EXHIBIT NO. 2

PROPOSED AMENDED ZONING CODE (IP) WITH SUGGESTED MODIFICATIONS

Chapter 21.00

RESIDENTIAL SECOND UNITS

Sections:

21.00.010 General.
21.00.020 Application.
21.00.030 Second single-family unit.
21.00.040 Senior second units -- Temporary second dwelling uses with kitchen facilities in existing residences or additions to existing residences.
21.00.050 Invalid family care -- Temporary occupancy of a manufactured home for invalid family care.

21.00.010 General.

A. Intent. The purpose of this chapter is to authorize second units and to establish a procedure for reviewing and approving their development in order to ensure and maintain healthy and safe residential living environments.

B. Findings. The county of Del Norte finds as follows:

1. The county acknowledges that this chapter may limit housing opportunities within the county by establishing standards and designating areas where second units may be permitted; and
2. The land use densities of the general plan and its implementing ordinance are based on the use of on-site sewage systems and on-site wells. This classification is based on land use, soil types, water availability, sewage failure history, and other information which attempts to provide for reasonable expectations for development while protecting the environment; and
3. The sewage collection system within the urban area of the county was developed based on existing density and land use. The increased use of second units would accelerate the consumption of design capacity thereby excluding areas intended to be served by the collection system; and
4. The local street and mad system and development standards are based on existing density and land use. The increased use of second units would result in substandard street and road systems which will increase traffic hazards, lower response time for emergency vehicles and increase maintenance costs of public and private streets and roads; and
5. Adoption of this chapter is necessary to avoid adverse impacts on **coastal resources, and** the public health, safety and welfare that would result from

allowing the indiscriminate use of second units. (Ord. 95-03 (part), 1995.)

21.00.020 Application.

A second unit proposed for approval shall require submission of a use permit application and payment of applicable fees. (Ord. 95-03 (part), 1995.)

21.00.030 Second single-family unit.

A second single-family unit may be a permitted use subject to the ~~securement~~ issuance of **both** a ~~use~~ building permit **and a coastal development permit and only if consistent with**, ~~**subject to**~~ all of the following:

A. The subject parcel is within an R, RR, FR, CR, A or AE zone district.

B. The second unit is consistent with the allowable density of the applicable General Plan designation and Zoning designation. That is the subject parcel consists of a minimum of twice the minimum parcel size required by the general plan and zoning.

C. The second unit must be situated on the subject parcel so that the parcel could be subdivided, under standards applicable at the time of application, without resulting in two dwellings on one parcel.

D. The second unit shall comply with height, setback, lot coverage, architectural standards, site plan review, fees, charges and other zoning requirements generally applicable to residential placement in the zone in which the property is located at the time for application of the building permit.

E. Each dwelling shall be provided with separate utility connections. A shared well may be approved by the health department **if it will not have an adverse effect on coastal resources**.

F. Second residential units shall not obstruct public access to and along the coast, or public trails.

G. Second residential units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and shall be compatible with the character of the area.

H. All development associated with second residential units shall provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.

I. The means of accommodating the Second Unit: (1) will not have an adverse effect on coastal resources (2) will ensure adequate services will be provided to serve the proposed development; and (3) will not displace Coastal Act priority uses. (**Ord. 20__ - ____ § __, 20__ ;** Ord. 2003-009 § 2, 2003; Ord. 95-03 (part), 1995.)

J. If the means for accommodating a second unit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace priory uses, the second unit shall be denied.

21.00.040 Senior second units -- Temporary second dwelling uses with kitchen facilities in existing residences or additions to existing residences.

A use permit for a temporary second dwelling use with cooking facilities may be considered by the planning commission in a portion of, or an addition to, any legally existing single-family residence subject to all of the following:

A. The second dwelling shall be used for the sole occupancy of one to two adult persons who are sixty-two years of age or over and am immediate family members of the principal residents of the parcel.

B. The total designated floor area for the second dwelling use shall not exceed thirty percent of the floor area of the entire structure, including any proposed addition. However, under no circumstances shall the floor area of the second unit exceed seven hundred square feet.

C. The habitable floor area of the second dwelling shall maintain direct, internal access to the habitable floor area of the primary residence, and a direct exit outside. For purposes of this section, habitable floor area shall include hallways.

D. Any structural additions or alterations shall comply with all applicable building, zoning, health and fire code requirements.

E. Utilities for the second dwelling area (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence as much as is feasible.

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 kitchen facilities and any duplicate utilities shall be removed, and the area no longer used for second dwelling purposes.

G. Notice of noncompliance, stating the conditions of the use permit, shall be recorded at the time of issuance of a building permit for the structural addition or alteration to the existing residence.

H. 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. (Ord. 95-03 (part), 1995.)

I. Use permit approval does not replace, supercede or modify the independent requirement for a CDP approved pursuant to the otherwise applicable policies and standards of the certified LCP.

21.00.050 Invalid family care -- Temporary occupancy of a manufactured home for invalid family care.

A use permit for the temporary establishment and use of a manufactured home 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 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. (Ord. 95-17 § 1, 1995; Ord. 95-03 (part), 1995.)

J. Use permit approval does not replace, supercede or modify the independent requirement for a CDP approved pursuant to the otherwise applicable policies and standards of the certified LCP.

Suggested Modification No. 14: (Title 21 – Coastal Zoning, Chapter 21.04: Definitions)

All changes to Title 21 – Coastal Zoning, Chapter 21.04

Chapter 21.04

DEFINITIONS

Sections:

21.04.010 Generally.
21.04.015 Agricultural land, prime.
21.04.020 Agriculture.
21.04.030 Airport.
21.04.040 Alley.
21.04.050 Animal husbandry.
21.04.060 Apartment.
21.04.070 Apartment court.
21.04.080 Apartment house.
21.04.090 Area, building site.
21.04.100 Automobile wrecking.
21.04.110 Basement.
21.04.120 Block.
21.04.121 Bluff line or edge.
21.04.122 Board.
21.04.130 Building.
21.04.140 Building, accessory.
21.04.150 Building, main.
21.04.160 Business or commerce.
21.04.165 Care facility, residential.
21.04.170 Caretaker.
21.04.177 Coastal Zone, California.
21.05.178 Commission.
21.04.179 Commission, Coastal.
21.04.180 Court.
21.04.190 Coverage, lot or building.
21.04.192 Department.
21.04.195 Development.
21.04.197 Director.
21.04.200 District.
21.04.210 Duplex.
21.04.215 Dwelling, farm.
21.04.220 Dwelling group.
21.04.230 Dwelling, multiple.
21.04.235 Emergency.
21.04.240 Employee, full-time.
21.04.244 Environmentally Sensitive Habitat Area
21.04.248 Estuary.
21.04.249 Factory-built home.
21.04.250 Family.
21.04.260 Family, immediate.

21.04.265 Farmed wetlands.
21.04.270 Front wall.
21.04.280 Garage, private.
21.04.290 Garage, public.
21.04.300 Garage, storage.
21.04.310 Guest room.
21.04.320 Height of building.
21.04.325 Home enterprise.
21.04.330 Home occupations.
21.04.340 Hotel.
21.04.350 House court.
21.04.360 Household pets.
21.04.370 Industry.
21.04.380 Junk.
21.04.390 Junkyards.
21.04.397 Lateral access, coastal zone.
21.04.400 Livestock farming.
21.04.406 Lodging, house or guest.
21.04.410 Loading space.
21.04.420 Lot.
21.04 430 Lot area.
21.04.440 Lot, corner.
21.04.450 Lot depth.
21.04.460 Lot frontage.
21.04.470 Lot, interior.
21.04.480 Lot, key.
21.04.490 Lot lines.
21.04.500 Lot line, front.
21.04.510 Lot line, rear.
21.04.520 Lot line, side.
21.04.525 Manufactured home.
21.04.530 Mining and mineral extraction.
21.04.540 Mobilehome.
21.04.550 Mobilehome park.
21.04.560 Motel.
21.04.570 Mutual water company.
21.04.580 Native wooded habitat.
21.04.590 Nonconforming use.
21.04.600 Nuisance.
21.04.610 One ownership.
21.04.620 Outdoor advertising sign.
21.04.630 Outdoor advertising structure.
21.04.636 Passive recreational use, coastal access.
21.04.640 Professional office.
21.04.650 Public sewage disposal system.
21.04.660 Public use.

21.04.670 Public water supply.
21.04.680 Quasi-public use.
21.04.690 Recreational vehicle.
21.04.700 Recreational vehicle park.
21.04.710 Residence, one-family.
21.04.720 Residence, two-family.
21.04.723 Resource conservation area.
21.04.726 Riparian vegetation.
21.04.727 Sand dunes, coastal.
21.04.730 Saw mill.
21.04.736 Sea.
21.04.740 Setback.
21.04.750 Small livestock farming.
21.04.760 Stable, private.
21.04.770 Stable, public.
21.04.780 Story.
21.04.790 Story, half.
21.04.800 Street.
21.04.810 Street line.
21.04.820 Structure.
21.04.830 Structural alterations.
21.04.835 Subdivision.
21.04.840 Use.
~~21.04.850~~ 21.04.842 Use, accessory.
21.04.844 Use, condition.
21.04.846 Use, principal permitted.
21.04.848 Use, principally permitted.
21.04.855 Vertical access, coastal zone.
21.04.856 Wetland.
21.04.860 Wrecking yard.
21.04.870 Yard.
21.04.880 Yard, front.
21.04.890 Yard, rear.
21.04.900 Yard, side.

