area</strong></td>
<td>5,000 square feet, but not less than 500 square feet for each dwelling unit.</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td>Fifty feet (50').</td>
</tr>
<tr>
<td><strong>Maximum Lot Depth</strong></td>
<td>Three (3) times lot width.</td>
</tr>
<tr>
<td><strong>Minimum Yard Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Twenty (20) feet.</td>
</tr>
<tr>
<td>Rear</td>
<td>Ten (10) feet.</td>
</tr>
<tr>
<td>Interior Side</td>
<td>Five (5) feet.</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)</td>
</tr>
<tr>
<td>Double Frontage Lots</td>
<td>Front and rear twenty (20 feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley.</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
<tr>
<td>Special yards for multiple dwellings on the same lot</td>
<td>The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10'). (Amended by Ord. 2214, 6/6/00) The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20'). The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12'). All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2) stories.</td>
</tr>
<tr>
<td><strong>Maximum Ground Coverage</strong></td>
<td>Sixty percent (60%).</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td>Forty-five feet (45').</td>
</tr>
<tr>
<td><strong>Maximum Density</strong></td>
<td>The maximum density as specified by the General Plan. The maximum density for the parcel shall be calculated as the maximum density permitted by the General Plan land use designation (i.e. number of dwelling units per acre) divided by the total area within the lot and within one-half of any adjacent street(s). (Added by Ord. 2313A, 12/16/03)</td>
</tr>
<tr>
<td><strong>Design Considerations (Advisory Only)</strong></td>
<td>The following items shall guide the design of projects involving more than four units:</td>
</tr>
<tr>
<td>- Avoid letting garages, driveways and parking lots dominate the streetscape.</td>
<td></td>
</tr>
<tr>
<td>- Design to minimize conflicts between vehicles and pedestrians.</td>
<td></td>
</tr>
<tr>
<td>- Design public open areas to the same level of quality as any other &quot;space&quot; in the development.</td>
<td></td>
</tr>
<tr>
<td>- Provide direct access to open space from the dwelling units that the open space is intended to serve.</td>
<td></td>
</tr>
<tr>
<td>- Provide visual access to shared open spaces from individual units, preferably from the kitchen, living room or dining room.</td>
<td></td>
</tr>
<tr>
<td>- Avoid lighting which shines directly into dwelling units on- and off-site.</td>
<td></td>
</tr>
<tr>
<td>- Private outdoor space, including patios, porches, decks, balconies and yards should be of adequate size and within easy access of each dwelling unit.</td>
<td></td>
</tr>
<tr>
<td>- Good landscaping is critical to the quality of any multifamily project. (Added by Ord. 2313A, 12/16/03)</td>
<td></td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-31(a)(1-6); INL#314-31(b)(1-7); INL#314-31(c))

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**CHAPTER 4, PAGE 26**
Principal Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 2 of this Division. (Former Section INL#314-20; Added by Ord. 2205, Sec. 1, 4/11/00)

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Principal Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types</td>
<td>Single Family Residential&lt;br&gt;Second Residential Unit&lt;br&gt;(Amended by Ord. 2167, Sec. 16, 4/7/98)</td>
</tr>
<tr>
<td>Civic Use Types</td>
<td>Minor Utilities</td>
</tr>
<tr>
<td>Agricultural Use Types</td>
<td>General Agriculture</td>
</tr>
<tr>
<td>Industrial Use Types</td>
<td>Cottage Industry; subject to the Cottage Industry Regulations (Amended by Ord. 2167, Sec. 16, 4/7/98)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Conditionally Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Types</td>
<td>Guest House</td>
</tr>
<tr>
<td>Civic Use Types</td>
<td>Essential Services&lt;br&gt;Community Assembly&lt;br&gt;Public Recreation and Open Space&lt;br&gt;Solid Waste Disposal; subject to the Solid Waste Disposal Regulations&lt;br&gt;Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations&lt;br&gt;Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations&lt;br&gt;Minor Generation and Distribution Facilities</td>
</tr>
<tr>
<td>Commercial Use Types</td>
<td>Neighborhood Commercial&lt;br&gt;Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations&lt;br&gt;Private Recreation</td>
</tr>
<tr>
<td>Agricultural Use Types</td>
<td>Stables and Kennels&lt;br&gt;Intensive Agriculture</td>
</tr>
<tr>
<td>Commercial Timber Use Type</td>
<td>Timber Production</td>
</tr>
<tr>
<td>Extractive Use Type</td>
<td>Surface Mining - 2; subject to the Surface Mining Regulations</td>
</tr>
<tr>
<td>Natural Resource Use Types</td>
<td>Fish and Wildlife Management&lt;br&gt;Watershed Management&lt;br&gt;Wetland Restoration&lt;br&gt;Coastal Access Facilities</td>
</tr>
</tbody>
</table>

Use Types Not Listed in This Table

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RA zone.
### Development Standards

#### Minimum Lot Size and Minimum Lot Width

<table>
<thead>
<tr>
<th>Zone Designation</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA-1</td>
<td>1.0 acre</td>
<td>150 feet</td>
</tr>
<tr>
<td>RA-2</td>
<td>2.0 acres</td>
<td>175 feet</td>
</tr>
<tr>
<td>RA-2.5</td>
<td>2.5 acres</td>
<td>175 feet</td>
</tr>
<tr>
<td>RA-5</td>
<td>5.0 acres</td>
<td>250 feet</td>
</tr>
<tr>
<td>RA-10</td>
<td>10.0 acres</td>
<td>350 feet</td>
</tr>
<tr>
<td>RA-20</td>
<td>20.0 acres</td>
<td>475 feet</td>
</tr>
<tr>
<td>RA-40</td>
<td>40.0 acres</td>
<td>750 feet</td>
</tr>
</tbody>
</table>

#### Maximum Lot Depth

Four (4) times the lot width.

#### Maximum Density

Either one dwelling unit per lawfully created lot or two dwelling units per lawfully created lot if a Special Permit is secured for a second residential unit.

(Amended by Ord. 2167, Sec. 16, 4/7/98)

#### Minimum Yard Setbacks*

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum Lot Size Less Than 2.5 Acres</th>
<th>Minimum Lot Size 2.5 Acres or Greater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Twenty (20) feet</td>
<td>Twenty (20) feet; Thirty (30) feet for flag lots</td>
</tr>
<tr>
<td>Rear</td>
<td>Ten (10) feet</td>
<td>Thirty (30) feet</td>
</tr>
<tr>
<td>Interior Side</td>
<td>Five (5) feet</td>
<td>Thirty (30) feet</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Twenty (20) feet</td>
<td>Thirty (30) feet</td>
</tr>
</tbody>
</table>

#### Flag Lots

The Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for vehicular turn around on the lot.

#### Double Frontage Lots

Front and rear yards shall be twenty (20) feet, except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.

#### Maximum Ground Coverage

Thirty-five percent (35%)

#### Maximum Structure Height

Thirty-five (35) feet.

#### Permitted Main Building Types

Residential Single Detached
Limited Mixed Residential - Nonresidential
Nonresidential Detached or Multiple/Group

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

(From Sections CZ#A313-17(A)(1-4); CZ#A313-17(B)(1-7); CZ#A313-17(C)(1-6); Amended by Ord. 2167, Sec. 16, 4/7/98)
314-7 RESOURCE USE REGULATIONS

314-7.1 AE: AGRICULTURE EXCLUSIVE ZONE

The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture Exclusive or AE Zones. (Former Section INL#314-15; Ord. 1085, Sec. 5, 7/13/76; Amended by Ord. 1848, Sec. 8, 9/13/88; Amended by Ord. 2214, 6/6/00)

### 314-7.1 AE: AGRICULTURE EXCLUSIVE

#### Principal Permitted Uses

All general agricultural uses, including accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures), except those specified in the following subsection, Uses Permitted with a Use Permit.

(Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

Farm dwellings. On lots 40 acres or larger in size, two single detached dwellings are permitted.

(Amended by Ord. 1949, Sec. 1, 12/4/91; Amended by Ord. 2189, Sec. 1, 2/9/99)

Manufactured homes used as farm dwellings.

#### Uses Permitted with a Use Permit

- Hog farms, turkey farms, frog farms and fur farms.
- Animal feed yards and sales yards.
- Agricultural and timber products processing plants.
- Rental and sales of irrigation equipment and storage incidental thereto.
- Animal hospitals.
- Labor camps and labor supply camps.
- Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.

#### Other Regulations

**No Subdivisions**

No subdivisions or residential developments, whether by official map, record of survey or recorded subdivision, shall be permitted in Agriculture Exclusive or AE Zones.

**Minimum Lot Area**

Twenty (20) acres.

**Minimum Lot Width**

One hundred feet (100').

**Maximum Lot Depth**

(None specified.)

**Minimum Yard Setbacks***

- Front: Thirty feet (30');
- Rear: Twenty feet (20');
- Side: Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.
- Farm Outbuildings: Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.

**Maximum Ground Coverage**

Thirty-five percent (35%).

**Maximum Building Height**

(None specified.)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Sections INL#314-15(a)(1-3); INL#314-15(b)(1-6); INL#314-15(c)(1-6); INL#316-2.1(1-10); Ord. 2189, Sec. 1, 2/9/99)
314-7.2 AG: AGRICULTURE GENERAL ZONE

The Agriculture General or AG Zone is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary. The following regulations shall apply in all Agriculture General or AG Zones. (Former Section INL#314-18 and INL#316-2.1(1-10; Ord. 1086, Sec. 6, 7/13/76; Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

<table>
<thead>
<tr>
<th>Principal Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Agriculture, including accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures).</td>
</tr>
<tr>
<td>One-family dwellings and farm dwellings.</td>
</tr>
<tr>
<td>Rooming and boarding of not more than two (2) persons not employed on the premises.</td>
</tr>
<tr>
<td>Manufactured homes.</td>
</tr>
<tr>
<td>Uses Permitted with a Use Permit</td>
</tr>
<tr>
<td>Guest houses, servants’ quarters, labor camps and labor supply camps.</td>
</tr>
<tr>
<td>Hog farms, turkey farms, frog farms and fur farms.</td>
</tr>
<tr>
<td>Animal feed lots and sales yards.</td>
</tr>
<tr>
<td>Agricultural and timber products processing plants.</td>
</tr>
<tr>
<td>Rental and sales of irrigation equipment and storage incidental thereto.</td>
</tr>
<tr>
<td>Animal hospitals and kennels.</td>
</tr>
<tr>
<td>Golf courses.</td>
</tr>
<tr>
<td>Private institutions and cemeteries.</td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AG zone.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
</tr>
<tr>
<td>Minimum Yard Setbacks*</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Side</td>
</tr>
<tr>
<td>Farm Outbuildings</td>
</tr>
<tr>
<td>Maximum Ground Coverage</td>
</tr>
<tr>
<td>Maximum Building Height</td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-2.1: “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-18(a)(1-4); INL#314-18(b)(1-8); INL#314-18(c); INL#316-2.1(1-10))
314-7.3 FR: FORESTRY RECREATION ZONE

The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. The following regulations shall apply in all Forestry Recreation or FR Zones.

(Former Section INL#314-7; Ord. 1086, Sec. 4, 7/13/76; Amended by Ord. 2166, Sec. 10, 4/7/98)

<table>
<thead>
<tr>
<th>314-7.3 FR: FORESTRY RECREATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Permitted Uses</td>
</tr>
<tr>
<td>One-family dwellings and farm dwellings.</td>
</tr>
<tr>
<td>General agriculture, nurseries and greenhouses, and roadside stands.</td>
</tr>
<tr>
<td>Public and private noncommercial recreational uses, including golf courses and public stables.</td>
</tr>
<tr>
<td>Social halls, fraternal and social organizations, and clubs.</td>
</tr>
<tr>
<td>Manufactured homes.</td>
</tr>
<tr>
<td>Uses Permitted with a Use Permit</td>
</tr>
<tr>
<td>Hotels, motels, special occupancy parks and manufactured home parks.</td>
</tr>
<tr>
<td>(Amended by Ord. 2166, Sec. 10, 4/7/98)</td>
</tr>
<tr>
<td>Two-family and multiple dwellings.</td>
</tr>
<tr>
<td>Restaurants, food markets and automobile service stations, and commercial recreational facilities.</td>
</tr>
<tr>
<td>Agricultural and timber products processing plants.</td>
</tr>
<tr>
<td>Private institutions and cemeteries.</td>
</tr>
<tr>
<td>Hog farms, turkey farms, frog farms and fur farms.</td>
</tr>
<tr>
<td>Animal hospitals and kennels.</td>
</tr>
<tr>
<td>Wrecking and salvage yards.</td>
</tr>
<tr>
<td>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the FR zone.</td>
</tr>
</tbody>
</table>

Other Regulations

| Minimum Lot Area | One (1) acre. |
| Minimum Lot Width | Two hundred feet (200'). |
| Maximum Lot Depth | (None specified.) |
| Minimum Yard Setbacks* |
| Front | Twenty feet (20'). |
| Rear | Twenty feet (20'). |
| Side | Ten feet (10'). |
| Maximum Ground Coverage | (None specified.) |
| Maximum Building Height | Thirty-five feet (35'). (Ord. 1086, Sec. 4, 7/13/76) |

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

(Former Section INL#314-7(a)(1-5); INL#314-7(b)(1-8); INL#314-7(c)(1-4); Amended by Ord. 2166, Sec. 10, 4/7/98)
314-7.4 TPZ: TIMBERLAND PRODUCTION ZONE

The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. (Former Section INL#314-10; and INL#314-11; Ord. 1099 Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88; Amended by Ord. 1907, Sec. 1, 8/21/90; Amended by Ord. 2166, Sec. 11, 4/7/98; Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

314-7.4 TPZ: TIMBERLAND PRODUCTION

<table>
<thead>
<tr>
<th>Principal Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Growing and harvesting of timber and accessory uses compatible thereto.</td>
</tr>
</tbody>
</table>

Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures). (Added by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

<table>
<thead>
<tr>
<th>Principal Permitted Uses Compatible with Timber Production</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following accessory uses are deemed to be compatible with the growing and harvesting of timber provided they do not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber: (Former Section INL#314-11)</td>
</tr>
<tr>
<td>Management for watershed.</td>
</tr>
<tr>
<td>Management for fish and wildlife habitat.</td>
</tr>
<tr>
<td>A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of “processing”).</td>
</tr>
<tr>
<td>The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.</td>
</tr>
<tr>
<td>Grazing and other agricultural uses.</td>
</tr>
<tr>
<td>One-family dwelling or manufactured home and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences.</td>
</tr>
<tr>
<td>Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.</td>
</tr>
<tr>
<td>Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing. (Former Section INL#314-11(h); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 2, 8/21/90)</td>
</tr>
</tbody>
</table>

Uses Permitted with a Use Permit

Note: Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. (Former Section INL#314-10(b)(1-2); Ord. 1099, Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88, Amended by Ord. 1907, Sec. 1, 8/21/90, Amended by Ord. 2166, Sec. 11, 4/7/98)

<table>
<thead>
<tr>
<th>Uses Permitted with a Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.</td>
</tr>
<tr>
<td>Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses. (Amended by Ord. 2166, Sec. 11, 4/7/98)</td>
</tr>
</tbody>
</table>

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.
7.4.1 Other TPZ Regulations.

7.4.1.1 Provisions of Article 1 "General Provisions" (Section 51100); Article 2 "Establishment of Timberland Production Zone" (Subsections 51110 and 51119.5); Article 3 "Rezoning" (Subsection 51120 and 51121); Article 4 "Immediate Rezoning" (Subsection 51130-51134); and Article 5 "Removal from Zone" (Subsection 51140-51146) of the Government Code of the State of California as it now reads, or may be hereafter amended, shall apply. (Former Section INL#314-12(a); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 3, 8/21/90)

7.4.1.2 An owner of real property may petition the Board of Supervisors to zone land as Timberland Production or TPZ Zone. The Board, by ordinance, after the recommendation of the Planning Commission pursuant to Section 51110.2 of the Government Code, and after public hearing, shall zone as a Timberland Production or TPZ Zone all parcels submitted to it by petition pursuant to Section 51113 which meet all of the following criteria: (Former Section INL#314-12(b))

7.4.1.2.1 A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned Timberland Production or TPZ Zone. (Former Section INL#314-12(b)(1))

7.4.1.2.2 A plan (or a timber management guide) for forest management of the property must be prepared or approved as to content by a registered forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the prepared of the plan. (Former Section INL#314-12(b)(2))

7.4.1.2.3 The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the state Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. The agreement shall provide that if the parcel is subsequently zoned as Timberland Production or TPZ and fails to meet the stocking standards and forest practice rules within the time period, the Board of Supervisors shall rezone the parcel to another zone pursuant to Section 51113(c)(3) or 51121 of the Government Code. (Former Section INL#314-12(b)(3))

7.4.1.2.4 The land to be rezoned Timberland Production or TPZ shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single parcel or a unit of contiguous parcels as defined in Section 51104 of the Government Code, which is eighty (80) acres or one-half of one-quarter section in size or larger. (Former Section INL#314-12(b)(4))
7.4.1.2.5 The land to be included in the Timberland Production or TPZ Zone shall be timberland as defined by Section 51104(f) of the Government Code. (Former Section INL#314-12(b)(5); Ord. 1126, Sec. 1, 3/12/77; Amended by Ord. 1907, Sec. 3, 8/21/90)

7.4.1.2.6 The land shall be in compliance with the land use standards of the Timberland Production or TPZ Zone. (Former Section INL#314-12(b)(6))

7.4.1.3 Minimum parcel size:

7.4.1.3.1 160 acres; or (Former Section INL#314-12(c)(1))

7.4.1.3.2 40 acres if the provisions of Government Code Section 51119.5 are met. (Former Section INL#314-12(c)(2))

7.4.1.4 Special Subdivision Provisions For Mixed Zone Parcels. Parcels containing Timberland Production or TPZ zoned land may be subdivided below the minimum parcel size allowed pursuant to subsection 314-7.4.1.3 where TPZ zoned land of a smaller size already exists and all of the following requirements are satisfied: (Former Section INL#314-12(d))

7.4.1.4.1 TPZ zoned land within the parcel is not being divided or separated by the subdivision; and (Former Section INL#314-12(d)(1))

7.4.1.4.2 Adequate access is available for timber management for the TPZ zoned land; and (Former Section INL#314-12(d)(2))

7.4.1.4.3 A timber management guide for the TPZ zoned land approved by the County Forestry Review Committee has been submitted for the subdivision; provided, however, that such a timber management guide shall not be required if the subdivision is restricted to prohibit residential or other development from the TPZ portion of the parcel; and (Former Section INL#314-12(d)(3))

7.4.1.4.4 The subdivision meets all other regulatory requirements applicable to subdivisions; and (Former Section INL#314-12(d)(4))

7.4.1.4.5 The parcel in which the TPZ zoned land will be contained is no smaller than the minimum parcel size for the adjacent non-TPZ portion of the parcel. (Former Section INL#314-12(d)(5))

7.4.1.5 Minimum yard setbacks*: (Former Section INL#314-12(e)(1-4))

7.4.1.5.1 Front: Twenty (20) feet;

7.4.1.5.2 Side: Thirty (30) feet;

7.4.1.5.3 Rear: Thirty (30) feet;

7.4.1.5.4 For Flag Lots, the Director, in consultation with the Public Works
Department, shall establish, in addition to a required minimum front yard setback, the minimum yard that is required for a vehicular turn around on the parcel.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1: “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

7.4.1.6 Special Restrictions Regarding Residences.

7.4.1.6.1 The total residential density shall not exceed one (1) dwelling unit per twenty (20) acres. (Former Section INL#314-12(f)(1))

7.4.1.6.2 Parcels smaller than forty (40) acres shall not have second or secondary dwelling units. (Former Section INL#314-12(f)(2))

7.4.1.6.3 Residences and the associated accessory structures and uses shall not exceed two (2) acres per parcel. (Former Section INL#314-12(f)(3))
314-8.1 **U: UNCLASSIFIED ZONE**

As provided in this Code, all of the unincorporated area of the County not otherwise zoned is designated as the Unclassified or U Zone. This area has not been sufficiently studied to justify precise zoning classifications. The following Code sections have been adopted to protect the health, safety and general welfare of the citizens and to insure orderly development in conformance with the General Plan. (Former Section INL#314-2(a); Ord. 894, Sec. 1, 12/19/72)

<table>
<thead>
<tr>
<th>314-8.1</th>
<th><strong>U: UNCLASSIFIED ZONE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Permitted Uses</strong></td>
<td></td>
</tr>
<tr>
<td>One-family dwelling.</td>
<td></td>
</tr>
<tr>
<td>General agriculture.</td>
<td></td>
</tr>
<tr>
<td>Rooming, and boarding of not more than two (2) persons.</td>
<td></td>
</tr>
<tr>
<td>Manufactured home.</td>
<td></td>
</tr>
</tbody>
</table>

**Uses Permitted with a Use Permit**

All other uses not specified in the subsection, Principal Permitted Uses, may be permitted upon the granting of a Use Permit.

<table>
<thead>
<tr>
<th>Other Regulations for All Permitted Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Area</strong></td>
<td>6,000 square feet.</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td>Fifty feet (50').</td>
</tr>
<tr>
<td><strong>Maximum Lot Depth</strong></td>
<td>Three (3) times the width.</td>
</tr>
<tr>
<td><strong>Minimum Lot Depth</strong></td>
<td>One hundred feet (100').</td>
</tr>
<tr>
<td><strong>Minimum Yard Setbacks</strong>*</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Twenty feet (20').</td>
</tr>
<tr>
<td>Rear</td>
<td>Ten (10) feet.</td>
</tr>
<tr>
<td>Side</td>
<td>Five (5) feet.</td>
</tr>
<tr>
<td><strong>Minimum Distance Between Major Buildings</strong></td>
<td>Twenty feet (20').</td>
</tr>
<tr>
<td><strong>Maximum Ground Coverage</strong></td>
<td>Forty percent (40%).</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td>(None specified.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Regulations for Uses Permitted with a Use Permit</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The building height, site area, setbacks and other requirements for all other uses shall be as required by the Planning Commission in the granting of a Use Permit.</td>
<td></td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Sections INL#314-2(b)(1-4); INL#314-2(c); INL#314-3(a)(1-4); INL#314-3(b))

(314-9 through 314-14: Sections Reserved for Future Use)
314-15  SPECIAL AREA COMBINING ZONES: PURPOSE, WHERE THEY APPLY, AND LIST OF ZONE DESIGNATIONS

The Combining Zone Designation is an additional zoning designation applied to some (but not all) properties. 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. Definitions and terms used (such as “use type”) are explained in Section C: Index of Definitions of Language and Legal Terms.

15.1  APPLICABILITY

The regulations set forth in this chapter for each of the Combining Zones shall modify the regulations for the Principal Zones with which they are combined. All uses and regulations of the Principal Zone shall apply in the Combined Zone except insofar as they are modified or augmented by the uses and regulations set forth in the Combining Zone regulations. (Former Section INL#315-1; Ord. 519, Sec. 501, 5/11/65)

15.2. SPECIAL AREA COMBINING ZONES AND RESPECTIVE DESIGNATIONS

The following table lists all of the Special Area Combining Zones and their respective designations: (Former Section INL#313-2; Ord. 1800, Sec. 2, 6/23/87; Amended by Ord. 1842, Sec. 4, 8/16/88; Amended by Ord. 2214, 6/6/00)

<table>
<thead>
<tr>
<th>COMBINING ZONE</th>
<th>DESIGNATION</th>
<th>CODE SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Safety Review</td>
<td>AP</td>
<td>314-16.1</td>
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<tr>
<td>Special Building Site</td>
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<td>Design Control</td>
<td>D</td>
<td>314-19</td>
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<td>Flood Hazard Areas</td>
<td>F</td>
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<td>Alquist-Priolo Fault Hazard</td>
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<td>Greenway and Open Space</td>
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<td>Manufactured Home Development Standard</td>
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<td>Noise Impact</td>
<td>N</td>
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<td>Planned Development</td>
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<td>Qualified</td>
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<td>Development Standard</td>
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<tr>
<td>Development Standards - Standards in Addition to Manufactured Home Building Types are Modified</td>
<td>SM</td>
<td>314-34.2</td>
</tr>
<tr>
<td>Development Standards - Minimum Lot Size and Minimum Average Lot Size are Both Specified</td>
<td>SY</td>
<td>314-34.3</td>
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<tr>
<td>Development Standards Where Standards in Addition to Minimum Lot Size are Modified</td>
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<td>Manufactured Home</td>
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<tr>
<td>Vacation Home Rental</td>
<td>V</td>
<td>314-37.1</td>
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<tr>
<td>Streamside Management Areas and Wetlands</td>
<td>WR</td>
<td>314-38.1</td>
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<tr>
<td>Recreation</td>
<td>X</td>
<td>314-39.1</td>
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<tr>
<td>Specified Minimum and Average Lot Size</td>
<td>Y</td>
<td>314-40.1</td>
</tr>
<tr>
<td>No Further Subdivision Allowed</td>
<td>Z</td>
<td>314-41.1</td>
</tr>
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</table>
314-16   “A” COMBINING ZONE DESIGNATIONS.

314-16.1 AP - AIRPORT SAFETY REVIEW.

16.1.1 Purpose. The purpose of these provisions is to assist in maintaining compatibility between proposed land uses and development and Humboldt County airports.

16.1.2 Applicability. The Airport Safety Review Combining Zone, indicated by "AP" on the Zoning Maps, shall apply to lands within or under areas described in Section 333, Chapter 3, Division 3, Title III of the Humboldt County Code as clear zones, approach zones, transition zones, and beneath the flight track; or to lands identified as appropriate for airport safety review zoning in the most recently adopted Airport Land Use Compatibility Plan for the Humboldt County Airports Master Plan.

16.1.3 Modifications Imposed by the Airport Safety Review Combining Zone. Lands designated "AP" shall comply with the most recent Airport Land Use Compatibility Plan for the Humboldt County Airports Master Plan, as adopted by the Humboldt County Airport Land Use Commission. These provisions shall apply in addition to regulations imposed by the principal zone, development regulations, and other special area combining regulations. (Added by Ord. 2285, Sec. 2, 12/10/02)

314-17   “B” COMBINING ZONE DESIGNATIONS.

314-17.1 B - SPECIAL BUILDING SITE.

The Special Building Site Combining or B Zones and subzones theerunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. The following regulations shall apply in any zone which is combined with a Special Building Site Combining or B Zone in lieu of the lot area and yard requirements normally applicable in such principal zone.  (Former Section INL#315-2; Ord. 519, Sec. 505, 5/11/65; Ord; 1661, Sec. 2, 10/30/84; Amended by Ord. 1848, Sec. 15, 9/13/88)

<table>
<thead>
<tr>
<th>DESIGNATION</th>
<th>BUILDING SITE AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>8,000 square feet</td>
</tr>
<tr>
<td>B-2</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>B-3</td>
<td>20,000 square feet</td>
</tr>
<tr>
<td>B-4</td>
<td>One (1) acre</td>
</tr>
<tr>
<td>B-5</td>
<td>As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.</td>
</tr>
<tr>
<td>B-6</td>
<td>Building site area as shown on subdivision maps of record. Front, side and rear yards to be not less than B-4 requirements unless otherwise indicated on the subdivision map of record.</td>
</tr>
<tr>
<td>B-7</td>
<td>Minimum lot size specified by B-7(x) on the zoning maps, where &quot;x&quot; indicates the minimum lot size, and where the subdivision of any parcel results in a density consistent with the General Plan. As part of the subdivision action, a rezone to the appropriate B-7 parcel size designation shall be required, and, as necessary, other enforceable restrictions where necessary to maintain consistency with the General Plan shall also be required. See the following examples of the application of this section.</td>
</tr>
<tr>
<td>Minimum Yard Setback*</td>
<td>Zones with a Minimum Lot Size of Less Than 2.5 Acres</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Front</td>
<td>Twenty (20) feet;</td>
</tr>
<tr>
<td>Rear</td>
<td>Ten (10) feet</td>
</tr>
<tr>
<td>Interior Side</td>
<td>Five (5) feet</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)</td>
</tr>
<tr>
<td>Double Frontage Lots</td>
<td>Front and rear twenty (20) feet, except the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.</td>
</tr>
<tr>
<td>Flag Lots</td>
<td>For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.</td>
</tr>
</tbody>
</table>

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-2.1: “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#315-2(2)(a-f))

17.1.1 Examples of Applications*

17.1.1.1 Example 1: A 180 acre tract of land is designated by the plan Agriculture Exclusive, with a planned density of one dwelling unit per 60 acres. If the zoning is AEB7 (10), subdivision could take place creating two 10 acre parcels and one 160 acre parcel. Such an action would require a rezone on the remainder parcel (in this case 160 acres) to prevent further subdivision in conflict with the density in the General Plan. The remaining 160 acre parcel would be rezoned to B7 (160). (Former Section INL#315-2)

![180 Acres Diagram](image)

17.1.1.2 Example 2: Same as Example 1, except only one 10 acre parcel is created. The Remaining 170 acre parcel could still be split two ways. Depending on the particular circumstances, a rezone, recorded map note, or other enforceable restriction might be appropriate. (Former Section INL#315-2)

![180 Acres Diagram](image)
17.1.1.3 Example 3: A 120 acre parcel has a General Plan designation of 20 acres per dwelling unit. 120 divided by 20 equals six parcels available. With a AEB7(2 1/2) zoning, two (2 1/2) acre parcels, one 5, one 20, and two 45 acre parcels could be created. Rezoning to the appropriate B7 parcel size designation would be necessary: B7(2 1/2), B7(5), B7(20), and B7(45), respectively. (Former Section INL#315-2)

120 Acres

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<tbody>
<tr>
<td></td>
<td>20</td>
<td></td>
<td>5</td>
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<tr>
<td></td>
<td>2 1/2</td>
<td>2 1/2</td>
<td></td>
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</tbody>
</table>

*For illustrative purposes only; should the language of the ordinance and these examples conflict, the language of the ordinance shall prevail. (Former Section INL#315-2)

314-18 “C” COMBINING ZONE DESIGNATIONS
(Section Reserved for Future Use)

314-19 “D” COMBINING ZONE DESIGNATIONS

314-19.1 D - DESIGN CONTROL

It is the purpose of the Design Control Combining Zone to be combined with any principal zone to provide controls and safeguards to preserve and enhance areas of historical, scenic, civic or cultural values of the County. The D Zone is also combined with principal zones to preserve and enhance architectural and recreational aspects of designated areas of the County. Such appearance and design of buildings, sites, structures and signs should form a substantial contribution to the desirability of the zone for uses permitted therein. (Former Section INL#315-5)

19.1.1 Findings to Establish D Zone Regulations. The following criteria shall be used in establishing D zone regulations. To qualify as a D Zone, the areas within the County should meet one (1) or more of the following categories: (Former Section INL#315-5(a))

19.1.1.1 Areas of special or unique natural beauty and aesthetic interest forming a basic resource in the economy of the County, the preservation of which would enhance the tourism industry. (Former Section INL#315-5(a)(1))
19.1.1.2 Sites, buildings, structures, or uses which have special historical interest.  
(Former Section INL#315-5(a)(2))

19.1.1.3 Maintenance of architectural and recreational aspects of designated areas.  
(Former Section INL#315-5(a)(3))

19.1.2 **Reviewing Authority.** The member of the Board of Supervisors in whose district a D Zone is established may select any person(s) or organization who, in the opinion of the Board member, is qualified to act as the reviewing Authority of a D zone. Such person(s) or organization must be devoid of any and all financial interest in the application under consideration. The representatives of any D Zone shall not exceed five (5) persons. Local representation (i.e., property owners and residents within the D Zone) shall be given first priority to serve on the Reviewing Authority. In the absence of any Board member’s approved representatives, the Director shall be the Reviewing Authority. (Former Section INL#315-5(b); Amended by Ord. 1443, Sec. 1, 1/13/81)

19.1.3 **Architectural Standards.** In order that buildings, sites structures, signs, landscaping, etc., will be in keeping with the findings stipulated in subsection 314-19.1.1, the Reviewing Authority shall take the following items under consideration in approving plans within a D Zone: (Former Section INL#315-5(c)(1-9))

19.1.3.1 The height, bulk and area of buildings.

19.1.3.2 All setbacks from property lines.

19.1.3.3 The color, textures and materials of exterior walls.

19.1.3.4 The type, pitch and material of roofs.

19.1.3.5 The type, size and location of signs.

19.1.3.6 Landscaping and parking lot layout.

19.1.3.7 The relationship to other buildings and/or uses in the area.

19.1.3.8 The architectural treatment as related to any historical buildings or structures.

19.1.3.9 The location and treatment of the site as related to its natural setting including grading, cut and fills and preservation of trees and natural ground cover.

