

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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Filed: October 28, 2010
60th Day: December 27, 2010
Staff: James R. Baskin AICP
Staff Report: November 24, 2010
Hearing Date: December 16, 2010
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, North Coast District Manager
James R. Baskin AICP, Coastal Planner

SUBJECT: **Del Norte County LCP Amendment No. DNC-MIN-1-10, Residential Second Units Zoning Amendment (Park Trailer Units for Temporary Invalid Family Care).** (Meeting of December 16, 2010, in San Francisco)

1. LCP Amendment Description and Discussion.

The County of Del Norte has submitted a Local Coastal Program (LCP) amendment application seeking certification from the Commission of modifications to the “Residential Second Units” chapter of its Implementation Plan (IP) to authorize the use of so-called “park trailers” for providing temporary family invalid care alongside currently certified provisions allowing for the placement of manufactured homes for such use. In addition, a definition of the term “Park Trailers” would be appended into the IP’s “Definitions” chapter. All other provisions and requirements of the second residential units zoning ordinance, and procedures for the review, authorization, and appeal of coastal development and conditional use permits for such temporary invalid family care units would remain unchanged.

Invalid care housing units conditionally permissible uses on all properties located within the coastal zone in any Residential (R-1, R-2, R-3), Rural Residential (RR-1, RRA), Agricultural (A-5, A-20), or Agricultural Exclusive (AE) zoning district. The proposed amendment to allow “park trailers” to be defined as consisting of “400 square feet or less of gross floor area, excluding lot area space... not exceed[ing] 14 feet in width... built on a single chassis,” for temporary invalid care housing would not alter the relative intensity or density of residential

DEL NORTE COUNTY LCP AMENDMENT (INVALID CARE PARK TRAILERS)

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development that might otherwise be approved in the form of a manufactured home for that use with a use permit.

Since there is no resulting increase in land use density, the LCP amendment would not create any additional demand on coastal resources, would not result in cumulative impacts, and is thus consistent with Section 30250 of the Coastal Act. Furthermore, all affirmative findings required under the both coastal development and use permit processes would remain unaltered with respect to any proposed placement of the temporary care unit being found consistent with all policies and standards of the LCP. Moreover, the proposed amendment comprises changes in wording of the Second Residential Units zoning ordinance which make the use as designated in the ordinance more specific and does not change the kind, location, intensity, or density of a use that has been found consistent with the land use plan. Therefore, as the proposed zoning code changes meet the criteria of a “minor amendment to an LCP” as defined under Section 13554(a) of the Commission’s administrative regulations (14 CCR §§13001 et seq.), the Executive Director finds the proposed rezoning to be consistent with the Coastal Act and minor in nature.

2. Public Participation and Commission Review.

The proposed LCP amendment was the subject of local public hearings before the County Planning Commission and the Board of Supervisors. All of these public hearings were properly noticed to provide for adequate public participation. The LCP amendment submittal was filed as complete on October 28, 2010 and is consistent with Section 30514 of the Coastal Act and Section 13553 of Title 14 of the California Code of Regulations. Copies of the Board of Supervisors’ Resolution and Ordinance are attached as Exhibits 3 and 4.

The Executive Director has determined that the proposed LCP amendment is “minor” in nature under Sections 13554 and 13555 of the Commission’s regulations, since the amendment would not result in a change to the kind, density, or intensity of use of the land on the subject parcel. The Executive Director informed all interested parties by mail of his determination on November 24, 2010. The Commission will consider the Executive Director’s determination at the December 16, 2010 meeting in San Francisco. At that time, the Executive Director will report to the Commission any objection to the determination that is received within ten days of the posting of this notice. Anyone wishing to register an objection to the Executive Director’s determination that the proposed LCP amendment is “minor” should contact James R. Baskin at (707) 445-7833 at the Commission’s North Coast District Office in Eureka by December 10, 2010.