21.04.010 Generally.

For the purpose of the ordinance codified in Chapters 21.02 through 21.60, certain terms used are defined as follows:

All words used in the present tense include the future; all words in the plural number include the singular, unless the natural construction of the wording indicates otherwise. "Lot" includes "plot"; "building" includes "structure"; and "shall" is mandatory and not directory. "California Coastal Commission" means the commission and staff designated by the state of California to administer the California Coastal Act. "County" means the county of Del Norte, state of California; "board of supervisors" means the board of supervisors of the county of Del Norte, state of California; "planning commission" means the planning commission of the county of Del Norte, state of

California; and "county boundary" means the boundary of the county of Del Norte, municipality within Del Norte County. (Ord. 83-03 (part))

21.04.015 Agricultural land, prime.

"Prime agricultural land" consists of twenty acres or more in contiguous ownership which are actively used for the production of nursery crops, pasture crops, dairy products and/or livestock or which are Class I soils and/or quality for a rating of eighty and above on the storie index. (Ord. 83-03 (part))

21.04.020 Agriculture.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and viticulture, including all uses customarily incidental thereto for commercial purposes, but not including slaughterhouses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes. (Ord. 83-03 (part))

21.04.030 Airport.

"Airport" means the operation of any area of land or water designed and set aside for the landing and taking off of aircraft, but not including private agricultural operations. (Ord. 83-03 (part))

21.04.040 Alley.

"Alley" means public thoroughfare, not exceeding twenty feet in width, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property. (Ord. 83-03 (part))

21.04.050 Animal husbandry.

"Animal husbandry" means the keeping of any or all livestock except hogs. (Ord. 83-03 (part))

21.04.060 Apartment.

"Apartment" means a room or suite or two or more rooms which is designed for, intended for and/or occupied by one family doing its cooking therein. (Ord. 83-03 (part))

21.04.070 Apartment court.

For "apartment court," see "dwelling group," Section 21.04.220. (Ord. 83-03 (part))

21.04.080 Apartment house.

For "apartment house," see "dwelling, multiple," Section 21.04.230. (Ord. 83-03 (part))

21.04.090 Area, building site.

21.04.100 Automobile wrecking.

For "automobile wrecking," see "wrecking yard," Section 21.04.860. (Ord. 83-03 (part))

21.04.110 Basement.

"Basement" means a story wholly or partly underground and having at least one-half of its height below grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet. (Ord. 83-03 (part))

21.04.120 Block.

"Block" means a story wholly or partly underground and having at least one side of a street and lying between the two nearest intersecting or intercepting streets, or railroad right-of-way, or unsubdivided acreage, or a combination thereof. (Ord. 83-03 (part))

21.04.121 Bluff line or edge.

"Bluff line" or "bluff edge" means the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

21.04.122 Board.

"Board" means the Board of Supervisors of the County of Del Norte California.

21.04.130 Building.

"Building" means any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of a roof at every point, then each such portion shall be deemed to be a separate building. (Ord. 83-03 (part))

21.04.140 Building, accessory.

"Accessory building" means a subordinate building the use of which is incidental to that of the main building on the same parcel. In residential, residential-architectural

and rural-residential districts, the residence is the main building and the accessory building must be built after construction of the residence. Where the minimum lot size in these districts is less than three acres, the accessory building must meet the following criteria:

A. No single accessory building shall exceed twelve hundred (1,200) square feet in area coverage.

B. No person outside of the members of the family shall be employed within the accessory building.

C. Exceeding the above maximum dimensions shall only be allowed after the securement of a use permit. (Ord. 95-17 §8(1), 1995; Ord. 83-03 (part))

21.04.150 Building, main.

"Main building" means a building in which is conducted the principal use of the lot upon which it is situated. In any R or RR district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated. (Ord. 83-03 (part))

21.04.160 Business or commerce.

"Business or commerce" means the purchase, sale or other transaction involving the handling or disposition (other than is included in the term "industry" as defined in this chapter) of any article, substance or commodity for profit or livelihood, including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising structures, automobile camps, automobile courts, hotels and recreational or other enterprises conducted for profit. (Ord. 83-03 (part))

21.04.165 Care facility, residential.

A “residential care facility” shall be as defined by California Health and Safety Code, including habilitative, congregate, foster or group home in a health care, community care, or recovery care facility for six or fewer persons, or in a small day care facility and shall, under state law, be considered a single-family residence for the purpose of this zoning code. Large day care facilities, as defined by California Health and Safety Code, shall also be considered a single-family residence; however, a use permit will be required in all R zone districts to address potential local health and safety issues. (Ord. 99-002 (part), 1999)

21.04.170 Caretaker.

"Caretaker" means any person who is on the premises only in the absence of the property owner, and all other persons, from the property to be cared for. He must provide manual labor and maintenance services for the owner to substantial physical improvements (buildings, equipment, crops on five acres or more, etc.). (Ord. 83-03 (part))

21.04.177 Coastal Zone, California.

"California Coastal Zone" means that area of the county under the jurisdiction of the California Coastal Act as set forth by Public Resources Code Section 30103 and as delineated by the Local Coastal Program prepared pursuant to the Act. (Ord. 83-03 (part))

21.04.178 Commission.

"Commission" means the Planning Commission of the County of Del Norte.

21.04.179 Commission, Coastal.

"Coastal Commission" means the California Coastal Commission.

21.04.180 Court.

"Court" means an open, unoccupied space on the same lot with a building or buildings and which is bound on two or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof. (Ord. 83-03 (part))

21.04.190 Coverage, lot or building.

"Lot or building coverage" means that portion of the lot area covered by buildings. (Ord. 83-03 (part))

21.04.192 Department.

"Department" means the County of Del Norte Department of Community Development.

21.04.195 Development.

"Development" means on land, in or under water, 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; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to subdivisions pursuant to the Subdivision Map Act, and any other division of land including lot splits; change in the intensity of use of water or of access thereto**, including limitations on time of use or increases in use fees or parking fees, which affect the intensity of use**; construction, reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public, or municipal utility; and 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 the provisions of the Z'berg-Nejedly Forest Practice Act of 1973. (**Ord. 20 - , § (part);** Ord. 83-03 (part))

21.04.197 Director.

"Director" means the Director of the County of Del Norte Department of Community Development.

21.04.200 District.

"District" means a portion of the unincorporated territory of the county within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and other open spaces are required and certain building site areas are established for buildings, all as set forth and specified in Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.04.210 Duplex.

"Duplex" means a two-family residence designed for or used exclusively for residence purposes by two families in separate housekeeping units. (Ord. 83-03 (part))

21.04.215 Dwelling, farm.

"Farm dwelling" means" a single-family dwelling located on, essential to, and used in conjunction with a farm, ranch, or other agricultural operation, intended solely for housing the owner and/or operator of the farm, ranch, or other agricultural operation.

21.04.220 Dwelling group.

"Dwelling group" means a group of two or more detached or semidetached one-family or two-family residences or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house courts and apartment courts, but not including automobile courts. (Ord. 83-03 (part))

21.04.230 Dwelling, multiple.

"Multiple dwelling" means a building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building, including apartment houses, apartment hotels and flats, but not including automobile courts. (Ord. 83-03 (part))

21.04.235 Emergency.

"Emergency"means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

21.04.240 Employee, full-time.

"Full-time employee" means a person working for a monetary wage or salary at least thirty-two hours per week. (Ord. 83-03 (part))

21.04.244 Environmentally sensitive habitat area.

"Environmentally sensitive habitat area" means 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, (Ord, (part)).

21.04.248 Estuary.

"Estuary" means a coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by fresh water runoff from the land. (Ord. 83-03 (part))

21.04.249 Factory-built home.

"Factory-built home" means a dwelling, wholly or in substantial part, fabricated in an off-site manufacturing facility to be wholly or partially assembled on-site in accordance with building standards published in the State Building Code and other regulations adopted locally. Factory-built housing includes such types as modular, panelized and pre-cut homes but does not include a mobilehome, manufactured home, commercial coach, nor a recreational vehicle. (Ord. 95-06 §2 (part), 1995)

21.04.250 Family.

"Family" means one or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A "family" includes necessary servants. (Ord. 83-03 (part))

21.04.260 Family, immediate.

"Immediate family" means parents, children, brothers or sisters of either the property owner or spouse of the property owner. (Ord. 83-03 (part))

21.04.265 Farmed wetlands.

"Farmed wetlands" means wetland areas which are grazed, planted or cut for forage during parts of the year. (Ord. 83-03 (part))

21.04.270 Front wall.

"Front wall" means the wall of the building or other structures nearest the street upon which the building faces but excluding certain architectural features as specified in Section 21.46.090. (Ord. 83-03 (part))

21.04.280 Garage, private.

"Private garage" means an accessory building of portion of the main building designed and/or used for the shelter or storage of vehicles which are associated with residential use by the occupants of the main building. (Ord. 83-03 (part))