19.1.4 **Additional Standards Applicable to Shelter Cove Only.**

19.1.4.1 **Building Structural Design Standards.**

19.1.4.1.1 Residences must be constructed to a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences. (Former Section INL#315-5(d)(1)(a); Ord. 1913, Sec. 1, 10/30/90)

19.1.4.1.2 Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building
permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to the slopes or site conditions shall be exempt from this provision. (Former Section INL#315-5(d)(1)(b); Ord. 1913, Sec. 1, 10/30/90)

19.1.4.1.3 A minimum roof overhang of twelve (12) inches (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structure. Gable ends may be excluded when approved as part of the design review process. (Former Section INL#315-5(d)(1)(c); Ord. 1913, Sec. 1, 10/30/90)

19.1.4.1.4 Exterior walls and roofing material of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer's warranty certifying a minimum life of fifteen (15) years. Flammable roofing material such as wood shakes or shingles are not recommended. (Former Section INL#315-5(d)(1)(d); Ord. 1913, Sec. 1, 10/30/90)

19.1.5 Procedure.

19.1.5.1 When property is to be developed in a D zone, the applicant shall submit the required data in accordance with subsection 314-19.1.3 to the Planning Division. The application shall be accompanied by a fee in the amount as established by Ordinance or Resolution of the Board of Supervisors. (Former Section INL#315-5(e))

19.1.5.2 The Reviewing Authority is empowered to approve and conditionally approve projects. Denials of any project by the Authority shall be referred to the Planning Commission for action. (Former Section INL#315-5(e))

19.1.5.3 If the applicant is not satisfied with the Reviewing Authority's action on any conditional approval, the application shall be referred to the Planning Commission for decision. The decision of the Planning Commission may be appealed to the Board of Supervisors as provided for in this section. (Former Section INL#315-5(e); Amended by Ord. 1280, Sec. 2, 10/10/78)

19.1.6 Building Permit Issuance. In no event shall building permits be issued in a D Zone until such plans have been approved or conditionally approved by the Reviewing Authority, Planning Commission, or Board of Supervisors. Designated local authorities shall notify the Director on action taken on projects. The Director shall take appropriate action to release building permits or refer to the Planning Commission. (Former Section INL#315-5(f))

19.1.7 Destruction or Alteration Designated Historical Buildings. No historical buildings as officially designated by the Board of Supervisors or their authorized County representatives in any D Zone shall be demolished, altered, improved, or otherwise changed in exterior appearance except as hereinafter provided: (Former Section INL#315-5(g))
19.1.7.1 If any historical building is damaged by a natural disaster (including but not limited to earthquake or fire), the owner thereof may repair such building if he secures a permit from the Reviewing Authority. (Former Section INL#315-5(g)(1))

19.1.7.2 Any owner making any exterior alterations to a historical building shall submit plans and secure approval from the Reviewing Authority prior to construction. (Former Section INL#315-5(g)(2))

19.1.7.3 Any owner planning to demolish any historical building (as officially designated) shall provide notice of intention to the Board sixty (60) days in advance of any work on the project. Within the sixty (60) day period the Board shall determine whether Federal, State or local agencies or organizations can acquire the building and site or make other suitable arrangements with the owner. (Former Section INL#315-5(g)(3))

19.1.8 Annual Report. Designated Reviewing Authorities shall prepare an annual report to the County Planning Commission indicating the number of applications acted upon and a general description of the projects. The annual report should be submitted to the Director during the month of January. (Former Section INL#315-5(h); Ord. 1058, Sec. 1, 12/16/75; Amended Ord. 1913, Sec. 1, 10/30/90)

314-20 “E” COMBINING ZONE DESIGNATIONS

(Section Reserved for Future Use)

314-21 “F” COMBINING ZONE DESIGNATIONS

314-21.1 F - FLOOD HAZARD AREAS

21.1.1 Purpose. The purpose of these regulations is to minimize public and private losses due to flood and tsunami conditions in specific areas of the County. (Former Section INL#315-8.1(A); Added by Ord. 2205, Sec. 1, 4/11/00)

21.1.2 Applicability. These regulations shall apply to all areas designated “F” on the Zoning Maps and situated within the areas of special flood hazard as identified on the Federal Insurance Administration’s Federal Insurance Rate Maps (FIRM) for Humboldt County. (Former Section INL#315-8.1(B); Added by Ord. 2205, Sec. 1, 4/11/00)

21.1.3 Modifications Imposed by Flood Hazard Regulations. These regulations shall be in addition to the requirements imposed by the principal zones, development regulations, and other special area regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulations with most restrictive regulation shall apply. (Former Section INL#315-8.1(C); Added by Ord. 2205, Sec. 1, 4/11/00)

21.1.4 Prohibited New Development within 100-Year Floodway and Floodplain. New development within the 100-year floodway and floodplain shall be restricted as follows: (Former Section INL#315-8.1(D); Added by Ord. 2205, Sec. 1, 4/11/00)
21.1.4.1 Within designated floodways the following is prohibited unless overriding considerations are made with specific factual findings with respect to the public health, safety and welfare: (Former Section INL#315-8.1(D)(1); Added by Ord. 2205, Sec. 1, 4/11/00)

Mobilehome Parks

21.1.4.2 Within both designated floodways and floodplains the following use types are prohibited unless overriding considerations are made with specific factual findings with respect to the public health, safety and welfare: (Former Section INL#315-8.1(D)(2); Added by Ord. 2205, Sec. 1, 4/11/00)

Health Care Services
Extensive Impact Civic Use
Solid Waste Disposal
Hazardous Industrial

See Section C, Index of Definitions of Language and Legal Terms for definitions of “Floodway” and “Flood Plain.” See Section D, Part 2 of this Chapter: Glossary of Use Types, for definitions of these use types.

314-22 “G” COMBINING ZONE DESIGNATIONS

314-22.1 G - ALQUIST-PRIOLO FAULT HAZARD

22.1.1 Purpose. The purpose of these provisions is to implement the Alquist-Priolo Special Studies Zones Act (Public Resources Code, Section 2621 and following) in order to address potential hazards resulting from surface faulting or fault creep. (From Section CZ#A314-51(A); Added by Ord. 2214, 6/6/00)

22.1.2 Applicability of the Alquist-Priolo Fault Hazard Regulations. The Alquist-Priolo Fault Hazard Regulations shall apply to lands which are designated "G" on the Zoning Maps, and which are within Special Studies Zones delineated on maps by the State Geologist. Regardless of the designation on the zoning maps, these regulations shall also apply to lands located within Special Study Zones delineated on the most recent maps that are officially adopted, revised or issued by the State Geologist. (From Section CZ#A314-51(B); Added by Ord. 2214, 6/6/00)

22.1.3 Modifications Imposed by the Alquist-Priolo Fault Hazard Regulations. The provisions of the Alquist-Priolo Fault Hazard Regulations shall apply in addition to regulations imposed by the principal zone, development regulations, and other special area combining regulations. In the event of any conflict or inconsistency between these provisions and any other applicable provisions of the code, the most restrictive provisions shall apply in order to provide the greatest protection against fault hazards. (From Section CZ#A314-51(C); Added by Ord. 2214, 6/6/00)
Section 314-22.1

22.1.4 **Special Permit Required.** Development may be approved in an area subject to the Alquist-Priolo Fault Hazard Regulations upon approval of a Special Permit, unless the development is exempt from the fault evaluation report pursuant to subsection 314-22.1.6. (From Section CZ#A314-51(D); Added by Ord. 2214, 6/6/00)

22.1.5 **Geologic Fault Evaluation Report Required.** Application for a Special Permit for any of the following types of development shall be accompanied by a geologic fault evaluation report, prepared by a geologist registered in the State of California, which is directed to the problem of potential surface fault displacement through the project site, unless such project is exempt or the report is waived pursuant to subsection 314-22.1.6: (From Section CZ#A314-51(E); Added by Ord. 2214, 6/6/00)

22.1.5.1 Parcel and Final Map Subdivisions, as defined by the Subdivision Map Act; (From Section CZ#A314-51(E)(1); Added by Ord. 2214, 6/6/00)

22.1.5.2 Construction of any structure for human occupancy; (From Section CZ#A314-51(E)(2); Added by Ord. 2214, 6/6/00)

22.1.5.3 Alterations or additions to structures for human occupancy the value of which exceeds fifty (50) percent of the value of the structure; (From Section CZ#A314-51(E)(3); Added by Ord. 2214, 6/6/00)

22.1.5.4 Any change in use or character of occupancy that results in conversion of a building or structure from one not used for human occupancy to one that is so used. (From Section CZ#A314-51(E)(4); Added by Ord. 2214, 6/6/00)

22.1.6 **Exemption From Fault Evaluation Report Requirements.** Notwithstanding the Geologic Fault Evaluation Report requirements, the following types of development are exempt from the requirement of a Geologic Fault Evaluation Report: (From Section CZ#A314-51(F); Added by Ord. 2214, 6/6/00)

22.1.6.1 Construction, alteration, or additions of three (3) or fewer single family wood frame dwellings or manufactured homes, provided that they do not exceed two (2) stories; (From Section CZ#A314-51(F)(1); Added by Ord. 2214, 6/6/00)

22.1.6.2 Construction, alteration, or addition of four (4) or more single family homes or manufactured homes, provided that they do not exceed two (2) stories and if the dwelling is located within a subdivision, as defined in the Subdivision Map Act, for which subdivision a Geologic Fault Evaluation Report has been approved or waived. (From Section CZ#A314-51(F)(2); Added by Ord. 2214, 6/6/00)

22.1.6.3 Conversion of an existing apartment complex into condominiums. (From Section CZ#A314-51(F)(3); Added by Ord. 2214, 6/6/00)

22.1.6.4 Any other development that may be exempt or excluded pursuant to the Alquist-Priolo Special Studies Zones Act, commencing with Public Resources Code Section 2621, and following. (From Section CZ#A314-51(F)(4); Added by Ord. 2214, 6/6/00)
22.1.7 **Content of Geologic Fault Evaluation Report.** The required report shall be based on a geologic investigation designed to identify the location, recency, and nature of faulting that may have affected the project site in the past and may affect the project site in the future. The report may be combined with other geological or geotechnical reports. The report shall be prepared in accordance with the California Department of Mines and Geology (CDMG) Note #49 "Guidelines for Evaluating the Hazard of Surface Fault Rupture. CDMG Notes #37, 43 and 44 shall be utilized as applicable when the fault evaluation report required herein is combined with other geological or geotechnical reports. (From Section CZ#A314-51(G); Added by Ord. 2214, 6/6/00)

22.1.8 **Waiver of Required Report.** Waiver from the geologic fault evaluation report required herein may be applied for pursuant to the procedure outlined in Appendix D, "Waiver Procedure for the Alquist-Priolo Act," contained in Special Publication 42 "Fault-Rupture Hazard Zones in California," California Division of Mines and Geology, 3/80, or any subsequent publication which is prepared for the same or similar purpose. Granting of such a waiver is subject to the approval of the State Geologist. (From Section CZ#A314-51(H); Added by Ord. 2214, 6/6/00)

22.1.9 **Required Findings.** The Hearing Officer may approve a Special Permit for development located within an Alquist-Priolo Special Studies zone if all of the applicable Public Safety Impact Findings of Chapter 2 (Sections 312-26 and 312-38), are made. (From Section CZ#A314-51(I); Added by Ord. 2214, 6/6/00)

### 314-22.2 GO - GREENWAY AND OPEN SPACE

22.2.1 **Purpose/Findings.** The Greenway and Open Space (GO) Combining Zone is intended to be applied within the urban limits of the Eureka Community Planning Area in sensitive habitat areas historically known as gulches. These regulations are intended to set forth standards for the development of areas containing gulches and to retain the lush vegetation and habitat values for numerous wildlife species such as birds, fish and small mammals. The Board of Supervisors finds that Greenway and Open Space areas serve an important function as natural drainage channels and represent a unique scenic asset to the community. Retaining Greenway and Open Space areas in a relatively undeveloped state is intended to help maintain a high quality of living environment as the community develops. (Former Section INL#315-10.1; Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.2 **General Requirements.**

22.2.2.1 **Applicability.**

22.2.2.1.1 The policies of this division shall only be imposed within those areas which are identified as Greenway and Open Space areas mapped as part of the 1995 Eureka Community Plan or as identified on a "Detailed Development Plan Map" as provided by subsection 314-22.2.3, Specific Determination of Greenway and Open Space Boundary. (Former Section INL#315-10.2(A)(1); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.2.1.2 For the improvement of parcels existing prior to the adoption date of the 1995 Eureka Community Plan, principally permitted uses allowed in
the underlying primary zone shall be allowed within Greenway and Open Space areas. No discretionary planning permits will be required for principally permitted improvements on these parcels. Parcels which existed prior to the adoption date of the 1995 Eureka Community Plan, and for which a Development Plan has been prepared, shall conform with that Development Plan. (Former Section INL#315-10.2(A)(2); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.2.1.3 All subdivisions which create parcels after adoption of the 1995 Eureka Community Plan shall utilize a "Detailed Development Plan Map" requiring all structures to be located outside of Greenway and Open Space areas consistent with the provisions of this ordinance. Submittal of subdivision applications shall include the "Detailed Development Plan Map" as described in subsection 314-22.2.3, Specific Determination of Greenway and Open Space Boundary. (Former Section INL#315-10.2(A)(3); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.2.2 Identification Criteria. Greenway and Open Space areas were mapped utilizing two (2) categories. The following two categories define the Greenway and Open Space areas: (Former Section INL#315-10.2(B); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.2.2.1 Streamside Management Areas with Adjacent Slopes of 30% or Greater.

22.2.2.2.1.1 A Streamside Management Area (SMA) of 100 feet for perennial streams and 50 feet for intermittent streams, measured as the horizontal distance from the centerline of the stream as mapped pursuant to the County Greenway and Open Space regulations. These Streamside Management Areas are mapped along blue line streams as identified on the largest scale U.S.G.S. topographic maps, or as conditions exist on the ground, and; (Former Section INL#315-10.2(B)(1)(a); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.2.2.1.2 Slopes of 30% or greater on lands adjacent to the perennial and intermittent streams identified in subsection 22.2.2.2.1.1, and all streams and level areas below those slopes. (Former Section INL#315-10.2(B)(1)(b); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.2.3 Compatible Uses. The following uses are permitted within a designated Greenway and Open Space area:

22.2.2.3.1 Vegetation removal for streamside management purposes. (Former Section INL#315-10.2(C)(1); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.2.3.2 Management and maintenance of trees, shrubs, and other plant life. (Former Section INL#315-10.2(C)(2); Added by Ord. 2071, Sec. 1, 4/25/95)
22.2.2.3.3 Fencing, so long as it would not impede the natural drainage or would not adversely effect the stream environment or wildlife, consistent with the policies of the Framework Plan. (Former Section INL#315-10.2(C)(3); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4 Compatible Uses Requiring Special Permit. The following uses are deemed compatible but require approval of a Special Permit and may require approval from other concerned agencies: (Former Section INL#315-10.2(D); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.1 Road crossings, street crossings and utility crossings. (Former Section INL#315-10.2(D)(1); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.2 Creekside bikeways, trails, and parks. (Former Section INL#315-10.2(D)(2); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.3 Timber operations conducted in accordance with an approved timber harvest plan. (Former Section INL#315-10.2(D)(3); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.4 Any grading or fill exceeding 50 cubic yards and associated vegetation removal. (Former Section INL#315-10.2(D)(4); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.3 Specific Determination of Greenway and Open Space Boundary.

22.2.3.1 Detailed Development Plan Map Required. For those parcels which have been designated with a Greenway and Open Space Combining Zone, all applications for subdivisions shall submit a "Detailed Development Plan Map." The "Detailed Development Plan Map" must identify the Greenway and Open Space areas as defined in subsection 314-22.2.2, Identification Criteria, must be prepared by a licensed engineer or surveyor, and must show existing slope percentages and Streamside Management Areas. (Former Section INL#315-10.3(A); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.3.2 Detailed Development Plan Map Not Required. A "Detailed Development Plan Map" is not required for projects and improvements requiring no discretionary approval on parcels which existed prior to the adoption date of the 1995 Eureka Community Plan. Parcels which existed prior to the adoption date of the 1995 Eureka Community Plan, and for which a Development Plan has been prepared, shall conform with that Development Plan. The implementation of this section shall be consistent with the County's General Plan. (Former Section INL#315-10.3(B); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4 Greenway Bench Development.

22.2.4.1 Definition. Within several Greenway and Open Space areas, there exist greenway benches. 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. (Former Section INL#315-10.4(A); Added by Ord. 2071, Sec. 1, 4/25/95)
22.2.4.2  **Applicability.** Subdivision of greenway benches shall be permitted, consistent with other requirements of this ordinance, in designated Greenway and Open Space areas in the Eureka Community Planning Area where a licensed surveyor or engineer demonstrates the following findings: (Former Section INL#315-10.4(B); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.2.1 That each building site contains a greenway bench of at least 4,000 square feet of contiguous area with less than 30% undisturbed slope. (Former Section INL#315-10.4(B)(1); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.2.2 The building site is located in conformance with the Streamside Management Area setbacks described in subsection 314-22.2.2.2, Identification Criteria. (Former Section INL#315-10.4(B)(2); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.3  **Other Provisions for Greenway Bench Development.**

22.2.4.3.1 One building site may be permitted on every 4,000 square feet of undisturbed slope subject to the limitations of the base zone with which the Greenway and Open Space zone is combined. (Former Section INL#315-10.4(C)(1); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.3.2 Each parcel must meet the minimum lot size requirements of the applicable zoning district. (Former Section INL#315-10.4(C)(2); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.3.3 A building site may be allowed outside the greenway bench area on a slope of 30% or greater, if the building site remains outside all Streamside Management Areas. (Former Section INL#315-10.4(C)(3); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.3.4 No Secondary Dwelling Units shall be allowed within a determined greenway bench area. (Former Section INL#315-10.4(C)(4); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.4  **Determining Undisturbed Slope.**

22.2.4.4.1 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. Any greenway bench which had been created by grading prior to adoption of the Eureka Community Plan shall be eligible for development, consistent with the provisions of this ordinance, if the grading was approved through a County issued permit (such as a Use Permit) or State issued permit. (Former Section INL#315-10.4(D)(1); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.4.4.2 The intent of allowing greenway bench development only on undisturbed slopes is to discourage people from grading their hillsides in an attempt to establish a bench area of less than 30% slope. (Former Section INL#315-10.4(D)(2); Added by Ord. 2071, Sec. 1, 4/25/95)
22.2.5 Density Bonus.

22.2.5.1 General Provisions. It is the intent of this section to provide a density bonus for property owners whose parcel, or portion thereof, is designated Greenway and Open Space. These density bonus provisions will compensate property owners for not developing within a gulch, and are intended as an incentive to locate structures outside of Greenway and Open Space areas. These provisions will also work to keep housing affordable by decreasing lot sizes and land costs. The following density bonus provisions shall apply on lots within designated Greenway and Open Space areas: (Former Section INL#315-10.5(A); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.1 The minimum lot size for new lots, when it can be shown that building sites are outside of the Greenway and Open Space area, including greenway benches as defined in Section 314-22.2.4.1 may be reduced by 20%; however, no new lot may be created which is less than 4,800 net square feet in size. (Former Section INL#315-10.5(A)(1); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.2 The minimum lot width may be reduced by 20%; however, no lot shall be created with less than a 40 foot lot width. This section does not preclude the creation of flag lots. (Former Section INL#315-10.5(A)(2); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.3 The total number of lots which can be reduced shall be calculated by dividing the total land area of a parcel by the minimum lot size of the applicable zone. The minimum lot size shall never be reduced by more than 20% regardless of the calculated total number of lots eligible for reduction under these provisions. (Former Section INL#315-10.5(A)(3); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.4 Second or Secondary Dwelling Units shall not be allowed on parcels created by these provisions. (Former Section INL#315-10.5(A)(4); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.5 These density bonus provisions shall not be used as an addition to any affordable housing density bonus provisions. (Former Section INL#315-10.5(A)(5); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.6 Zero Lot Lines. The side yard setback requirements may be reduced or eliminated for newly created lots utilizing the density bonus provisions of this Section. Where the regulations herein conflict with the regulations included in the individual base zoning districts (with which the Greenway and Open Space zone is combined), the regulations included herein shall control. (Former Section INL#315-10.5(A)(6); Added by Ord. 2071, Sec. 1, 4/25/95)

The principal purposes of the Zero Lot Line concept area: (1) a more flexible use of land; and, (2) permitting the outdoor space to be grouped and utilized to its maximum benefit. All applications for a Zero Lot Line
development shall comply with the following provisions: (Former Section INL#315-10.5(A)(6); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.6.1 Dwelling Unit Setback.

Interior side yard. For new residences on lots less than 6,000 net square feet in size, any interior side yard may be reduced to zero (0) provided that the other interior side property line shall be a minimum of ten (10) feet. Dwelling units utilizing the Zero Lot Line may be sited on a common lot line. Accessory buildings and structures shall observe setback requirements of the base zoning district with which the Greenway and Open Space zone is combined. (Former Section INL#315-10.5(A)(6)(a); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.6.2 Development Plan.

All subdivisions which utilize Zero Lot Line development provisions shall identify building sites on an approved Development Plan. The Development Plan shall indicate the zero lot lines and easements appurtenant thereto. (Former Section INL#315-10.5(A)(6)(b); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.6.3 Maintenance Easements.

For the purpose of upkeep and repair of structures located on a zero lot line, a perpetual four (4) foot maintenance easement shall be provided on the lot adjacent to the zero lot line. The maintenance easement is defined as an area which enables the upkeep and repair of structures located on a zero lot line, including but not limited to, general maintenance, painting, roof and gutter repairs, structural repairs and foundation repairs. This easement shall be shown on a Development Plan and incorporated into each deed transferring title to the property. There shall be no structures allowed within the easement. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches. The roof shall be designed so that water runoff from the dwelling placed on the lot line is limited to half the easement area (two feet). (Former Section INL#315-10.5(A)(6)(c); Added by Ord. 2071, Sec. 1, 4/25/95)
22.2.5.1.6.4 **Maximum Lot Coverage.**

The total lot coverage for all buildings on the site shall not exceed fifty (50) percent of the lot area. (Former Section INL#315-10.5(A)(6)(d); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.6.5 **Openings Prohibited on the Zero Lot Line.**

To protect privacy, the wall of the dwelling located on the zero lot line shall have no windows, doors or other openings. Atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling and a solid wall of at least eight feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit. (Former Section INL#315-10.5(A)(6)(e); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.6.6 **Parking.**

No required parking shall be allowed within the side yard setback opposite the zero lot line. A maximum of two (2) off-street parking spaces shall be provided for each dwelling unit on each zero lot line parcel, even if the road serving the parcel is not paved or graveled to forty (40) feet in width. (Former Section INL#315-10.5(A)(6)(f); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.6.7 **Alleys.**

Alleys shall be permitted in Zero Lot Line developments. Said alleys shall provide auto access to individual units and provide service access for trash collection and other public and private services. Alleys shall not be used as storage or calculated as required parking areas. (Former Section INL#315-10.5(A)(6)(g); Added by Ord. 2071, Sec. 1, 4/25/95)

22.2.5.1.6.8 **Common Open Space.**

Common open space is not required but may be permitted. If common open space is provided, provisions shall be made to ensure that non-public areas and facilities for the common use of occupants of zero lot line developments shall be maintained in a satisfactory manner, without expense to the general taxpayer of Humboldt County. (Former Section INL#315-10.5(A)(6)(h); Added by Ord. 2071, Sec. 1, 4/25/95)
22.2.5.1.6.9 **Underlying Base Zoning District.**

All other provisions of the underlying base zoning district (with which the Greenway and Open Space zone is combined) shall apply to development of applicable zero lot line parcels. (Former Section INL#315-10.5(A)(6)(i); Added by Ord. 2071, Sec. 1, 4/25/95)

314-23 **“H” COMBINING ZONE DESIGNATIONS**  
*(Section Reserved for Future Use)*

314-24 **“I” COMBINING ZONE DESIGNATIONS**  
*(Section Reserved for Future Use)*

314-25 **“J” COMBINING ZONE DESIGNATIONS**  
*(Section Reserved for Future Use)*

314-26 **“K” COMBINING ZONE DESIGNATIONS**  
*(Section Reserved for Future Use)*

314-27 **“L” COMBINING ZONE DESIGNATIONS**

### 314-27.1 **L - LANDSCAPING AND DESIGN**

The Landscaping and Design Combining Zone regulations are intended to be combined with Principal Zones to establish specific landscaping and structural design standards.

27.1.1 **Applicability.** The Board of Supervisors in approving a zone reclassification as allowed by Chapter 2 of this division may combine the Landscaping and Design Combining Zone with any Principal Zone. In combining the Landscaping and Design Combining Zone, the Board of Supervisors shall establish specific landscaping and design standards for development within the designated zoning district. (Former Section INL#315-8(a); Ord. 1800, Sec. 6, 6/23/87)

27.1.2 **Representation of the Landscaping and Design Combining Zone Regulations.** When combined with a Principal Zone, the Landscaping and Design Combining Zone shall be Represented on the adopted zoning maps by the L designation. The L designation shall immediately follow the Principal Zone designation, or the Special Building Site Designation, if applied; or the Q designation. (Former Section INL#315-8(b); Ord. 1800, Sec. 6, 6/23/87)
314-28  “M” COMBINING ZONE DESIGNATIONS
314-28.1  M - MANUFACTURED HOME DEVELOPMENT STANDARD COMBINING ZONE
(See also, Manufactured Home Combining Zone “T”)
28.1.1 Special Designation for Manufactured Home Building Type Modifications.
Whenever the Development Standard Combining Zone is used to modify a principal zone
to allow manufactured homes as permitted building types, the following designation shall
be used as applicable:  (Former Section INL#315-9(e))

28.1.1.1 M - where the development standards are modified for the sole purpose of
allowing manufactured homes.  (Former Section INL#315-9(e)(2))

28.1.1.2 See also, the subsection, Special Combining Zone “SM,” where development
standards in addition to the Manufactured Homes Building Type are modified.
(Former Section INL#315-9(e)(1))

When the M designation is used, the permitted building type shall not be listed by name
in the table format.  (Former Section INL#315-9(e))

314-29  “N” COMBINING ZONE DESIGNATIONS
314-29.1  N - NOISE IMPACT.
29.1. Purpose. The purpose of these provisions is to establish regulations to maintain,
within single family and multi-family structures and within structures designed for transient
habitation, low exposure levels to noise associated with airports and major roads.

29.2. Applicability. The Noise Impact Regulations shall apply to lands designated "N" on
the Zoning Maps that are located within areas mapped by the General Plan to have a noise
exposure level of equal to or in excess of 60 dB Community Noise Equivalent Level - Day-Night
Average Level (CNEL-Ldn).

29.3. Modifications Imposed by the Noise Impact Regulations. The provisions of the
Noise Impact Regulations shall apply in addition to regulations imposed by the principal zone,
development regulations, and other special area combining regulations.

29.4. Prohibited Development. Within areas above the 60 dB CNEL-Ldn level, placement
of manufactured homes is prohibited unless they have been certified to limit interior noise levels
to 45 dB CNEL-Ldn in all habitable rooms.

29.5. Building Standards to Reduce Interior Noise Levels Required. Building standards
to reduce interior noise levels are required to limit noise levels to 45 dB CNEL-Ldn in all
habitable rooms. New construction of single family and multi-family structures and structures
designed for transient habitation shall conform to the applicable requirements of the Humboldt
County Building Code. (Added by Ord. 2285, Sec. 3, 12/10/02)

314-30  “O” COMBINING ZONE DESIGNATIONS
(Section Reserved for Future Use)
314-31 "P" COMBINING ZONE DESIGNATIONS

314-31.1 P - PLANNED DEVELOPMENT

31.1.1 Purpose. The purpose of these provisions is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of: (Former Section INL#315-4(a); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.1.1 Permitting more flexibility to cope with difficulties due to topography and other natural or man made features; (Former Section INL#315-4(a)(1); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.1.2 Provide for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services; (Former Section INL#315-4(a)(2); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.1.3 Encourage a more creative approach to land development through waiver of development standards and application of less rigid development criteria where such flexibility can better provide for the protection and enhancement of designated sensitive habitats and cultural resources provided all the required findings for approving subdivisions can be made. (Former Section INL#315-4(a)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.2 Applicability.

31.1.2.1 These regulations shall apply to areas designated "P" on the Zoning Maps. (Former Section INL#315-4(b)(1); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.2.2 These regulations may be applied where any of the following conditions prevail, provided the Director and the applicant agree that to do so would be in the public interest and best interests of the applicant: (Former Section INL#315-4(b)(2); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.2.2.1 Any site where more than four (4) dwelling units, commercial buildings, or industrial buildings or combination thereof are proposed; (Former Section INL#315-4(b)(2)(a); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.2.2.2 The development proposal is within a residential zone and includes residential and nonresidential development; (Former Section INL#315-4(b)(2)(b); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.2.2.3 Any site or development proposal where application of these regulations would provide a better means of carrying out the intent of the County General Plan. (Former Section INL#315-4(b)(2)(c Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.3 Minimum Lot Size Requirement. Planned Unit Developments shall be permitted on
lots of 20,000 square feet or larger. (Former Section INL#315-4(c); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.4 **Permitted Uses.** The principally permitted uses in the applicable zoning district shall also be permitted in the Planned Unit Development. Other uses consistent with the applicable Plan designation may be permitted with a Use Permit. (Former Section INL#315-4(d); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98, Amended by Ord. 2313A, 12/16/03)

31.1.5 **Modifications of Development Standards.** The following development standard modifications may be approved by the Planning Commission reviewing the Planned Unit Development permit applications: (Former Section INL#315-4(e); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1 **Residential Density Standards.**

31.1.5.1.1 Applicable residential density standards may be increased by as much as twenty five percent (25%) if the development incorporates extraordinary public benefits such as enhancement of sensitive habitats, visual resources, or cultural resources, development and maintenance of public access to recreational areas, or at least forty percent (40%) of the total lot area of the PUD is reserved for common open space areas which conform to all the following requirements: (Former Section INL#315-4(e)(1)(a); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1.1.1 They must be useable and available to occupants of the PUD. (Former Section INL#315-4(e)(1)(a); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1.1.2 They must average at least 100 feet in width. (Former Section INL#315-4(e)(1)(a); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1.1.3 At least one half of the required open space shall have an overall finished grade not to exceed ten percent (10%) and shall be suitably improved for its intended purpose. (Former Section INL#315-4(e)(1)(a); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1.1.4 All lawn and landscaped areas within the required common open space shall be provided with a permanent watering system adequate to maintain such areas in a healthy condition. (Former Section INL#315-4(e)(1)(a); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1.2 The twenty-five percent (25%) density bonus limit in paragraph 31.1.5.1 is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. (Former Section INL#315-4(e)(1)(b); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1.3 If development is to be accomplished in stages, the development shall be coordinated so that the improvement of the common open space areas and the construction of dwelling units in order that each development...
stage may achieve a proportional share of the total common open space.  
(Former Section INL#315-4(e)(1)(c); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1.4 Common areas must be owned, managed and maintained by the PUD owners association, public agency, or equivalent organization. (Former Section INL#315-4(e)(1)(d); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1.5 The dedication or offer of dedication for an easement for coastal access or view shall not be considered to lower the area of a parcel for purposes of density calculation. (Former Section INL#315-4(e)(1)(e); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.1.6 Areas not designated for residential development in the General Plan shall not be included in calculating permitted densities. (Former Section INL#315-4(e)(1)(f); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.2 Lot Size Standards. The applicable lot size standards may be modified to carry out the intent of the Planned Unit Development Regulations, provided all other development standards set forth herein are met. (Former Section INL#315-4(e)(2); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.3 Lot Coverage Standards. The applicable lot coverage standards shall apply, except that building coverage shall be calculated over the entire development instead of being applicable to each lot in the development. (Former Section INL#315-4(e)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.4 Setback Standards. The applicable setback standards may be modified provided:

31.1.5.4.1 Lot coverage requirements herein are met; and (Former Section INL#315-4(e)(4)(a); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.5.4.2 Setbacks for lots located in the perimeter of the development shall conform with the setback requirements stipulated for the zone. (Former Section INL#315-4(e)(4)(b); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6 Design Guidelines. These guidelines shall be considered by architects, engineers, and other persons involved in designing Planned Unit developments, and by the decision-makers reviewing them. The guidelines recognize that while few people are in complete accord on what makes a well designed project, there is general agreement on a number of basic design principles, which are enumerated herein: (Former Section INL#315-4(f); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.1 Natural Considerations. The starting point in any design should be maintenance of the prominent natural features of the site. (Former Section INL#315-4(f)(1); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.1.1 Major trees and shrubs should be retained to the maximum extent
possible, and should become the basis of the design of lots, roads, and other open spaces in the PUD. They add permanence and a sense of continuity to new developments, and new landscaping will take many years to provide the same benefits that mature existing vegetation will provide immediately. In some cases, native landscaping can be replaced in phases if part of a long-term plan to create a different landscaping effect. (Former Section INL#315-4(f)(1); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.1.2 New homesites should be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and topography of the site requires development on hillsides, new construction and grading should follow the natural contours of the landscapes, fitting the site rather than altering the landform to accommodate buildings. (Former Section INL#315-4(f)(1); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.1.3 To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes should be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines should not affect the ridgeline silhouette. (Former Section INL#315-4(f)(1); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.1.4 Natural slopes in excess of twenty-five percent should remain undisturbed. (Former Section INL#315-4(f)(1); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.1.5 Disturbed areas not proposed for development should be renaturalized and revegetated as quickly as possible. (Former Section INL#315-4(f)(1); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.2 Circulation Considerations.