If one-third of the appointed members of the Commission so requests, the Executive Director’s determination that the proposed amendment is minor shall not become effective and the amendment shall be processed as a “major” LCP amendment consistent with Section 13555(b) of the Commission’s regulations. In that event, staff recommends that the Commission extend the time period for Commission action on the proposed LCPA pursuant to Section 30517 of the Coastal Act as Commission action must otherwise occur by December 27, 2010 (within 60 days of filing). If the Commission concurs with the Executive Director’s determination that the LCP amendment is minor in nature, then the amendment shall take effect ten working days after the

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Commission meeting and notice to Del Norte County consistent with Section 30514(c) of the Coastal Act.

3. Staff Recommendation.

Staff recommends that the Commission concur with the Executive Director's determination that the LCP amendment is minor.

4. Additional Information.

For further information, please contact James R. Baskin at the North Coast District Office (707) 445-7833. Correspondence should be sent to the District Office at the above address.

EXHIBITS:

1. Excerpt, Title 21, Del Norte County Code – Chapter 21.00 Second Residential Units (showing amended text)
2. County Resolution No. 2010-055 – Submittal of LCP Amendment Application
3. County Ordinance No. 2010-010 – Second Residential Units and Definitions Text Amendment

EXHIBIT A Title 20 - Zoning

EXHIBIT NO. 1
APPLICATION NO. DNC-MIN-1-10 - DEL NORTE COUNTY LCP AMENDMENT EXCERPT, TITLE 21, DEL NORTE CO. CODE-CH. 21.00 SECOND RESIDENTIAL UNITS (SHOWING AMENDED TEXT (1 of 4)

20.00.050 Invalid family care – Temporary occupancy of a manufactured home **or park trailer** for invalid family care

A use permit for the temporary establishment and use of a manufactured home **or park trailer** may be considered by the planning commission as a second dwelling unit in any R, RR, FR, A, AE or TPZ zone district for invalid family care purposes, subject to all of the following:

- A. The permit shall be issued to the owner-occupant of a parcel of property, based upon the physical condition of a specific person or persons as an invalid, and such permit shall be non transferable.
- B. The occupant of the subject unit shall be a member of the immediate family of the principal resident(s) who is the owner-occupant of the subject parcel or the occupant of the subject unit shall be a court appointed guardian to the owner-occupant of the subject parcel.
- C. Application for persons under the age of seventy years shall include a written statement, on a form provided by the county, completed by a practicing physician certifying the need for and purpose of the requested invalid care. Verification of need shall be submitted with each annual renewal and shall be signed by the attending physician.
- D. The unit placement shall comply with all applicable building, zoning, engineering, health and fire code requirements, and must comply with any applicable architectural standards which apply to the parent zoning district except that density requirements and the requirement for a permanent foundation shall not apply due to the temporary nature of the placement.
- E. Utilities for the second dwelling unit (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence.
- F. When the specified occupant(s) of the second dwelling no longer reside in the unit or no longer qualify for the use permitted under these provisions, the unit shall be removed within ninety days, and the area no longer used for second dwelling purposes.
- G. A bond, or other security, in the amount of five thousand dollars, payable to the county of Del Norte, shall be posted by the applicant prior to the issuance of a building permit for the placement/installation of the subject unit. Any bond posted as security pursuant to this section shall comply with the provisions of the California Bond and Underwriting Law which commences with Section 995.010 of the California Code of Civil Procedure. This performance bond is to be held by the county and may be called at any time by the county to enforce removal of the unit.

H. A notice of conditional approval, stating the conditions of the use permit and requiring the removal of the manufactured home **or park trailer** upon cessation of need, shall be recorded at the time of issuance of the building permit for the placement (installation) of the unit. A notarized acknowledgement statement by the property owner shall be included on the notice of conditional approval.

I. The use permit shall be subject to annual review and verification of compliance by the planning department and/or planning commission. A fee, in an amount determined by the board of supervisors, may be charged for the annual review.

J. Any temporary manufactured home **or park trailer** in the TPZ zone district must be located within the designated building area as identified in a Forester's Report.