21.04.290 Garage, public.

"Public garage" means any premises, except those herein defined as private or storage garage, used for the storage and/or care of the self—propelled vehicles, or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale. (Ord. 83-03 (part))

21.04.300 Garage, storage.

"Storage garage" means any premises, except those herein defined as a private garage, used exclusively for the storage of self—propelled vehicles. (Ord. 83-03 (part))

21.04.310 Guest room.

"Guest room" means a room which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but in which no provision is made for cooking and not including dormitories for sleeping purposes. Residential noncommercial guest rooms shall be within or attached to the principal residence and

shall be a part of the residential utility (sewer, electric, etc.) service lines. (Ord. 83-03 (part))

21.04.320 Height of building.

"Height of building" means the vertical distance from the average level of the highest and lowest point of the portion of the lot covered by the building, to the highest point of the building. (Ord. 83-03 (part))

21.04.325 Home enterprises.

"Home enterprise" means a service, office, studio or production use conducted in conjunction with a dwelling unit, managed by the inhabit-ants thereof, which use includes business activities more intense than those of a home occupation. Home enterprises may be considered in specified zoning districts subject to the issuance of a use permit which shall find that the use is clearly incidental and secondary to the use of the property for dwelling purposes, does not substantially change the character of the dwelling or neighborhood thereof, and which use:

A. Is confined within an on-site dwelling or accessory structure thereto, occupies not more than thirty-three percent of the total on-site building square footage, and/or is confined to a garden or orchard where food or flora is grown on-site;

B. Involves no sales of new or used merchandise other than that produced on the premises, or merchandise directly related to, and incidental to, the services offered;

C. Is managed by the family occupying the dwelling with no more than three nonresident employees at the site where the residence is located within any general plan designated urban or rural area, or nor more than five non-resident employees at the site where the residence is located within any general plan designated resource area;

D. Does not entail the establishment of a permanent salesroom or group meeting room, except that provision for occasional temporary sales areas or group meetings may be established by the use permit where no impact upon the surrounding neighborhood is found;

E. Is in compliance with applicable health, safety and welfare standards such as the Uniform Building Code, Uniform Fire Code, Americans With Disabilities Act, OSHA, etc.;

F. Produces no evidence of its existence beyond the property line (except one unlighted sign of not more than ten square feet which shall be considered a residential sign) such as noise, smoke, odors, vibration, lighting, exterior storage, excessive or intrusive electronic and/or communication devices, etc.;

G. Does not establish or create a health or safety hazard;

H. Does not generate pedestrian or vehicular traffic, including delivery vehicles, beyond that normal in the neighborhood in which located and provides off-street parking adequate for clients and employees in addition to that required for the residence;

I. Includes no outside storage of materials, products, equipment or business vehicles, other than the personal transport vehicle(s) of the resident business owner(s);

J. Clinics (exceeding more than one doctor/practitioner), medical laboratories, hospitals, residential care facilities, animal hospitals, outdoor contractors yards, storage rental (i.e., mini storage), food or liquor service establishments such as bakeries, restaurants or bars, and auto repair and/or painting, shall not be deemed to be home

enterprises. Animal kennels, raising or sales of animals and/or animal products, and food processing shall not be deemed to be home enterprises where the residence is located within a general plan designated urban area. (Ord. 99-002 (part), 1999)

21.04.330 Home occupations.

"Home occupation" means an individually provided service, or an individual office or studio use conducted within a dwelling by the inhabitants thereof which use is clearly incidental and secondary to the use of the property for dwelling purposes and does not change the character thereof and which use:

A. Is confined within the dwelling and occupies not more than twenty-five percent of the floor space thereof, or is confined to a garden or orchard where unprocessed food or flora is grown on-site;

B. Involves no on-site sales of merchandise other than that produced on the premises, or merchandise directly related to, and incidental to, the services offered;

C. Is carried on by the members of the family occupying the dwelling with no other person employed;

D. Does not entail the conversion of a room into a salesroom or group meeting room;

E. Produces no evidence of its existence beyond the dwellings (except one unlighted sign of not more than one square foot) such as noise, smoke, odors, vibration, lighting, exterior storage yards, excessive or intrusive electronics or communications devices, etc.;

F. Does not generate pedestrian or vehicular traffic (including delivery vehicles) beyond that normal in the neighborhood in which located and provides off-street parking adequate for clients in addition to that required for the residence;

G. Includes no outside storage of materials, products, equipment or business vehicles, other than the personal transport vehicle(s) of the resident business owner(s);

H. Clinics, medical laboratories, hospitals, residential care facilities, antique shops, guest lodging, food or liquor service establishments such as bakeries, restaurants or bars, food processing, beauty or similar personal service shops (exceeding more than one operator), animal hospitals or kennels, raising or sales of animals and/or animal products, contractors yards, retail merchandise ware-housing or sales, on-going yard or crafts sales, and commercial wood-working or repair shops, shall not be deemed to be home occupations. (Ord. 99-002(part), 1999: Ord. 83-03 (part))

21.04.340 Hotel.

"Hotel" means any building or portion thereof containing four or more guest rooms used, designed or intended to be used, let or hired out to be occupied, whether the compensation be paid directly or indirectly. (Ord. 99-002 (part), 1999: Ord. 83-03 (part))

21.04.350 House court.

For "house court," see "dwelling group," Section 21.04.220. (Ord. 83-03 (part))

21.04.360 Household pets.

"Household pets" shall be limited to dogs (canis familiaris), cats (fetis catus) and animals whose normal place of abode is within the dwelling unit, such as caged birds, caged rodents, and fish, reptiles, and amphibia confined to aquaria and terraria. (Ord. 83-03 (part))

21.04.370 Industry.

"Industry" means the manufacture, fabrication, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form or character thereof, including, in addition, the following: bottling works, building materials or contractors' yards, cleaning and dyeing establishments, creameries, junkyards, wrecking yards, laundries, lumber yards, milk bottling or distributing stations, stockyards, storage elevators, truck storage, service or repair, warehouses and wholesale storage. (Ord. 83-03 (part))

21.04.380 Junk.

"Junk" means any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered as "junk." (Ord. 83-03 (part))

21.04.390 Junkyard.

"Junkyard" means the use of more than two hundred square feet of the area of any lot for the storage or keeping of junk, including scrap metals or other scrap materials or inoperable vehicles. (Ord. 83-03 (part))

21.04.397 Lateral access, coastal zone.

"Coastal zone lateral access" means access for public use along and parallel to the shoreline generally located between the mean high tide line and the first line of vegetation or the crest of the paralleling bluff. (Ord. 83-03 (part))

21. 04. 400 Livestock farming.

"Livestock farming" means dairying, ranching or the keeping of large livestock, except fowl. (Ord. 83-03 (part))

21.04.406 Lodging, house or guest.

"Lodging house" or "guest lodging" are synonymous and mean any dwelling or portion thereof containing not more than three guest rooms which are used by not more than six guests where compensation is paid in money, goods, labor or otherwise and where the use is accessory to a residential occupancy. Incidental food service, for guests only, may be included subject to county health regulations, provided that no second separate cooking facility shall be established. One on-site parking space shall be provided for each guest room in addition to those spaces required for the residence and signage shall not exceed that permitted for the residence itself. (Ord. 99-002 (part), 1999: Ord. 83-03(part))

21.04.410 Loading space.

"Loading space" means an off—street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a

commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access. (Ord. 83-03 (part))

21.04.420 Lot.

"Lot" means land occupied or unoccupied, which may be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of Chapters 21.02 through 21.60 having not less than the minimum area required by Chapters 21.02 through 21.60 for a building site in the district in which such lot is situated, and having access to a public road. Also refer to Section 21.46.080 regarding existing lots. (Ord. 83-03 (part))

21.04 430 Lot area.

"Lot area" means the total horizontal area included within lot lines. (Ord. 83-03 (part))

21.04.440 Lot, corner.

"Corner lot" means a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides of street lines. (Ord. 83-03 (part))

21.04.450 Lot death.

"Lot depth" means the average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot. (Ord. 83-03 (part))

21.04.460 Lot frontage.

"Lot frontage" means the dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot. (Ord. 83-03 (part))

21.04.470 Lot, interior.

"Interior lot" means a lot other than a corner lot. (Ord. 83-03 (part))

21.04.480 Lot, key.

"Key lot" means the first lot to the rear or side of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts. (Ord. 83-03 (part))

21.04.490 Lot lines.

"Lot lines" means the lines bounding a lot as defined in this chapter. (Ord. 83-03 (part))

21.04.500 Lot line, front.

"Front lot line" means, in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the front lot line shall be the line separating the narrowest street frontage of the lot line from the street. (Ord. 83-03 (part))

21.04.510 Lot line, rear.

"Rear lot line" means, ordinarily, that line of a lot which is generally opposite the lot line along the frontage of the lot. In cases in which this definition is not applicable, the planning commission shall designate the rear lot line. (Ord. 83-03 (part))

21.04.520 Lot line, side.

"Side lot line" means any lot line not a front line or rear lot line. (Ord. 83-03 (part))

21.04.525 Manufactured home.

"Manufactured home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home Construction and Safety Standards (see 24 CFR 3280 for legal definition). (Ord. 95-06 §2 (part), 1995)