31.1.6.2.1 Residences should take access from local roads serving a limited number of units. Few, if any, dwellings should front upon a collector street. This will restrict the amount of traffic in front of homes, which in turn promotes safety to children, pedestrians, pets, and even parked cars on the street. (Former Section INL#315-4(f)(2); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.2.2 Where residential road construction of a two lane travel way would eliminate large trees or other prominent natural features, or result in excess grading, roads should be divided to preserve those features. (Former Section INL#315-4(f)(2); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.2.3 Shoulders tend to visually widen the road, and encourage higher speeds as a result. Where shoulders are required for stormwater management on residential streets, the shoulders should be grass surfaced wherever possible. (Former Section INL#315-4(f)(2); Ord. 519, Sec. 515, 5/11/65;
31.1.6.2.4 Incorporating alleys into the transportation system serving smaller lots is encouraged since alleys can be a beneficial means of providing a second automobile access to narrow lots. Although it is generally more desirable for alleys to connect a street at both ends, in some cases, dead end alleys with turn-arounds may be permitted. (Former Section INL#315-4(f)(2); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3 Parking Considerations.

31.1.6.3.1 Reducing the visual impact of lines of parked cars and expanses of asphalt can add more to the good looks of a building than anything else. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.2 Shared parking areas such as parking courtyards are encouraged. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.3 Whenever possible, parking areas should be placed at the side or back of a building. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.4 To avoid the long, narrow, dreary look of carports found in some older apartment complexes, individual carports and garages should be designed to accommodate no more than four vehicles. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.3.5 If a parking lot for five or more cars is within 20 feet of a street property line, a landscaped strip at least five feet wide should be provided between the parking lot and the street. This strip should have a fence, berm, wall or landscaping hedge that is three (3) feet high at the edge closest to the parking spaces. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98; Amended by Ord. 2214, 6/6/00)

31.1.6.3.6 A screening device not less than six (6) feet high should be provided along all interior property lines where a parking lot for five or more cars adjoins a property line of a residential use. Raised earth mounds with landscaping may be used in place of fencing. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)
31.1.6.3.7 To avoid unwarranted noise or light, no parking lot for five or more cars should allow the front of parked cars to be within fifteen feet of the front of a living unit. (Former Section INL#315-4(f)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.4 Architectural Considerations.

31.1.6.4.1 Buildings should be compatible in design to development nearby. Building size is not necessarily a major concern in design; the size of large buildings can be visually reduced by providing changes in the depth of the facade (both vertical and horizontal), and changes in facade materials. (Former Section INL#315-4(f)(4); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.4.2 Buildings should be made compatible in style to nearby development through the use of similar roof types, siding materials, color schemes, architectural details, and landscaping design. (Former Section INL#315-4(f)(4); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.4.3 Living rooms, and eating and sleeping areas should face toward gardens and open areas and away from streets and parking areas. (Former Section INL#315-4(f)(4); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.5 Other Considerations.

31.1.6.5.1 Landscaping should be used to enhance privacy, and to give visual order to the development. (Former Section INL#315-4(f)(5); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.5.2 All multifamily units of four or more dwellings should have laundry facilities, either as a common laundry room or in-unit connections for washers and dryers. A rule of thumb for common laundry facilities is one washer/dryer in a four-plex, and one additional washer/dryer for each additional six units, although family units will probably require more. (Former Section INL#315-4(f)(5); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.5.3 One or more areas within a project should be set aside for trash collection and recycling collection. These areas should be conveniently placed, screened off from sight, directly accessible for the garbage and recycling trucks, and sited where early morning collection will not disturb residents. (Former Section INL#315-4(f)(5); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.5.4 All utilities should be placed underground. (Former Section INL#315-4(f)(5); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.6.5.5 Surcharge retention swales should be used to collect and dissipate stormwater runoff. (Former Section INL#315-4(f)(5); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)
31.1.7 Roads and Driveways.

31.1.7.1 Access. Planned Unit Developments shall be appropriately located with respect to streets and highways or other transportation facilities so as to direct access. Entrances and exits for automotive vehicles shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated flows of passing traffic or traffic from or to the Planned Unit Development indicate the need for such lanes. (Former Section INL#315-4(g)(1); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.7.2 Internal Circulation.

31.1.7.2.1 Roads, pedestrian and bikeway paths shall be an integrated system designed to provide efficient safe circulation to all uses. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted. (Former Section INL#315-4(g)(2); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.7.2.2 Developments should be designed to minimize the length of road and encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated flows of passing traffic or traffic from or to the Planned Unit Development indicate the need for such lanes. Developments should be designed to minimize the length of roadway. (Former Section INL#315-4(g)(2); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.7.3 Siting of Roadways and Parking Areas. Siting of roadways and parking areas shall be consistent with the character of the site, avoiding excessive cuts and fills. (Former Section INL#315-4(g)(3); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.7.4 Parking Standards. The following will be the minimum off-street parking requirements for dwelling units and permitted commercial uses in a residential Planned Unit Development: (Former Section INL#315-4(g)(4); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.7.4.1 Parking spaces for permitted uses, shall be provided in accordance with the Off-Street Parking regulations. (Former Section INL#315-4(g)(4)(a); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.7.4.2 Off-street parking shall be designed and located in accordance with the Off-Street Parking and Loading Standards except that: (Former Section INL#315-4(g)(4)(b); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)
31.1.7.4.2.1 Off-street parking may be clustered in parking pods in proximity to the dwelling units they serve; and (Former Section INL#315-4(g)(4)(b)(i); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.7.4.2.2 Off-street parking for guests may be required up to a maximum of one (1) space per two (2) dwelling units (Former Section INL#315-4(g)(4)(b)(ii); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.7.5 **Recreational Vehicle Parking.** Sufficient parking space may be required for storage of residents’ recreational vehicles. If required, a recreational vehicle parking area shall be located so as to be compatible with the surrounding land use. If located along the outer fringe of the PUD, it shall be adequately screened from vision from the adjacent properties. (Former Section INL#315-4(g)(5); Ord. 519, Sec. 515, 5/11/65; Amended by Ord. 2166, Sec. 20, 4/7/98)

31.1.8 **Owners Association.** A non-profit incorporated owners association or an alternative acceptable to County Counsel, shall be required if other satisfactory arrangements, such as County Service Area, have not been made for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas. (Former Section INL#315-4(h); Ord. 519, Sec. 515, 5/11/65)

314-32 **“Q” COMBINING ZONE DESIGNATIONS**

314-32.1 **Q - QUALIFIED**

The Qualified Combining Zone is intended to be combined with any principal zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the principal zone may be limited or not be allowed with or without a Use Permit, or development standards/restrictions can be added, deleted or modified to implement the General Plan or to implement CEQA mitigation or to limit additional entitlements. The qualified uses shall be specified in the ordinance applying the Q Zone to specific property. (Former Section INL#315-6; Ord. 1103, Sec. 1, 9/21/76, Amended by Ord. 2297; 3/25/03)
314-33 “R” COMBINING ZONE DESIGNATIONS

314-33.1 R - RECREATION
(See also, Recreation Combining Zone “X”)

The Recreation Combining Zone is intended to be combined with any principal zone in which the addition of recreational uses is desirable and will not be detrimental to the uses of the principal zone or of adjacent zones. The following regulations shall apply in any zone which is combined with a Recreation Combining Zone. (Former Sections INL#315-3.1; Added by Ord. 1741, Sec. 2, 7/8/76; Amended by Ord. 2166, Sec. 19, 4/7/98)

33.1.1 Principal Permitted Uses.

33.1.1.1 Uses allowed as Principal Permitted Uses within the Principal Zone. (Former Sections INL#315-3.1(a)(1); Added by Ord. 1741, Sec. 2, 7/8/76; Amended by Ord. 2166, Sec. 19, 4/7/98)

33.1.2 Uses Permitted with a Use Permit.

33.1.2.1 Commercial recreation facilities. (Former Sections INL#315-3.1(b)(1); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.2.2 Commercial uses compatible with recreational uses which in the opinion of the Planning Commission will not impair present and potential uses of the area. (Former Sections INL#315-3.1(b)(2); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.2.3 Special occupancy parks for transient use. (Former Sections INL#315-3.1(b)(3); Added by Ord. 1741, Sec. 2, 7/8/76; Amended by Ord. 2166, Sec. 19, 4/7/98)

33.1.2.4 Public stables and golf courses. (Former Sections INL#315-3.1(b)(4); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.2.5 Recreational accommodations as defined in Section C: Index of Definitions of Language and Legal Terms. (Former Sections INL#315-3.1(b)(5); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.2.6 Private noncommercial recreation facilities. (Former Sections INL#315-3.1(b)(6); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3 Other Regulations.

33.1.3.1 Minimum lot area - as established by the principal zone or five (5) acres, whichever is greater. (Former Sections INL#315-3.1(c)(1); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.2 Minimum lot width - 300 feet. (Former Sections INL#315-3.1(c)(2); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.3 Minimum yards - front, rear and side, fifty feet (50'). (Former Sections INL#315-3.1(c)(3); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.4 Maximum building height - thirty five feet (35'). (Former Sections INL#315-
33.1.3.5 In addition to permitted uses, maximum ground coverage of the project site shall not exceed two (2) acres.  
(Former Sections INL#315-3.1(c)(5); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.6 All uses as may be permitted on the project site shall by design, operation and management be mutually compatible and shall not be detrimental to any of the principal permitted uses allowed with adjacent zones.  
(Former Sections INL#315-3.1(c)(6); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.7 Development along County roads may be allowed and conditioned upon road or related improvements, on or off-site, to reduce, to an acceptable level as determined by the Hearing officer, the impacts of the project upon the road and related improvements.  
(Former Sections INL#315-3.1(c)(7); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.8 Within the TPZ, AE and AG zone districts recreational use projects shall:

33.1.3.8.1 Remain under the control of the owner of the agricultural or timber resource lands.  
(Former Sections INL#315-3.1(c)(8)(a); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.8.2 Demonstrate that the project parcel has direct frontage on a public maintained road or a recorded access.  
(Former Sections INL#315-3.1(c)(8)(b); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.8.3 Demonstrate that first consideration was given to locate the project on non-resource production lands, with second consideration given to locate the project on the least productive soils on the resource production lands.  
(Former Sections INL#315-3.1(c)(8)(c); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.8.4 Be conditioned, as part of the Use Permit process, to preclude future land division segregating the recreational use from the resource production areas.  
(Former Sections INL#315-3.1(c)(8)(d); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.9 Applications for Use Permits for the development of land in a Recreation Zone shall be accompanied by a plan of the development proposal.  Such plan shall include graphic and written material as may be required to show:

33.1.3.9.1 That the project location and the specific project site is suitable for the intended use.  
(Former Sections INL#315-3.1(c)(9)(a); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.9.2 Topography of the land, contour intervals and drainage patterns.  
(Former Sections INL#315-3.1(c)(9)(b); Added by Ord. 1741, Sec. 2, 7/8/76)
33.1.3.9.3 Proposed access, traffic and pedestrian ways, parking and easements.  
(Former Sections INL#315-3.1(c)(9)(b); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.9.4 Water and wastewater systems.  (Former Sections INL#315-3.1(c)(9)(d); 
Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.9.5 Areas, structures and facilities proposed for habitation, recreation and 
commercial uses.  (Former Sections INL#315-3.1(c)(9)(e); Added by Ord. 1741, Sec. 
2, 7/8/76)

33.1.3.9.6 Proposed location of buildings on the land including all dimensions 
necessary to indicate size of structures, setback and yard areas.  (Former 
Sections INL#315-3.1(c)(9)(f); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.9.7 Proposed landscaping, fencing and screening, signing and outdoor 
lighting.  (Former Sections INL#315-3.1(c)(9)(g); Added by Ord. 1741, Sec. 2, 7/8/76)

33.1.3.9.8 Such other detailed elevations, plans and other information as may be 
necessary to adequately evaluate the proposed development.  (Former 
Sections INL#315-3.1(c)(9)(h); Added by Ord. 1741, Sec. 2, 7/8/76)

314-34  “S” COMBINING ZONE DESIGNATIONS

314-34.1  S - DEVELOPMENT STANDARD COMBINING ZONE

34.1.1  Title and Purpose.  The provisions of this section shall be known as the Development 
Standard Combining Zone Regulations.  The Development Standard Combining Zone 
Regulations are intended to allow modification of the specific development standards in 
the principal zones to more precisely implement the General Plan.  (Former Section INL#315-9(a))

34.1.2  Applicability.  The County Board of Supervisors, in approving a zone reclassification as 
allowed by Chapter 2 of this Division, may include the Development Standard 
Combining Zone with any principal Zone.  In including the Development Standard 
Combining Zone with a principal zone, the Board of Supervisors may modify any or all 
of the following development standards:  (Former Section INL#315-9(b)(1-8))

34.1.2.1  Minimum Lot size
34.1.2.2  Minimum Average Lot Size
34.1.2.3  Minimum Lot Width
34.1.2.4  Maximum Lot Depth
34.1.2.5  Minimum Yard Setbacks
34.1.2.6  Maximum Ground Coverage
34.1.2.7  Maximum Building Height
34.1.2.8  Permitted Principal Building Types

34.1.3  Limitations to Modifying Development Standards.  Modifications of development
standards are subject to the following limitations: (Former Section INL#315-9(c)(1-3))

34.1.3.1 Minimum Lot Size shall not be modified below 5,000 square feet.

34.1.3.2 Minimum Lot Width shall not be modified below 50 feet.

34.1.3.3 Principal Zones may be modified to allow manufactured homes as a permitted building type only when the zoning district to be modified will include a minimum area of four (4) acres or four (4) city blocks.

34.1.4 Map Designation.

34.1.4.1 When combined with a principal zone, the Development Standard Combining Zone shall be designated on the adopted zoning maps by the designation “S,” except as provided herein. (Former Section INL#315-9(d))

34.1.4.2 The ”S” designation shall immediately follow the principal zone designation, or, where applicable, shall immediately follow the maximum density designation. (Former Section INL#315-9(d))

34.1.4.3 The development standards that are modified shall also be represented on the adopted zoning maps in a table format in the order listed in this Section. Arabic numerals shall be used in the table to specify all modified development standards, except for permitted principal building types. Permitted building types shall be represented by name in the table. Minimum Lot Size shall be represented by a number which represents thousands of square feet, followed by the lower case letter “s”; or by a number which represents numbers of acres, followed by the lower case “a”, whichever is appropriate. For example, RS7.5s would require a minimum lot size of 7500 square feet. (Former Section INL#315-9(d))

314-34.2 SM - DEVELOPMENT STANDARD COMBINING ZONE
(See also, Combining Zone “M”)

34.2.1 Special Designation for Manufactured Home Building Type Modifications.
Whenever the Development Standard Combining Zone is used to modify a principal zone to allow manufactured homes as permitted building types, the following designations shall be used as applicable: (Former Section INL#315-9(e))

34.2.1.1 SM - where development standards in addition to the Manufactured Homes Building Type are modified. (Former Section INL#315-9(e)(1))

34.2.1.2 See also, the subsection, Special Combining Zone “M” where the development standards are modified for the sole purpose of allowing manufactured homes. (Former Section INL#315-9(e)(2))
314-34.3 **SY - DEVELOPMENT STANDARD COMBINING ZONE**  
(See also, Combining Zone “Y”)

34.3.1 **Special Representation for Minimum Lot Size where a Minimum Lot Size and Minimum Average Lot Size are Both Specified.** Whenever the Development Standard Combining Zone is used to modify the principal zone to specify a minimum lot size and a minimum average lot size that must be maintained in subdividing any lot within the zone, the following designations shall be used as applicable: (Former Section INL#315-9(g))

34.3.1.1 **SY -** where development standards in addition to the minimum lot size are modified. (Former Section INL#315-9(g)(1))

34.3.1.2 **SY(x) -** Minimum lot size specifications on the zoning maps where the “x” indicates the minimum lot size, and where the subdivision of any parcel results in a density consistent with the General Plan. As part of the subdivision action, a rezone to the appropriate SY(x) or Y(x) parcel size designation shall be required, and, as necessary, other enforceable restrictions shall be required to maintain consistency with the General Plan. (Former Section INL#315-9(g)(3))

314-34.4 **SZ - DEVELOPMENT STANDARD COMBINING ZONE**  
(See also, Combining Zone “Z”)

34.4.1 **Special Representation for Minimum Lot Size Where No Further subdivisions are Permitted.** Whenever the Development Standard Combining Zone is used to modify the principal zone to prohibit further subdivisions of any lots within the zone, the following designations shall be used as applicable: (Former Section INL#315-9(f))

34.4.1.3 **SZ -** where development standards in addition to the minimum lot size are modified. (Former Section INL#315-9(f)(1))

34.4.1.2 See also, the subsection, Combining Zone “Z” where the development standards are modified for the sole purpose of prohibiting further subdivisions of any lots within the zone.
314-35  "T" COMBINING ZONE DESIGNATIONS

314-35.1  T - MANUFACTURED HOME COMBINING ZONE

The Manufactured Home Combining Zone is intended to be combined with any Residential (RS, R-1, R-2, R-3, R-4) Zone in which the location of manufactured homes is architecturally compatible with the existing development. The minimum land area to which a T zone may be applied shall be four (4) acres or four (4) city blocks. The following regulations shall apply in the zone with which it is combined:  (Former Section INL#315-7; Ord. 519, Sec. 530, 5/11/65; as added by Ord. 697, Sec. 2, 11/4/69; Ord. 1086, Sec. 16, 7/13/76

35.1.1  Principal Permitted Uses.

35.1.1.1  All principal permitted uses for the zone with which it is combined.  (Former Section INL#315-7(a)(1))

35.1.1.2  Manufactured home when used in lieu of dwelling as provided in principal zone.  (Former Section INL#315-7(a)(2))

35.1.2  Other Regulations.

35.1.2.1  Manufactured homes shall be completely enclosed at the ground level by suitable skirting or screening.  (Former Section INL#315-7(b)(1))

35.1.2.2  Adequate outdoor enclosure for miscellaneous material, supplies and storage.  (Former Section INL#315-7(b)(2))

35.1.2.3  Property shall be landscaped or maintained with attractive natural vegetation.  (Former Section INL#315-7(b)(3))

314-36  "U" COMBINING ZONE DESIGNATIONS

(Section Reserved for Future Use)
314-37 "V" COMBINING ZONE DESIGNATIONS

314-37.1 V - VACATION HOME RENTAL

37.1.1 Purpose. The purpose of these regulations is to increase and enhance coastal public access, access to other County visitor serving facilities, to preserve the residential character of neighborhoods by controlling and regulating transient uses which may be incompatible with the character of the neighborhood. (Former Section INL#315-10(A); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.2 Applicability. These regulations shall apply to all lands designated “V” on the zoning maps. (Former Section INL#315-10(B); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.3 Principally Permitted Uses. The following uses are principally permitted on all lands designated with the “V” or Vacation Home Rental Combining Zone:

37.1.3.1 Vacation Home Rentals as defined in Section C: Index of Definitions of Language and Legal Terms. (Former Section INL#315-10(C)(1); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4 Performance Standards. All vacation home rentals are subject to the following performance standards:

37.1.4.1 Compliance with residential parking standards as required by Section 314-109.1 of this code; (Former Section INL#315-10(D)(1); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.2 The number of occupants shall not exceed ten (10) persons. (Former Section INL#315-10(D)(2); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.3 Availability of the rental unit to the public shall not be advertised on-site; (Former Section INL#315-10(D)(3); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.4 Owners of rental units must provide the name, address and telephone number of a contact person for the unit to all occupied residences within a 300 foot radius of the rental unit. The notice shall be mailed to property owners prior to renting the unit and thereafter as contact information changes. An owner of a rental unit who does not reside in a five-mile radius of the residence being rented, shall designate a person within a 5-mile radius of the rental unit, as the local contact person. The owner or contact person must be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of this Section and other applicable provisions of the code; (Former Section INL#315-10(D)(4); Added by Ord. 2154, Sec. 2, 12/9/97)
37.1.4.5 Prior to commencing vacation home rentals, the applicant shall obtain a Business license from the Humboldt County Tax Collector. The owner/operator shall collect and remit to the Humboldt County Tax Collector the transient occupancy tax. (Former Section INL#315-10(D)(5); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.6 It is the responsibility of the property owner to ensure that trash will be disposed of (picked-up) on a weekly basis. (Former Section INL#315-10(D)(6); Added by Ord. 2154, Sec. 2, 12/9/97)

37.1.4.7 Compliance with the requirements of this Section shall be considered conditions of approval. Noncompliance will constitute a nuisance subject to administrative penalties and revocation of the business license. (Former Section INL#315-10(D)(7); Added by Ord. 2154, Sec. 2, 12/9/97)

314-38 “W” COMBINING ZONE DESIGNATIONS

314-38.1 WR - STREAMSIDE MANAGEMENT AREAS AND WETLANDS.

30.1. Purpose. The purpose of these provisions is to assist in the application of minimum standards pertaining to the use and development of land located within streamside management areas, wetlands, and other wet areas.

30.2. Applicability. The Streamside Management Areas and Wetlands Combining Zone, indicated by "WR" on the Zoning Maps, shall apply to streamside management areas, wetlands, and other wet areas as defined by the Streamside Management Areas Ordinance Section 316-25.

30.3. Modifications Imposed by the Streamside Management Areas and Wetlands Combining Zone. The provisions of the Streamside Management Areas Ordinance shall apply in addition to regulations imposed by the principal zone, development regulations, and other special area combining regulations. (Added by Ord. 2285, Sec. 4, 12/10/02)

314-39 “X” COMBINING ZONE DESIGNATIONS

314-39.1 X - RECREATION

(See also, Recreation Combining Zone “R”)

The Recreation Combining or X Zone is intended to be combined with any principal zone in which the addition of recreational uses will not be detrimental to the uses of the principal zone or of contiguous zones. The following regulations shall apply in any zone with which is combined a Recreation Combining or X Zone. (Former Sections INL#315-3; Ord. 519, Sec. 510, 5/11/65; Amended by Ord. 2166, Sec. 18, 4/7/98)

39.1.1 Principal Permitted Uses.

39.1.1.1 Public and private noncommercial recreation facilities. (Former Sections INL#315-3(a)(1); Ord. 519, Sec. 510, 5/11/65)
39.1.1.2 General agriculture and roadside stands. (Former Sections INL#315-3(a)(2); Ord. 519, Sec. 510, 5/11/65)

39.1.1.3 Dwellings and offices incidental to any permitted use, but not including labor camps and labor supply camps. (Former Sections INL#315-3(a)(3); Ord. 519, Sec. 510, 5/11/65)

39.1.1.4 Manufactured home parks and special occupancy parks. (Former Sections INL#315-3(a)(4); Ord. 519, Sec. 510, 5/11/65; Amended by Ord. 2166, Sec. 18, 4/7/98)

39.1.2 Uses Permitted with a Use Permit.

39.1.2.1 Commercial recreation facilities. (Former Sections INL#315-3(b)(1); Ord. 519, Sec. 510, 5/11/65)

39.1.2.2 Commercial uses compatible with recreational uses which in the opinion of the Planning Commission will not impair present and potential uses of the area. (Former Sections INL#315-3(b)(2); Ord. 519, Sec. 510, 5/11/65)

39.1.3 Other Regulations.

39.1.3.1 Minimum lot area - five (5) acres. (Former Sections INL#315-3(c)(1); Ord. 519, Sec. 510, 5/11/65)

39.1.3.2 Minimum lot width - 300 feet. (Former Sections INL#315-3(c)(2); Ord. 519, Sec. 510, 5/11/65)

39.1.3.3 Minimum yards - front, rear and side, fifty feet (50'). (Former Sections INL#315-3(c)(3); Ord. 519, Sec. 510, 5/11/65)

39.1.3.4 Maximum building height - thirty feet (30'). (Former Sections INL#315-3(c)(4); Ord. 519, Sec. 510, 5/11/65)

314-40 “Y” COMBINING ZONE DESIGNATIONS

314-40.1 Y - SPECIFIED MINIMUM AND AVERAGE LOT SIZE
(See also, Combining Zone “SY”)

40.1.1 Special Representation for Minimum Lot Size where a Minimum Lot Size and Minimum Average Lot Size are Both Specified. Whenever the Development Standard Combining Zone is used to modify the principal zone to specify a minimum lot size and a minimum average lot size that must be maintained in subdividing any lot within the zone, the following designations shall be used as applicable: (Former Section INL#315-9(g))

40.1.1.1 Y - where the development standards are modified for the sole purpose of specifying a minimum lot size and minimum average-lot size. (Former Section INL#315-9(g)(2))

40.1.1.2 Y(x) - Minimum lot size specifications on the zoning maps where the “x”
indicates the minimum lot size, and where the subdivision of any parcel results in a density consistent with the General Plan. As part of the subdivision action, a rezone to the appropriate Y(x) parcel size designation shall be required, and, as necessary, other enforceable restrictions shall be required to maintain consistency with the General Plan.  (Former Section INL#315-9(g)(3))

314-41  “Z” COMBINING ZONE DESIGNATIONS

314.41.1  Z - NO FURTHER SUBDIVISION ALLOWED
(See also, Combining Zone “SZ”)

41.1.1  Special Representation for Minimum Lot Size Where No Further subdivisions are Permitted. Whenever the Development Standard Combining Zone is used to modify the principal zone to prohibit further subdivisions of any lots within the zone, the following designations shall be used as applicable:  (Former Section INL#315-9(f))

41.1.1.1  Z - where the development standards are modified for the sole purpose of prohibiting further subdivisions of any lots within the zone.

41.1.1.2  When the Z designation is used, the minimum lot size shall not be listed in the table format.  (Former Section INL#315-9(f)(2))
SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL ZONES

PART 1: USES AND ACTIVITIES

314-42 GENERAL PROVISIONS

314-42.1 APPLICABILITY

Each and every zone shall be subject to the provisions of this chapter in addition to the requirements and regulations set out in each of the zone regulations. (Former Section INL#316-1, Ord. 519, Sec. 601, 5/11/65)

314-43–68: ALPHABETICAL LISTING OF USES AND ACTIVITIES

314-43.1 ACCESSORY USES

43.1.1 Accessory uses as defined in this Code shall be permitted as appurtenant to any permitted use without the necessity of securing a Special Permit or Use Permit, unless particularly provided in this chapter, provided that no accessory building shall be erected and no accessory use shall be conducted on any property in any Unclassified (U) Zone where the General Plan designates the area for residential development or in any Residential (RS, R-1, R-2, R-3, R-4) Zone, unless and until the main building is erected and occupied, or until a Special Permit is secured. (Former Section INL#316-2; Ord. 1623 Sec. 1, 12/13/83; Amended by Ord. 1726, Sec. 1, 3/4/86)

43.1.2 Permitted Residential Accessory Uses.

43.1.2.1 Community Care Facilities. Community Care Facilities are a residential use of property for the purposes of zoning. No Use Permit or variance shall be required to establish such uses in any residential zone except as may be required of other residences which are located in the same zone and in which such uses are established. (See also, Section C: Index of Definitions of Language and Legal Terms, in this Chapter; “Family Day Care Home” and “Family Day Care Center”.) (Former Section INL#316-5.1; Added by Ord. 1842, Sec. 8, 8/16/88)

43.1.2.2 Family Day Care Center. A Family Day Care Center serving more than twelve (12) children (including children who reside at the home) shall be considered a residential use of the property for the purposes of zoning. A Conditional Use Permit shall be required to establish such uses in residential zones. (See also, Section C: Index of Definitions of Language and Legal Terms, in this Chapter, “Community Care Facility” and “Family Day Care Home”.) (Former Section INL#316-5.2; Added by Ord. 1842 Sec. 9, 8/16/88)
43.1.2.3 **Family Day Care Home.** A Family Day Care Home serving twelve (12) or fewer children (including children who reside at the home) shall be considered a residential use of the property for the purposes of zoning. No Use Permit or variance shall be required to establish such uses in any residential zone except as may be required of other residences which are located in the same zone and in which such services are established. (See also, Section C: Index of Definitions of Language and Legal Terms, in this Chapter, “Community Care Facility” and “Family Day Care Center”.) (Former Section INL#316-5.3; Added by Ord. 1842 Sec. 10, 8/16/88)

43.1.3 **Permitted Agricultural Accessory Uses.** The following accessory uses shall be permitted in the (AE) Agricultural Exclusive, (AG) Agriculture General, and (TPZ) Timber Production zones: (See also, Permitted Agricultural Accessory Structures, Section 314-69.1) (Former Section INL#316-2.1; Added by Ord. 2189, Sec. 1, 2/9/99)

43.1.3.1 Windmills, not including windmills that produce energy for export off of the ranch or farm; (Former Section INL#316-2.1(1); Added by Ord. 2189, Sec. 1, 2/9/99)

43.1.3.2 Greenhouses which do not result in lot coverage exceeding 5 acres on lots 20 acres or larger in size, or exceeding 25% of the lot coverage for lots less than 20 acres in size, either individually or collectively, with or without a perimeter foundation, and without an improved floor or footpath which will preclude the agricultural use of the underlying soil. Greenhouses with an improved floor or footpath which will preclude the agricultural use of the underlying soil shall not be located on prime agricultural soils, but may be located on non-prime agricultural soils with a special permit. Concrete, asphalt, and similarly constructed footpaths are permitted within a greenhouse located on non-prime agricultural soils, and may be permitted on prime agricultural soils with a Special Permit. (Former Section INL#316-2.1(2); Added by Ord. 2189, Sec. 1, 2/9/99)

43.1.3.3 Silos; (Former Section INL#316-2.1(3); Added by Ord. 2189, Sec. 1, 2/9/99)

43.1.3.4 Tank Houses; (Former Section INL#316-2.1(4); Added by Ord. 2189, Sec. 1, 2/9/99)

43.1.3.5 Barns and outbuildings; (Former Section INL#316-2.1(5); Added by Ord. 2189, Sec. 1, 2/9/99)

43.1.3.6 Coops; (Former Section INL#316-2.1(6); Added by Ord. 2189, Sec. 1, 2/9/99)

43.1.3.7 Drainage facilities and structures. (Note: in the Coastal Zone these facilities and structures are subject to the following regulations, as applicable: Coastal Wetlands, Streams and Riparian Corridors Protection, Transitional Agricultural Lands, and Chapter 2: Procedures. (Former Section INL#316-2.1(7); Added by Ord. 2189, Sec. 1, 2/9/99)

43.1.3.8 **Roadside Sales of Agricultural Products.** Operation of a single roadside stand for the display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by these regulations, provided that the stand does not exceed an area of 200 square feet, and is located not nearer than fifteen (15) feet from any street or highway right-of-way. (Former
43.1.3.9 Public Stables for 6 horses or less. Public stables for 7 or more horses may be permitted with a Special Permit.  (Former Section INL#316-2.1(9); Added by Ord. 2189, Sec. 1, 2/9/99)

43.1.3.10 Other Necessary and Customary Uses. Accessory uses and structures in addition to those identified above, which are necessary and customarily associated with, and are appropriate, incidental, and subordinate to agricultural activity as determined by the Planning Director. Buildings or structures, which result in lot coverage exceeding 5 acres on lots 20 acres or larger, or exceeding 25% lot coverage on lots less than 20 acres, either individually or collectively, shall not be permitted as agricultural accessory structures and shall only be permitted with a Special Permit.  (Former Section INL#316-2.1(10); Added by Ord. 2189, Sec. 1, 2/9/99)

314-43.2 ALLOWED AGRICULTURAL ACTIVITIES NOT A NUISANCE (“RIGHT TO FARM ORDINANCE”)

43.2.1 Definitions. The following terms shall have the meaning established by this section and as defined in this chapter, Section C: Index of Definitions of Language and Legal Terms. (Former Section INL#316.2-1; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97; Amended by Ord. 2214, 6/6/00)

43.2.1.1 Agricultural Land.
43.2.1.2 Agricultural Operation.

43.2.2 Findings and Policy.

43.2.2.1 It is the declared policy of this County to enhance and encourage agricultural operations within the County. It is the intent of this County to provide to its residents notification of this County policy through adoption of this ordinance setting forth persons’ and/or entities’ right to farm. (Former Section INL#316.2-2(A); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.2.2 Where non-agricultural land uses extend into agricultural areas, or exist side by side, agricultural operations can be the subject of nuisance complaints by which the complainants seek to cease or curtail agricultural operations. Such actions discourage investments in farm improvements and act to the detriment of such adjacent agricultural uses, and the economic viability of the County’s agricultural industry as a whole. (Former Section INL#316.2-2(B); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.2.3 It is the purpose and intent of this section to reduce the loss to the County of its agricultural resources by limiting the circumstances under which existing and planned agricultural operations may be considered as a nuisance. This ordinance is not to be construed as in any way modifying or abridging State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agriculture Code, Division 7 of the Water Code, or any other applicable provision of State Law relative to nuisances. Rather, it is intended to be utilized in the interpretation and enforcement of the provisions of this Code and other
43.2.2.4 An additional purpose of this ordinance is to promote a good neighbor policy between agricultural and non-agricultural property uses by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such agricultural uses, including but not limited to the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations.