20.040.645 Park Trailer

"Park trailer" means a trailer designed for human habitation that meets all of the following requirements:

- (1) it contains 400 square feet or less of gross floor area, excluding loft area space that do not meet the requirements of Section 18033 of the Health and Safety Code. It may not exceed 14 feet in width at the maximum horizontal projection.**
- (2) It is built upon a single chassis.**
- (3) It may only be transported upon the public highways with a permit issued pursuant to Section 35780 of the Vehicle Code.**

*Text shown **BOLD** is proposed new text.

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EXHIBIT B

Title 21 – Coastal Zoning

21.00.050 Invalid family care – Temporary occupancy of a manufactured home **or park trailer** for invalid family care.

A use permit for the temporary establishment and use of a manufactured home **or park trailer** may be considered by the planning commission as a second dwelling unit in any R, RR, FR, A, or AE zone district for invalid family care purposes, subject to all of the following:

- A. The permit shall be issued to the owner-occupant of a parcel of property, based upon the physical condition of a specific person or persons as an invalid, and such permit shall be non transferable.
- B. The occupant of the subject unit shall be a member of the immediate family of the principal resident(s) who is the owner-occupant of the subject parcel or the occupant of the subject unit shall be a court appointed guardian to the owner-occupant of the subject parcel.
- C. Application for persons under the age of seventy years shall include a written statement, on a form provided by the county, completed by a practicing physician certifying the need for and purpose of the requested invalid care. Verification of need shall be submitted with each annual renewal and shall be signed by the attending physician.
- D. The unit placement shall comply with all applicable building, zoning, engineering, health and fire code requirements, and must comply with any applicable architectural standards which apply to the parent zoning district except that density requirements and the requirement for a permanent foundation shall not apply due to the temporary nature of the placement.
- E. Utilities for the second dwelling unit (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence.
- F. When the specified occupant(s) of the second dwelling no longer reside in the unit or no longer qualify for the use permitted under these provisions, the unit shall be removed within ninety days, and the area no longer used for second dwelling purposes.
- G. A bond, or other security, in the amount of five thousand dollars, payable to the county of Del Norte, shall be posted by the applicant prior to the issuance of a building permit for the placement/installation of the subject unit. Any bond posted as security pursuant to this section shall comply with the provisions of the California Bond and Underwriting Law which commences with Section 995.010 of the California Code of Civil Procedure. This performance bond is to be held by the county and may be called at any time by the county to enforce removal of the unit.

H. A notice of conditional approval, stating the conditions of the use permit and requiring the removal of the manufactured home **or park trailer** upon cessation of need, shall be recorded at the time of issuance of the building permit for the placement (installation) of the unit. A notarized acknowledgement statement by the property owner shall be included on the notice of conditional approval.

I. The use permit shall be subject to annual review and verification of compliance by the planning department and/or planning commission. A fee, in an amount determined by the board of supervisors, may be charged for the annual review.

21.04.634 Park Trailer

"Park trailer" means a trailer designed for human habitation that meets all of the following requirements:

- (1) it contains 400 square feet or less of gross floor area, excluding loft area space that do not meet the requirements of Section 18033 of the Health and Safety Code. It may not exceed 14 feet in width at the maximum horizontal projection.**
- (2) It is built upon a single chassis.**
- (3) It may only be transported upon the public highways with a permit issued pursuant to Section 35780 of the Vehicle Code.**

*Text shown **BOLD** is proposed new text.

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**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

RESOLUTION NO. 2010 - 055

EXHIBIT NO. 2
APPLICATION NO. DNC-MIN-1-10 - DEL NORTE COUNTY LCP AMENDMENT COUNTY RESOLUTION NO. 2010-055 - SUBMITTAL OF LCP AMENDMENT APPLICATION (1 of 2)

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
SUBMITTING AN ORDINANCE AMENDING ORDINANCE 95-17 §1 TO THE
CALIFORNIA COASTAL COMMISSION AS A
LOCAL COASTAL PLAN AMENDMENT**

WHEREAS, the County of Del Norte has adopted an ordinance amending the Local Coastal Plan and Title 21 Coastal Zoning Ordinance; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Plan and Title 21 (Coastal Zoning); and