21.04.530 Mining and mineral extraction.

"Mining and mineral extraction" means those activities regulated by Chapter 7.36, "Surface Mining and Quarries." Within the California Coastal Zone mineral extraction is the mining of clay, sand, gravel and rock. (Ord. 83-03 (part))

21.04.540 Mobilehome.

"Mobilehome" means a trans-portable, factory-constructed home, designed to be used as a year-round residential dwelling and built prior to June 15, 1976, the effective date of the federal Manufactured Housing Construction and Safety Standards Act of 1974. Mobilehome does not include a recreation vehicle, commercial coach or factory-built home. (Ord. 95-06 §1 (part), 1995: Ord. 83-03 (part))

21.04.550 Mobilehome park.

"Mobilehome park" means an area or tract of land where two or more mobilehome or manufactured home lots (spaces) are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium or other form of resident ownership, to accommodate manufactured homes or mobilehomes. The rental paid for a manufactured home or mobilehome shall be deemed to include rental for the lot (space) it occupies. Mobilehome park does not include an area or tract of land zoned for agricultural purposes (AE) where two or more mobilehome or manufactured home lots (spaces) are rented or leased, held out for rent or lease, or provided as a term or condition of employment, to accommodate manufactured homes or mobilehomes used for the purpose of housing less than five agricultural employees. (Ord. 95-06 §1(part), 1995: Ord. 83-03 (part))

21.04.560 Motel.

"Motel" means a building or group of buildings containing four guest rooms and/or apartments or more, which group is designed, intended and/or used primarily for the accommodation of automobile travelers for compensation whether paid directly or indirectly, including, but not limited to, buildings designated as automobile courts, auto cabins and motor lodges. (Ord. 99-002(part), 1999: Ord. 83-03 (part))

21.04.570 Mutual water company.

"Mutual water company" means any corporation, including a nonprofit corporation, organized for or engaged in the business of developing, distributing, supplying or delivering water for irrigation, commercial or domestic use or both, and not operated as a public utility. (Ord. 83-03 (part))

21.04.580 Native wooded habitat.

"Native wooded habitat" means a place or wooded area where vegetation, particularly trees, are indigenous to the site without cultivation. (Ord. 83-03 (part))

21.04.590 Nonconforming use.

"Nonconforming use" means a building or land occupied by a use that does not conform to the regulations for the district in which it is situated. (Ord. 83-03 (part))

21.04.600 Nuisance.

"Nuisance" means anything that by its use or by its permitted existence works annoyance, harm, inconvenience or damage to another. (Ord. 83-03 (part))

21.04.610 One ownership.

"One ownership" means ownership of property by a person or persons, firm, corporation or partner ship, individually, jointly, in common or in any other manner whereby such property is under single or unified control. "Owner" means the person, firm, corporation, or partnership exercising "one ownership" as defined in this section. (Ord. 83-03 (part))

21.04.620 Outdoor advertising sign.

"Outdoor advertising sign" means any card, cloth, paper, metal, painted, glass, wooden, plaster, stone, or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. "Placed," as used in the definition of "outdoor advertising sign," includes erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. (Ord. 83-03 (part))

21.04.630 Outdoor advertising structure.

"Outdoor advertising structure" means any structure of any kind of character erected or maintained for outdoor advertising purposes upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary. (Ord. 83-03 (part))

21.04.636 Passive recreational use, coastal access.

"Coastal access passive recreational use" means the public right to conduct activities normally associated with beach• use (e.g. walking, swimming, jogging, sunbathing, fishing, surfing) but not including organized sports, campfires, or vehicular

access other than for emergency, maintenance, woodgathering or commercial fishing. (Ord. 83-03 (part))

21.04.640 Professional office.
"Professional office" means an establishment for professional, executive and administrative offices, including those of accountants, lawyers, physicians, dentists, architects, engineers, drafting offices, insurance agents, real estate agents, and other occupations which are of similar character to those enumerated, but not including barbers, beauty parlors, cosmetologists, or other service establishments and building trade contractors. (Ord. 83-03 (part))

21.04.650 Public sewage disposal system.
"Public sewage disposal system" means a sewage disposal system for domestic or commercial use owned and operated by a political jurisdiction. (Ord. 83-03 (part))

21.04.660 Public use.
"Public use" means a use operated by a governmental agency, public agency or public utility, 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 and power generation or distribution plants. (Ord. 83-03 (part))

21.04.670 Public water supply.
"Public water supply" means a supply of water for domestic or commercial use furnished or to be furnished from waterworks owned and operated by a political jurisdiction. (Ord. 83-03 (part))

21.04.680 Quasi-public use.
"Quasi-public use" means a use operated by a private nonprofit 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. (Ord. 83-03 (part))

21.04.690 Recreational vehicle.
"Recreational vehicle" means a motorhome, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreation or emergency occupancy, which is eight feet or less in overall width and forty feet or less in overall length, or a bus conversion for human habitation. The planning department, by letter, may allow a recreational vehicle to be placed on a construction site while a home is under construction for a period of six months. Ex-tensions of time may be granted by the planning commission. (Ord. 83-03 (part))

21.04.700 Recreational vehicle park.

"Recreational vehicle park" means any area or tract of land where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles which are occupied for temporary purposes or seasonal use. A recreational vehicle park may allow the use of tents or other temporary camping facilities either in place of a recreational vehicle or in a separate designated area within its confines. (Ord. 83-03 (part))

21.04.710 Residence, one-family.

"One-family residence" means a building designed for and/or occupied exclusively by one family. (Ord. 83-03 (part))

21.04.720 Residence, two-family.

"Two-family residence" means a building designed for and/or occupied exclusively by two families living independently of each other. (Ord. 83-03 (part))

21.04.723 Resource conservation area.

"Resource conservation area" means an area which is a wetland, farmed wetland, riparian vegetation, estuary and/or coastal sand dune area as designated by the General Plan Coastal Element. (Ord. 83-03 (part))

21.04.726 Riparian vegetation.

"Riparian vegetation" means the plant cover normally found along freshwater resources including rivers, streams, creeks and sloughs. Riparian vegetation requires or tolerates a higher level of soil moisture than upland vegetation and is usually characterized by dense growths of trees and shrubs. (Ord. 83-03 (part))

21.04.727 Sand dunes, coastal.

"Coastal sand dunes" means ridges of sand created by wind deposited materials carried from ocean beaches. An active dune is one in the process of gaining or losing sand; such a mobile dune is commonly unvegetated or covered with sparse grasses and low-growing succulents. Stabilized dunes are usually covered by woody vegetation such as the beach pine. (Ord. 83-03 (part))

21.04.730 Saw mill.

"Saw mill" means any structure and land used for the manufacture or remanufacture of lumber from saw logs by the use of power equipment. (Ord. 83-03 (part))

21.04.736 Sea.

"Sea" means 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 nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

21.04.740 Setback.

"Setback" means a line parallel to the road centerline and a specified distance therefrom normal to the centerline. (Ord. 83-03 (part))

21.04.750 Small livestock farming.

"Small livestock farming" means the raising and/or keeping of more than twelve chicken hens, or similar fowl and/or twelve rabbits or similar animals or the keeping of any roosters, quacking ducks, geese, guinea fowl, pea fowl, goats, sheep, or similar livestock provided that "small livestock farming," as used in Chapters 21.01 through 21.60 shall not include hog farming, dairying or the raising and/or keeping of horses, mules, or similar livestock as determined by the planning commission (see Section 21.46.110). (Ord. 83-03 (part))

21.04.760 Stable, private.

"Private stable" means an accessory building where not more than one horse per twenty thousand square feet of property is kept for the use of owner and guests. (Ord. 83-03 (part))

21.04.770 Stable, public.

"Public stable" means a stable other than a private stable for the commercial rental and boarding of horses. (Ord. 83-03 (part))

21.04.780 Story.

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (Ord. 83-03 (part))

21.04.790 Story, half.

"Half story" means a story with at least one exterior side meeting a sloping roof not more than two feet above the floor of such story. (Ord. 83-03 (part))

21.04.800 Street.

"Street" means a public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined in Section 21.04.040. (Ord. 83-03 (part))

21.04.810 Street line.

"Street line" means the boundary between a street and abutting property. (Ord. 83-03 (part))

21.04.820 Structure.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, any building road pipe flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line. (Ord. 83-03 (part))

21.04.830 Structural alterations.

"Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders. (Ord. 83-03 (part))

21.04.835 Subdivision.

"Subdivision" means the division of any unit or units of improved or unimproved land as regulated by the State Subdivision Map Act. (Ord. 83-03 (part))

21.04.840 Use.

"Use" means the purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained. (Ord. 83-03 (part))

~~21.04.850~~ 21.04.842 Use, accessory.

"Accessory use" means a use customarily incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use. (Ord. 83-03 (part))

21.04.844 Use, conditional.

"Conditional use" means one or more of several uses permissible within a particular zoning district or districts which have been determined to be essential or desirable for the community and its citizenry and entirely appropriate provided necessary restrictions and conditions are imposed on the use through the issuance of a conditional use permit to ensure their compatibility with the primary and principally intended use of the zone or zones.