43.2.3 Nuisance. No agricultural activity, operations, or facility or appurtenances thereof, conducted or maintained for any agricultural purpose in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, public or private, pursuant to the Humboldt County Code after the same has been in operation for more than three years if the activity was not a nuisance when it began.

43.2.4 Disclosure.

43.2.4.1 Humboldt County is an agricultural county with many areas planned and zoned for agricultural operations. The presence of farms, ranches and timberland yields significant aesthetic and economic benefits to the health and welfare of the residents of the County. In accordance with the findings in subsection 43.2.2, this County's agriculture must be protected, including in areas where it is near residential development. This is accomplished in part by the adoption of subsection 43.2.3, which provides that properly conducted agricultural operations will not be deemed a nuisance.

43.2.4.2 This section further requires sellers of real property to give notice of this ordinance and its provisions to buyers of real property located in Humboldt County. The notice shall be in substantially the following form:

"You are hereby notified that if the property you are purchasing is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry, and commercial practices performed as incident to or in conjunction with such agricultural operations, including preparation for market, delivery to storage or market, or to carriers or transportation to market. These operations may generate, among other things, dust, smoke, noise and odor. If you live near an
agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. For information concerning where agricultural operations are located in relation to your property, you may contact the Planning Division of the Humboldt County Community Development Services Department. For questions concerning specific kinds of agricultural operations in your area, including their use of fertilizers and pesticides, you should contact the Humboldt County Agricultural Commissioner. This Notice is given for informational purposes only and nothing in the Ordinance or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available action to remedy any unlawful or improper agricultural practice."

(Former Section INL#316.2-4(B); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.4.3 The statement set forth in subsection 43.2.4.2 shall be used under the following circumstances and in the following manners:

43.2.4.3.1 Upon any transfer of real property or any portion thereof by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground sale lease coupled with improvements, or residential stock cooperative improved with dwelling units, the transferor shall require that a statement containing the language set forth in subsection 43.2.4.2 shall be signed by the purchaser or lessee.

(Former Section INL#316.2-4(C)(1); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.4.3.2 Upon the issuance of a discretionary development permit, including but not limited to subdivision approvals, Use Permits & Special Permits, for use on or adjacent to lands designated and/or zoned for agricultural operations, the discretionary development permit shall include a condition that the owners of the property shall be required to sign a statement of acknowledgment containing the Disclosure set out in subsection 43.2.4.2. The statement need not be notarized, and shall be retained in the permit file at the Planning Division.

(Former Section INL#316.2-4(C)(2) Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.4.4 The disclosure statement as set forth in subsection 43.2.4.2, and required by this Chapter shall be made on a copy of, or attached to the Real Estate Transfer Disclosure Statement required by Section 1102.6 of the Civil Code, relating to real property. In situations in which the Real Estate Disclosure statement set forth in Civil Code Section 1102 is not required, notice shall be given on or accompanying any other required disclosure documents or, if none, with the deed transferring the interest in the property. A form for the notice may be purchased from the Planning and Building Divisions. The seller should retain a copy of the signed disclosure notice as proof of compliance with this section.

(Former Section
43.2.5 **Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of the ordinance. (Former Section INL#316.2-5; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.6 **Precedence.** This ordinance shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith, to the extent of the conflict and no more. (Former Section INL#316.2-6; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.7 **Mediation.**

43.2.7.1 It is suggested, and expected by the County and the Courts that an attempt to resolve any dispute which arises under or is governed by this Chapter of the Code be subjected to mediation or other attempt at dispute resolution by the parties. Such utilization of a mediation process shall be at the expense of the parties and shall be completed in a reasonable time frame before litigation may be pursued. This mediation process is not a mandatory prerequisite to pursuing alternative legal remedies. (Former Section INL#316.2-7(A); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.7.2 At a minimum, any party making a complaint alleging that an agricultural operation constitutes a nuisance, shall have informed the operator of the alleged nuisance as to the specific complaints of the party making the complaint. This process shall include, at a minimum the sending of a certified letter, containing the details of the complaint, and suggesting a proposed resolution of the problem which the complaining party perceives to exist. This requirement is a mandatory prerequisite to the filing of any civil action for nuisance. (Former Section INL#316.2-7(B); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.8 **Violation of the Disclosure Provisions of Subsection 314-43.2.4 an Infraction.** Notwithstanding any other provision of this Code to the contrary, a violation of the disclosure provisions contained in Section 43.2.4 shall be an infraction. The punishment for such a violation shall be subject to the maximum penalties set by State Law for an infraction (see, Penal Code Section 19c, or any successor provision thereto). The violation shall not be punished as a misdemeanor. (Former Section INL#316.2-8; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)
43.2.9 Model Notice for Use in Complying with this Section:
(Former Section INL#316.2-9; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

NOTICE AND ACKNOWLEDGMENT REGARDING AGRICULTURAL ACTIVITIES IN HUMBOLDT COUNTY

Reference: AP No._________; and/or File No. & Application No.:_________

This notice is given pursuant to the “Right to Farm Ordinance” of the Humboldt County Code (Section 314-43.2). The purpose of this notice is to inform owners and purchasers of real property that there may be an impact on their property from adjacent agricultural activities. For full information about the ordinance, please read the full text of Section 314-43.2, Allowed Agricultural Activities Not a Nuisance, of the County Code. This document is for information purposes only and confers no legal rights or obligations with respect to any particular property or agricultural activity other than those conferred by the County Code, State Law, or other applicable law or regulation.

In accordance with Humboldt County Code Section 314-43.2:

You are hereby notified that, if the property you are purchasing or developing is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry, and commercial practices performed as incident to or in conjunction with such agricultural operations, including preparation for market, delivery to storage or market, or to carriers for transportation to market. These operations may generate, among other things, dust, smoke, noise and odor. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. For information concerning where agricultural operations are located in relation to your property, you may contact the Humboldt County Community Development Services Department. For questions concerning specific kinds of agricultural operations in your area, including their use of fertilizers and pesticides, you should contact the Humboldt County Agricultural Commissioner. This Notice is given for informational purposes only and nothing in the Ordinance or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available action to remedy any unlawful or improper agricultural practice.

Dated:________________________  Dated:________________________
______________________________ ____________________ ____________
Signature of Seller(s)    Signature(s) of purchaser or owner(s)/owners' representative
(if property transfer)     ____________________ ____________________ ____________
Print name(s)     Print name(s)

Please note that Section 314-43.2 of the County Code does not require recording this document. However, a seller of property may wish to record this document with other disclosure documents as proof of compliance with this Code section.
314-43.3  ANIMAL KEEPING.

43.3.1 Purpose. The purpose of these provisions is to regulate the density of animals and the setbacks of animal enclosures in residential zones (RS, R-1, R-2, R-3, R-4) in order to maintain the quality of the urban and rural environments and to prevent public and private nuisances. (From Section CZ#A314-3(A); Added by Ord. 2214, 6/6/00)

43.3.2 Domestic Animals in Residential Zones. Adult domestic animals may be kept as an accessory use in any residential zone (RS, R-1, R-2, R-3, R-4) where the minimum lot size, animal density and animal enclosure setback requirements of this section are satisfied. (Former Section INL#316-4(a); CZ#A314-3(C); Ord. 556, Sec. 2, 3/22/66; Amended by Ord. 2214, 6/6/00)

43.3.3 Use Permit May Be Required. Keeping animals not listed in the following tables requires a Use Permit. (Former Section INL#316-4(a)(4))

43.3.4 Animal Density. Animal keeping in RS, R-1, R-2, R-3, and R-4 zones shall be limited according to the Animal Density Table. The Animal Density Table is incorporated into this section, and all references to this section shall include references to it. (Former Section INL#316-4(a)(1-4); INL#316-4(f); CZ#A314-3(E); Ord. 528, Sec. 1, 10/5/65; Ord. 556, Sec. 2, 3/22/66; Amended by Ord. 2214, 6/6/00)

<table>
<thead>
<tr>
<th>ANIMAL TYPE</th>
<th>MINIMUM LOT SIZE</th>
<th>MAXIMUM ANIMAL DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large domestic bovine and equine animals</td>
<td>One (1) acre</td>
<td>Two animals plus one animal for each additional 20,000 square feet of lot area</td>
</tr>
<tr>
<td>Medium sized domestic animals, such as sheep, pigs, and goats</td>
<td>10,000 square feet</td>
<td>Two animals plus one animal for each additional 3,000 square feet of lot area</td>
</tr>
<tr>
<td>Small domestic animals such as rabbits and poultry</td>
<td>5,000 square feet</td>
<td>Ten animals plus one animal for each additional 500 square feet of lot area</td>
</tr>
<tr>
<td>Household pets limited to dogs and cats</td>
<td>No minimum</td>
<td>RS - limit 8 animals</td>
</tr>
<tr>
<td></td>
<td></td>
<td>R-1, R-2 - limit 4 animals</td>
</tr>
<tr>
<td></td>
<td></td>
<td>R-3, R-4 - limit 2 animals</td>
</tr>
</tbody>
</table>

(a) No animal other than those listed in this section may be kept without first securing a Special Permit.
(b) Permitted animal densities may be increased through substitution by young animals in accordance with the schedule set forth herein.
(c) No crowing rooster may be kept in any RS, R-1, R-2, R-3, or R-4 zone.
(d) No limitations shall be placed upon household pets whose normal place of abode is within the dwelling units, such as caged birds, caged rodents, fish, reptiles and amphibia confined to aquaria and terraria.
43.3.5 **Young Domestic Animals Substitution Schedule.** The maximum animal densities permitted under subsection 314-43.3.4, Animal Density, may be modified by substituting young animals according to the following schedule:  (Former Section INL#316-4(c); CZ#A314-3(F); Amended by Ord. 2214, 6/6/00)

<table>
<thead>
<tr>
<th>ANIMAL TYPE</th>
<th>PERMITTED SUBSTITUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large domestic animals including cows and horses</td>
<td>For each one (1) adult animal three (3) young animals less than six (6) months old may be substituted.</td>
</tr>
<tr>
<td>Medium-sized domestic animals including sheep, pigs, and goats</td>
<td>For each one (1) adult animal three (3) young animals less than six (6) months old may be substituted.</td>
</tr>
<tr>
<td>Small domestic animals including rabbits and poultry.</td>
<td>For each one (1) adult animal three (3) young animals less than three (3) months old may be substituted.</td>
</tr>
<tr>
<td>Household pets.</td>
<td>Not applicable; No limit on dogs or cats less than four (4) months old.</td>
</tr>
</tbody>
</table>

43.3.6 **Animal Enclosure Setback Table.** In addition to conforming with all applicable yard requirements, enclosures for animals in residential zones (RS, R-1, R-2, R-3, R-4) shall have the minimum setbacks specified in the Animal Enclosure Table.  (Former Section INL#316-4(b); CZ#A314-3(G); Amended by Ord. 2214, 6/6/00)

<table>
<thead>
<tr>
<th>ANIMAL ENCLOSURE SETBACKS TABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANIMAL ENCLOSURE LOCATION</td>
</tr>
<tr>
<td>Distance from Dwelling</td>
</tr>
<tr>
<td>Distance from Front Lot Line</td>
</tr>
<tr>
<td>Distance from Side Lot Line</td>
</tr>
<tr>
<td>Distance from Rear Lot Line</td>
</tr>
</tbody>
</table>

Notes:  (a) Animal enclosures includes shelters, pens, coops, runs, hutches, stables, barns, corrals, and similar structures used for the keeping of poultry or animals.  
(b) Poultry setbacks same as Medium Domestic Animals  
(c) No crowing rooster may be maintained in any residential zone (RS, R-1, R-2, R-3, R-4)

43.3.7 **General Health Regulations.** Animal keepers must maintain all shelters, coops, cages, runs, corrals and yards in a clean and sanitary condition.  Certification by the Health Officer or Representative shall be prima facie evidence that the premises are in an unsanitary condition.  (Former Section INL#316-4(d))

43.3.8 Killing or dressing large or medium domestic animals on residential premises is prohibited.  (Former Section INL#316-4(e))
43.3.9 Nothing in this section shall limit the right of any agricultural use to keep animals as a principal or accessory use. (Former Section INL#316-4(g))

43.3.10 Keeping animals in a manner that does not conform to this Code is a public nuisance. (Former Section INL#316-4(h); Ord. 528, Sec. 1, 10-5/65)

314-44.1 BED AND BREAKFAST ESTABLISHMENTS.

44.1.1 Applicability. Bed and Breakfast Inns as a cottage industry may be permitted in all those zones which allow cottage industries, as well as R-2, R-3, and R-4 zones, upon the issuance of a Special Permit. (Former Section INL#316.3-5(a); Added by Ord. 1876, Sec. 10, 9/26/89; Amended by Ord. 2166, Sec. 30, 4/7/98)

44.1.2 Occupancy Standards.

44.1.2.1 A maximum of four (4) guest bedrooms or eight (8) guests at one time shall be permitted by a Bed and Breakfast establishment. (Former Section INL#316.3-5(b)(1); Added by Ord. 1876, Sec. 10, 9/26/89)

44.1.2.2 The owner/operator shall reside on the premises. (Former Section INL#316.3-5(b)(2); Added by Ord. 1876, Sec. 10, 9/26/89)

44.1.2.3 Any rooms used for rooming or boarding shall be included in the total number of permitted guest rooms. (Former Section INL#316.3-5(b)(3); Added by Ord. 1876, Sec. 10, 9/26/89)

44.1.2.4 The guest rooms shall not include kitchen facilities. (Former Section INL#316.3-5(b)(4); Added by Ord. 1876, Sec. 10, 9/26/89)

44.1.3 Provisions for Meals. Meals shall only be served to overnight guests of the establishment. (Former Section INL#316.3-5(c)(1); Added by Ord. 1876, Sec. 10, 9/26/89)

314-45.1 COTTAGE INDUSTRY.

45.1.1 Purpose. The purpose of these regulations is to establish development standards and limitations for the operation and maintenance of cottage industries in Humboldt County. (Former Section INL#316.3-1; Added by Ord. 1737, Sec. 2, 5/20/86)

45.1.2 Applicability.

45.1.2.1 Notwithstanding any other provisions of this Code to the contrary, Cottage Industries, as defined in this Code, that meet all the criteria of the following Performance Standards section, shall be permitted as appurtenant and accessory uses to a principally permitted residential use in any FR, TPZ, AE, AG, RS, R-1 or U zone district. (Former Section INL#316.3-2; Added by Ord. 1737 Sec. 2, 5/20/86, Amended by Ord. 2166, 4/7/98)
45.1.2.2 Cottage Industries that do not meet all the criteria of the following Performance Standards section, may be permitted as an accessory use with a Special Permit subject to the provisions of this chapter, in any of the following zoning districts: FR, TPZ, AE, AG, RS, R-1 and U. (Former Section INL#316.3-2; Added by Ord. 1737 Sec. 2, 5/20/86; Amended by Ord. 2166, 4/7/98)

45.1.3 Performance Standards for Cottage Industries Permitted As Appurtenant and Accessory Uses. Cottage industries allowed as principally permitted appurtenant and accessory uses to existing residential uses shall comply with all the following performance standards: (Former Section INL#316.3-3; Amended by Ord. 2166, 4/7/98)

45.1.3.1 The cottage industry shall conform with the development standards in the applicable zoning district; and (Former Section INL#316.3-3(a); Amended by Ord. 2166, 4/7/98)

45.1.3.2 The dwelling on the site shall be occupied by the owner of the cottage industry; and (Former Section INL#316.3-3(b); Amended by Ord. 2166, 4/7/98)

45.1.3.3 The cottage industry shall occupy no more than twenty five percent (25%) or 1,000 square feet (whichever is less) of the floor area of the dwelling or accessory structure in which the cottage industry is located; and (Former Section INL#316.3-3(c); Amended by Ord. 2166, 4/7/98)

45.1.3.4 The cottage industry shall not produce evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke or other nuisances to a degree greater than that normal for the neighborhood; and (Former Section INL#316.3-3(d); Amended by Ord. 2166, 4/7/98)

45.1.3.5 There shall be no structural, electrical or plumbing alterations necessary for the cottage industry which are not customarily found in dwellings or residential accessory structures; and (Former Section INL#316.3-3(e); Amended by Ord. 2166, 4/7/98)

45.1.3.6 No persons other than residents of the dwelling shall be employed to conduct the cottage industry; and (Former Section INL#316.3-3(f); Amended by Ord. 2166, 4/7/98)

45.1.3.7 There shall be no sale of merchandise on the premises; and (Former Section INL#316.3-3(g); Amended by Ord. 2166, 4/7/98)

45.1.3.8 All noise generating operations shall be buffered so that they do not exceed the exterior ambient noise level anywhere on the site by more than 5 dB(a), or an equivalent standard which achieves comparable results; and (Former Section INL#316.3-3(h); Amended by Ord. 2166, 4/7/98)

45.1.3.9 All lights shall be directed on site and shielded to reduce glare to adjacent areas; and (Former Section INL#316.3-3(i); Amended by Ord. 2166, 4/7/98)
45.1.3.10 The use shall not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which it is located; and (Former Section INL#316.3-3(j); Amended by Ord. 2166, 4/7/98)

45.1.3.11 No perceptible vibrations shall be permitted off the building site; and (Former Section INL#316.3-3(k); Amended by Ord. 2166, 4/7/98)

45.1.3.12 No visual or audible interference of radio or television reception by operations shall be permitted. (Former Section INL#316.3-3(l); Amended by Ord. 2166, 4/7/98)

45.1.3.13 All manufacturing and fabricating areas shall be enclosed in buildings. (Former Section INL#316.3-3(m); Amended by Ord. 2166, 4/7/98)

45.1.3.14 Hours of operation shall be 9 AM to 5 PM Monday through Friday. (Former Section INL#316.3-3(n); Amended by Ord. 2166, 4/7/98)

45.1.3.15 One sign is permitted advertising the cottage industry, not exceeding two (2) square feet, that is non-moving, and which has illumination, if any, which is non-flashing. (Former Section INL#316.3-3(o); Amended by Ord. 2166, 4/7/98)

45.1.3.16 The total land area occupied by the cottage industry and the principal use including portions of the lot occupied by buildings, storage areas and work places devoted to the cottage industry shall not exceed two (2) acres or the maximum coverage allowed in the zone district, whichever is less. (Former Section INL#316.3-3(p); Amended by Ord. 2166, 4/7/98)

45.1.3.17 A business license shall be approved for the Cottage Industry. (Former Section INL#316.3-3(q); Amended by Ord. 2166, 4/7/98)

45.1.4 Modification of Performance Standards for Cottage Industries Allowed with a Special Permit. With a Special Permit, the Hearing Officer may modify the performance standards in subsections 314-45.1.3.3, 45.1.3.5, 45.1.3.6, 45.1.3.7, 45.1.3.10, 45.1.3.13, 45.1.3.14, 45.1.3.15 and 45.1.3.16. (Former Section INL#316.3-4, 5/20/86; Amended by Ord. 2166, 4/7/98)

45.1.5 Auto Repair As a Cottage Industry.

45.1.5.1 Applicability. With a Use Permit, auto repair as a cottage industry may be permitted in the TPZ, AE, AG and FR zones when located outside Community Planning Areas, or when specifically authorized by the Community Plan and located outside Urban Expansion Areas. (Former Section INL#316.3-6(a)(1))

45.1.5.2 Performance Standards.

45.1.5.2.1 All activities shall be conducted in an enclosed building. (Former Section INL#316.3-7(b)(1))
45.1.5.2.2 The number of vehicles that may be parked on the premises at any time shall be determined by the Hearing Officer. All vehicles may be required to be kept behind an enclosed fenced area. (Former Section INL#316.3-6(b)(2))

45.1.5.2.3 There shall be no parking or storage of damaged vehicles except on a temporary basis which is not to exceed 72 hours. Junk parts and junk vehicles shall not be kept outside the building. Fencing or screening may be required. (Former Section INL#316.3-6(b)(3))

45.1.5.2.4 The applicant shall maintain a service agreement with a competent waste handler chosen from a list provided by the Hazardous Waste Management Section of the State Department of Health Services, for the periodic removal and recycling of all batteries, gasoline, oil, transmission fluid, brake fluid, and other solvents and chemical agents. Interim storage of such materials shall be in a manner satisfactory to the County Health Department. (Former Section INL#316.3-6(b)(4); Added by Ord. 1737 Sec. 2, 5/20/86; Amended by Ord. 1842, Sec. 14, 8/16/88)

(314-46 through 314-49: Sections Reserved for Future Use)

314-50.1 HOME OCCUPATIONS AND ADDRESSES OF CONVENIENCE

50.1.1 Home Occupations Permitted. A permit is required to carry out a home occupation. Home occupations, as defined in this Code, shall be permitted as appurtenant and accessory uses to any residential use. An application for a home occupation permit shall be accompanied by an application fee in the amount as established by resolution of the Board of Supervisors. (Former Section INL#316-8(a); Ord. 519, Sec. 608, 5/11/65; Amended by Ord. 1280 Sec. 1, 10/10/78)

50.1.2 Home Occupation Requirements. A Home Occupation is any use which, as determined by the Planning Commission, is entirely carried on within a dwelling by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling and which:

50.1.2.1 Is confined completely within the dwelling and occupies not more than twenty-five per cent (25%) of the gross area of one floor thereof; and (Former Section INL#312-34(a); Ord. 519, Sec. 233, 5/11/65)

50.1.2.2 Involves no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the occupation; and (Former Section INL#312-34(b); Ord. 519, Sec. 233, 5/11/65)

50.1.2.3 Is carried on by the members of the family occupying the dwelling, with no other person employed; and (Former Section INL#312-34(c); Ord. 519, Sec. 233, 5/11/65)
50.1.2.4 Produces no evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke or other nuisances to a degree greater than that normal for the neighborhood; and (Former Section INL#312-34(d); Ord. 519, Sec. 233, 5/11/65)

50.1.2.5 Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which located; and (Former Section INL#312-34(e); Ord. 519, Sec. 233, 5/11/65)

50.1.2.6 Meets the requirements of the Chief Building Inspector and fire district of jurisdiction; and (Former Section INL#312-34(f); Ord. 519, Sec. 233, 5/11/65)

50.1.2.7 Requires no addition or extensions to, or structural electrical or plumbing alterations in the dwelling; and (Former Section INL#312-34(g); Ord. 519, Sec. 233, 5/11/65)

50.1.2.8 Hospitals, sanitariums, antique shops, eating establishments, bakeries, barber shops, beauty shops and animal hospitals shall not be deemed to be home occupations, and (Former Section INL#312-34(h); Ord. 519, Sec. 233, 5/11/65; Amended by Ord. 2166, Sec. 3, 4/7/98)

50.1.2.9 The home occupation involves no equipment other than that customarily used in dwellings, except that with a Special Permit, the Hearing Officer may, in particular cases, modify the provisions of subsections 50.1.2.3. and 50.1.2.7 for locations outside community planning areas if the following findings are made: (Former Section INL#312-34(i); Ord. 519, Sec. 233, 5/11/65; Amended by Ord. 2166, Sec. 3, 4/7/98)

50.1.2.9.1 No more than one other non-resident of the dwelling may be employed in the conduct of the home occupation; and (Former Section INL#312-34(i); Ord. 519, Sec. 233, 5/11/65; Added by Ord. 2166, Sec. 3, 4/7/98)

50.1.2.9.2 Interior and exterior physical alterations to the residence must retain the residential character of the structure. (Former Section INL#312-34(i); Ord. 519, Sec. 233, 5/11/65; Added by Ord. 2166, Sec. 3, 4/7/98)

50.1.3 Address of Convenience. A permit is required for an address of convenience. Due to the low potential for significant impacts on the neighborhood, an Address of Convenience as defined by this Code, may be approved without the analysis and review required of other home occupations. (Former Section INL#316-8(b); Added by Ord. 1848, Sec. 16, 9/13/88)

(314-51 through 314-57: Sections Reserved for Future Use)
314-58.1 PUBLIC USES

Public uses as defined in this Code, shall be permitted in any zone without the necessity of first obtaining a Use Permit. However, the locations of proposed public uses shall be submitted to the Planning Commission for recommendation at least thirty (30) days prior to the acquisition of sites or rights-of-way for the public use.  (Former Section INL#316-14; Ord. 519 Sec. 614, 5/11/65)

(314-59: Section Reserved for Future Use)

314-60.1 REMOVAL OF NATURAL MATERIALS

Surface removal of minerals and natural materials, including building and construction materials to be used for commercial purposes, shall be allowed in any zone with a use permit. A discretionary (special or conditional use) permit is not required for onsite excavation and removal of material for normal construction of buildings, structures or underground facilities, or where such removal is primarily for grading and land leveling, except where the activity is subject to the Streamside Management Area Ordinance, Section 314-61.1.  (Ord. 519 Sec. 617, 5/11/65, Amended by Ord. 2275 Sec. E; 5/28/02)

314-61.1 STREAMSIDE MANAGEMENT AREA ORDINANCE

Short Title

This section shall be known and cited as the “Streamside Management Area Ordinance of the County of Humboldt” (SMAO). In any administrative action taken by any public official under the authority of this code, the use of the term “Streamside Management Area Ordinance” or “SMAO”, unless further modified, shall also refer to and mean this section.

Purpose

The purpose of this section is to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas such as: natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation).

The purpose of establishing the standards are to:

- Create an Streamside Management Area ordinance within the zoning regulations of the County of Humboldt pursuant to the mandates of state law.

- Implement portions of the County’s General Plan policies and standards pertaining to open space, conservation, housing, water resources, biological resources, and public facilities.
Relationship to Other Regulations

These regulations shall be in addition to regulations imposed by the principal zone, combining zone, development regulations, and other open space or resource protection regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the most protective of natural resources shall apply.

Scope of Application

This section shall be applicable to all development within or affecting SMAs or other wet areas within the unincorporated areas of the County and outside the Coastal Zone.

The provisions of this section shall be applicable to all development permits issued by the County pursuant to:

(1) Title III, Land Use and Development, Division 1, Planning.
(2) Title III, Land Use and Development, Division 2, Subdivision Regulations.
(3) Title III, Land Use and Development, Division 3, Building Regulations.
(4) Title IV, Streets and Highways, Division 1, Protection and Control of County Roads and Permits.

These regulations shall not apply to:

Routine maintenance activities associated with existing public or private facilities, defined as “activities to support, keep and continue in an existing state or condition without decline.” Routine activities include the replacement of culverts and related structures when conducted pursuant to a Department of Fish and Game Streambed Alteration Agreement.

For the purpose of these regulations, routine maintenance activities do not include:

- removal of trees with a diameter of 12 inches or greater (38-inch circumference), or
- removal of trees from within a contiguous or non-contiguous area of more than 6,000 square feet as measured under the tree canopy, or
- activities that could result in significant environmental impacts where the removal will:
  - be located within a streamside management or other wet area as defined in County regulations, or
  - occur on slopes greater than 15%, or
  - will expose more than 2,000 square feet of soil to erosion.
A site evaluation shall be made where necessary to determine if a project meets the exemption standards of these regulations or if the proposed development requires a special permit.

Grading and construction activities associated with onsite wells and sewage disposal systems for single-family dwellings which have received all required County and State permits; or

Any project where a complete application for grading or construction was accepted by the Community Development Services Department prior to April 25, 1995; or

To any construction or grading on property which was subdivided and subject to discretionary and environmental review by the County after the effective date of the 1984 General Plan, January 2, 1985, and any subsequent and applicable Community Plans, if the Responsible Department has determined that all conditions of approval and specific mitigation requirements have been fully met; or

Development activities proposed and carried out under the provisions of the County Code Title III, Land Use and Development, Division 9, Mining Operations.

Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities which are not exempt from the local regulation pursuant to Public Resources Code Section 4516.4 are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.

The exemptions contained in Section 331-14.D.2., Grading, Excavation, Erosion and Sedimentation Control do not apply in SMAs or other wet areas.

**Permit Required and Processing**

All development as defined in the Framework Plan within or affecting SMAs or other wet areas not exempted under subsection (d) above shall require a permit pursuant to an application for development within SMAs or other wet areas and processed as a Special Permit pursuant to the Humboldt County Zoning Regulations (Section 312-3.1.1 et seq).

For those activities subject to these regulations and conducted by the County Department of Public Works, the Director of the Department (of Public Works) shall be responsible for the environmental review and public notice requirement, be empowered to approve and issue a special permit following the making of findings, be empowered to meet with and work out solutions with impacted parties, and be required to provide notice and staff support to the Planning Commission when a hearing is requested. The impacted parties shall have a mandatory meeting with the Department of Public Works in an attempt to work out any issues before a hearing is requested or an appeal to the Planning Commission is filed.
Findings of Exception - Written Report

Where there is disputed evidence, or controversy, regarding a finding of exception, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which a finding of exemption is made. Copies of the report shall be sent to CDFG or any person or group requesting such report in writing. Any person dissatisfied with the finding of exemption may request a formal review pursuant to Section 314-61.1(h).

Definitions

Whenever the words listed below are used in the Zoning Regulations or other regulations related to the Streamside Management Area Ordinance, they shall have the following meaning:

1. “Grading” means all grading, filling, land contouring, clearing and grubbing, drainage activities, site preparation, and road building.

2. “CDFG” means the California Department of Fish and Game.

3. “Construction” means the erection or construction of, or addition to, any building or structure but shall not include the structural alteration, repair, remodeling, or demolition and reconstruction of and additions to any building or structure where the work would not increase the “footprint” of the building or structure. “Construction” does not include “minor additions” as defined in this section.

4. “Minor Additions” means an exception to these standards for additions to buildings or structures existing on April 25, 1995, of up to 500 square feet of floor area. From this date forward, any number of individual additions to an existing building or structure may be permitted provided the aggregated total increase in square footage for all changes does not exceed 500 square feet of floor area. A “minor addition” is not “construction” as defined in these standards. Note: Physical additions to a building or structure where a condition or a prior discretionary permit or subdivision approval indicated that any future additions would be prohibited are not minor additions as defined in these Implementation Standards.

5. “Project” means any “grading” or “construction” activities subject to the provisions of these standards.

6. “Streamside Management Areas” (SMAs) [section 3432(5) of the Humboldt County 1984 General Plan] shall be as defined in the Humboldt County General Plan (Page G-8) and includes, a natural resource area along both sides of streams containing the channel and adjacent land.

(a) In areas outside of Urban Development and Expansion Areas (as defined in the Humboldt County General Plan Page G-9), the outer boundaries for streams (which do not consist entirely of drainage ditch or other manmade drainage device, construction or system) shall be defined as:
(1) 100 feet, measured as the horizontal distance from the stream transition line (as defined in the Humboldt County General Plan Page G-8), on either side of perennial streams.

(2) 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.

(b) In areas inside of Urban Development and Expansion Areas, the outer boundaries for streams (which do not consist entirely of a drainage ditch or other manmade drainage device, construction or system) shall be defined as:

(1) 50 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams.

(2) 25 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.

Where necessary, as determined by the responsible department, the width of SMAs shall be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance, as measured pursuant to subsection (a) or (b) above, as applicable.

The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that:

(1) The USGS mapping of the stream as perennial or intermittent is not accurate, and typical stream flow can be shown to be less than that required to be classified as either perennial or intermittent, or,

(2) It will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability.

Such a determination will require a permit to be processed as a Special Permit pursuant to Section 312-3.1.1 et seq of the Zoning Regulations.

Other Wet Areas [section 3432(10) of the 1984 General Plan], i.e., natural ponds, springs, vernal pools, marshes and wet meadows which exhibit standing water year-long or riparian vegetation. The existence of possible Other Wet Areas shall be identified by the responsible department using normal soils investigation criteria. These criteria indicate the presence of any of the following: standing water, evidencing a natural pond or poor drainage conditions, marshy soils, or hydrophilic vegetation (e.g., swamp grass).

Wetlands - as defined in the California Department of Fish and Game Code Section 2785, Subdivision (g).

(h) Administration and Enforcement
The regulations of this section are to be administered and enforced by the respective Administrative or Enforcement Official designated by the Code for each section cited in subsection (d) above and hereinafter referred to as “Responsible Department.” In case of disagreement in the application of the regulations, the Director of the Community Development Services Department shall decide, subject to appeal to the Board of Supervisors pursuant to Section 312-13.

(i) **Development Allowed**

(1) Development within stream channels is limited to the following projects:

(a) Fishery, wildlife, and aquaculture enhancement and restoration projects.

(b) Road crossings consistent with subsection (j) below.