WHEREAS, the project is exempt from the California Environmental Quality Act under Section 15303 (Class 3) of Article 19 – Categorical Exemptions; and

WHEREAS, this ordinance is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Plan; and

WHEREAS, this amendment shall take effect and be enforced thirty (30) days after the date of the passage of the companion ordinance, and after approval of the amendment by the Coastal Commission, whichever is later; and

WHEREAS, the amendment in this resolution supercedes any other previously submitted LCP amendments for the affected portions;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Del Norte, State of California do hereby approve the changes to the Invalid Family Care – Temporary Occupancy of a Manufactured Home for Invalid Family Care text within the California Coastal Zone as outlined by the attached Ordinance (Exhibit A); and

BE IT FURTHER RESOLVED, that by submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendments be identified as requiring rapid and expeditious action.

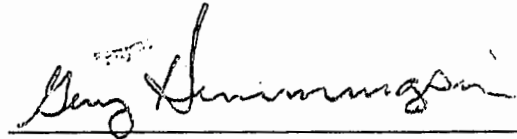
PASSED AND ADOPTED this 12th day of October 2010, by the following polled vote of the Board of Supervisors of the County of Del Norte.

AYES: Supervisors McNamer, Sullivan, McClure, Finigan, Hemmingsen

NOES: None

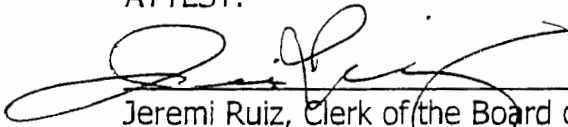
ABSTAIN: None

ABSENT: None



Gerry Hemmingsen, Chair
Del Norte County Board of Supervisors

ATTEST:



Jeremi Ruiz, Clerk of the Board of Supervisors
County of Del Norte, State of California

APPROVED AS TO FORM:



DOHN HENION
County Counsel

Date: October 12, 2010

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

Clerk of the Board

By: 

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ORDINANCE NO. 2010-010

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE, STATE OF CALIFORNIA**

EXHIBIT NO. 3

**APPLICATION NO.
DNC-MIN-1-10 - DEL NORTE
COUNTY LCP AMENDMENT
COUNTY ORDINANCE NO. 2010-010
- SECOND RESIDENTIAL UNITS
AND DEFINITIONS TEXT
AMENDMENT (1 of 3)**

**AN ORDINANCE OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
AMENDING SECTION 21.00.050 and ADDING SECTION 21.040.634 OF THE DEL
NORTE COUNTY CODE RELATING TO INVALID FAMILY CARE**

The Board of Supervisors of the County of Del Norte do ordain as follows:

SECTION 1. Section 21.00.050 of Chapter 21.00, Title 21, of Del Norte County Code is amended to read as follows:

21.00.050 Invalid family care – Temporary occupancy of a manufactured home or park trailer for invalid family care.

A use permit for the temporary establishment and use of a manufactured home or park trailer may be considered by the planning commission as a second dwelling unit in any R, RR, FR, A, or AE zone district for invalid family care purposes, subject to all of the following:

A. The permit shall be issued to the owner-occupant of a parcel of property, based upon the physical condition of a specific person or persons as an invalid, and such permit shall be non transferable.

B. The occupant of the subject unit shall be a member of the immediate family of the principal resident(s) who is the owner-occupant of the subject parcel or the occupant of the subject unit shall be a court appointed guardian to the owner-occupant of the subject parcel.

C. Application for persons under the age of seventy years shall include a written statement, on a form provided by the county, completed by a practicing physician certifying the need for and purpose of the requested invalid care. Verification of need shall be submitted with each annual renewal and shall be signed by the attending physician.

D. The unit placement shall comply with all applicable building, zoning, engineering, health and fire code requirements, and must comply with any applicable architectural standards which apply to the parent zoning district except that density requirements and the requirement for a permanent foundation shall not apply due to the temporary nature of the placement.