21.04.846 Use, principal permitted.

"Principal permitted use"means the singular use or set of actions or activities recognized as the primary intended use of land within a zoning district. Pursuant to Section 30603(a)(4) of the California Coastal Act, with the exception of major public works projects, major energy facilities, and development located within specified proximities to certain sensitive resources areas, in coastal counties, only approval of development other than the enumerated principal permitted use may be appealed to the California Coastal Commission.

21.04.848 Use, principally permitted.

"Principally permitted uses" means those land uses and activities recognized as generally intended for, and compatible with, the principal use of a given zoning district, which do not require the securement of a conditional use permit, but whose approval may be appealed to the California Coastal Commission.

21.04.855 Vertical access, coastal zone.

"Coastal zone vertical access" means access for public use to and from the shoreline (or Coastal Zone lateral access) to the first public road inland. (Ord. 83-03 (part))

21.04.856 Wetland.

"Wetland" means lands which may be covered periodically or permanently with shallow water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, bogs and fens. **Wetlands shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this definition, the upland limit of a wetland shall be defined as co-terminus with either: (1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; (2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or (3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. For the purposes of this definition, the term "wetlands" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where: (1) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and (2) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.** (**Ord. 2009- § (part);** Ord. 83-03 (part))

21.04.860 Wrecking yard.

"Wrecking yard" means the use of more than two hundred square feet of the area of any lot for the dismantling or wrecking of automobiles or other vehicles or machinery. (Ord. 83-03 (part))

21.04.870 Yard.

"Yard" means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 21.46.090. In measuring a yard, as hereinafter provided, the line of a building means a line parallel to the nearest lot line drawn through the point of a dwelling group or building nearest to such lot line, exclusive of the respective architectural features enumerated in Section 21.46.090 which are not to be considered in measuring the yard dimensions, and which the respective architectural features are defined as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line; provided, however, that if any official plan line has been established for the street on which the lot faces or if any future width line is specified therefore by the provisions of Chapters 21.02 through 21.60, then such measurements shall be taken from such official plan line or such future width line to the nearest line of the building. (Ord. 83-03 (part))

21.04.880 Yard, front.

"Front yard" means a yard extending across the front of the lot between the side property lines, and lying between the front line of the lot and the nearest line of the building. (Ord. 83-03 (part))

21.04.890 Yard, rear.

"Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and nearest line of the building. (Ord. 83-03 (part))

21.04.900 Yard, side.

"Side yard" means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the building to the rear yard. (Ord. 83-03 (part))

Suggested Modification No. 15: (Title 21 – Coastal Zoning, Chapter 21.08:AE Agricultural Exclusive District)

All changes to Title 21 – Coastal Zoning, Chapter 21.08.

Chapter 21.08

AE AGRICULTURE EXCLUSIVE DISTRICT

Sections:

21.08.010 Intent--Applicability.
21.08.020 The principal permitted use.
21.08.025 Other principally permitted uses.
21.08.030 Uses permitted with a use permit.
21.08.040 Building height limit.
21.08.050 Minimum lot area required.
21.08.060 Front yard required.
21.08.070 Side yard required.
21.08.080 Rear yard required.
21.08.090 Special yards and distances between buildings required.
21.08.100 Special requirements.

21.08.010 Intent--Applicability.

Because prime agricultural land is not a readily renewable resource, this district classification is intended to provide for the protection of agricultural land and uses against encroachment by other uses which may be in conflict therewith.

The provisions of this section therefore, shall be interpreted to apply to agricultural pursuits and related uses, to the end that no other use shall be permitted, and no regulation shall be deemed or construed to interfere with any normal accessory use conducted in conjunction therewith.

It is the intention of this section to prevent the subdividing of prime agricultural lands into lot sizes which might threaten the use of such lands for agriculture, and changes of zone from AE to another classification are to be made only where such uses are in accord with the General Plan or an adopted specific plan.

For the purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**, the agriculture exclusive district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A) ~~(4)~~**(3) and Public Resources Code 30603(a)(4)**.

The following regulations shall apply in all AE districts, subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.08.020 The principal permitted use.

The principal permitted agriculture exclusive use ~~**includes:**~~

~~**A. All**~~ **entails all** agricultural uses including horticulture, crop and tree farming, livestock farming and animal husbandry, including dairies, public and private stables, but excepting feed lots~~;~~**,**

~~**B. Accessory**~~ **and accessory** buildings and uses including barns, stables, **greenhouses constructed without a slab or perimeter foundation,** and other agricultural buildings~~;~~

~~**C. Greenhouses which are constructed with a perimeter foundation;**~~

~~**D. A one-family residence with appurtenant uses including home occupations, guest lodging and appurtenant accessory structures. A manufactured home may be placed in lieu of a conventional residential unit;**~~

~~**E. Home enterprises which are agricultural in nature as outlined in subsections A and C of this section**~~. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009-___ § _ (part);** Ord. 99-002 (part), 1999; Ord. 95-17 (part), 1995; Ord. 83-03 (part))

21.08.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. A farm dwelling with appurtenant uses including home occupations, and appurtenant accessory structures. A manufactured farm dwelling may be placed in lieu of a conventional farm dwelling; and

B. Farm quarters for up to five farm laborers employed full-time on the premises. Manufactured farm quarters may be placed in lieu of conventional farm dwelling units. (Ord. 2009- § (part))

21.08.030 Uses permitted with a use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Feed lots for the intensive raising of animals for commercial purposes;

B. Hog farming;

C. Produce sales stands, providing that the majority of the produce sold or offered for sale is grown on the premises;

~~E.~~ **D.** Farm quarters for **six or more** farm ~~labor~~ **laborers** employed full-time on the premises;

~~F.~~ **E.** Animal husbandry services including veterinary clinics;

~~G.~~ **F.** Greenhouses which are constructed with a slab or other foundation which will preclude the use of the underlying soil(s);

H. G. Home enterprises which are ~~not~~ agricultural in nature. (Ord. 99-002 (part), 1999; Ord. 95-06 §4 (part), 1995; Ord. 83-03 (part))

21.08.040 Building height limit.

Building height limit shall be none. (Ord. 83-03 (part))

21.08.050 Minimum lot area required. Minimum lot area shall be as follows:

A. Forty acres;

B. Within the California Coastal Zone the division of agricultural lands in order to separate the existing farmhouse from the ranch or farm lands for the purposes of sale, lease, financing of the lands or the farmhouse may be approved by the planning commission for parcels less than the minimum parcel size. This action is subject to the following:

1. The ~~minimum~~ lot **area** for the farmhouse shall be one acre, **the minimum necessary to establish the residential building site and curtilage, and accommodate water supply and wastewater disposal treatment facilities,**
2. The subject residence must have existed prior to the county's zoning of the lands to AE,
3. The subject lands are designated agricultural prime in the General Plan Coastal Element. (Ord. 83-03 (part))

21.08.060 Front yard required.

Required front yard shall be twenty-five feet. Also refer to Section 21.46.090. (Ord. 83-03 (part))

21.08.070 Side yard required.

Required side yard shall be twenty feet. (Ord. 83-03 (part))

21.08.080 Rear yard required.

Required rear yard shall be twenty feet for main building and five feet for accessory building. (Ord. 83-03 (part))

21.08.090 Special yards and distances between buildings required.

A. Accessory buildings used as barns, stables or farm outbuildings for animals other than small livestock farming, shall be not less than twenty feet from any side or rear property line, and not less than twenty feet from any dwelling unit on the property. In no case shall any animal other than a household pet be kept or sheltered in a dwelling structure or within twenty feet of a dwelling or residential structure.
B. Yards for the use of any animal husbandry shall be fenced to keep animals not less than twenty feet from any dwelling.
C. Side and rear yards for veterinary clinics shall be no less than sixty feet when adjacent to a lot or parcel used for residential purposes. (Ord. 86-04 (part), 1986; Ord. 83-03 (part))

21.08.100 Special requirements.

~~**Conversion**~~ **Redesignations or Rezoning** of ~~**a parcel**~~ **lands** within the California Coastal Zone which ~~**has**~~ **have** been designated as agriculture exclusive land use and/or zoning district to nonagriculture land use **designation** and/or zoning district**, shall require an LCPA approved by the Commission.** ~~**not be permitted except where:**~~ **Such LCP amendment requests shall be subject to Land Use Plan Policy 1.E.12 and the supplemental application, findings and development standards set forth in Chapter 21.55D of this title.**

~~**A. Continued or renewed agricultural use is not feasible; or**~~

~~**B. Such conversion would preserve prime agricultural land or concentrate development within, contiguous with or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.**~~

~~**Where conversion is made, it shall be subject to Coastal Act priorities for Coastal Land Uses (e.g., recreation, coastal dependent industries), Rural Land Division Criteria and be consistent with the General Plan Coastal Element.**~~ (**Ord. 20 , § (part);** Ord. 83-03 (part))

Suggested Modification No. 16: (Title 21 – Coastal Zoning, Chapter 21.09: A Agricultural General District)

All changes to Title 21 – Coastal Zoning, Chapter 21.09

Chapter 21.09

A AGRICULTURAL GENERAL DISTRICT

A-5 Agricultural General-5 Acre Minimum District One Unit Per Five Acres Density

A-20 Agricultural General-20 Acre Minimum District One Unit Per Twenty Acres Density

Sections:

21.09.010 Intent.

21.09.020 The principal permitted use.
21.09.025 Other principally permitted uses.
21.09.030 Uses permitted with a use permit.
21.09.040 Building height.
21.09.050 Minimum lot area.
21.09.060 Front yard.
21.09.070 Side yard.
21.09.080 Rear yard.
21.09.090 Special yards and distances between buildings.
21.09.100 Special requirements.