(c) Flood control and drainage channels, levees, dikes and floodgates.

(d) Mineral extraction consistent with other County regulations.

(e) Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies.

(f) Agricultural diversions and wells.

(g) New fencing, so long as it would not impede the natural drainage or would not adversely effect the stream environment or wildlife.

(h) Bank protection, provided it is the least environmentally damaging alternative.

(i) Other essential public projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public’s health and safety.

(j) Improvements to non-conforming uses and structures when consistent with Section 314-131 - 314-132 of the County Code and these regulations.

(2) Development within Streamside Management Areas shall be limited to the following:

(a) Development permitted within stream channels.

(b) Timber management and harvests not otherwise excluded by the Applicability Section as well as noncommercial cutting of firewood and clearing for pasturage, provided:

(1) Cottonwoods are retained.
(2) Remaining willows and alders, as well as other unmerchantable hardwoods or shrubs, are to be protected from unreasonable damage.

c) Road and bridge replacement or construction, where the length of the road within the SMA shall be minimized, and when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

d) Removal of vegetation for disease control or public safety purposes.

(3) Bank Protection

(a) Protection measures for County river and stream banks may be permitted for the following purposes:

(1) Maintenance, replacement, or construction of necessary public or private roads;

(2) Maintenance, replacement, or construction of levees and dikes;

(3) Protection of principal structures in danger due to erosion;

(4) Protection of lands zoned AE, Agricultural Exclusive, from erosion.

(b) The bank protection measures which may be permitted are listed below in order of preference. The measures chosen for any bank protection project shall employ the highest ranking protection measure wherever feasible. The preference ranking for permitted protection measures shall be as follows:

(1) Piling fence;

(2) Rock hard points;

(3) Continuous revetment.

(j) Mitigation Measures

Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:

(1) Retaining snags unless felling is required by CAL-OSHA, or by California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the appropriate County department. Felled snags shall be left on the ground if consistent with fire protection regulations as they have no economic value.

(2) Retain live trees with visible evidence of use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.
(3) Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall be required unless natural regeneration does not occur within two years of the completion of the development project. The mitigation and monitoring report adopted as a part of project approval shall include an alternative regeneration plan in case natural regeneration is not successful.

(4) Revegetation along channelized streams and other wet areas shall be required where the habitat has been converted to other uses. For development allowed within a Streamside Management or Other Wet Areas where the riparian habitat has been converted to other uses, the project shall be conditioned to require the development of new riparian or wetland habitat of an area equal to the area in which the development is to occur or, the area of an existing or proposed easement or right-of-way, whichever is larger.

(5) Erosion control measures: As found within the Building Regulations, Section 331-14, Grading, Excavating, Erosion, and Sedimentation Control.

(k) Prohibited Activities

The following prohibitions pertain to all development and related activities within Streamside Management or Other Wet Areas within the County:

(1) The discharge of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County’s Streamside Management Area Ordinance, onsite or offsite, into any Streamside Management or Other Wet Area in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.

(2) The placement of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County’s Streamside Management Area Ordinance, onsite or offsite, where such material could pass into any Streamside Management or Other Wet Area in quantities which could be deleterious to fish, wildlife, or other beneficial uses.

(l) Confirmation of Development Within SMAs and Other Wet Areas

As a part of a development application review, the Responsible Department shall check USGS maps, or other information available to the department, to determine if grading, construction, or other activity is proposed to be located within a SMA or other wet area.

A preliminary onsite inspection shall be performed prior to any grading, construction, or other development permit issuance to determine if the project area contains SMAs or other wet areas.

Where there is disputed evidence or controversy regarding the confirmation of development within SMAs or other wet areas, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which the confirmation is made.
Copies of the report shall be sent to CDFG and to any person or group requesting such report in writing.

(m) **Biological Report Required**

An application proposing development activities within a SMA or Other Wet Area shall include a site-specific biological report prepared consistent with these regulations.

The written report prepared by a qualified biologist shall be referred to CDFG for review and comment. If no reply is received from CDFG within ten (10) working days of the date of the referral, it shall be assumed that the report satisfies CDFG requirements.

(n) **Incorporation of Recommendations as Conditions**

The recommendations contained within the written report shall be incorporated into any development permit as conditions of approval by the Responsible Department.

(o) **Project Monitoring, Security, and Certificate of Completion**

The monitoring of mitigation measures and reporting of monitoring activities made as conditions to any permit issued pursuant to this section shall be performed as specified in the project’s adopted mitigation and monitoring plan.

No development permit final acceptance, certificate of compliance or certificate of occupancy, nor any further development permits shall be issued unless and until all initial mitigation measures are completed and accepted by the County.

Where a project is phased or where mitigation measures are to be monitored beyond an initial building, grading, or construction period, or where mitigation measures are required beyond this initial period, as described within the development permit, the permittee shall post a bond or equal security with the Responsible Department prior to commencing any grading or construction activities. The amount of the bond or security is to be based upon the cost of performing the required mitigation measures, the related monitoring and report activities, and the County’s administrative and processing costs.

Following a written notice to the permittee of a failure to complete or fully implement mitigation or monitoring measures within the time period specified within the permit conditions, the bond or other security may be forfeited and applied to the incomplete mitigation or monitoring measures at the discretion of the Responsible Department.

(p) **Waiver of Procedures for Emergencies**

The provisions of Section 312-15, Subsections 1-5, of the County Zoning regulations shall be followed in cases of emergencies. Following the issuance of an emergency development permit or variance, application shall be made and processed for the required development permit or variance in accordance with the applicable provisions of the County Code.

(q) **Biological Report**
Where a Biological Report is required by these regulations, the report shall be prepared by a qualified professional educated, trained, and experienced in the subject matter, and the report shall contain the following:

Section I  Summary of Findings and Conclusions

Section II  Introduction, Background, and Project Understanding

Section III  Methods

A. Field Observation and Studies
B. Trustee and Other Agency Consultation
C. Document and Report Review
D. Cumulative Biological and Watershed Effects

Section IV  Results and Discussion

A. Existing Site Conditions
   1. Terrestrial
   2. Hydrologic and Aquatic
   3. Sensitive Species or Habitats
B. Offsite Conditions
   1. Terrestrial
   2. Hydrologic and Aquatic
   3. Sensitive Species or Habitats
C. Development Effects
   1. Direct
   2. Indirect
   3. Cumulative
D. Recommended Mitigation and Monitoring Measures

Section V  References

A. Plant Species Observed
B. Other Species Observed directly or indirectly (e.g. nests, scats, tracks, etc.)
C. Sensitive Species or Habitats in the Project Vicinity (listing)
(r) Mitigation and Monitoring Plan

When a mitigation or monitoring plan is required, information sufficient to answer all of the following is required:

(1) Statement of project/mitigation goals – what do you want to create?
(a) Map and/or description of existing site conditions.
(2) Schedule for implementation, inspection, and maintenance.
(3) Description of site preparation; i.e., excavation, grading, stockpile of topsoil, etc.

(4) Identify the planting material; i.e., cuttings, seedlings, seed, plugs, container size (source if not obtained from commercial nursery).

(a) Use of mulch and/or fertilizers.

(b) Description of plant preparation, if necessary; i.e., how cuttings were obtained, size, treatment with rooting hormone.

(c) Necessity for irrigation and/or fencing.

(5) Performance Standards – how to measure success through defined criteria; i.e., number of viable species, cover values, height, growth, etc. For example:

(a) Year one – 80% tree species viable and achieving at least 4 inches of growth from initiation of planting.

(b) Year three – plugs of silverweed shall cover at least 30% of project site.

(6) Monitoring Requirements – (standard is five years of monitoring).

(a) Conduct during June each year; however, may be modified if specific species are involved (i.e., annual that blooms in April).

(b) Photos.

(7) Reporting – listing of appropriate agencies to receive copies of monitoring report.

(8) Remedial Measures – plan shall include measures for mitigation not achieving specified performance criteria; i.e., replanting, irrigation, fencing, etc. (Added by Ord. 2275 Sec. D; 5/28/02)

(314-61: Section Reserved for Future Use)

314-62.1 TEMPORARY USES

62.1.1 Special Events and Attractions. No circus, carnival, open-air or drive-in theater, automobile racetrack, religious revival tent, or similar assemblage of people and motorized vehicles shall be permitted in any zone unless a Use Permit is first secured in each case. (Former Section INL#316-5; Ord. 519 Sec. 605, 5/11/65; Amended by Ord. 2214, 6/6/00)

314-62.2 TIMBER PRODUCTION
Timber Production as defined in this Code, and not regulated by a California Department of Forestry and Fire Protection Timber Harvest Plan shall be allowed with a Special Permit in RS, R-1, R-2, R-3, and R-4 zones. Timber production activities in other than residential zones shall be as provided by the regulations for the individual zoning district. (Former Section INL#316-19; Amended by Ord. 1876, Sec. 9, 9/26/89)

(314-63 through 314-68: Sections Reserved for Future Use)
SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL AREAS

PART 2: STRUCTURES AND FACILITIES

314-69–98: ALPHABETICAL LISTING OF STRUCTURES AND FACILITIES

314-69.1 ACCESSORY STRUCTURES

69.1.1 Permitted Agricultural Accessory Structures. The following accessory structures shall be permitted in the (AE) Agricultural Exclusive, (AG) Agriculture General, and (TPZ) Timber Production zones: (See also, Permitted Agricultural Accessory Uses, Section 314-43.1, for principal permitted uses in AE, AG and TPZ zones.) (Former Section INL#316-2.1; Added by Ord. 2189, Sec. 1, 2/9/99)

69.1.1.1 Windmills, not including windmills that produce energy for export off of the ranch or farm; (Former Section INL#316-2.1(1); Added by Ord. 2189, Sec. 1, 2/9/99)

69.1.1.2 Greenhouses which do not result in lot coverage exceeding 5 acres on lots 20 acres or larger in size, or exceeding 25% of the lot coverage for lots less than 20 acres in size, either individually or collectively, with or without a perimeter foundation, and without an improved floor or footpath which will preclude the agricultural use of the underlying soil. Greenhouses with an improved floor or footpath which will preclude the agricultural use of the underlying soil shall not be located on prime agricultural soils, but may be located on non-prime agricultural soils with a Special Permit. Concrete, asphalt, and similarly constructed footpaths are permitted within a greenhouse located on non-prime agricultural soils, and may be permitted on prime agricultural soils with a Special Permit. (Former Section INL#316-2.1(2); Added by Ord. 2189, Sec. 1, 2/9/99)

69.1.1.3 Silos; (Former Section INL#316-2.1(3); Added by Ord. 2189, Sec. 1, 2/9/99)

69.1.1.4 Tank Houses; (Former Section INL#316-2.1(4); Added by Ord. 2189, Sec. 1, 2/9/99)

69.1.1.5 Barns and outbuildings; (Former Section INL#316-2.1(5); Added by Ord. 2189, Sec. 1, 2/9/99)

69.1.1.6 Coops; (Former Section INL#316-2.1(6); Added by Ord. 2189, Sec. 1, 2/9/99)

69.1.1.7 Drainage facilities and structures. (Note: In the Coastal Zone these facilities and structures are subject to the following regulations, as applicable: Coastal Wetlands, Streams and Riparian Corridors Protection, Transitional Agricultural Lands, and Chapter 2: Procedures); (Former Section INL#316-2.1(7); Added by Ord. 2189, Sec. 1, 2/9/99)
69.1.1.8  **Roadside Stands/Sales of Agricultural Products.** Operation of a single roadside stand for the display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by these regulations, provided that the stand does not exceed an area of 200 square feet, and is located not nearer than fifteen (15) feet from any street or highway right-of-way.

69.1.1.9  **Public Stables for 6 horses or less.** Public stables for 7 or more horses may be permitted with a Special Permit.  (Former Section INL#316-2.1(9); Added by Ord. 2189, Sec. 1, 2/9/99)

69.1.1.10  **Other Necessary and Customary Structures.**

   69.1.1.10.1  Accessory structures in addition to those identified in this Chapter, which are necessary and customarily associated with, and are appropriate, incidental and subordinate to agricultural activity as determined by the Director.  (Former Section INL#316-2.1(10); Added by Ord. 2189, Sec. 1, 2/9/99)

   69.1.1.10.2  Buildings or structures, which result in lot coverage exceeding 5 acres on lots 20 acres or larger, or exceed 25% lot coverage on lots less than 20 acres, either individually or collectively, shall not be permitted as agricultural accessory structures and shall only be permitted with a Special Permit.  (Former Section INL#316-2.1(10); Added by Ord. 2189, Sec. 1, 2/9/99)

314-69.2  **AIRPORTS**

Airports, heliports and landing strips for aircraft shall be permitted with a Use Permit in any zone. However, a Use Permit is not required for principal permitted uses in AV zones.  (Former Section INL#316-3; Ord. 519, Sec. 603, 5/11/65)

*(314-70 through 314-74:  Sections Reserved for Future Use)*

314-75.1  **GUEST HOUSES**

Guest houses are herein defined as detached living quarters of permanent construction, without kitchens, which are clearly subordinate and incidental to the use of the main building on the same lot. Guest houses shall not be let, leased or rented independently of the main building, in whole or in part, for any compensation, either direct or indirect. Guest houses shall be located on the rear half of the lot on which they are located and not within six feet (6') of any lot line, nor within six feet (6') of the main building and shall not exceed a height of sixteen feet (16'). Guest houses and other accessory buildings on the same lot shall not exceed thirty percent (30%) of the ground coverage of the rear yard.*  (Former Section INL#316-6; Ord. 519, Sec. 606, 5/11/65)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1: “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.
314.1.1 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

81.1.1 The use of manufactured homes and recreational vehicles shall be subject to the following regulations: (Former Section INL#316-10; Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.1 Manufactured homes and recreational vehicles shall be used as residences only in manufactured home parks and special occupancy parks, or in any public camping area, subject to the applicable provisions of the Health and Safety Code of the State of California. (Former Section INL#316-10(a); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.2 However, manufactured homes may be located and used outside of manufactured home parks in certain zoning districts where such use is specifically authorized. (Former Section INL#316-10(a); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3 Manufactured homes used for residential purposes outside of manufactured home parks shall be subject to the same building regulations and zoning regulations applicable to buildings similarly used and shall be required to meet all of the following at the time of installation: (Former Section INL#316-10(b); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.1 The manufactured home shall be completely enclosed (except for venting) at the ground level with manufactured home skirting. (Former Section INL#316-10(b)(1); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.2 A manufactured home manufactured before September 15, 1971, may be placed on a permanent foundation provided an engineer licensed by the State of California certifies that the unit is structurally sound and complies with the Uniform Building Code. If necessary, a unit may be modified to comply with the U.S. Department of Housing and Urban Development standards for safety, ceiling height and structure. Such modifications require a building permit. (Former Section INL#316-10(b)(2); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.3 A manufactured home sold new before July 1, 1980, shall be attached to a permanent foundation approved by the Chief Building Inspector. (Former Section INL#316-10(b)(3); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.4 The State Department of Housing and Community Development manufactured home insignia and the license plate of a manufactured home sold new before July 1, 1980, shall be removed and returned to said Department together with the Department of Motor Vehicles’ certificate of ownership, the certificate of registration and a copy of the building permit for manufactured home installation. (Former Section INL#316-10(b)(4); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.5 A manufactured home sold new on or after July 1, 1980, shall be...
attached either to a permanent foundation or to a standard setup with tie down anchors approved by the Chief Building Inspector. (Former Section INL#316-10(b)(5); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.4 One (1) manufactured home may be used as an office appurtenant to, accessory to, and in conjunction with the operation of a manufactured home sales area without a Use Permit. (Former Section INL#316-10(c); Amended by Ord. 1848, Sec. 18, 9/13/88; Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5 Temporary Use - Special Permits. Notwithstanding subsection 81.1.1.1, Special Permits may be issued for the temporary use of a manufactured home or recreational vehicle as follows: (Former Section INL#316-10(d); Amended by Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.1 The Director may permit a person who has a permanent residence elsewhere to use a recreational vehicle as a temporary residence for up to six (6) months. (Former Section INL#316-10(d)(1); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.2 The Director may permit a construction contractor to use a manufactured home, commercial coach or recreational vehicle as an office for the duration of the job. (Former Section INL#316-10(d)(3); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.3 The Zoning Administrator may in a case of hardship, grant a property owner a Special Permit to set up temporarily any manufactured home which is not defined as a "nuisance" by Title 25 of the California Code of Regulations. (Former Section INL#316-10(d)(4); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.3.1 The Zoning Administrator may find a case of hardship if: (Former Section INL#316-10(d)(4)(a); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.1 The property lies in a zone in which a manufactured home is a principal permitted use; and (Former Section INL#316-10(d)(4)(a)(i); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.2 Placement of the manufactured home is consistent with the general character of the neighborhood and will not adversely affect the public health and safety of the neighborhood; and (Former Section INL#316-10(d)(4)(a)(ii); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.3 The manufactured home is occupied by a specified person or persons who are related to the property owner; and (Former Section INL#316-10(d)(4)(a)(iii); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.4 The Chief Building Inspector approves the proposed setup; and (Former Section INL#316-10(d)(4)(a)(iv); Ord. 1848, Sec. 18, 9/13/88)
81.1.1.5.3.1.5 Neither the property owner nor the proposed occupant can afford to install, then remove, a permanent foundation; and/or (Former Section INL#316-10(d)(4)(a)(v); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.6 Neither the property owner nor the proposed occupant can afford to purchase a newer, conforming unit; and (Former Section INL#316-10(d)(4)(a)(vi); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.7 The health and well-being of either the property owner or the proposed occupant requires that the manufactured home be on the property. (Former Section INL#316-10(d)(4)(a) (vii); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.2 The Special Permit is valid for one (1) year. The Zoning Administrator may renew it for additional one year periods for as long as the hardship continues. (Former Section INL#316-10(d)(4)(b); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.4 Temporary Occupancy.

81.1.1.5.4.1 The Chief Building Inspector may issue a temporary occupancy permit for one manufactured home or recreational vehicle situated on a lot for which the applicant has obtained a building permit. The use of the manufactured home or recreational vehicle shall be the same as the use of the building for which the permit was granted. Services shall not be connected to the permanent structure until the manufactured home or recreational vehicle for which the temporary occupancy permit was issued has been removed from the property. (Former Section INL#316-10(d)(5)(a); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.2 The temporary occupancy permit shall be valid for six months from the date the building permit was issued. The manufactured home or recreational vehicle for which the temporary occupancy permit was issued shall be removed when the temporary occupancy permit expires. The Chief Building inspector may renew a temporary occupancy permit for one (1) additional six (6) month period if: (Former Section INL#316-10(d)(5)(b); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.2.1 There is substantial progress on the permanent building; and (Former Section INL#316-10(d)(5)(b)(i); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.2.2 It is reasonable and probable that the permanent building will be completed within the extra six (6) months. (Former Section INL#316-10(d)(5)(b)(ii); Amended by Ord. 1540; Sec. 1, 6/29/82)
81.1.5.4.3 The applicant shall sign a document stating he has read and understands the conditions of the permit. (Former Section INL#316-10(d)(5)(c); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.5.5 Owner-Builder.

81.1.5.5.1 The Chief Building Inspector may grant a property owner who signs the building permit as an owner-builder a temporary occupancy permit for one (1) manufactured home or recreational vehicle which is not defined as a nuisance by Title 25 of the California Code of Regulations. (Former Section INL#316-10(d)(6)(a); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.5.5.2 The Chief building Inspector may issue the permit if:
(Former Section INL#316-10(d)(6)(b); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.5.5.2.1 The property lies in a zone in which a manufactured home is a permitted use; and (Former Section INL#316-10(d)(6)(b)(i); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.5.5.2.2 The applicant is the landowner and is building a house on the same piece of property; and (Former Section INL#316-10(d)(6)(b)(ii); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.5.5.2.3 The applicant has a building permit for the permanent residence: and (Former Section INL#316-10(d)(6)(b)(iii); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.5.5.2.4 Any septic system used with the temporary quarters is sized for the permanent residence; and (Former Section INL#316-10(d)(6)(b)(iv); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.5.5.2.5 Any water supply developed on the property is sized for the permanent residence. (Former Section INL#316-10(d)(6)(b)(v); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.5.5.3 The temporary occupancy permit shall be valid for six (6) months from the date the building permit was issued. The Chief building Inspector may renew the temporary occupancy permit for additional six (6) month periods if he determines that substantial progress is being made on construction of the permanent residence. The temporary occupancy permit shall expire when the building permit expires. (Former Section INL#316-10(d)(6)(c); Amended by Ord. 1540; Sec. 1, 6/29/82)
81.1.1.5.5.4 Services shall not be transferred to the permanent residence until the temporary quarters are removed from the property. (Former Section INL#316-10(d)(6)(d); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.5 The applicant shall sign a document stating that he has read and understands the conditions of the permit. (Former Section INL#316-10(d)(6)(e); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.6 When any permit issued under subsection 81.1.1.5, Temporary Use - Special Permits expires, the owner of the land on which the manufactured home or recreational vehicle is placed shall remove it. Any manufactured home or recreational vehicle not so removed is a public nuisance. It may be abated in accordance with this Code. (Former Section INL#316-10(d)(6)(e); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.7 When a permit for temporary use of a recreational vehicle issued under subsection 81.1.1.5 expires, the owner of the land on which it is located shall disconnect it from utilities and cease to occupy it. Any recreational vehicle not so disconnected is a public nuisance. It may be abated in accordance with this Code. (Former Section INL#316-10(d)(6)(f); Ord. 1403A, Sec. 1, 6/3/80; Amended by Ord. 1540, Sec. 1, 6/29/82; Ord. 1876, 9/26/89)

*Note: For Nonconforming Manufactured Homes, see Section B, Part 5, of this Chapter: Nonconforming Uses and Nonconforming Structures.

(314-82 through 314-83: Sections Reserved for Future Use)

314-84.1 PRIVATE COMMUNICATION EQUIPMENT FACILITIES

Private communication equipment buildings and transmission and distribution facilities shall be permitted in any zone with a Use Permit. (Former Section INL#316-15.1; Added by Ord. 1867, Sec. 1, 6/13/89)

314-84.2 PUBLIC UTILITY BUILDINGS

Public utility buildings including, but not limited to, communication equipment buildings, substations, generating plants, gasometers, and transmission and distribution facilities shall be classified as quasi-public uses. (Former Section INL#316-15; Ord. 519, Sec. 615, 5/11/65)
314-85.1 QUASI-PUBLIC STRUCTURES AND USES

Quasi-public uses, including public utility uses, shall be permitted in any U, AG, AE, R-4, C or M zone without a Use Permit and in any other zone subject to the securing of a Use Permit, provided that outdoor telephone booths and public utility transmission and distribution lines, both overhead and underground, shall be permitted in any zone without limitation as to height and without the necessity of first obtaining a Use Permit. The routes of proposed overhead transmission lines shall be submitted to the Planning Commission for recommendation not less than thirty (30) days prior to the acquisition of rights-of-way therefor. (Former Section INL#316-16; Ord. 519, Sec. 616, 5/11/65; Amended by Ord. 1591, Sec. 1, 4/26/83)

(314-86: Section Reserved for Future Use)

314-87.1 SECOND AND SECONDARY DWELLING UNITS

87.1.1 Purpose; Findings. The provisions of this chapter are intended to set forth standards for the creation of a second dwelling unit or a secondary dwelling unit by new construction or the conversion of existing living space into independent living space on lots in rural areas and residential neighborhoods. The Board of Supervisors finds that, subject only to appeal or review as provided in Chapter 2 (Section 312-13), whenever a permit is issued to an applicant for a secondary dwelling unit in an R-1 or RS Zone, or any AG zone that is planned and zoned for parcel sizes of five (5) acres or less, the secondary dwelling unit for which the permit has been issued shall be deemed not to exceed the allowable density for the lot on which it is located and shall be deemed to be a residential use which is consistent with the existing General Plan and zoning designation for the lot. (Former Section INL#316.1-1; Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 25, 4/7/98)

87.1.2 Second Dwelling Units - Criteria.

87.1.2.1 A second dwelling unit not restricted as to size shall be permitted with a Special Permit in TPZ, in AE zones which implement an Agricultural Rural General Plan Land Use designation, and in Unclassified Zones, which implement General Plan Land Use designations of Agricultural Rural, Agricultural Lands, Agricultural Grazing, Timberland, or Agricultural Exclusive, if in conformance with the provisions of this chapter and all of the following criteria: (Former Section INL#316.1-2(a); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.2.1.1 The residential density does not exceed applicable general plan densities; (Former Section INL#316.1-2(a)(1); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.2.1.2 Both dwellings share a common driveway, which driveway has direct frontage on a publicly maintained street; (Former Section INL#316.1-2(a)(2); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.2.1.3 At least one point of a bearing wall of the second dwelling unit will be within 300 feet of the principal dwelling unit; and (Former Section INL#316.1-2(a)(3); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.2.1.4 Total coverage of the homesite by residential structures does not
87.1.2.2 In AE zones, a third dwelling unit not restricted as to size shall be permitted with a Special Permit if in conformance with the provisions of this Chapter and all of the criteria of subsection 87.1.2.1. (Former Section INL#316.1-2(b); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.2.3 A Special Permit shall be required for second units in TPZ and U zones and for a third unit in AE zones, when such units are in conformance with the applicable general plan density criteria but do not conform with all of the criteria of subsection 87.1.2.1. (Former Section INL#316.1-2(c); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. , 4/7/98)

87.1.3 Secondary Dwelling Units - Criteria.

87.1.3.1 A secondary dwelling unit shall be permitted as a principal permitted use in FR, R-1, RS and U zoning districts if in conformance with the provisions of this chapter and all of criteria (87.1.3.1.1) through (87.1.3.1.6). A secondary unit that complies with all the criteria (87.1.3.1.1) through (87.1.3.1.6) may also be permitted as a principally permitted use in any AG zone that is planned and zoned for parcel sizes of five (5) acres or less provided the parcel is within a community plan area and the use is specifically authorized by the plan designation. (Former Section INL#316.1-3(a); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.1.1 The subject lot has a minimum of 50 feet of frontage on a publicly maintained street that is improved to a road category 4, as specified in the Appendix to Title III, Division 2, of the Humboldt County Code; (Former Section INL#316.1-3(a)(1); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.3.1.2 The primary and secondary units comply with all applicable County Health Department requirements for sewage disposal and water supply without the issuance of waivers; (Former Section INL#316.1-3(a)(2); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.1.3 The secondary unit complies with all applicable County development standards and other zoning requirements; (Former Section INL#316.1-3(a)(3); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.1.4 Both dwellings share a common driveway off the access road; (Former Section INL#316.1-3(b)(2); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.1.5 At least one point of a bearing wall on the secondary dwelling unit is located within thirty (30) feet of the principal dwelling, and; (Former Section INL#316.1-3(a)(3); INL#316.1-3(b)(1); Added by Ord. 1865, Sec. 1, 5/30/89)
87.1.3.1.6 The secondary unit is subordinate to the primary residence. (Former Section INL#316.1-3(c); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.2 A secondary dwelling unit that does not conform with all the criteria in the Secondary Dwelling Units Criteria subsections 314-87.1.3.1.1, 87.1.3.1.4 and 87.1.3.1.5 may be permitted with a Special Permit in the AG, FR, R-1, RS, and U zoning districts where sufficient information is submitted with the application including, but not limited to, elevations and views of existing, proposed, and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that: (Former Section INL#316.1-3(b); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.2.1 the subject property is served by a road design that meets the Fire Safe Ordinance considering all development served by the road; and (Former Section INL#316.1-3(b)(1); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98; Amended by Ord. 2313A, 12/16/03)

87.1.3.2.1.1 if the subject property is served by a road category 3 road, it has public water and sewer; and the total development potential of all lots served by the road is eight (8) or fewer dwelling units, and (Added by Ord. 2313A, 12/16/03)

87.1.3.2.2 the secondary dwelling unit is subordinate to the principal unit, and (Former Section INL#316.1-3(b)(2); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.2.3 the development shall be compatible with the existing neighborhood, and (Former Section INL#316.1-3(b)(3); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.2.4 the development shall be consistent with General Plan policies regarding maintenance of open space, retention of agriculture and timber lands, and protection of the environment. (Former Section INL#316.1-3(b)(4); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.4 General Provisions: Second and Secondary Dwelling Units. The following provisions apply to all second dwelling units and secondary dwelling units. (Former Section INL#316.1-4; Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.4.1 Only one such dwelling unit may be permitted on any one lot. Such dwelling units shall not be permitted in addition to a guest house, or on any lots with two or more dwelling units, except in the case of AE lots. For AE lots, one such dwelling unit may be allowed in addition to a main residence and a caretaker residence, if consistent with permitted densities. (Former Section INL#316.1-4(a); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.4.2 Such units shall remain under the same ownership as the main residential building. Such units shall not be the subject of condominium conversion or subdivision unless, in the case of a subdivision, the full lot area requirements of the zone are met. (Former Section INL#316.1-4(b); Added by Ord. 1865, Sec. 1, 5/30/89)

The development served by a road includes the existing and planned future development potential of the lots with access to the road. (Added by Ord. 2313A, 12/16/03)
87.1.4.3 Such dwelling units may be rented although rental is not required. (Former Section INL#316.1-4(c); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.4.4 Such dwelling units may be attached to, or detached from, the principal residence and may be over a garage. (Former Section INL#316.1-4(d); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.4.5 Such dwelling units shall contain separate kitchen or kitchenette and bathroom facilities. Where the unit has a separate entrance, the entrance shall be subordinate to the entrance of the main unit. (Former Section INL#316.1-4(e); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.4.6 A manufactured home may be permitted as a second or secondary dwelling unit in certain zoning districts where such use is specifically authorized, consistent with this Chapter and Section 314-81.1, Manufactured Homes, of this Code. (Former Section INL#316.1-4(f); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.4.7 Where one single family dwelling unit exists on a lot, a larger second unit may be constructed as the principal dwelling unit provided all other development regulations and standards can be met for both units. (Former Section INL#316.1-4(g); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.4.8 In TPZ, such dwelling units may only be allowed for the purpose of providing a residence for a caretaker or immediate family member of the property owner. (Former Section INL#316.1-4(i); Added by Ord. 1865, Sec. 1, 5/30/89; Ord. 1633, Sec. 1, 3/13/84; Amended by Ord. 1726, Sec. 3, 3/4/86)

87.1.5 Development Regulations and Standards for Second and Secondary Dwelling Units.

87.1.5.1 All second dwelling units and secondary dwelling units must comply with the requirements of this Code, including, but not limited to: (Former Section INL#316.1-5(a); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.1.1 Compliance with Division 3 of Title III of this Code relating to building site suitability and building standards. (Former Section INL#316.1-5(a)(1); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.1.2 Compliance with Division 1 of Title VI of this Code relating to sewage disposal and, where applicable, documentation of consistency with any affected septic tank maintenance agreement or service district requirements. (Former Section INL#316.1-5(a)(2); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.1.3 Compliance with Section 331-11.5 of Division 3 of Title III of this Code relating to water supply and, where applicable, documentation of consistency with any affected water supply agreements or service district requirements. (Former Section INL#316.1-5(a)(3); Added by Ord. 1865, Sec. 1, 5/30/89)
87.1.5.1.4 Compliance with California Streets and Highways Code and Division 1 of Title IV of this Code relating to public road easements, encroachments and standards, and, where applicable, documentation of consistency with any affected private road maintenance agreement. (Former Section INL#316.1-5(a)(4); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.2 Service facilities listed in 314-87.1.4.5 may be shared in common with or separate from the other dwelling unit(s), whichever method may afford compliance with the requirements stated. (Former Section INL#316.1-5(b); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3 Such dwelling units shall conform to the following development standards:
(Former Section INL#316.1-5(c); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.1 No such dwelling unit may be constructed or placed on a lot substandard to the zone unless a Special Permit is granted under applicable provisions of this Code. (Former Section INL#316.1-5(c)(1); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.2 Such dwelling units shall conform to the development standards of the zoning district in which they are located, including, but not limited to, standards for front, rear and side yard setbacks, height and lot coverage. (Former Section INL#316.1-5(c)(2); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3 Such dwelling units may be approved on lots with nonconforming uses, structures, or support facilities provided that: (Former Section INL#316.1-5(c)(3); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3.1 In the case of nonconformity due to use, the application shall comply with the procedures set forth in subsection 314-87.1.6; (Former Section INL#316.1-5(c)(3)(a); 316.1-7(b); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3.2 In the case of nonconformity due to height or yard setbacks, no greater degree of nonconformity is created; (Former Section INL#316.1-5(c)(3)(b); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3.3 In the case of nonconformity due to County Code health provisions, all current applicable County Code health provisions can be met; (Former Section INL#316.1-5(c)(3)(c); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3.4 In the case of nonconformity due to building codes, parking, and road easements, encroachments and standards, all current applicable codes can be met or substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the unit. (Former Section INL#316.1-5(c)(3)(d); Added by Ord. 1865, Sec. 1, 5/30/89)
87.1.5.3.4 Such dwelling units shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping. (Former Section INL#316.1-5(c)(4); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