E. Utilities for the second dwelling unit (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence.

F. When the specified occupant(s) of the second dwelling no longer reside in the unit or no longer qualify for the use permitted under these provisions, the unit shall be removed within ninety days, and the area no longer used for second dwelling purposes.

G. A bond, or other security, in the amount of five thousand dollars, payable to the county of Del Norte, shall be posted by the applicant prior to the issuance of a building permit for the placement/installation of the subject unit. Any bond posted as security pursuant to this section shall comply with the provisions of the California Bond and Underwriting Law which commences

45 with Section 995.010 of the California Code of Civil Procedure. This performance bond is to be
46 held by the county and may be called at any time by the county to enforce removal of the unit.

47 H. A notice of conditional approval, stating the conditions of the use permit and requiring the
48 removal of the manufactured home or park trailer upon cessation of need, shall be recorded at
49 the time of issuance of the building permit for the placement (installation) of the unit. A
50 notarized acknowledgement statement by the property owner shall be included on the notice of
51 conditional approval.

52 I. The use permit shall be subject to annual review and verification of compliance by the
53 planning department and/or planning commission. A fee, in an amount determined by the
54 board of supervisors, may be charged for the annual review.

55
56 **SECTION 2.** Section 21.04.634 of Chapter 21.04, Title 21, of Del Norte County Code is added
57 to read as follows:

58 21.040.634 Park Trailer

59
60
61 "Park trailer" means a trailer designed for human habitation that meets all of the following
62 requirements:

- 63 (1) it contains 400 square feet or less of gross floor area, excluding loft area space that
64 do not meet the requirements of Section 18033 of the Health and Safety Code. It
65 may not exceed 14 feet in width at the maximum horizontal projection.
66 (2) It is built upon a single chassis.
67 (3) It may only be transported upon the public highways with a permit issued pursuant
68 to Section 35780 of the Vehicle Code.
69

70 **SECTION 3.** Classification. This ordinance is considered of a general and permanent nature
71 and is classified as a codified ordinance.
72

73 **SECTION 4.** If any part of this Ordinance or its application is deemed invalid by a court of
74 competent jurisdiction, the Board of Supervisors intends that such invalidity will not affect the
75 effectiveness of the remaining provisions or applications and, to this end, the provisions of this
76 Ordinance are severable.
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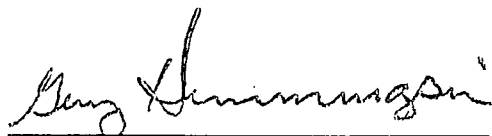
78 **SECTION 5.** This ordinance shall become effective 31 days following its final passage and
79 adoption and after approval of the amendment by the Coastal Commission, whichever is later.
80

81 PASSED AND ADOPTED this day of _____, 2010 by the Board of Supervisors
82 of the County of Del Norte by the following polled vote:

83
84 AYES: Supervisors McNamer, Finigan, McClure, Sullivan, Hemmingsen

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86 NOES: None

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88 ABSENT: None



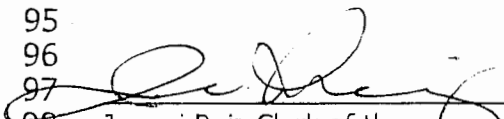
GERRY HEMMINGSEN, Chairman
Board of Supervisors

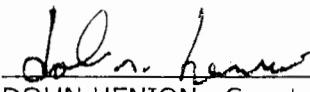
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93 ATTEST:

APPROVED AS TO FORM:

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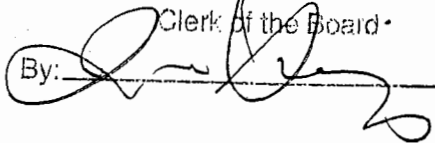

Jeremi Ruiz Clerk of the
Board of Supervisors, County
of Del Norte, State of California


DOHN HENION, County Counsel

Date: October 12, 2010

I hereby certify that according to the
provisions of Government Code
Section 25103, delivery of this
document has been made.

Clerk of the Board

By: 

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