21.09.010 Intent.

Since there is a limited area with- in the county which is suitable for and used intensively as agricultural land, this district is designed for the protection of agricultural and related industry on nonprime farmlands ranging from five to twenty acres in size against encroachment by other uses which may be in conflict therewith. The provisions of this chapter, therefore, shall be interpreted to apply to agricultural pursuits and related uses, to the end that no other use shall be permitted, and no regulation shall interfere with any normal accessory use conducted in conjunction therewith. Changes of district from A to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A) (4), the agricultural general district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A) (4).

The regulations set forth in this chapter apply in all A districts, subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.09.020 The principal permitted use.

The principal permitted agricultural general use ~~**includes:**~~

~~**A. All**~~ **entails all** agricultural uses including horticulture, crop and tree farming, small livestock farming and animal husbandry including dairies, public and private stables, but excepting feed lots~~**;**~~**,**

~~**B. Accessory**~~ **and accessory** buildings and uses including barns, stables, one greenhouse **constructed without a slab or perimeter foundation,** and other agricultural buildings~~**;**~~

~~**C. A one-family residence with appurtenant uses including home occupations and appurtenant accessory structures. A manufactured home may be placed in lieu of a conventional residential unit;**~~

~~**D. Home enterprises which are agricultural in nature as outlined in subsection A of this section**~~. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (Ord. 99-002 (part), 1999; Ord. 95-17 §3(3), 1995; Ord. 83-03 (part))

21.09.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. A farm dwelling with appurtenant uses including home occupations and appurtenant accessory structures. A manufactured home may be placed in lieu of a conventional farm dwelling;

B. Home enterprises which are agricultural in nature as outlined in Section 21.09.020.A.

21.09.030 Uses permitted with a use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Multi-unit greenhouses;

B. Hog farming;

C. **A non-farm single-family residence with appurtenant uses including home occupations, and appurtenant accessory structures, only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12. A manufactured home may be placed in lieu of a conventional residential unit;**

D. A second dwelling unit on parcels having twice the minimum acreage required by the zoning district, **only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12**;

E. Mineral extraction pursuant to Chapter 7.36 of the Del Norte County Code **and only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12**;

;

F. Animal husbandry services ~~**including veterinary clinics and hospitals**~~;

G. Veterinary clinics and hospitals only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12;

~~**G**~~ **H.** Billboards not appurtenant to a permitted use **only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12**;

~~**H.**~~ **I.** Guest **lodging and guest** ranches **whose intensity and location does not detract from the primary agricultural production intent of the district, only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12**;

~~**I.**~~ **J.** Commercial enclosed kennels for dogs and cats, **only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12**;

~~J.~~ **K.** Home enterprises which are not agricultural in nature**, only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12**

L. Timber production only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12. (**Ord. 2009- § (part); Ord.2003-009 §4 (part), 2003;** Ord. 99-002 (part), 1999; Ord. 95-06 §4 (part), 1995; Ord. 83-03 (part))

21.09.040 Building height.

Building height limit shall be none. (Ord. 83-03 (part))

21.09.050 Minimum lot area.

Minimum lot area shall be no less than: five acres in the A-5 district; or twenty acres in the A-20 district. (Ord. 83-03 (part))

21.09.060 Front yard.

Front yards shall be twenty-five feet. See also Section 21.48.090. (Ord. 83-03 (part))

21.09.070 Side yard.

Side yards shall be twenty feet unless the building site is less than two hundred feet in width; in which case side yards of ten percent of such width, but not less than five feet, shall be required. (Ord. 83-03 (part))

21.09.080 Rear yard.

Rear yards shall be twenty feet for main building, five feet for accessory building. (Ord. 83-03 (part))

21.09.090 Special yards and distances between buildings.

A. Accessory buildings used as barns, stables or farm outbuildings for animals other than small livestock farming, shall not be less than twenty feet from any side or rear property line, and not less than fifty feet from the front property line, and not less than twenty feet from any dwelling unit on the property. In no case shall any animal other than a household pet be kept or sheltered in a dwelling structure or within twenty feet of a dwelling or residential structure.

B. Yards for the use of any animal husbandry livestock shall be fenced to keep animals not less than twenty feet from any dwelling. (Ord. 86-04 (part), 1986; Ord. 83-03 (part))

21.09.100 Special requirements.

~~**Conversion**~~ **Redesignations and Rezonings** of ~~**a parcel**~~ **lands** within the California Coastal Zone which ~~**has**~~ **have** been designated as agricultural general to a non-agriculture land use **designation** or zoning district, shall ~~**be made only where:**~~ **shall require an LCPA approved by the Commission. Such LCP amendment request shall be subject to Land Use Plan Policy 1.E.12 and the supplemental application, findings and development standards set forth in Chapter 21.55D of this title.**

~~**A. Continued or renewed agricultural use is not feasible; or**~~
~~**B. Such conversion would preserve prime agricultural land or concentrate development within, contiguous with or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Where conversion is made it shall be subject to Coastal Act priority for coastal land uses (e.g., recreation, coastal dependent industries).**~~ (**Ord. 20 , § (part);** Ord. 83-03 (part))

Suggested Modification No. 17: (Title 21 – Coastal Zoning, Chapter 21.11: RCA1 General Rsource Conservation Area District)

All changes to Title 21 – Coastal Zoning, Chapter 21.11

CHAPTER 21.11

RCA1 GENERAL RESOURCE CONSERVATION AREA DISTRICT

Sections:

21.11.010 Intent.
21.11.020 Applicability.
21.11.030 The principal permitted use.
21.11.035 Other principally permitted uses.
21.11.040 Uses permitted with a use permit.
21.11.050 Preexisting development.
21.11.060 Special rezoning requirements.

21.11.010 Intent.

Resource conservation areas are those environmentally sensitive habitat areas which are identified by the ~~**General Plan**~~ Coastal ~~**Element**~~ **Land Use Plan** as wetlands, farmed wetlands, riparian vegetation, estuary and coastal sand dunes. The general resource conservation area zone is intended to designate those resource conservation areas which require further data, particularly mapping, prior to new or additional development and to serve as a transition zone until such data is made available, reviewed and adopted by the county. Changes of zone from general resource conservation area to another classification are to be made subject to the requirements of Section 21.11.060 herein and only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**, the general resource conservation area uses listed under the principal permitted use section herein, shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for the purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**.

The regulations set forth in this chapter apply in all RCA1 districts and are subject to the provisions of Chapters 21.02 through 21.60. (**Ord. 2009- (part);** Ord. 83-03 (part))

21.11.020 Applicability.

This zone shall be applied to those parcels or portions of parcels adjacent to or with in the resource conservation areas which are identified by the General Plan Coastal Element for which the requirements of Section 21.11.060 have not been met. (Ord. 83-03 (part))

21.11.030 The principal permitted use.

The principal permitted resource conservation area general use ~~**includes:**~~
~~**A. Fish**~~ **entails fish** and wildlife management~~**;**~~
~~**B. Nature study;**~~
~~**C. Hunting and fishing including development of duck blinds and similar minor facilities**~~. **This use is not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- (part);** Ord. 83-03 (part), Ord. 2003-002 (part))

21.11.035 Other principally permitted uses.
Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:
A. Nature study;
B. Hunting and fishing including development of duck blinds and similar minor facilities. (Ord. 2009- (part)

21.11.040 Uses permitted with a use permit.

Uses permitted with a use permit and **appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** include:
A. Wetland restoration per Section 21.11A.070. (**Ord. 2009- (part);** Qrd. 83-03 (part))

21. 11.050 Preexisting development.

Development which exists on a parcel at the time of the application of this chapter to that parcel**, other than development for the uses enumerated in Sections 21-11.030, 21.11.035, and 21.11.040,** shall be considered a nonconforming use. Any property owner/applicant considering an expansion of or change in ~~**such development should consider the rezoning of the**~~ **a nonconforming use shall rezone the** property pursuant to Section 21.11.060 ~~**to determine whether the project would be consistent after rezoning**~~ **unless such nonconforming use is not allowed in any of the zoning districts adjoining the parcel containing the nonconforming use**. Where ~~**such a rezoning is not found to be feasible**~~ **none of the zoning districts adjoining the parcel containing**

the nonconforming use would allow for the use, an application **for a use permit** may be submitted pursuant to Section 21.48.050(E) which shall include the supplemental information required by ~~**Section 21.11A.050**~~ **Chapter 21.55C, as applicable**. (**Ord. 2009- (part);** Ord. 86-04 (part), 1986; Ord. 83-03 (part))

21.11.060 Special rezoning requirements.

The rezoning of a parcel or parcels designated as RCA ~~**may**~~ **shall** be considered subject to the requirements of ~~**Chapters 21.50 and**~~ **Chapter** 21.50B**, the supplemental information required by Chapter 21.55C,** and the special requirements listed in this section.