87.1.5.3.5 Parking shall be provided for each second dwelling unit or secondary dwelling unit consistent with the standards of the parking provisions of this Code. Where the new units will eliminate off-street parking, such as by conversion of a garage, replacement of the parking spaces lost shall also be required. Adjustments to these requirements may be made by the Hearing Officer if substantially the same objectives can be met in an alternate fashion. (Former Section INL#316.1-5(c)(5); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.6 Such dwelling units shall conform to any other conditions or standards which, in the judgment of the Hearing Officer, are necessary to mitigate adverse impacts on the neighborhood. (Former Section INL#316.1-5(c)(6); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.4 Such dwelling units may only be allowed where such units will not overload the reasonable limits of the onsite or community service infrastructures such as water supply, sewer systems, septic systems, roads and parking. (Former Section INL#316.1-5(d); Added by Ord. 1633, Sec. 1, 3/13/84; Amended by Ord. 1726, Sec. 3, 3/4/86; Amended by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 28, 4/7/98)

87.1.6 Procedures for Second and Secondary Dwelling Units.

87.1.6.1 An application for a Special Permit for such units may be made by the owner of the property upon which the new unit will be located or by the owner’s authorized agent. The application shall be in writing on forms prescribed by the Planning Division. (Former Section INL#316.1-6(a); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

87.1.6.2 At the time that an application is filed in proper form, the Hearing Officer or administrative official shall approve, approve with conditions, or deny a Special Permit in accordance with the procedures set forth in Chapter 2 of Division 1 of Title III of the Humboldt County Code. (Former Section INL#316.1-6(b); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

87.1.6.3 Findings required for approval shall include conformance with these regulations and the applicable provisions of Chapter 2 of Division 1 of Title III of this Code, except that in residential zones (R-1 and RS), or any AG zone that is planned and zoned for minimum parcel sizes of five (5) acres or less, a finding of conformance with the General Plan’s density for the area need not be made. (Former Section INL#316.1-6(c); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 28, 4/7/98)
87.1.6.4 On lots within the coastal zone, a Coastal Development Permit may be required for secondary or second dwelling units, in addition to the Special Permit required by this Chapter, prior to the use being authorized by the County. (Former Section INL#316.1-6(d); Ord. 1633 Sec. 1, 3/13/84; Amended by Ord. 1726, Sec. 3, 3/4/86; Amended by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

87.1.7 Permits for Existing Secondary and Second Residential Units.

87.1.7.1 After the effective date of this Chapter, the owner of record, or his or her authorized agent, of any legally created lot on which a second dwelling unit was constructed or partially constructed prior to the effective date of these regulations may apply for a Special Permit pursuant to the provisions of this chapter. (Former Section INL#316.1-7(a); Ord. 1633 Sec. 1, 3/13/84; Amended by Ord. 1726, Sec. 3, 3/4/86; Amended by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

87.1.7.2 The application shall comply with the procedures set forth in Section 314-87.1.6. (Former Section INL#316.1-7(b); Ord. 1633, Sec. 1, 3/13/84; Amended by Ord. 1726, Sec. 3, 3/4/86; Amended by Ord. 1865, Sec. 1, 5/30/89)

87.1.7.3 Upon receipt of a completed application, an inspection of the dwelling shall be made by the appropriate county official(s). If the official(s) determine(s) that the requirements of the applicable codes, including modifications thereof, have been met or substantially met, to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling and the dwelling otherwise conforms to this Code, the Hearing Officer or Planning Commission may issue a permit for the dwelling in accordance with the procedures and requirements set forth in Section 314-87.1.6. (Former Section INL#316.1-7(b); Ord. 1633 Sec. 1, 3/13/84; Amended by Ord. 1726, Sec. 3, 3/4/86; Amended by Ord. 1865, Sec. 1, 5/30/89)

314-87.2 SIGNS AND NAMEPLATES

87.2.1 Nameplates, which shall be limited to a statement of the name, address and occupational designation of the occupant, shall be permitted in conformity with the following regulations: (Former Section INL#316-18; Ord. 519, Sec. 618, 5/11/65)

87.2.1.1 One (1) nameplate, not illuminated and not exceeding two (2) square feet, appurtenant to any permitted use shall be permitted in any zone; (Former Section INL#316-18(a); Ord. 519, Sec. 618, 5/11/65)

87.2.1.2 One (1) nameplate, not illuminated and not exceeding four (4) square feet shall be permitted in any zone except RS, R-1 and R-2 Zones; (Former Section INL#316-18(a); Ord. 519, Sec. 618, 5/11/65)

87.2.1.3 One (1) nameplate, not illuminated and not exceeding twenty (20) square feet shall be permitted only in U, FR, AE, AG, and FP Zones. (Former Section INL#316-18(a); Ord. 519, Sec. 618, 5/11/65)
87.2.2 Signs shall be permitted in conformity with the following regulations:

87.2.2.1 One sign, not illuminated, to advertise the sale of property on which it is displayed and not exceeding six (6) square feet, shall be permitted in any zone; (Former Section INL#316-18(b); Ord. 519, Sec. 618, 5/11/65)

87.2.2.2 One sign, not illuminated and not exceeding fifteen (15) square feet, shall be permitted in any C zone; (Former Section INL#316-18(b); Ord. 519, Sec. 618, 5/11/65)

87.2.2.3 One sign, not illuminated and not exceeding twenty (20) square feet, shall be permitted in any FP zone. (former Section INL#316-18(b); Ord. 519, Sec. 618, 5/11/65)

87.2.2.4 Signs, not illuminated, and not exceeding one hundred (100) square feet in the aggregate, to advertise the sale of lots in the subdivision in which they are displayed shall be permitted with a Use Permit in any zone. (Former Section INL#316-18(c); Ord. 519, Sec. 618, 5/11/65)

87.2.2.5 Signs, not illuminated, appurtenant to any permitted use, which are not over seventy-five (75) square feet in the aggregate, and are not divided into more than three (3) single- or double-faced signs shall be permitted with a Use Permit in any zone except RS, R-1, and R-2, Zones. (Former Section INL#316-18(d); Ord. 519, Sec. 618, 5/11/65)

87.2.2.6 Signs appurtenant to any permitted use and not to exceed three (3) square feet per front foot of the site on which they are displayed, but in no case more than 300 square feet, and divided into not more than six (6) single- or double-faced signs, shall be permitted in any C or ML or U Zone. (Former Section INL#316-18(e); Ord. 519, Sec. 618, 5/11/65)

87.2.2.7 Signs, appurtenant to a permitted use and not limited as to size or number, shall be permitted in CH, MH, and U Zones and with a Use Permit in C-1 and C-2 Zones. (Former Section INL#316-18(f); Ord. 519, Sec. 618, 5/11/65; Amended by Ord. 2212, Sec. 1, 4/25/00)

87.2.2.8 Non-appurtenant signs (i.e., billboards) may be permitted in any CH, MH, C or U Zone, where the General Plan designates the area for commercial or industrial development with a use permit. (Former Section INL#316-18(g); Added by Ord. 2213, Sec. 1, 4/25/00)

314-88.1 TEMPORARY STRUCTURES

88.1.1 Tract Offices. Temporary tract offices located on the premises of the subdivision shall be allowed with a Use Permit in conjunction with the sale of lots in a subdivision. (Former Section INL#316-20; Ord. 519, Sec. 620, 5/11/65)

(314-89 through 314-95: Sections Reserved for Future Use)
SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL AREAS

PART 3: DEVELOPMENT STANDARDS

(314-96 through 314-98: Sections Reserved for Future Use)

314-99.1 EXCEPTIONS TO DEVELOPMENT STANDARDS

99.1.1 Exceptions to Height Standards. Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in this Division provided that a Special Permit is first obtained. Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required. (Former Section INL#316-9(a))

99.1.2 Exceptions to Lot Size, Lot Width and Lot Depth Standards. In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Special Permit: (Former Section INL#316-9(b))

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>PERMITTED MODIFICATIONS</th>
<th>LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.</td>
<td>Such modification must be approved in conjunction with a subdivision or lot line adjustment. No lot created by the proposed subdivision or lot line adjustment shall exceed 1.8 times the applicable lot size. Also, the total number of lots created by the subdivision shall not be more than that allowed by the applicable zone.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>Minimum Lot Width may be modified to a maximum of fifty (50) percent.</td>
<td>Minimum Lot Width shall not be modified below fifty (50) feet.</td>
</tr>
<tr>
<td>Maximum Lot Depth</td>
<td>Maximum Lot Depth may be modified up to a maximum of twice that permitted.</td>
<td>Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.</td>
</tr>
</tbody>
</table>

99.1.3 Exceptions to Yard Standards.

99.1.3.1 Architectural Features. Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet (2 ½’) into the minimum required yard. (Former Section INL#316-9(c)(1); Amended by Ord. 1848, Sec. 17, 9/13/88)
99.1.3.2 Uncovered Porches, Decks or Stairways. Uncovered porches, decks or stairways, fire escapes or landings may extend a maximum of six feet (6’) into front or rear yards and three feet (3’) into side yards. (Former Section INL#316-9(c)(2); Amended by Ord. 1848, Sec. 17, 9/13/88)

99.1.3.3 Developed Block in a Residential Zone. In any R-1, R-2, or RS zone where more than one-half of the existing and potential lots on the block are occupied with residential main buildings, the required front yard shall be the average of those of the improved sites to a maximum of that required for the zone. (Former Section INL#316-9(c)(3); Amended by Ord. 1848, Sec. 17, 9/13/88)

99.1.3.4 Substandard Lots. Minimum yard standards for substandard lots less than 2 ½ acres in size in AE, TPZ, FR, and AG principal zones and B combining zones shall be reduced to: (Former Section INL#316-9(c)(4); Amended by Ord. 1848, Sec. 17, 9/13/88)

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<tbody>
<tr>
<td>Front</td>
<td>Twenty (20) feet</td>
</tr>
<tr>
<td>Rear</td>
<td>Ten (10) feet</td>
</tr>
<tr>
<td>Interior Side</td>
<td>Five (5) feet</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Twenty (20) feet</td>
</tr>
</tbody>
</table>

99.1.3.5 Other Exceptions to Yard Standards. In any R-1, R-2 or RS zone, any structure, building or any architectural feature of a building may be constructed within the front yard setback requirements in this Division without a Special Permit, and within the side and rear yard setback requirements in this Division provided a Special Permit is first obtained. Such reduced yard setback requirements, may be conditioned upon proportional decreases in the maximum building height allowed, and may require a setback reduction agreement with the adjoining property owner(s). (Added by Ord. 2313A, 12/16/03)

Exceptions to the front yard setback may only be allowed provided all the following criteria are met:

- the setback is not reduced to less than 10 feet,
- the house is located on a dead end street, cul-de-sac, or secondary road that is not included in the Circulation Element of the General Plan,
- the garage is not located closer than 20 feet from the street,
- the driveway and parking area has adequate clearance from adjacent property lines and structures, and
- the street fully complies with County standards along the frontage of the lot, and
- the reduced setback is consistent with the County's Visibility Ordinance.

(Added by Ord. 2313A, 12/16/03)
99.1.4 **Exceptions to Lot Coverage Standards.** In any R-1 zone on lots 6,000 square feet or less in size, any structure, building or any architectural feature of a building may be constructed in excess of the lot coverage requirements in this Division provided a Special Permit is first obtained.  (Added by Ord. 2313A, 12/16/03)

99.1.4.1 Other Exceptions to Lot Coverage Standards. In any R-1 zone on lots 6,000 square feet or less in size, any deck or decks may be constructed in excess of the lot coverage requirements in this Division without a Special Permit provided all following conditions are met:

99.1.4.1.1 The building area does not exceed the maximum lot coverage allowed by the zone, and
99.1.4.1.2 The total lot coverage of all structures on the lot including the proposed deck does not exceed forty percent (40%), and
99.1.4.1.3 The proposed deck does not encroach into the required setbacks, and
99.1.4.1.4 The deck is uncovered, and
99.1.4.1.5 The deck allows the passage of water so that water can percolate into the soil below. (Added by Ord. 2313A, 12/16/03)

(314-100 through 314-101: Sections Reserved for Future Use)

### 314-102.1 HEIGHT AND SIZE LIMITATIONS AND MODIFICATIONS

102.1.1 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 on the roof; but chimneys, stacks, vents, flagpoles, conventional television reception antennas, elevator, ventilating and air-conditioning equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in making such measurement. (Former Section INL#316-7(a); Ord. 1623, Sec. 2, 12/13/83)

102.1.2 Detached accessory buildings in Residential (R-1, R-2, R-3, R-4, RS) zones, and in Unclassified (U) zones where the General Plan designates the area for residential development, shall conform with the following development standards: (Former Section INL#316-7(b); Ord. 1623, Sec. 2, 12/13/83; Amended by Ord. 1726, Sec. 2, 3/4/86)

102.1.2.1 Maximum Building Height:

102.1.2.1.1 Fifteen feet (15’) on lots 20,000 square feet or smaller in lot area.

102.1.2.1.2 Twenty-six feet (26’) on lots larger than 20,000 square feet in lot area.

102.1.2.2 Maximum Gross Floor Area:

102.1.2.2.1 1,000 square feet on lots 20,000 square feet or smaller in lot area.

102.1.2.2.2 1,500 square feet on lots larger than 20,000 square feet in lot area.

Detached accessory buildings exceeding the applicable development standards in this subsection may be permitted upon the securement of a Special Permit. (Former Section INL#316-7(b); Ord. 1623, Sec. 2, 12/13/83; Amended by Ord. 1726, Sec. 2, 3/4/86)
102.1.3 Any building or any architectural feature of a building may be erected to a height greater than the maximum height limit of the zone in which it is located provided that a Special Permit is first obtained. Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required. (Former Section INL#316-7(c); Ord. 519, Sec. 607, 5/11/65; Amended by Ord. , Sec. , /88)

(314-103 through 314-106: Sections Reserved for Future Use)

314-107.1 MANUFACTURED HOME PARKS

All manufactured home parks shall be subject to the following requirements: (Former Section INL#316-12; Ord. 1086, Sec. 19, 7/13/76)

107.1.1 No manufactured home park shall be permitted on a lot that is less than five (5) acres in area. (Former Section INL#316-12(a); Ord. 1086, Sec. 19, 7/13/76)

107.1.2 A minimum recreation area of 1,500 net square feet per acre of manufactured home park shall be provided and improved in conjunction with the development. (Former Section INL#316-12(b); Ord. 1086, Sec. 19, 7/13/76)

107.1.3 Minimum yards around manufactured home parks - front, side and rear, twenty feet (20'). (Former Section INL#316-12(c); Ord. 1086, Sec. 19, 7/13/76)

107.1.4 Access:

107.1.4.1 All manufactured home parks shall have either one (1) fifty-foot (50') minimum width access or two (2) twenty-five foot (25') minimum width permanent points of access to a public road. (Former Section INL#316-12(d)(1); Ord. 1086, Sec. 19, 7/13/76)

107.1.4.2 All circulation roads within the park shall be: (Former Section INL#316-12(d)(2); Ord. 1086, Sec. 19, 7/13/76; Amended by Ord. 1668, Sec. 1, 1/15/85)

107.1.4.2.1 A minimum of twenty-four feet (24') (two-way traffic) from curb to curb, and (Former Section INL#316-12(d)(2); Ord. 1086, Sec. 19, 7/13/76)

107.1.4.2.2 Increased in width by eight feet (8') for curb parking space on each side of the street on which such curb parking is permitted. (Former Section INL#316-12(d)(2); Ord. 1086, Sec. 19, 7/13/76)

107.1.4.3 All roads and parking spaces shall be permanently paved. (Former Section INL#316-12(d)(3); Ord. 1086, Sec. 19, 7/13/76)

107.1.5 Parking:

107.1.5.1 Two (2) on-site parking spaces or the equivalent in parking bays shall be provided for each manufactured home site. A parking space shall not be less than eight feet (8') wide and eighteen feet (18') long. (Former Section INL#316-12(e)(1); Ord. 1086, Sec. 19, 7/13/76)
107.1.5.2 Guest parking shall be provided at a ratio of one space for every four (4) manufactured home sites. On-street parking is acceptable in meeting this requirement if all streets serving the manufactured homes have a usable width of not less than 40 feet (40’) to accommodate parking. If the streets within the manufactured home park have a usable area of less than 40 feet (40’) in width, the ratio for guest parking shall be one (1) space for every two (2) manufactured home sites, accomplished by the use of parking bays containing at least four (4) parking spaces per bay. Such bays shall be located no more than 200 feet (200’) apart. (Former Section INL#316-12(e)(2); Ord. 1086, Sec. 19, 7/13/76)

107.1.5.3 If any type of commercial use is proposed within the manufactured home park, additional parking shall be provided as required by the Off-Street Parking Requirements of this Code. (Former Section INL#316-12(e)(3); Ord. 1086, Sec. 19, 7/13/76)

107.1.6 Fencing and Landscaping:

107.1.6.1 Every manufactured home park shall provide an ornamental, sight-obscuring fence, wall, or other suitable screening or planting along all boundaries of the manufactured home park site that abut on public roads or on property lines. (Former Section INL#316-12(f)(1); Ord. 1086, Sec. 19, 7/13/76; Amended by Ord. 1668, Sec. 1, 1/15/85)

107.1.6.2 All areas not used for access, parking, circulation, recreation, or services shall be completely and permanently landscaped and the entire site shall be maintained in a neat, orderly, and sanitary condition. (Former Section INL#316-12(f)(2); Ord. 1086, Sec. 19, 7/13/76; Amended by Ord. 1668, Sec. 1, 1/15/85)

107.1.7 Preliminary Site Plan Submission Requirements.

In addition to the general Use Permit application requirements, the application for a Use Permit to construct a new manufactured home park or to expand an existing mobile home park shall be accompanied by a plot plan showing the general layout of the entire manufactured home park and drawn to a scale not smaller than one inch (1”) representing forty feet (40’). The drawing shall show the information required by the Planning Division. (Former Section INL#316-12(g); Ord. 1086, Sec. 19, 7/13/76)

107.1.8 The Hearing Officer may modify the requirements of this Section for an existing substandard park proposed to be enlarged or extended provided that the modifications are
limited to the extent that an overall improvement in the design or standards of such existing park will result. (Former Section INL#316-12(h); Ord. 1086, Sec. 19, 7/13/76; Amended by Ord. 1668, Sec. 1, 1/15/85)

314-107.2 MERGER OF SUBSTANDARD LOTS

107.2.1 A substandard lot can be developed or sold if:

107.2.1.1 The substandard lot in question was lawfully created; and

107.2.1.2 The substandard lot has not been merged with adjoining property.

107.2.2 Where the owner of a substandard lot owns adjoining property, the substandard lot may be merged with the adjoining property, pursuant to the provisions of state law and this Code. Thereafter the merged lots must be developed or sold as one unit or lot. Separate conveyance of the merged lots is prohibited. Notwithstanding the above, adjacent substandard lots do not merge if each of them has been fully developed in accordance with the zoning regulations for the zone in which said lots are located. (Former Section INL#317-64; Ord. 1104, Sec. 3, 10/5/76; amended by Ord. 1876, Sec. 14, 9/26/89)

(314-108: Section Reserved for Future Use)

314-109.1 OFF-STREET PARKING

109.1.1 Purpose and Intent.

109.1.1.1 Purpose. The general purpose of these requirements is to enhance public safety by minimizing traffic congestion, by providing for off-street motor vehicle parking and thereby permitting safe passage of passengers to and from their destinations. (Former Section INL#316-13.1; Added by Ord. 1668, Sec. 3, 1/15/85)

109.1.1.2 Intent. The intent of these off-street parking requirements is to provide for the on-site, off-street parking of motor vehicles associated with any use or uses on the premises. More off-street parking will allow on-street parking to be limited or prohibited to permit greater utilization of streets for moving traffic. The facilities required by these requirements represent the minimum that will be required by the various land use types. It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements. (See, “Adequate Off-Street Parking” in Section C: Index of Definitions of Language and Legal Terms.) (Former Section INL#316-13.1; Added by Ord. 1668, Sec. 3, 1/15/85)

109.1.2 General Requirements.

109.1.2.1 Location of Off-Street Parking. Required parking facilities shall be located on the same building site and conveniently close to the use or uses they serve, and shall be designed, located, constructed and maintained so as to be fully and
independently usable and accessible at all times. In R-1 zones, non independently usable (tandem) parking is allowed on lots with only one single family residence where the parking is located in a garage and driveway immediately in front of the garage. (Former Section INL#316-13.2(a); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85; Amended by Ord. 2214, 6/6/00, Amended by Ord. 2313A, 12/16/03)

109.1.2.1.1 Exceptions to the location requirement for parking facilities for commercial uses may be allowed if it is found that: (Former Section INL#316-13.2(a); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.1 A substitute parking area is to be provided and remain available for as long as the use to which the required parking pertains shall continue; and (Former Section INL#316-13.2(a)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.2 The substitute parking area is within an area designated in the General Plan for commercial or other business use and within which parking is a permitted and compatible use; and (Former Section INL#316-13.2(a)(2); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.3 All or part of the substitute location is within four hundred feet (400') of the principal use for which the parking is being provided, measured in walking distance along the way open to public pedestrian passage; and (Former Section INL#316-13.2(a)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.4 The substitute parking area is owned by the owner of the property on which the use for which the parking is being provided or is owned by a public entity empowered to provide public parking facilities; or (Former Section INL#316-13.2(a)(4); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.5 Consistent with those of the requirements of subsections 109.1.2.1.1.1 through 109.1.2.1.1.4 which may be applicable, there is available a site specifically designated for entrepreneurial parking at which substitute parking can be provided at the expense of the party seeking the exception to on-site parking. (Former Section INL#316-13.2(a)(5); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.5.1 When the substitute parking is provided in this manner, a Use Permit shall be required for such substitute parking unless the use to which the parking relates is being conducted pursuant to a Use Permit. (Former Section INL#316-13.2(a)(5); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)
109.1.2.1.5.2 In either instance, the Use Permit shall contain conditions providing that an easement for the use of the site for parking shall be obtained and filed with the County Recorder prior to the issuance of building permits, and providing that the use shall automatically terminate at any time when the required parking is not fully available for the associated use. (Former Section INL#316-13.2(a)(5); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2 Size and Improvement.

109.1.2.2.1 Each normal size parking space shall be not less than eight feet (8') wide, eighteen feet (18') long and contain seven feet (7') of vertical clearance. (Former Section INL#316-13.2(b)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.2 Each compact car space shall be not less than seven and one-half feet (7-1/2') wide and sixteen feet (16') long. (Former Section INL#316-13.2(b)(2); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.2.1 No compact car spaces shall be allowed in parking areas containing less than ten (10) parking spaces. (Former Section INL#316-13.2(b)(2)(a); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.2.2 In lots where compact car spaces are permitted, up to twenty-five percent (25%) of all spaces in the lot may be compact car parking spaces. (Former Section INL#316-13.2(b)(2)(b); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.2.3 Compact car spaces shall be visibly marked with signs and shall be clustered in one section of the parking area. (Former Section INL#316-13.2(b)(2)(c); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.3 Each loading space shall be not less than ten feet (10') wide, sixty feet (60') long and shall contain at least fourteen feet (14') of vertical clearance. (Former Section INL#316-13.2(b)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.4 In recreation areas adequate parking facilities shall be provided, consistent with the level of anticipated use. Special Parking provisions shall be made for recreation vehicles and boats and trailers. (Former Section INL#316-13.2(b)(4); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)
109.1.2.2.5  All parking spaces, driveway locations, and maneuvering areas shall be improved to levels consistent with the anticipated uses as determined by the Department of Public Works. (Former Section INL#316-13.2(b)(5); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.3  Required Off-Street Parking.

109.1.2.3.1  Off-street parking facilities shall be provided for any new building constructed and for any new use established. (Former Section INL#316-13.2(c); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.3.2  Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, or any manner of operation that would result in additional parking spaces being required, provided that additional parking shall be required only for such addition, enlargement, or change and not the entire building or use. (Former Section INL#316-13.2(c); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.4  Requirements for Lots Fronting Unimproved Roads. Whenever a use for which off-street parking is required is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, the following provisions shall be applicable: (Former Section INL#316-13.2(d); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.4.1  Additional improved off-street parking must be provided consistent with the standards of Section 314-109.1.3, or a parking lane may be constructed along the frontage of the lot in lieu of such additional parking requirements. (Former Section INL#316-13.2(d)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.4.2  If the lot frontage exceeds one hundred twenty feet (120') the parking lane shall not be required to accommodate more than three (3) vehicles. Construction standards for the parking lane shall be as specified by the Department of Public Works in accordance with the Appendix to Title III, Division 2 of this Code, establishing subdivision design and improvement standards. (Former Section INL#316-13.2(d)(2); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.5  Parking Requirements for Uses Not in Compliance With Current Parking Requirements.

109.1.2.5.1  No additional parking spaces shall be required:

109.1.2.5.1.1  Whenever existing uses not in compliance with the parking standards of this Code are transferred to new owners or operators who will continue the use without significant change, or (Former Section INL#316-13.2(e)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)
109.1.2.5.1.2 When new uses are initiated within existing structures which generate the same level of parking demand as the former use, or (Former Section INL#316-13.2(e)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.5.1.3 When the new use generates a lower parking demand. (Former Section INL#316-13.2(e)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85; Amended by Ord. 2214, 6/6/00)

109.1.2.5.2 Whenever the use of any premises which is not in compliance with the parking standards of this Code is enlarged, expanded, or intensified, additional parking spaces consistent with this Code shall be provided only for the enlargement, expansion, or intensification, and not for the entire use. (Former Section INL#316-13.2(e)(2); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.5.3 Whenever the use of any premises which is not in compliance with the parking standards of this Code is changed to a use where a higher parking demand is identified, additional parking spaces consistent with this Code shall be provided only for the additional intensity of the use, and not for the entire use. (Former Section INL#316-13.2(e)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85; Amended by Ord. 2214, 6/6/00)

109.1.2.5.4 Levels of use, as they relate to this division, shall be determined by the Director based on engineering standards and design studies, and the principal and conditional uses of the specific zone district. (Former Section INL#316-13.2(e)(4); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.6 Multiple Uses and Joint Use. Whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except when use of the parking facilities for the different uses would not be concurrent or would otherwise not be conflicting, as determined by the Planning Commission at a noticed public hearing. (Former Section INL#316-13.2(f); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.7 Lighting. Any lights used to illuminate the parking spaces or driveways shall be designed and located so that direct rays are confined to the property where the parking area is located. (Former Section INL#316-13.2(g); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.8 Parking Facilities for the Physically Handicapped. Facilities accommodating the general public, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, retail establishments, medical offices and office buildings shall provide parking spaces for the physically handicapped in compliance with Section 431-2 of the Humboldt County Code and the following provisions: (Former Section INL#316-13.2(h); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)
109.1.2.8.1 Handicapped parking spaces shall be at least fourteen feet (14') wide and eighteen feet (18') long. (Former Section INL#316-13.2(h)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.8.2 Parking facilities containing six (6) through (40) spaces, inclusive, shall include one (1) handicapped parking space permanently signed with the international symbol of accessibility. One more handicapped space shall be provided for each additional forty (40) spaces or increment thereof. (Former Section INL#316-13.2(h)(2); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.8.3 Two (2) handicapped spaces permanently signed, shall be required in conjunction with any use or combined uses which occur within a space of more than 10,000 square feet gross floor area. (Former Section INL#316-13.2(h)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.9 Parking Spaces for Uses Not Specified. The parking space requirements for uses not set forth in this Code shall be fixed by the Director and be based upon available studies and standards for the most comparable use. (Former Section INL#316-13.2(i); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.10 Fractional Spaces. Where the application of the parking requirement schedule results in a fractional parking space requirement, a fraction of 0.5 or higher shall be resolved to the higher whole number. (Former Section INL#316-13.2(j); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.11 Variable Demand. Where the demand for parking is variable because of work shifts or peak business periods, parking space requirements shall be based upon the periods of highest parking demand. (Former Section INL#316-13.2(k); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.12 Exceptions by Petition. Exceptions to the requirements for the number of off-street parking spaces may be allowed by filing an exception petition containing information in support of the exception. Exceptions may be granted by the hearing officer based upon the following factors: (Former Section INL#316-13.2(l); Amended by Ord. 1692, Sec. 1, 6/11/85; Amended by Ord. 1842, Sec. 12, 8/16/88)

109.1.2.12.1 Geographic location of site;

109.1.2.12.2 Identification as a Rural Center in the Community Plan;

109.1.2.12.3 Site specific topographic constraints;

109.1.2.12.4 Historically designated structures;

109.1.2.12.5 Proximity to urban built-up areas; and

109.1.2.12.6 Levels of anticipated use.

109.1.3 Parking Spaces Required. The number of off-street parking spaces required shall
not be less than specified in this Section: (Former Section INL#316-13.3; Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1 Residential Uses.

109.1.3.1.1 One-Family and Two-Family Dwellings.

109.1.3.1.1.1 One (1) parking space for each dwelling unit containing one (1) bedroom or less; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom. The required parking shall not be sited in the front-yard setback. (Former Section INL#316-13.3(a)(1)(a); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.2 Except as provided in subsection 314-109.1.3.1.1.3, when a single family residence or duplex is proposed on a parcel that is served by a roadway not improved to a width of forty feet (40’) with asphalt or gravel, parking spaces in addition to those required by subsection 314-109.1.3.1.1.1, shall be located outside of the front-yard setback. In R-1 zones, non independently usable (tandem) parking is allowed on lots with only one single family residence where the parking is located in a garage and driveway immediately in front of the garage. Parking shall be provided as follows: (Former Section INL#316-13.3(a)(b); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88, Amended by Ord. 2313A, 12/16/03)

109.1.3.1.1.2.1 One (1) space for each single family residence and each unit of a duplex containing one (1) bedroom or less. (Former Section INL#316-13.3(a)(1)(b)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.2.2 One (1) space for an attached second or secondary dwelling unit and each unit of a duplex containing two (2) or more bedrooms. (Former Section INL#316-13.3(a)(1)(b)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88, Amended by Ord. 2335, 12/14/04)

109.1.3.1.1.2.3 Two (2) spaces for each single family residence containing two (2) or more bedrooms. (Former Section INL#316-13.3(a)(1)(b)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.3 Instead of providing the additional parking spaces required by subsection 314-109.1.3.1.1.2, a parking lane may be constructed along the frontage of the lot. The parking lane shall meet the standards referred to in subsection 314-109.1.2.4. (Former Section INL#316-13.3(a)(1)(c); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)
109.1.3.1.4 Driveway openings shall be in conformance with the standards in the “Encroachment Regulations” of this Code. (See also, Division 4, Chapter 1, Encroachment.) (Former Section INL#316-13.3(a)(1) (d); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2 Family Dwellings with More than Two Dwelling Units.

109.1.3.1.2.1 One (1) parking space for each unit containing one (1) bedroom or less; two (2) parking spaces for each two (2) or three (3) bedroom dwelling unit; two and one-half (2 1/2) parking spaces for each dwelling unit containing four (4) or more bedrooms. (Former Section INL#316-13.3(a)(2)(a); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.2 Except as provided in subsection 314-109.1.3.1.2.3, if the units are proposed on a parcel that is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, parking spaces in addition to those required by subsection 314-109.1.3.1.2.2, shall be provided as follows: (Former Section INL#316-13.3(a)(2)(b); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.2.1 One-half (1/2) space for each one-bedroom unit; (Former Section INL#316-13.3(a)(2)(b)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.2.2 Three-fourths (3/4) space for each two (2) or three (3) bedroom unit; (Former Section INL#316-13.3(a)(2)(b)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.2.3 One (1) space for each four-bedroom unit. (Former Section INL#316-13.3(a)(2)(b)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.3 Instead of providing the additional parking spaces required by subsection 314-109.1.3.1.2.2, a parking lane may be constructed along the frontage of the lot. The parking lane shall meet the standards referred to in subsection 314-109.1.2.4. (Former Section INL#316-13.3(a)(2)(c); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.4 Driveway openings shall be in conformance with the standards in the “Encroachment Regulations” of this Code (see Section 411, and following). (Former Section INL#316-13.3(a)(2) (d); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)
109.1.3.1.3 Hotel, Motel, Boarding and Rooming Houses, and Transitional Housing. One (1) parking space for each sleeping unit plus two (2) manager parking spaces. (Former Section INL#316-13.3(a)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88. Amended by Ord. 2335, 12/14/04)

109.1.3.1.4 Senior Housing Complex. One (1) parking space for every two (2) dwelling units. A parking space requirement study may be conducted to identify the special parking needs for such projects. Parking facilities shall include handicapped parking spaces no less than specified herein. (Former Section INL#316-13.3(a)(4); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.5 Emergency Shelters. One (1) space for each ten (10) beds plus one (1) space for each employee at peak shift. (Added by Ord. 2335, 12/14/04)

109.1.3.2 Institutional Uses.

109.1.3.2.1 Hospitals. One (1) parking space per bed plus one (1) for every three (3) employees and medical staff members. (Former Section INL#316-13.3(b)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.2 Clinics/Doctor's Office. One (1) parking space for every 300 square feet of gross floor area plus one (1) space for each employee and doctor or other professional attendant serving the clinic, with a minimum of four (4) spaces required. (Former Section INL#316-13.3(b)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.3 Churches. One (1) parking space for every four (4) seats of seating or occupancy capacity, as determined by the Fire Marshall, in the largest assembly area of the church, plus one (1) parking space for every 30 square feet of gross floor area in said assembly area not used for seating. (Former Section INL#316-13.3(b)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.4 Schools.

109.1.3.2.4.1 Kindergarten or Day Care. One (1) parking space for every ten (10) children plus one (1) for each employee; additionally, sufficient loading area shall be provided for, the safe loading and unloading of children and adults. (Former Section INL#316-13.3(b)(4)(a); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.4.2 Elementary Schools. One (1) parking space for every ten (10) children plus one (1) space for each employee. (Former Section INL#316-13.3(b)(4)(b); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)
109.1.3.2.4.3 High Schools. One (1) parking space for every five (5) students plus one (1) space for each employee. (Former Section INL#316-13.3(b)(4)(c); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.4.4 College and Trade Schools. One (1) parking space for every three (3) students plus one (1) space for each employee. (Former Section INL#316-13.3(b)(4)(d); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.5 Residential Care Homes. One (1) parking space for every five (5) licensed patient beds and the higher of one (1) parking space for every 500 square feet of gross floor area, or one (1) parking space for each employee of the peak shift. (Former Section INL#316-13.3(b)(5); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3 Commercial Uses.

109.1.3.3.1 Retail Sales or Service. One (1) space for every 300 square feet of gross floor area with a minimum of four (4) spaces plus one (1) space for each employee. (Former Section INL#316-13.3(c)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.2 Furniture or Appliance Sales. One (1) parking space for every 750 square feet of gross floor area with a minimum of four (4) spaces plus one (1) space for each employee. (Former Section INL#316-13.3(c)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.3 Restaurants. The higher of one (1) parking space for each 200 square feet of gross floor area or one (1) parking space for every four (4) seats. Additionally, one (1) parking space for every two (2) employees. (Former Section INL#316-13.3(c)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.4 Theaters or Stadiums. One (1) parking space for every four (4) seats, plus one (1) space for every two (2) employees. (Former Section INL#316-13.3(c)(4); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.5 Offices. One (1) parking space for every 300 square feet of gross floor area plus one (1) space for each employee. (Former Section INL#316-13.3(c)(5); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.6 Dance or Amusement Halls. The higher of one (1) parking space for every four (4) seats or one (1) parking space for each 200 square feet of gross floor area. (Former Section INL#316-13.3(c)(6); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.7 Shopping Centers. A shopping center covering two acres shall provide one (1) parking space per 200 square feet of gross floor area.
Neighborhood shopping centers covering less than two (2) acres shall provide parking spaces as identified for retail sales or service uses. (Former Section INL#316-13.3(c)(7); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.4 Industrial Uses.

109.1.3.4.1 Management. The parking requirements for office space associated with industrial uses shall be the same as identified for commercial type offices. (Former Section INL#316-13.3(d)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.4.2 Manufacturing. The higher of one parking space for each 1500 square feet of gross floor space within all enclosed building areas or one (1) parking space for each employee at the peak shift. A minimum of two (2) parking spaces are required. (Former Section INL#316-13.3(d)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.4.3 Warehouse. The higher of one (1) parking space for every four (4) employees or one (1) parking space for each 2,500 square feet of gross floor area. (Former Section INL#316-13.3(d)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.4 Loading Spaces Required. The number of off-street loading spaces required for commercial and industrial uses shall be no less than: (Former Section INL#316-13.4; Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.1 One (1) loading space for each 20,000 square feet of gross floor area, or portion thereof. (Former Section INL#316-13.4(a); Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.2 The loading space requirement for uses containing 10,000 square feet or less may be eliminated upon issuance of a Special Permit by the Director, in conjunction with the Public Works Department, based on the type and intensity of the proposed use. (Former Section INL#316-13.4(a); Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.3 Exceptions.

109.1.4.3.1 Exceptions to loading space size requirements may be allowed by filing an exception petition containing sufficient information in support of the exception to the Planning Division. (Former Section INL#316-13.4(b); Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.3.2 Exceptions may be granted by the Hearing Officer based on the following factors: (Former Section INL#316-13.4(b)(1); Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.3.2.1 geographic location of the site;

109.1.4.3.2.2 identification as a Rural Center in the Community Plan;
109.1.4.3.2.3 site specific topographic constraints;

109.1.4.3.2.4 historically designated structures;

109.1.4.3.2.5 proximity to urban built-up areas; and

109.1.4.3.2.6 levels of anticipated use.

109.1.5 Additional Requirements.

109.1.5.1 Any off-street parking area for other than residential uses wherein five (5) or more spaces are proposed shall be in conformance with the standards in this Code which pertain to encroachment (Section 411 and following), and shall be designed so as to provide sufficient maneuvering room for vehicles on-site so that they may leave the site to enter onto any street without backing onto the street. The adequacy of maneuvering room shall be determined by the Department of Public Works, based upon engineering standards. (Former Section INL#316-13.5 (a); Added by Ord. 1668, Sec. 7, 1/15/85)

109.1.5.2 Landscaping. The Planning Commission may require the landscaping of any off-street parking facility. The landscaping material, if required, shall be appropriately placed within off-street parking areas which are equivalent to not less than two percent (2%) of the total area devoted to such off-street parking areas and associated drives or aisles. Such landscaping shall be designed to be consistent with Title III, Division 4, of this Code relating to visibility corridors along streets and highways. The Planning Commission may require a landscaping plan approved by the Design Review Committee established as part of each area plan. (Former Section INL#316-13.5 (b); Added by Ord. 1668, Sec. 7, 1/15/85)

314-110.1 PARKLAND DEDICATION

110.1.1 Purpose. The purpose of these requirements is to provide opportunities for public recreation in conjunction with residential development in conformity with the County General Plan. (Former Section INL#316-23(A); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.2 Applicability. These regulations shall apply to all divisions of land for residential uses where parkland dedication pursuant to the Quimby Act is required by local community plans. (Former Section INL#316-23(B); Added by Ord. 2103, Sec. 4, 1/9/96; Amended by Ord. 2166, Sec. 24, 4/7/98)

110.1.3 Requirements. As a condition of approval of a Final Map or Parcel Map the subdivider shall satisfy one (1) of the following requirements, at the option of the County: (Former Section INL#316-23(C); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.3.1 For new subdivisions containing fifty-one (51) or more parcels: (Former Section INL#316-23(C)(1) ); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.3.1.1 an offer of dedication land to a public or private non-profit agency for public park or recreation use as identified in the County General Plan
and Eureka Community Plan, according to the formula and standards set forth in Section 314-110.1.5 and trails and support facilities identified in the County Trails Plan; or (Former Section INL#316-23(C)(1); Added by Ord. 2103, Sec. 4, 1/9/96; Amended by Ord. 2166, Sec. 24, 4/7/98)

110.1.3.1.2 an in-lieu fee, in accordance with the provisions of Section 314-110.1.6 to provide an appropriate contribution to public parks or recreation. It shall be the County’s option to decide whether dedication of land or in-lieu fees shall be required. (Former Section INL#316-23(C)(1); Added by Ord. 2103, Sec. 4, 1/9/96; Amended by Ord. 2166, Sec. 24, 4/7/98)

110.1.3.2 For new subdivisions containing fifty (50) or fewer lots or parcels, an in-lieu fee shall be provided consistent with the provisions of Section 314-110.1.6; except that, if mutually agreeable, the subdivider and the County may agree to the dedication of land or a combination of dedication and fee payment. (Former Section INL#316-23(C)(2); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.3.3 Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section. However, a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four (4) years, the fee shall be required to be paid by the owner of each such parcel as a condition to the issuance of such permit. (Former Section INL#316-23(C)(3); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.4 General Standard. Public parkland and/or recreation facilities shall be provided at the rate of three (3) acres for each 1,000 persons, equal to a standard of 130 square feet per person. This standard shall be utilized pursuant to Section 314-110.1.5 for the determination of parkland dedication. (Former Section INL#316-23(D)(1); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.5 Formula for Dedication of Parkland. The amount of land (per dwelling unit), where land is dedicated, shall be determined by the application of the following formula: (Former Section INL#316-23(D); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.5.1 130 square feet per person multiplied by the average number of persons per household. (Former Section INL#316-23(D)(1); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.5.2 The average number of persons per household shall be determined by the Planning and Building Divisions based on demographic research and available County Census data from the United States Bureau of the Census. (Former Section INL#316-23(D)(2); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.6 Fees In-Lieu of Land Dedication.

110.1.6.1 Where a fee is required to be paid in-lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 314-110.1.4.3. The fair market value shall be determined in conjunction with the County Assessor at the time of filing the Tentative Map or Tentative Parcel Map. (Former Section INL#316-23(F); Added by Ord. 2103, Sec. 4, 1/9/96)
110.1.6.2 If the subdivider objects to the fair market value determination, the subdivider may, at his/her own expense, obtain an appraisal of the property by a qualified real estate appraiser mutually agreed upon by the County in determining fair market value. (Former Section INL#316-23(F); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.6.3 A fee paid in-lieu of land dedication shall be paid to the County prior to the recordation of the Subdivision Map or Parcel Map. For multiple final maps, the fee paid in-lieu of land dedication shall be paid prior to the recordation of the final map for each unit or phase. (Former Section 316-23(F); Added by Ord. 2166, Sec. 24, 4/7/98)

110.1.7 Deferred Payment of Fees for Secondary Dwelling Units.

110.1.7.1 The Hearing Officer may approve a request by the subdivider to defer payment of a portion of the fee paid in-lieu of land dedication for secondary dwelling units on each parcel created by the subdivision map. Any such deferral shall be subject to the recordation of an agreement between the subdivider and the County to convey development rights for the secondary dwelling unit. (Former Section 316-23(G); Added by Ord. 2166, Sec. 24, 4/7/98)

110.1.7.2 The amount of the fee paid in-lieu of dedication subject to the conveyance agreement shall be determined for each affected parcel prior to the recordation of the Subdivision Map or Parcel Map. The fee breakdown for individual parcels subject to deferment shall be in the same proportion that the size of the lot bears to the total aggregate area of the parcels covered by the conveyance. (Former Section 316-23(G); Added by Ord. 2166, Sec. 24, 4/7/98)

110.1.7.3 If the fee paid in-lieu of land dedication is deferred, reconveyance of development rights shall be initiated upon payment of the fee in-lieu of dedication by the record owner of the subject parcel at the time the request for reconveyance is made to the County. (Former Section 316-23(G); Added by Ord. 2166, Sec. 24, 4/7/98)

110.1.8 Procedures for Determining Land Dedication, Fee Payment or a Combination of Both. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or a combination of both shall be as follows: (Former Section 316-23(H); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.8.1 At the time of filing a Tentative Subdivision Map or Tentative Parcel Map for approval, the subdivider shall, as part of such filing, indicate whether he/she desires to dedicate property for park and recreational purposes, or whether he/she desires to pay a fee in-lieu thereof. If the subdivider desires to dedicate land for this purpose, he/she shall designate the area thereof on the subdivision map as submitted. (Former Section 316-23(H)(1); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.8.2 At the time of the approval of the Tentative Subdivision Map or Tentative Parcel Map, the Hearing Officer shall determine as a part of such approval whether to require a dedication of land within the subdivision, payment of a fee in-lieu thereof, or a combination of both. (Former Section 316-23(H)(2); Added by Ord. 2103, Sec. 4, 1/9/96)
110.1.8.3 The Hearing Officer may approve of the offer of land dedication, or elect to recommend that a payment of a fee in-lieu thereof be required, or that a combination of both be required. In making this determination the Planning Commission shall consider the following: (Former Section 316-23(H)(3); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.8.3.1 The Humboldt County General Plan; (Former Section 316-23(H)(3)(a); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.8.3.2 Topography, geology, access, and location of land in the subdivision available for dedication; (Former Section 316-23(H)(3)(b); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.8.3.3 Size and shape of the land in the subdivision available for dedication; (Former Section 316-23(H)(3)(c); Added by Ord. 2103, Sec. 4, 1/9/96; Amended by Ord. 2214, 6/6/00)

110.1.8.3.4 Feasibility of dedication; (Former Section 316-23(H)(3)(d); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.8.3.5 Availability and adequacy of previously acquired park property; and (Former Section 316-23(H)(3)(e); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.8.3.6 The desirability of fees being used for indoor recreational facilities. (Former Section 316-23(H)(3)(f); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.9 Credit for Private Recreation Facilities. Where a substantial private park and recreation area is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed fifty percent (50%), may be given against the requirement of land dedication or payment of fees in-lieu thereof if the Planning Commission finds that it is in the public interest to do so and that the following standards are met: (Former Section 316-23(I); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.9.1 That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; (Former Section 316-23(I)(1); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.9.2 That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions; (Former Section 316-23(I)(2); Added by Ord. 2103, Sec. 4, 1/9/96)
110.1.9.3 That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property in the subdivision and which cannot be defeated or eliminated without the consent of the County or its successor;  
(Former Section 316-23(I)(3); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.9.4 That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location;  
(Former Section 316-23(I)(4); Added by Ord. 2103, Sec. 4, 1/9/96)

110.1.9.5 That facilities proposed for the open space are in substantial accordance with the provisions of the Humboldt County General Plan.  
(Former Section 316-23(I)(5); Added by Ord. 2103, Sec. 4, 1/9/96)

Before credit is given, the Planning Commission shall make findings that the standards herein are met.  
(Former Section 316-23(I); Added by Ord. 2103, Sec. 4, 1/9/96)

314-110.2 PLOT PLAN APPROVAL

In order to assure compliance with the land use and development regulations, the Humboldt County Building Division shall not issue any building permit until a plot plan or site plan showing the work to be done as it relates to surrounding uses and property lines has been approved by the Planning Division.  All requests for plot plan or site plan approval shall be accompanied by a fee as established by resolution of the Board of Supervisors. (For more on plot plan approval, see Chapter 2, Zoning Clearance Certificate Procedures, Section 312-2)  
(Former Section INL#316-22; Added by Ord. 1280, Sec. 3, 10/10/78)
314-112.1  RESIDENTIAL DENSITY BONUS

112.1.1  **Purpose and Intent.** This Density Bonus Ordinance is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with Sections 65915 and 65917 of the California Government Code. In enacting this Chapter, it is the intent of the County of Humboldt to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County's Housing Element. (Former Section INL#316.4-1(A); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.2  **Definitions.** Whenever the following terms are used in this Section, they shall have the meaning established by this section and as defined in this Chapter 4: Section C: Index of Definitions of Language and Legal Terms. (Former Section INL#316.4-2(a-p); Added by Ord. 2166, Sec. 31, 4/7/98; Amended by Ord. 2214, 6/6/00)

112.1.2.1 Additional Incentives
112.1.2.2 Affordable Rent
112.1.2.3 Affordable Sales Price
112.1.2.4 Density Bonus
112.1.2.5 Density Bonus Housing Agreement
112.1.2.6 Density Bonus Unit
112.1.2.7 Equivalent Financial Incentive
112.1.2.8 Housing Cost
112.1.2.9 Housing Development
112.1.2.10 Lower Income
112.1.2.11 Lower Income Household
112.1.2.12 Maximum Residential Density
112.1.2.13 Non-Restricted Unit
112.1.2.14 Qualifying Resident
112.1.2.15 Senior Citizen Housing
112.1.2.16 Target Unit
112.1.2.17 Very Low Income
112.1.2.18 Very Low Income Household

112.1.3  **Implementation.**

112.1.3.1 The County shall grant either: a Density Bonus, or a Density Bonus with an Additional Incentive(s), or Equivalent Financial Incentive; as set forth in Section 314-112.1.5, to an applicant or developer of a Housing Development, who agrees to provide the following: (Former Section INL#316.4-3; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.1.1 At least 20 percent of the total units of the Housing Development as Target Units affordable to Lower Income Households; or (Former Section INL#316.4-3(a); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.1.2 At least 10 percent of the total units of the Housing Development as Target Units affordable to Very Low Income Households; or (Former Section INL#316.4-3(b); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.1.3 Senior citizen housing. (Former Section INL#316.4-3(c); Added by Ord.
112.1.3.1.4 Twenty % of the units are affordable to moderate income households in a condominium project as defined in subsection F of section 1351 of the Civil Code. (Added by Ord. 2313A, 12/16/03)

112.1.3.2 In determining the minimum number of Density Bonus Units to be granted pursuant to this Section, the Maximum Residential Density for the site shall be multiplied by 0.25. When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer. (Former Section INL#316.4-3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.3 In determining the number of Target Units to be provided pursuant to this Section, the Maximum Residential Density shall be multiplied by 0.10 where Very Low Income Households are targeted, or by 0.20 where Lower Income Households are targeted. The Density Bonus Units shall not be included when determining the total number of Target Units in the Housing Development. When calculating the required number of Target Units, any resulting decimal fraction shall be rounded to the next larger integer. (Former Section INL#316.4-3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.4 In cases where a density increase of less than 25 percent is requested, no reduction will be allowed in the number of Target Units required. In cases where a density increase of more than 25 percent is requested, the requested density increase, if granted, shall be considered an Additional Incentive, as outlined in Section 314-112.1.5. (Former Section INL#316.4-3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.5 In cases where the developer agrees to construct more than 20 percent of the total units for Lower Income Households, or more than 10 percent of the total units for Very Low Income Households, the developer is entitled to only one Density Bonus and an Additional Incentive(s) (or an Equivalent Financial Incentive) pursuant to Section 314-112.1.5. Similarly, a developer who agrees to construct Senior Citizen Housing with 20 or 10 percent of the units reserved for Lower- or Very Low- Income Households, respectively, is only entitled to one Density Bonus and an Additional Incentive(s). The County may, however, grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required by this Chapter. (Former Section INL#316.4-3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.4 Development Standards.

112.1.4.1 Target Units should be constructed concurrently with Non-Restricted Units unless both the County and the developer/applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.4.2 Target Units shall remain restricted and affordable to the designated group for a period of 30 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program; or rental
112.1.4.3 Circumstances may arise in which the public interest would be served by allowing some or all of the Target Units associated with one Housing Development to be produced and operated at an alternative development site. Where the developer and County form such an agreement, the resulting linked developments shall be considered a single Housing Development for purposes of this Chapter. Under these circumstances, the developer shall be subject to the same requirements of this Chapter for the Target Units to be provided on the alternative site. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98, Amended by Ord. 2335, 12/14/04)

112.1.4.4 Target Units should be built onsite wherever possible and, when practical, be dispersed within the Housing Development. Where feasible, the number of bedrooms of the Target Units should be equivalent to the bedroom mix of the non-Target units of the Housing Development; except that the Developer may include a higher proportion of Target Units with more bedrooms. The design and appearance of the Target Units shall be compatible with the design of the total Housing Development. Housing Developments shall comply with all applicable development standards, except those which may be modified as provided by this Chapter. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98, Amended by Ord. 2335, 12/14/04)

112.1.4.5 A Density Bonus Housing Agreement shall be made a condition of the discretionary planning permits for all Housing Developments pursuant to this chapter. The Agreement shall be recorded as a restriction on the parcel or parcels on which the Target Units will be constructed. The Agreement shall be consistent with Section 314-112.1.7. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98, Amended by Ord. 2335, 12/14/04)

112.1.5 **Development Incentives.**

112.1.5.1 The County shall provide a Density Bonus and an Additional Incentive(s), for qualified Housing Developments, upon the written request of a developer, unless the County makes a written finding that the Additional Incentive(s) would have an adverse impact on public health and safety, the environment, or an historic site or building. (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98, Amended by Ord. 2313A, 12/16/03)

112.1.5.2 The development incentives granted shall contribute significantly to the economic feasibility of providing the Target Units. Applicants seeking a waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the Housing Development economically feasible in accordance with Government Code Section 65915(e). This requirement may be satisfied by reference to applicable sections of the County's general plan housing element. (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3 The need for incentives will vary for different Housing Developments. Therefore, the allocation of Additional Incentives shall be determined on a case-
by-case basis. The Additional Incentives may include, but are not limited to, any of the following: (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.1 A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code. These may include, but are not limited to, any of the following: (Former Section INL#316.4-5(a)(1-7); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.1.1 Reduced minimum lot sizes and dimensions.
112.1.5.3.1.2 Reduced minimum yard setbacks.
112.1.5.3.1.3 Increased maximum lot coverage.
112.1.5.3.1.4 Increased maximum building height.
112.1.5.3.1.5 Reduced on site parking standard; including the number or size of spaces.
112.1.5.3.1.6 Reduced minimum building separation requirements.
112.1.5.3.1.7 Reduced street standards (e.g. reduced minimum street widths).

112.1.5.3.2 Allow the Housing Development to include nonresidential uses and/or allow the Housing Development within a nonresidential zone. (Former Section INL#316.4-5(b); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.3 Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance. (Former Section INL#316.4-5(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.4 A Density Bonus of more than 25 percent. (Former Section INL#316.4-5(d); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.5 Waived, reduced, or deferred planning, plan check, construction permit, and/or development impact fees. (Former Section INL#316.4-5(e); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.6 Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land or construction costs. (Former Section INL#316.4-5(f); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.4 The County may offer an Equivalent Financial Incentive instead of granting a Density Bonus and an Additional Incentive(s). The value of the Equivalent Financial Incentive shall equal at least the land cost per dwelling unit savings that would result from a Density Bonus and must contribute significantly to the economic feasibility of providing the Target Units pursuant to this Chapter. (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.5 When an applicant qualifying for a density bonus includes a child care facility that will be located on the project site or adjacent to the project site, that applicant is eligible for additional incentives as provided by State law. (Added by Ord. 2335, 12/14/04)
112.1.6 Application Requirements and Review.

112.1.6.1 An application for a density bonus and additional incentives as allowed pursuant to this Chapter shall be processed concurrently with any other application(s) required for the Housing Development. Final approval or disapproval of the application (with right of appeal to the Board of Supervisors) shall be made by the Planning Commission unless direct financial assistance is requested. If direct financial assistance is requested, the Planning Commission shall make a recommendation to the Board of Supervisors who will have the authority to make the final decision on the application. (Former Section INL#316.4-6; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.6.2 An applicant/developer proposing a Housing Development pursuant to this Chapter, may submit a preliminary application prior to the submittal of any formal request for approval of a Housing Development. Applicants are encouraged to schedule a pre-application conference with the Director or designated staff to discuss and identify potential application issues including prospective Additional Incentives pursuant to Section 5 of this Chapter. (Former Section INL#316.4-6; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.6.3 The Director or designated staff shall inform the applicant/developer that the requested Additional Incentives shall be recommended for consideration with the proposed Housing Development, or that alternative or modified Additional Incentives pursuant to Section 314-112.1.5 shall be recommended for consideration instead of the requested Incentives. If alternative or modified Incentives are recommended by the Director, the recommendation shall establish how the alternative or modified Incentives can be expected to have an equivalent affordability effect as the requested Incentives. (Former Section INL#316.4-6; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7 Density Bonus Housing Agreement.

112.1.7.1 Applicant/Developers requesting a Density Bonus, shall agree to enter into a Density Bonus Housing Agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director or designated staff, who shall formulate a recommendation to the Planning Commission for final approval. (Former Section INL#316.4-7; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.2 Following execution of the agreement by all parties, the completed Density Bonus Housing Agreement, or other equivalent recording instrument, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of Target Units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The Density Bonus Housing Agreement shall be binding to all future owners and successors in interest. (Former Section INL#316.4-7; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3 The Density Bonus Housing Agreement shall include at least the following:
112.1.7.3.1 The total number of units approved for the Housing Development, including the number of Target Units. (Former Section INL#316.4-7(a); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.2 A description of the household income group to be accommodated by the Housing Development, as outlined in Section 314-112.1.3, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price and Housing Cost. (Former Section INL#316.4-7(b); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.3 The location, unit sizes (square feet) and number of bedrooms of Target Units. (Former Section INL#316.4-7(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.4 Tenure of use restrictions for Target Units of at least 10 or 30 years, in accordance with Section 4 of this Chapter. (Former Section INL#316.4-7(d); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.5 A schedule for completion and occupancy of Target Units. (Former Section INL#316.4-7(e); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.6 A description of the Additional Incentive(s) or Equivalent Financial Incentives being provided by the County. (Former Section INL#316.4-7(f); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.7 A description of remedies for breach of the agreement by either party (the County may identify tenants or qualified purchasers as third party beneficiaries under the agreement). (Former Section INL#316.4-7(g); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.8 Other provisions to ensure implementation and compliance with this Chapter. (Former Section INL#316.4-7(h); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.9 In the case of for-sale Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the initial sale and use of Target Units during the applicable use restriction period: (Former Section INL#316.4-7(i); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.9.1 Target Units shall, upon initial sale, be sold to eligible Very Low or Lower Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents (i.e. maintained as Senior Citizen Housing) as defined by this Chapter. (Former Section INL#316.4-7(i)(1); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.9.2 Target Units shall be initially owner-occupied by eligible Very Low or Lower Income Household; or by Qualified Residents in the case of Senior Citizen Housing. (Former Section INL#316.4-7(i)(2); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.9.3 The initial purchaser of each Target Unit shall execute an
instrument or agreement approved by the County restricting the sale of the Target Units in accordance with this ordinance during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Target Unit and shall contain such provisions as the County may require to ensure continued compliance with this ordinance and the State Density Bonus Law. (Former Section INL#316.4-7(i)(3); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.10 In the case of rental Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period: (Former Section INL#316.4-7; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.10.1 The rules and procedures for qualifying tenants, establishing Affordable Rent, filling vacancies, and maintaining Target Units for qualified tenants; (Former Section INL#316.4-7(4); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.10.2 Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter. (Former Section INL#316.4-7(5); Added by Ord. )

112.1.7.3.10.3 Provisions requiring owners to submit an annual report to the County, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit. (Former Section INL#316.4-7(6); Added by Ord. 2166, Sec. 31, 4/7/98)
314-113.1 SPECIAL OCCUPANCY PARKS

113.1.1 Purpose. The purpose of these regulations is to ensure that special occupancy parks meet minimum standards of habitability and do not adversely impact surrounding property. (Former Section INL#316-18.1(a); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.1.1 Recreational vehicles shall be used as residences only in manufactured home parks and special occupancy parks subject to the applicable provisions of the Health and Safety Code of the State of California or in any public camping area. (Former Section INL#316-18.1(a); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.1.2 Manufactured homes may be located and used outside of manufactured home parks in certain zoning districts where such use is specifically authorized. (Former Section INL#316-18.1(a); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.2 Applicability. These regulations shall apply to special occupancy parks located outside of manufactured home parks. Nothing herein contained shall be deemed to relieve the owner or operator of a recreational vehicle park of the duty of complying with all applicable State and local laws and regulations. (Former Section INL#316-18.1(b); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3 Development Standards.

113.1.3.1 Location. Special occupancy parks shall be established for the convenience of the traveling public. (Former Section INL#316-18.1(c)(1); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.2 Minimum Site Area. Special occupancy parks shall be located on a parcel of land not less one (1) acre in area. (Former Section INL#316-18.1(c)(2); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.3 Density of Occupation. Occupancy of campground spaces within special occupancy parks is limited to one (1) recreational vehicle or two (2) tents per each campground space. (Former Section INL#316-18.1(c)(3); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.4 Fences and Walls. Each special occupancy park shall be entirely enclosed at its exterior boundaries by appropriate decorative screening or landscaping material; provided, however, that said screen when located within a front yard shall be constructed at or behind the required setback. (Former Section INL#316-18.1(c)(4); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.5 Required Setbacks. The setbacks prescribed by the applicable zone shall apply to special occupancy parks. (Former Section INL#316-18.1(c)(5); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.6 Minimum Campground Space Dimensions. Each campground space within a special occupancy park shall be not less than 1,000 square feet in area, except that thirty percent (30%) of said spaces may be not less than 650 square feet in area for the accommodation of tents and small camping units only. (Former Section INL#316-18.1(c)(6); Added by Ord. 2166, Sec. 23, 4/7/98)
113.1.3.7 **Minimum Campground Space Setbacks and Campground Space Density.**

113.1.3.7.1 Each recreational vehicle or tent occupying a campground space and all accessory buildings shall maintain a six (6) foot setback from any building, recreational vehicle or tent pursuant to regulations contained in Title 25 of the California Code of Regulations. (Former Section INL#316-18.1(c)(7)(a); Added by Ord. 2166, Sec. 23, 4/7/98)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1: “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.*

113.1.3.7.2 No recreational vehicle or tent shall be permitted to locate less than fifteen (15) feet from any abutting property. (Former Section INL#316-18.1(c)(7)(b); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.7.3 No recreational vehicle or tent shall be permitted to locate less than twenty-five (25) feet from any prime arterial or collector road, and not less than fifteen (15) feet from any street right-of-way. (Former Section INL#316-18.1(c)(7)(c); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.7.4 Campground space density shall not exceed twelve (12) units per acre. (Former Section INL#316-18.1(c)(7)(d); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.8 **Landscaping.** All setbacks from streets and other areas in a special occupancy park not used for driveways, parking, buildings and service areas shall be landscaped in accordance with the conditions of the Use Permit. Walls, earthen berms, and landscaped buffer strips shall be used wherever possible to minimize noise from freeway sources. (Former Section INL#316-18.1(c)(8); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.9 **Interior Roadways.** Private streets within special occupancy parks shall have the following minimum clearance widths: (Former Section INL#316-18.1(c)(9)(a-e); Added by Ord. 2166, Sec. 23, 4/7/98)

<table>
<thead>
<tr>
<th>TABLE: SPECIAL OCCUPANCY PARKS INTERIOR ROADWAY CLEARANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>STREET/AVAILABLE PARKING</td>
</tr>
<tr>
<td>One-way with no side parking</td>
</tr>
<tr>
<td>One-way with parking permitted on one side</td>
</tr>
<tr>
<td>Two-way with no parking on either side</td>
</tr>
<tr>
<td>Two-way with parking permitted on one side</td>
</tr>
<tr>
<td>Two-way with parking permitted on both sides</td>
</tr>
</tbody>
</table>
113.1.3.10 **Roadway Space.** Adequate roadway space for turn-arounds shall be provided. (Former Section INL#316-18.1(c)(10); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.11 **Off-Street Parking.** Parking space in a special occupancy park shall be provided as follows:

113.1.3.11.1 One (1) parking space for each recreational vehicle. (Former Section INL#316-18.1(c)(11)(a); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.11.2 One (1) parking space for each full-time employee. (Former Section INL#316-18.1(c)(11)(b); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.11.3 For the purpose of registration, spaces for temporary parking in proximity to the park office shall be provided in the following ratio:

<table>
<thead>
<tr>
<th>Occupant Spaces</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 200</td>
<td>6</td>
</tr>
<tr>
<td>201 - 300</td>
<td>8</td>
</tr>
<tr>
<td>301 - or more</td>
<td>10</td>
</tr>
</tbody>
</table>

(Former Section INL#316-18.1(c)(11)(c); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.12 **Location Map.** Each campground space in a special occupancy park shall be clearly identified and a map showing the location of each space shall be provided at the park office. (Former Section INL#316-18.1(c)(12); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.13 **Trash Collection.** Common storage enclosures for garbage and trash shall be provided. Such enclosures shall be of sturdy construction and designed to screen trash and garbage receptacles from public view. (Former Section INL#316-18.1(c)(13); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.14 **Lighting.** Adequate artificial lighting shall be provided for all walkways, streets, parking areas, sanitary facilities, storage areas, and recreational facilities. No lighting shall be constructed or positioned so as to cause direct or undesirable illumination of adjacent property or campground spaces within the park. (Former Section INL#316-18.1(c)(14); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.15 **Sanitary Facilities.** Sanitary facilities for a special occupancy park facility shall be in accordance with the regulations of Title 25 of the California Code of Regulations and shall include:

113.1.3.15.1 The availability of a potable water supply from a public utility or a distributor holding a valid permit from the state. Water supplies from other sources shall be approved by the Humboldt County Department of Health; (Former Section INL#316-18.1(c)(15)(a); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.15.2 Wastewater disposal facilities provided by a public agency which has met the requirements of the Regional Water Quality Control Board. Alternative or individual disposal systems shall be approved by the County Health Department; (Former Section INL#316-18.1(c)(15)(b); Added by
113.1.3.15.3 A recreational vehicle sanitation station designed and constructed in accordance with the regulations of Title 25, and approved by the County Health Department where on-site sanitation is proposed; (Former Section INL#316-18.1(c)(15)(c); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.15.4 Toilets, showers and lavatories for the exclusive use of the occupants of the special occupancy park shall be provided as required by Health and Safety Code Section 1864(b); (Former Section INL#316-18.1(c)(15)(d); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.15.5 Laundry facilities in accordance with the requirements of Health and Safety Code. (Former Section INL#316-18.1(c)(15)(e); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.3.16 Storage Facilities. Storage facilities may be provided for the storage of vehicles belonging to park occupants. Storage areas shall be paved or graveled and enclosed by a solid wall or fence not less than six (6) feet in height. (Former Section INL#316-18.1(c)(16); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.4 Accessory Buildings. A special occupancy park may include the following accessory buildings provided such uses are designed to be clearly accessory to the special occupancy park and intended for the convenience of the occupants and their guests: (Former Section INL#316-18.1(D); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.4.1 Assembly and Recreation. A building or buildings designed for indoor assembly or recreation. (Former Section INL#316-18.1(D)(1); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.4.2 Commercial Services. Commercial structures and uses such as general store, restaurant, lunch counter, or snack bar. (Former Section INL#316-18.1(D)(2); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.4.3 Personal Services. Service buildings and facilities incidental to and customarily accessory to permitted uses, including sauna baths and swimming pools. (Former Section INL#316-18.1(D)(3); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.4.4 Caretaker’s Residence. (Former Section INL#316-18.1(D)(4); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.5 Limitations. No person or group of persons other than the owner or operator thereof shall occupy any of the campground spaces in a special occupancy park for permanent family or group residential use. Length of occupancy of all other campground spaces shall be regulated as follows: (Former Section INL#316-18.1(E); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.5.1 Persons occupying spaces with total hook-up capacity, including sewer, water and electricity, shall not occupy any campground space in a special occupancy park for a period exceeding four (4) months in any twelve (12) month period, nor shall the cumulative occupancy by such persons of different campground spaces
anywhere in the facility exceed four (4) months in any twelve (12) month period. (Former Section INL#316-18.1(E)(1); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.5.2 Persons occupying tents or vehicles with less than total hook-up capacity shall not occupy any campground space in a special occupancy park for a period exceeding thirty (30) days in any twelve month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of thirty (30) days in any twelve (12) month period. (Former Section INL#316-18.1(E)(2); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.6 Modification of Development Criteria.