A. ~~**Mapping. In order to determine the actual boundary of the resource conservation area and the location of any buffer zone which may be required for it, supplemental mapping shall be submitted as a part of the rezoning application, including:**~~

~~**1. Topographic Base Map. The base map should be at a scale sufficiently large to permit clear and accurate depiction of vegetation associations and soil types in relation to any and all proposed development (normally the scale required will be one inch equals two hundred feet). Contour intervals should be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date). The map should show the following information:**~~

~~**a. Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as well as the boundaries of any tidelands, submerged lands or public trust lands, per Section 21.50.040;**~~

~~**b. Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features such as streams, bluffs or steep slopes;**~~

~~**c. Location and elevation of any levees, dikes or flood-control channels;**~~

~~**d. Location, size and invert elevation of any culverts or tide gates;**~~

~~**e. Existing development (structures, agricultural areas, etc.)**~~

~~**2. Inundation Map. For nontidal wetlands, a map should be prepared indicating permanent or seasonal patterns of inundation (including sources) in a year of normal rainfa1l.**~~

~~**3. Vegetation Map. Location and names of dominant plant species (e.g., Saliconia Virginica) and vegetation associations (e.g. , saltmarsh).**~~

~~**4. Soils Map. If no soil survey is available, a soils map should be prepared and should show the location of soil types and include a physical description of their characteristics.**~~

~~**B. Supplemental Information. Where development is proposed in conjunction with the rezoning, a supplement information report may be required pursuant to Section 21-11A.050.**~~

~~**C.**~~ Review. Upon receipt of a complete rezoning application and prior to any public hearing the county shall submit the ~~**above**~~ information **required by Chapters 21.50B**

and 21.55C to the California Department of Fish and Game for review. The **county shall request the** Department of Fish and Game ~~shall have up to fifteen days upon receipt of the county notice~~ to review and ~~comment~~ **respond with its comments, if any, within fifteen (15) days following receipt of the county referral**. This requirement does not supersede any other review requirements, such as those of the California Environmental Quality Act, and may be carried out in conjunction with any other review which meets or exceeds the fifteen-day time period.

~~D.~~ **B.** Findings and Disposition.

1. The county's determination regarding the rezoning shall be based upon specific findings as to whether the area is or is not a resource conservation and/or a ~~wetland~~ **environmentally sensitive habitat area (ESHA)** buffer area based on the General Plan Coastal Element Criteria and California Coastal Commission's "Statewide Interpretive Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas" as adopted February 4, 1981.
2. Where it is found that all or a portion of a parcel is in a resource conservation area and/or is in any ~~wetland~~ **environmentally sensitive habitat area (ESHA)** buffer required by Section 21.11A.020(B) said parcel or portion of a parcel shall be rezoned to RCA2 with a parenthetical reference as to the type of resource conservation area, i.e., wetland (w), farmed wetland (fw), estuary (e), riparian vegetation (r), coastal sand dunes (sd), or ~~wetland~~ **ESHA** buffer ~~(wb)~~ **(b)**. Where more than one type exists, the distinction shall be noted on the zoning map.
3. Where it is found that all or a portion of a parcel is not in a resource conservation area and/or any required ~~wetland~~ **environmentally sensitive habitat area (ESHA)** buffer, ~~a finding shall be made that~~ the non-RCA area ~~is within the abutting General Plan land use classification and said parcel or portion of parcel~~ shall be rezoned to another zoning classification ~~which is~~ **most protective of the coastal resources on the non-RCA area,** in accord with the ~~General~~ **Coastal Land Use** Plan or adopted specific plan as set forth in Chapters 21.51A and 21.51B.
4. Where parcels totally within the RCA2 zone are contiguous with a parcel outside or partly outside of the RCA2 area, and where all of these parcels have a single owner, said parcels shall be merged at the time the RCA2 zoning is placed in effect upon the properties. (Ord. 83-03 (part)**, Ord. 2009- (part)**)

Suggested Modification No. 18: (Title 21 – Coastal Zoning, Chapter 21.11A: RCA2 Designated Resource Conservation Area District)

All changes to Title 21 – Coastal Zoning, Chapter 21.11A

Chapter 21.11A

RCA2 DESIGNATED RESOURCE CONSERVATION AREA DISTRICT

Sections:

21.11A.010 Intent.
21.11A.020 Applicability.
21.11A.030 The principal permitted use.
21.11A.035 Other principally permitted uses.
21.11A.040 Uses permitted with a use permit.
21.11A.050 Minimum lot areas.
~~**21.11A.055 Conservation incentive density bonus.**~~
21.11A.060 Supplemental application data.
21.11A.070 Requirements for all permitted development.
21.11A.080 Wetland restoration guidelines.

21.l1A.010 Intent.

Resource conservation areas are those environmentally sensitive habitat areas which are identified by the ~~**General Plan**~~ Coastal ~~**Element**~~ **Land Use Plan** as wetlands, farmed wetlands, riparian vegetation, estuary and coastal sand dunes. The designated resource conservation area zone is intended to designate the location and type of resource conservation areas for which specific data has been reviewed, set forth uses and development guidelines for the various sensitive habitat areas and establish any special requirements for development permits in order to protect and enhance the quality and productivity of these sensitive resource areas as mandated by state and federal regulations. Changes of zone from designated resource conservation area to another classification are to be made subject to the requirements of Section 21.11.060 and only where such uses are in accord with the General Plan or adopted specific plan. For the purposes of Section 21.52.020(A)~~**(4)**~~**(3) and Public Resources Code 30603(a)(4)**, the designated resource conservation area uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for the purposes of Section 21.52.020(A)~~**(4)**~~**(3) or Public Resources Code 30603(a)(4)**. The regulations set forth in this chapter apply in all RCA2 districts and are subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.11A.020 Applicability.

A. This zone shall be applied to those parcels and/or portion of parcels located within the resource conservation areas which are identified by the General Plan Coastal Element and for which the requirements of Section 21.11.060 have been met.

B. This zone shall also be applied to buffer areas which shall be established around ~~**wetlands**~~ **environmentally sensitive habitat areas (ESHA)** between the edge of the wetland and any future and/or existing development. Such wetland buffers shall be **a minimum of** one hundred feet in width unless a determination of no adverse impact upon the ~~**wetland**~~ **ESHA** is made, in which case a buffer of less than one hundred feet may be

utilized. Such a determination is to be made based upon data submitted pursuant to Section 21.11.060 and shall include consideration of the following factors:

1. That the most sensitive species of plants and/or animals will not be significantly disturbed based upon:

a. Habitat requirements of resident and/or migratory fish and wildlife for nesting, feeding, breeding, etc.;

b. Assessment of short and long term ability of plant or animal species to adapt to human disturbance.

2. That where erosion impacts from the project may occur, adequate buffer is provided to allow for interception of eroded materials outside of the wetland area.
3. That where natural or cultural features such as bluffs, hills, roads, dikes or irrigation canals exist they should be utilized in establishing the location of the buffer area and in separating development wetland areas. Natural features should be included within the buffer area1 i.e., a buffer boundary which follows an embankment should be located at the top of the bank rather than the bottom. Cultural features should be located outside of the buffer boundary to avoid conflict regarding actions such as repair and maintenance.
4. That where existing adjacent development is located closer to the wetland than one hundred feet or where the configuration of a legally created parcel is such that a building area of less than four thousand two hundred square feet would remain, reduction of the buffer could occur, however alternative mitigation measures (such as the planting or reversion to native vegetation) should be provided to ensure additional protection.

C. At the time of application of the RCA2 district to a parcel a parenthetical reference as to the type of re source conservation area shall be noted, i.e., wetland (W), ~~wetland~~ **ESHA** buffer ~~(WB)~~ **(B)**, farmed wetland (FW), estuary (E), riparian vegetation (R), or coastal sand dunes (SD). Where more than one type exists the distinction shall be noted on the zoning map. (Ord. 83-03 (part))

21.11A.030 The principal permitted use.

A. The principal permitted designated resource conservation area ~~(wetland)~~ use ~~includes uses such as:~~

~~1. Nature~~ **in wetlands, wetland buffers, estuaries, riparian vegetation and coastal sand dunes entails nature** study, fish and wildlife management and hunting and fishing, ~~including the development of minor facilities such as duck blinds, lookouts and unimproved trails~~.

B. The principal permitted designated resource conservation area ~~(wetland buffer)~~ use ~~includes uses such as:~~

~~1. Nature study, fish and wildlife management and hunting and fishing, including the development of minor facilities constructed by hand such as duck blinds, lookouts and unimproved trails;~~

~~2. Firewood removal by the owner for on-site residential use;~~

~~3. Commercial timber harvesting pursuant to California Department of Forestry timber harvest requirements.~~

~~C. The principal permitted designated resource conservation area (farmed wetland) use includes uses such as:~~

~~1. Agricultural~~ **in farmed wetland entails agricultural** uses such as grazing and pastoral activities, the raising and harvesting of crops on cultivated land (cultivated within the prior ten years) and the maintenance and repair of existing dikes, levees, drainage ditches and other similar agricultural drainage systems~~;~~

~~2. Nature study, fish and wildlife management and hunting and fishing, including the development of minor facilities constructed by hand such as duck blinds, lookouts and unimproved trails~~.