113.1.6.1 Modification of the development standards 113.1.1 through 113.1.4 of this Section may be allowed with a Special Permit, upon making the supplemental findings that 1) the development will conform to the development standards as closely as possible, 2) the development will be consistent with all applicable State and local health and safety standards, and 3) granting the exception will not be detrimental to the public welfare. (Former Section INL#316-18.1(F); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.6.2 Modification of the development standard 113.1.5 of this Section may also be allowed with a Special Permit, provided the following supplemental findings are made: 1) the development will be compatible with surrounding land uses, and 2) the development meets minimum State standards for habitability. (Former Section INL#316-18.1(F); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.6.3 To ensure the park is compatible with surrounding property uses, the Hearing Officer may limit the term of the permit to a specified time period, and may require that the caretaker of the park has specific plans and sufficient experience with anticipated users to effectively engage the cooperation of the users to maintain the park in a clean, safe and sanitary condition. (Former Section INL#316-18.1(F); Added by Ord. 2166, Sec. 23, 4/7/98)

113.1.6.4 The Hearing Officer may also require the caretaker 1) demonstrate the ability to implement a plan for responding to the ongoing concerns of the neighbors, such as regularly scheduled meetings and 24 hour crisis response capacity, and 2) agree to mediation by a disinterested party agreeable to all parties, where conflicts with neighbors persist. (Former Section INL#316-18.1(F); Added by Ord. 2166, Sec. 23, 4/7/98)
SECTION B: REGULATIONS THAT APPLY IN ALL OR SEVERAL ZONES

(PART 4: SECTION RESERVED FOR FUTURE USE)

PART 5: NONCONFORMING USES AND STRUCTURES

314-131 NONCONFORMING USES

131.1 QUALIFICATION OF NONCONFORMING USE

Notwithstanding any other provision, a building or use shall not be deemed a nonconforming use if:

131.1.1 Such use would otherwise be a conforming use under the current provisions of this Code section except that it does not meet the lot size or yard requirements of the zone in which it is located. Such a use may be continued, altered, added to, or enlarged provided that any addition or enlargement shall comply with all of the regulations of the zone in which it is located; or

131.1.2 Such use is allowed in the zone in which it is located as a conditional use. However, no such use shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property until a Special Permit for such use is first obtained.

131.2 REGULATIONS CONTROLLING OTHER NONCONFORMING USES

131.2.1 No accessory use to a principal nonconforming use shall continue after such principal use shall cease or terminate.

131.2.2 The rights pertaining to a nonconforming use shall be deemed to pertain to the use itself, regardless of the ownership of the land or building on or in which such nonconforming use is conducted.

131.2.3 All of the foregoing provisions relating to nonconforming uses shall apply to all nonconforming uses existing on the effective date of these regulations and to all uses that become nonconforming by reason of any Amendment thereof. However, any use established in violation of law, regardless of the time of establishment, is not a nonconforming use and shall not benefit from the provisions in this section. (For nonconforming buildings, see Section 314-132, Nonconforming Structures.)
314-132 NONCONFORMING STRUCTURES

132.1 QUALIFICATION OF NONCONFORMING STRUCTURE

Notwithstanding any other provision, a structure shall not be deemed a nonconforming structure if:

132.1.1 Such structure would otherwise be a conforming structure under the current provisions of this Code section except that it does not meet the lot size or yard requirements of the zone in which it is located. Such a structure may be continued, altered, added to, or enlarged provided that any addition or enlargement shall comply with all of the regulations of the zone in which it is located; or

132.1.2 Such structure is allowed in the zone in which it is located as a conditional use. However, no such structure shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property until a Special Permit for such structure is first obtained.

132.2 ENLARGEMENT OF NONCONFORMING STRUCTURES

132.2.1 Notwithstanding any other provisions, the Hearing Officer may approve a Special Permit for the enlargement, alteration or remodeling of the following nonconforming structures:

132.2.1.1 A one-family detached dwelling in a Commercial (C) or Industrial (M) zone; or

132.2.1.2 Any commercial structure located in any commercial zone in which either a principal use, permitted use or a conditional use is conducted; or

132.2.1.3 Any commercial structure located in an Unclassified (U) zone where the General Plan designates the area for commercial development.

132.2.2 Approved enlargements of nonconforming structures specified in subsection 314-132.2.1 may not exceed:
132.2.2.3 The maximum ground coverage prescribed for the zoning district in which the nonconforming structure is located, whichever is less. (Former Section INL#317-62(b)(3); Ord. 1726, Sec. 6, 3/4/86)

132.2.3 The fair market value of approved enlargements, structural alterations or remodeling of a nonconforming structure specified in subsection 132.2.1 may not exceed fifty percent (50%) of its current appraised value according to the records of the Assessor's Office. (Former Section INL#317-62(c); Ord. 1726, Sec. 6, 3/4/86)

132.2.4 One-family detached dwellings remodeled, extended, expanded or enlarged in accordance with the provisions of Sections 314-132.1 through 314-132.3 shall not be used to accommodate a greater number of dwelling units than such structure accommodated prior to any such work. (Former Section INL#317-62(d); Ord. 1726, Sec. 6, 3/4/86)

132.2.5 Replacement of Nonconforming Manufactured Homes. The Director may approve a Special Permit for the replacement of an existing nonconforming manufactured home by a newer manufactured home. The replacement manufactured home shall be set up on a standard foundation as required by the County Building Regulations. Replacement manufactured homes in Residential Zones (RS, R-1, R-2, R-3 and R-4) without a T Combining Zone shall have: (Former Section INL#317-62(e); Ord. 1726, Sec. 6, 3/4/86; Amended by Ord. 1738, Sec. 4, 5/20/86)

132.2.5.1 A roof overhang of not less than six inches (6") for the entire exterior perimeter; and (Former Section INL#317-62(e)(1); Ord. 1726, Sec. 6, 3/4/86; Amended by Ord. 1738, Sec. 4, 5/20/86)

132.2.5.2 A roof of composition shingles, wood shingles or shakes or other materials compatible with the majority of dwellings in the neighborhood; and (Former Section INL#317-62(e)(2); Ord. 1726, Sec. 6, 3/4/86; Amended by Ord. 1738, Sec. 4, 5/20/86)

132.2.5.3 An exterior wall covering of natural or man made materials of a non-reflective nature. (Former Section INL#317-62(e)(3); Ord. 1726, Sec. 6, 3/4/86; Amended by Ord. 1738, Sec. 4, 5/20/86)

132.3 REGULATIONS CONTROLLING OTHER NONCONFORMING STRUCTURES

132.3.1 Any nonconforming structure, except as permitted by Section 314-132.2 shall not be enlarged or extended where an intensification or increase in the nonconformity would result. The hearing officer may approve the structural alteration of an existing structure not conforming with development standards. Approval of a variance or other discretionary permit shall not be required for "one-for-one" structural alterations. A structural alteration changing a flat roof to a pitched roof where no expansion of floor area is involved is determined to be a "one-for-one" structural alteration. A variance will be required for the total replacement or expansion of structures where such replacement or expansion would not conform with development standards. (Former Section INL#317-63(a); Amended by Ord. 1848, Sec. 21, 9/13/88)
132.3.2 If a structure in which a nonconforming use is conducted is moved for any distance
whatever, for any reason, then any future use of such structure shall be in conformity
with Sections 314-132.1 through 314-132.3. (Former Section INL#317-63(b); Ord. 1104, Sec. 3,
10/5/76)

132.3.3 If any structure in which any nonconforming use is conducted is hereafter removed,
the subsequent use of land on which such structure was located and the subsequent
location and use of any structure thereon shall be in conformity with the regulations
specified by Sections 314-132.1 through 314-132.3. (Former Section INL#317-63(c); Ord.
1104, Sec. 3, 10/5/76)

132.3.4 Nothing in Sections 314-132.1 through 314-132.3 shall be deemed to prevent keeping
in good maintenance and repair a nonconforming structure or a structure in which a
nonconforming use is conducted, but no such structure that is declared by any authorized
County official to be a public nuisance by reason of physical condition shall be restored,
repaired or rebuilt. (Former Section INL#317-63(d); Ord. 1104, Sec. 3, 10/5/76; Amended by Ord.
1234, Sec. 4, 6/13/78)

132.3.5 A nonconforming structure or a structure in which a nonconforming use is conducted
that is destroyed or damaged by any casualty to an extent not exceeding sixty percent
(60%) of its current appraised value according to the records of the Assessor's Office,
exclusive of foundations, may be restored within two (2) years after such destruction or
damage but shall not be enlarged except as provided in Section 314-132.2 of this Code.
If any such structure is so destroyed or damaged to an extent exceeding sixty percent
(60%) of its value as above, it shall not be reconstructed except: (Former Section INL#317-
63(e); Ord. 1104, Sec. 3, 10/5/76)

132.3.5.1 For a conforming use; (Former Section INL#317-63(e)(1); Ord. 1104, Sec. 3, 10/5/76)

132.3.5.2 If the structure is used for agricultural purposes and the floors and foundation
walls are of concrete and/or other masonry and are not practical to move; or
(Former Section INL#317-63(e)(2); Ord. 1104, Sec. 3, 10/5/76)

132.3.5.3 If the nonconforming location is necessary to meet any requirement or
regulation of the Health Department. (Former Section INL#317-63(e)(3); Ord. 1104, Sec.
3, 10/5/76)

132.3.5.4 If the total floor area of the structure to be restored does not exceed that of the
damaged or destroyed structure by more than ten percent (10%) and the sewage
disposal system is in compliance with all applicable State and local standards.
(Former Section INL#317-63(e)(4); Added by Ord. 2166, Sec. 32, 4/7/98)

132.3.6 If any nonconforming structure ceases to be used for any reason for a continuous
period of two (2) years or more, or is changed to or replaced by a conforming structure,
the land and nonconforming structure shall become subject to all the regulations as to use
for the zone in which such land and structures are located as if such nonconforming
structure had been expressly abandoned. (Former Section INL#317-63(f); Ord. 1104, Sec. 3,
10/5/76; Amended by Ord. 1234, Sec. 4, 6/13/78; Amended by Ord. 1876, Sec. 13, 9/26/89)
132.3.7 The rights pertaining to a nonconforming structure shall be deemed to pertain to the structure itself, regardless of the ownership of the land on which such nonconforming structure is located or the nature or the tenure of the occupancy thereof. (Former Section INL#317-63(h); Ord. 1104, Sec. 3, 10/5/76)

132.3.8 All of the foregoing provisions relating to nonconforming structures shall apply to all nonconforming structures existing on the effective date of these regulations and to all structures that become nonconforming by reason of any amendment thereof. However, any structure erected in violation of law, regardless of the time of erection, is not a nonconforming structure and shall not benefit from the provisions in this section. (Former Section INL#317-63(i); Ord. 1104, Sec. 3, 10/5/76)

132.3.9 If a nonconforming manufactured home or recreational vehicle is removed from a designated flood-prone area of the County, the same manufactured home or recreational vehicle may be relocated on the same site within six (6) months and installed in accordance with the applicable regulations in effect at the time of the unit’s original installation. (Former Section INL#317-63(j); Ord. 1104, Sec. 3, 10/5/76; Amended by Ord. 2166, Sec. 32, 4/7/98)

132.3.10 Special Provisions Concerning Nonconforming Manufactured Homes. Each existing manufactured home placed on an individual lot in accordance with the then applicable laws and Code sections may remain at the existing location without the construction of a foundation. The Use Permit for such manufactured home shall run with the land and shall be transferable to subsequent purchasers. If such manufactured home is moved to another individual lot not within a manufactured home park it must be placed upon a foundation. (For more information on Manufactured Homes, see Section 314-81.1, Manufactured Homes and Recreational Vehicles.) (Former Section INL#316-11; Ord. 1092, Sec. 1, 8/10/76)
SECTION C: INDEX OF DEFINITIONS OF LANGUAGE
AND LEGAL TERMS

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#312-1; 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)

135.1.7 All public officials, bodies, and agencies to which reference is made are those
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 INL#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 INL#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; INL#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; INL#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)

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 home-finding 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)
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 INL#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 INL#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 INL#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)
Dwelling:

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 INL#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 INL#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, 12/14/04)

**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 INL#312-25; 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 INL#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 INL#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 INL#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 INL#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 INL#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 INL#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. 238, 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)

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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 ore 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(l); 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)

314-150 DEFINITIONS (O)

**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.)
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:

<table>
<thead>
<tr>
<th>UNIT SIZE</th>
<th>HOUSEHOLD SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRO (residential hotel) unit</td>
<td>75% of 1 person</td>
</tr>
<tr>
<td>0 bedroom (studio)</td>
<td>1 person</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>2 persons</td>
</tr>
<tr>
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<tr>
<td>3 bedroom</td>
<td>4 persons</td>
</tr>
<tr>
<td>4 bedroom</td>
<td>6 persons</td>
</tr>
</tbody>
</table>

(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)

**314-157 DEFINITIONS (V)**

**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 S50105 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, 4/7/98)
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 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.
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 D: USE TYPES

PART 1: CLASSIFICATION OF USE TYPES

Note: This section is new and is based on the format used in Coastal Zone regulations using text from non-coastal regulations. Currently, use types are referred to in Chapter 4 for the following zones: C-3: Industrial Commercial; MB: Business Park; RA: Rural Residential Agriculture; and F: Flood Hazard Combining.

314-162 PURPOSE OF USE TYPE CLASSIFICATIONS

The purpose of these provisions is to classify uses of property into a limited number of use types on the basis of common functional, product, or compatibility characteristics. The desired result is to provide a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions apply throughout the County. (From Section CZ#A313-1; Added by Ord. 2214, 6/6/00)

314-163 LISTING OF USE CLASSIFICATIONS

163.1 All uses are classified into the following use types. Use types are described and defined in the Glossary of Use Types, below.

163.1.1 Agricultural Use Types
General Agriculture (allowed in RA)
Intensive Agriculture (allowed in RA)
Stables and Kennels (allowed in RA)

163.1.2 Civic Use Types
Administrative (allowed in MB)
Community Assembly (allowed in C-3, RA)
Electrical Distribution Lines, Major (allowed in RA)
Essential Services (allowed in RA)
Extensive Impact Civic Uses (prohibited in F)
Generation and Distribution Facilities, Minor (allowed in RA)
Health Care Services (prohibited in F)
Oil and Gas Pipelines (allowed in RA)
Public Recreation and Open Spaces (allowed in RA)
Solid Waste Disposal (allowed in RA; prohibited in F)
Utilities, Minor (allowed in RA)
163.1.3 **Commercial Use Types**
Automotive Sales, Service and Repair (allowed in C-3)
Bed and Breakfast Establishment (allowed in RA)
Heavy Commercial (allowed in C-3)
Neighborhood Commercial (allowed in C-3, RA)
Office and Professional Service (allowed in C-3, MB)
Private Recreation (allowed in RA)
Retail Sales (allowed in C-3, MB)
Retail Service (allowed in C-3, MB)
Transient Habitation (allowed in MB)
Warehousing, Storage and Distribution (allowed in C-3, MB)

163.1.4 **Commercial Timber Use Types**
Timber Production (allowed in RA)

163.1.5 **Extractive Use Types**
Surface Mining - 2 (allowed in RA)

163.1.6 **Industrial Use Types**
Cottage Industry (allowed in C-3, RA)
Research/Light Industrial (allowed in C-3, MB)
Hazardous Industrial (prohibited in F)

163.1.7 **Natural Resource Use Types**
Fish and Wildlife Management (allowed in RA)
Watershed Management (allowed in RA)
Wetland Restoration (allowed in RA)

163.1.8 **Residential Use Types**
Guest House (allowed in RA)
Manufactured Home Park (prohibited in F)
Residential Uses Subordinate to the Permitted Use (allowed in C-3)
Second Residential Unit (allowed in RA)
Single Family Residence (allowed in RA)
PART 2: GLOSSARY OF USE TYPES

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, 4/11/00)

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, 4/11/00)

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, 4/11/00)
314-171 CIVIC USE TYPES.

Civic Use Types include the performance of utility, educational, recreational, cultural, medical, Protective, governmental, and similar uses of importance to the public. The following are Civic Use Types:

171.1 Administrative. The Administrative Use Type includes the uses performed by public, public non-profit, parochial, and public utility administrative offices. (Former Section INL#314-44(a)(4); Ord. 1800, 6/23/87)

171.2 Community Assembly. The Community Assembly Use Type includes the activities typically performed by, or at, the following institutions or installations: (Former Section INL#314-38(b)(5); Ord. 1801, 6/23/87)

171.2.1 Churches, temples, synagogues, and other places of worship; (Former Section INL#314-38(b)(5)(1); Ord. 1801, 6/23/87)

171.2.2 Public parochial, and private non-profit clubs, lodges, meeting halls, and recreation centers; (Former Section INL#314-38(b)(5)(2); Ord. 1801, 6/23/87)

171.2.3 Public swimming pools. (Former Section INL#314-38(b)(5)(3); Ord. 1801, 6/23/87)

171.4 Electrical Distribution Lines, Major.

171.4.1 This use type includes electrical utility wires, 60 kilovolt or larger, either above ground or underground, including supporting towers, poles and appurtenances, which are used for distributing, conveying or transmitting electrical energy. (From Section CZ#A313-6(M); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.4.2 This use type does not include the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this ordinance. (From Section CZ#A313-6(M); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.5 Essential Services. The Essential Services Use Type includes uses which are necessary to support principal development. Typical Essential Services uses include: (From Section CZ#A313-6(B)(1-7); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.5.1 Fire and police stations;

171.5.2 Ambulance services;

171.5.3 Post offices, excluding major processing centers;

171.5.4 Dumpster sites, solid waste transfer stations, and road maintenance yards;

171.5.5 Community wells, water storage tanks, and associated water treatment facilities.

171.5.6 Public, parochial and private day-care centers, family day care centers, nursery schools, elementary, junior high, and high schools. (Amended by Ord. 1842, Sec. 18, 8/16/88)
171.5.7 Public and parochial parks, playgrounds and playing fields.

171.6 **Extensive Impact Civic Use.** The Extensive Impact Civic Use Type includes the uses typically performed by, or the maintenance and operation of, the following institutions and installations:  (From Section CZ#A313-6(H)(1-10); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.6.1 Airports, heliports, and helistops;

171.6.2 Railroad stations;

171.6.3 Bus Depots;

171.6.4 Publicly operated parking garages;

171.6.5 Water and wastewater treatment plants;

171.6.6 Cemeteries, mausoleums, crematoriums and columbariums

171.6.7 Sites for storage, repair and processing of materials and equipment and vehicles operated by governmental entities;

171.6.8 Military installations;

171.6.9 Electrical power plants operated by a government entity or public utility;

171.6.10 Gas and oil storage facilities for power plants operated by a government entity or public utility.

171.7 **Generation and Distribution Facilities, Minor.**

171.7.1 The Minor Generation and Distribution Facilities Use Type includes wind generators and accessory structures; small hydroelectric generators (less than 5 megawatt) and accessory structures and utility lines; and communication transmission facilities, including radio and television transmission antennae, communication equipment installations and exchanges, and substations.  (From Section CZ#A313-6(K); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.7.2 The Minor Generation and Distribution Facilities Use Type does not include broadcasting and offices or sites for the storage or processing of materials or equipment.  (From Section CZ#A313-6(K); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.8 **Health Care Services.**  (From Section CZ#A313-6(G)(1-4); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.8.1 The Health Care Services Use Type includes the uses typically performed by the following institutions:

171.8.1.1 Health and medical clinics;

171.8.1.2 Hospitals;
171.8.1.3 Nursing homes, convalescent hospitals, rest homes, and homes for the aged with seven or more patients, or with mental, drug addict, or alcohol addict cases;

171.8.1.4 Medical centers for observation or rehabilitation, with full-time supervision or care.

171.8.2 This use type does not include Community Care Facilities, which are a residential use (See, Community Care Facilities in Section C, Index of Definitions of Language and Legal Terms.)

171.9 **Oil and Gas Pipelines.**

171.9.1 The Oil and Gas Pipelines Use Type includes any gas pipeline, carrying 60 PSI pressure or above, distribution line, above or below ground, used to transport, convey, or distribute oil, petroleum, petroleum products, natural gas, or other flammable or hazardous substances. (From Section CZ#A313-6(L); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.9.2 This use type does not include the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this ordinance. (From Section CZ#A313-6(L); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.10 **Public Recreation and Open Space.** The Public Recreation and Open Space Use Type refers to a publicly-owned and maintained parkland and low intensity uses attendant thereto, such as tent camps and picnic areas and food service and other concessions. (From Section CZ#A313-6(F); Amended by Ord. 2167, Sec. 11, 4/7/98; Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.11 **Solid Waste Disposal.** (From Section CZ#A313-6(I); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

171.11.1 The Solid Waste Disposal Use Type includes:

171.11.1.1 the disposal of all putrescible and non-putrescible solid and semi-solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes; and

171.11.1.2 liquid wastes disposed of in conjunction with solid wastes at solid waste transfer stations, processing facilities or disposal sites.
171.11.2 The Solid Waste Disposal Use Type excludes:

171.11.2.1 sewage collected and treated in a sewerage system; or

171.11.2.2 materials or substances having commercial value that have been salvaged for reuse, recycling or resale.

171.12 Utilities, Minor. The Minor Utilities Use Type includes the erection, construction, alteration or maintenance of private wells and on-site sewage disposal system, gas, electric and water. (From Section CZ#A313-6(J); Added to INL by Ord. 2205, Sec. 1, 4/11/00)
314-172 COMMERCIAL USE TYPES

Commercial Uses include the distribution and sale or rental of goods; the provision of services other than those classified as Civic Uses; and the administrative and research operations of private, profit-oriented firms. The following are Commercial Use Types:

172.1 Automotive Sales, Service and Repair. The Automotive Sales, Service and Repair Use Type includes the sales from the premises of motor vehicles, accessory parts and supplies, and the provision of services generally required in the operation and maintenance of motor vehicles; the major repair or painting of motor vehicles, including body work and installation of major accessories, as well as the washing and polishing of motor vehicles. Auto sales from the premises are also included. (Former Section INL#314-38(a)(3); Ord. 1801, 6/23/87)

172.2 Bed and Breakfast Establishment.

172.2.1 The Bed and Breakfast Establishment Use Type refers to a residential structure with one family in permanent residence where a maximum of four (4) bedrooms without individual cooking facilities are rented for overnight lodging, and where at least one meal daily is provided. (From Section CZ#A313-7(K); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

172.2.2 This use type does not include "hotels and motels" which are included in the Transient Habitation Use Type; nor does this use type include rooming and boarding houses which are included under the Group Residential Use Type. (From Section CZ#A313-7(K); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

172.3 Heavy Commercial. The Heavy Commercial Use Type includes activities such as transfer, storage or processing of used, scrap or waste materials, including automobile wrecking, the sales, storage of building materials, construction and agricultural equipment, kennels, and animal hospitals. (Former Section INL#314-38(b)(1); Ord. 1801, 6/23/87)

172.4 Neighborhood Commercial. The Neighborhood Commercial Use Type includes retail sales and services which provide convenient facilities to residential areas, such as coin operated laundries, food markets, variety stores, and automobile gas or filling stations. (Former Section INL#314-38(b)(2); Ord. 1801, 6/23/87)

172.5 Office and Professional Services. The Office and Professional Services Use Type includes administrative activities of private, profit-oriented administrative firms; radio and television broadcasting stations and offices; medical, dental and related services; professional, consultative, and financial services. (Former Section INL#314-38(a)(4); INL#314-44(a)(2); Ord. 1800, 6/23/87; Ord. 1801, 6/23/87)

172.6 Private Recreation. The Private Recreation Use Type includes clubs or recreation facilities operated by a non-profit organization and open only to members of such non-profit organizations and their guests. (From Section CZ#A313-7(O); Added to INL by Ord. 2205, Sec. 1, 4/11/00)
172.7 **Retail Sales.** The Retail Sales Use Type includes the rental or sale, from the premises, of various consumer goods including food, household goods, business supplies, small equipment, agricultural supplies, and parts and accessories, and incidental storage activities. (Former Section INL#314-38(b)(3); INL#314-44(b)(1); Ord. 1800, 6/23/87; Ord. 1801, 6/23/87)

172.8 **Retail Service.** The Retail Service Use Type includes the provision of services other than those classified as Civic Uses, including personal service, business service, eating and drinking establishments, automobile gas or filling station, minor automotive repair, group assembly for entertainment or athletic events, animal care and treatment, and undertaking services. (Former Section INL#314-38(b)(4); INL#314-44(b)(2); Ord. 1800, 6/23/87; Ord. 1801, 6/23/87)

172.9 **Transient Habitation.** The Transient Habitation Use Type includes motels, hotels, resorts and other facilities other than special occupancy parks providing lodging services to guests on a less-than-weekly basis. (Former Section INL#314-44(b)(3); Ord. 1800, 6/23/87)

172.10 **Warehousing, Storage and Distribution.** The Warehousing, Storage and Distribution Use Type refers to establishments or places of business primarily engaged in enclosed or open-air wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. (Former Section INL#314-38(a)(1); INL#314-44(a)(3); Ord. 1800, 6/23/87; Ord. 1801, 6/23/87)
314-173 COMMERCIAL TIMBER USE TYPES

The Commercial Timber Use Type includes the on-site production of commercial timber products. The following are Commercial Timber Use Types:

173.1 **Timber Production.** The Timber Production Use Type refers to the growing, management, and harvesting of trees of any commercial species used to produce timber and other forest products including Christmas trees, and may include any use which is integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas, portable chippers and portable sawmills. See also, definitions for "Timber Harvest" and "Timber Management". (From Section CZ#A313-10(B); Added to INL by Ord. 2205, Sec. 1, 4/11/00)
314-174  EXTRACTIVE USE TYPES.

Extractive Use Types include the on-site production of mineral products by extractive methods. The following are Extractive Use Types:

174.1 **Surface Mining - 2.** The Surface Mining - 2 Use Type refers to surface extraction of nonmetallic minerals such as sand and gravel, but not including stationary on-site processing facilities of any type, subject to the Surface Mining and Reclamation Regulations at Title III, Division 9 (Section 391-4 and following). (From Section CZ#A313-11(C); Ord. 2117, Sec. 1, 5/28/96; Added to INL by Ord. 2205, Sec. 1, 4/11/00)
314-175  INDUSTRIAL USE TYPES

Industrial and Manufacturing Uses include the on-site production of goods by methods not agricultural or extractive in nature. The following are Industrial Use Types:

175.1  Cottage Industry. The Cottage Industry Use Type refers to establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment or a single kiln, and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, custom jewelry or small furniture and cabinet manufacturers. (Former Section INL#314-38(a)(5); INL#312-21.2; Added by Ord. 1737, Sec. 1, 5/20/86; Ord. 1801, 6/23/87; Amended by Ord. 1876, Sec. 1, 9/26/89)

175.2  Hazardous Industrial. The Hazardous Industrial Use Type includes any industrial activity which involves the handling of toxic, highly flammable, explosive or radioactive materials in such quantities that would, if released or ignited, constitute a significant risk to adjacent human populations or development. (From Section CZ#A313-8(D); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

175.3  Research/Light Industrial. The Research/Light Industrial Use Type includes non-nuisance, industrial, low-impact manufacturing, and development activities which do not create objectionable levels of noise, vibration, air pollution, odor, humidity, heat, cold or glare on nearby residential or commercial uses, such as the manufacture of electrical and electronic equipment, industrial and scientific research, medical testing and analysis and product testing, carpentry and cabinetmaking shops, clothing manufacture, contractor's yards, dry cleaning and laundry plants, lumber yards, metal-working shops, wholesale outlet stores, painter's and decorator's yards, plumbing shops, printing and lithographing, and associated administrative offices. (Former Section INL#314-38(a)(2); INL#314-44(a)(1); Ord. 1800, 6/23/87; Ord. 1801, 6/23/87)
314-176 NATURAL RESOURCE USE TYPES

Natural Resource Use Types include the on-site structures and activities which are compatible with the protection and enhancement of sensitive coastal resources. The following are Natural Resource Use Types:

176.1 **Fish and Wildlife Habitat Management.** The Fish and Wildlife Habitat Management Use Type refers to the manipulation or maintenance of vegetation or streams, or construction of minor structures to yield desired results in terms of habitat suitable for designated wildlife or fishery species or groups of species. (From Section CZ#A313-12(B); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

176.2 **Watershed Management.** The Watershed Management Use Type includes manipulation or maintenance of a total area or portion of an area draining into a given waterway or reservoir for purposes of wildlife or fishery enhancement, water quality or quantity enhancement, siltation and erosion control and for flood plain management. (From Section CZ#A313-12(C); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

176.3 **Wetland Restoration.** The Wetland Restoration Use Type includes manipulation or management of an area to create or enhance wetland resource values such as fish and wildlife habitat, siltation and erosion control, and flood storage. (From Section CZ#A313-12(D); Added to INL by Ord. 2205, Sec. 1, 4/11/00)
Residential Use Types include the occupancy of dwelling units on a wholly or principally non-transient basis. Residential uses do not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as in nursing homes, orphanages, asylum, and prisons, except as otherwise provided for various community care facilities.

177.1 **Emergency Shelter.** The Emergency Shelter Use Type includes 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, 12/14/04)*

177.2 **Guest House.** 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. *(From Section CZ#A313-5(F); Added to INL by Ord. 2205, Sec. 1, 4/11/00)*

177.3 **Manufactured Home Park Development.** The Manufactured Home Park Development Use Type refers to a tract of land where two or more manufactured home lots are rented or leased or held out for rent or lease to accommodate manufactured homes or recreational vehicles used for human habitation. The Manufactured Home Park Development Use Type includes manufactured home development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code. *(Reference: Section 65852.7, Government Code.)* *(From Section CZ#A313-5(E); Added to INL by Ord. 2205, Sec. 1, 4/11/00)*

177.4 **Residential Uses Subordinate to the Permitted Use.** The Residential Uses Subordinate to the Permitted Use Type includes caretaker residences, apartments in back or above a commercial use, and repair and replacement of existing residences. Alterations and minor expansions of existing residences are also permitted if they can be found compatible with adjacent uses. *(Former Section INL#314-38(b)(6); Ord. 1801, Sec. 1, 6/30/87)*

177.5 **Second Residential Unit (Second/Secondary Dwelling Unit).** The Second Residential Unit Use Type refers to a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot for occupancy by individuals or a family. *(See, Section 314-87.1, Second and Secondary Dwelling Units, for regulations governing second residential units.)* *(Former Section CZ#A313-5(J); INL#312-61.1)*

177.6 **Single Family Residential.** The Single Family Residential Use Type includes the residential occupancy of a single detached main building by one family on a non-transient basis, except for rental of single family dwellings as vacation homes, where the use would not be otherwise different than the uses allowed to be made of single family dwellings. *(See also, Vacation Home Rental.)* *(From Section CZ#A313-5(B); Added to INL by Ord. 2205, Sec. 1, 4/11/00)*
177.7 **Transitional Housing.** The Transitional Housing Use Type includes 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)*