~~D. The principal permitted designated resource conservation area (estuary) use includes uses such as:~~

~~1. Nature study, fish and wildlife management and hunting and fishing, including the development of minor facilities constructed by hand such as duck blinds, lookouts and unimproved trails;~~

~~2. Maintenance and improvement of boating facilities consistent with the General Plan Coastal Element land use policies of the Land Use Plan.~~

~~E. The principal permitted designated resource conservation area (riparian) use includes uses such as:~~

~~1. Nature study, fish and wildlife management and hunting and fishing, including the development of minor facilities constructed by hand such as duck blinds, lookouts and recreation unimproved trails;~~

~~2. Firewood removal by the owner for on-site residential use;~~

~~3. Commercial timber harvest of conifers pursuant to California Department of Forestry Forest Practice Rules for special treatment areas and stream protection zones and where:~~

~~a. Heavy equipment is not used,~~

~~b. At least fifty percent of the coniferous tree canopy and all of the hardwood tree canopy is retained;~~

~~4. 2. Wells, within rural areas;~~

~~5. 3. Maintenance of existing flood-control and drainage channels;~~

~~6. 4. Roads, road maintenance and repair. Where new stream crossings are proposed they shall be limited, when feasible, to right-angle crossings of the streams and stream corridors.~~

~~F. The principal permitted designated resource conservation area (sand dunes) use includes:~~

~~1. Nature study, fish and wildlife management and hunting and fishing, including the development of minor facilities constructed by hand such as duck blinds, lookouts and unimproved trails.~~

These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) or Public Resources Code (PRC) Section 30603(a)(4), but may be appealed pursuant to other provisions of Section of PRC Section 30603. (**Ord. 2009- § (part);** Ord. 2003-002; Ord. 83-03 (part).)

21.11A.035 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) or Public Resources Code (PRC) Section 30603(a)(4) entail:

A. In farmed wetlands:

1. Nature study, fish and wildlife management and hunting and fishing.

B. In estuaries:

1. Maintenance and improvement of boating facilities consistent with the policies of the Land Use Plan.

C. In riparian vegetation:

1. Wells, within rural areas;

2. Maintenance of existing flood-control and drainage channels;

3. Road maintenance and repair. (Ord. 2009- § (part).)

21.11A.040 Uses permitted with a use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** include:

A. In all designations, a single-family residence and appurtenant structures where denial of such would otherwise substantially deny all reasonable use of the parcel and where such development will be sited and designed to prevent impacts which would significantly degrade the environmentally sensitive habitat area, except that where a transfer of development credit or system has been adopted as part of this title, no residential development shall be permitted.

B. In all designations, those recreational facilities included in a State Park and Recreation/Department of Fish and Game Master Plan which has been submitted and approved as an amendment to the General Plan Coastal Element.

C. In all designations, wetlands**, sand dunes, estuarine, and/or riparian vegetation** restoration subject to Section 21.11A.080.

D. In the wetlands, farmed wetlands, and estuary designations, diking, filling, or dredging shall be permitted in accordance with the provisions of the ~~General Plan~~ Coastal ~~Element~~ **Land Use Plan** and Section 21.11A.070(B), where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:

1. New or expanded port, energy and coastal-dependent industrial facilities, including commercial fishing facilities;

2. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps;

~~**3. In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (B) of Section 30411 of the Public Resources Code for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than twenty-five percent of the total wetland area to be restored;**~~

~~**4.**~~ **3.** Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of pier and maintenance of existing intake and outfall lines;

~~**5.**~~ **4.** Mineral extraction, including sand for restoring beaches, pursuant to Chapter 7.36 of the Del Norte County Code;

~~**6.**~~ **5.** Restoration purposes;

~~**7.**~~ **6.** Nature study, aquaculture, or similar resource-dependent activities;

~~**8.**~~ **7.** In estuaries only, new or expanded boating facilities.

E. In estuary designations on the Smith and Klamath Rivers, channel navigation modifications which are seasonal and do not require construction of permanent facilities which will adversely affect the flow of the stream if the following determinations are made:

1. The modifications are not permanent and will be removed before or during the following high-water period;
2. The modifications are necessary to provide free movement of recreational and/or commercial boating;
3. The project is consistent with all applicable local, state and federal laws and regulations.

F. In riparian areas, on unvegetated gravel bars, mineral extraction consistent with County surface mining regulations and where no significant habitat conflicts are found.

G. In riparian areas, minor diversions exercised under riparian water rights for on-site use only.

H. In all areas other than riparian, maintenance of flood drainage control and drainage channels. (**Ord. 2009- § (part); Ord. 2003-002;** Ord. 83-03 (part))

21.11A.050 Minimum lot areas.

A. No new development parcels shall be created totally within any RCA2 zone; except that agricultural parcels not intended for residential development may be created subject to all applicable policies of the ~~**General Plan**~~ Coastal ~~**Element**~~ **Land Use Plan** and the minimum parcel size of the adjacent agricultural land use designation and where the landowner records a covenant with the county which runs with the land prohibiting all buildings and limits the use to nonresidential development as set forth in this chapter.

B. Where parcels totally within any RCA2 zone are contiguous with a parcel outside or partly outside of the RCA2 zone, and where all of these parcels have a single owner, said parcels shall be merged at the time the RCA2 zoning is placed in effect upon the properties.

C. Where a portion of a parcel is partly outside of the RCA2 zone, only the acreage not in the RCA2 zone may be used in determining development density based on the non-RCA designation, except that those areas designated as a wetland buffer may be used in determining the development density.

D. Parcels may be created which include RCA land areas subject to the provision of a non-RCA area totaling at least fifty percent of the minimum lot size (as required by the non-RCA zone) for parcels designated as one unit/two acres or higher in density or a minimum of one acre for parcels designated as one unit/three acres or lower in density. (**Ord. 2009- § (part); Ord. 2003-002;** Ord. 83-03 (part))

~~21.11A.055 Conservation incentive density bonus.~~

~~Where the property owner chooses, the may offer to the county or another public agency as easement, the ownership, or another acceptable method of open space dedication for that portion of their property designated as RCA-2 Designated Resource Conservation Area. In such cases the county shall provide the property owner with a development agreement which provides for residential development density credit, above that permitted by the General Plan, on the immediately adjacent non-RCA area of the subject parcel. This provision shall be subject to the following criteria:~~

~~A. The offered lands within the Designated Resource Conservation Area zone district shall be substantially in a natural and undisturbed state; and~~

~~B. The offer for dedication and development agreement shall be negotiated with the county with the approval of the board of supervisors prior to recordation of the dedication; and~~

~~C. The residential density bonus shall be calculated based upon the area zones RCA-2 which is to be dedicated only; and~~

~~D. The density bonus granted shall not exceed one-third of the density which would be permitted if the Resource Conservation Area were designated the same land use as the adjacent area. Where the adjacent area is designated for commercial use, up to twelve units per acre shall be used as the typical commercial area density, based upon health standards for water and sewage disposal. Where two designations are adjacent the lower density shall be used as typical; however the additional units may be located in either area; and~~

~~E. The development agreement bonus shall be located only on immediately adjacent land owned by the same property owner which are not in a resource conservation area. The units may not be applied to lands not adjacent not to lands owned by another party. However, provision may be made in the development agreement permitting the right to the additional units to transfer with property title if the owner wished to ell at a later date. (Ord. 2003-002 (part)~~

21.11A.060 Supplemental application data.

Where development **not otherwise prohibited** is proposed wholly or partially within a resource conservation area and/or any buffer which may be required for it, ~~a supplemental~~ **the** information ~~report may~~ **items enumerated in Chapter 21.55C, as applicable to the development and its setting shall** be required as part of the permit application. ~~If such is required, it should investigate physical and biological features existing in the habitat area and evaluate the impact of the development on the existing ecosystem. The report should be based on on-site investigation, in addition to a review of the existing information on the area, and should be sufficiently detailed to enable the planning commission to determine potential immediate and long-range impacts of the proposed project.~~

~~The report should describe and analyze the following:~~

~~A. That information required in Section 21.11.060(A) which has not previously been reviewed and/or requires updating;~~

~~B. Present extent of the habitat, and if available, maps, photographs or drawings showing historical extent of the habitat area;~~

~~C. Previous and existing ecological conditions:~~

~~1. The history, ecology and habitat requirements of the relevant resources, such as plants, fish and wildlife, in sufficient detail to permit a review of functional relationships (the maps described above may supply part of this information),~~

~~2. Restoration potentials;~~

~~D. Present and potential adverse physical and biological impacts on the ecosystem;~~

~~E. Alternatives to the proposed development, including different projects and off-site alternatives;~~

~~F. Mitigation measures, including restoration measures and proposed buffer areas;~~

~~G. If the project includes dredging, explain the following:~~

~~1. The purpose of the dredging,~~

~~2. The existing and proposed depths,~~

~~3. The volume (cubic yards) and area (acres or square feet) to be dredged,~~

~~4. Location of dredging (e.g., estuaries1 open coastal waters or streams),~~

~~5. The location of proposed spoil disposal,~~

~~6. The average grain size distribution of spoils,~~

~~7. The occurrence of any pollutants in the dredge spoils;~~

~~H. If the project includes filling, identify the type of fill material to be used, including pilings or other structures, and specify the proposed location for the placement of the fill. The quantity to be used and the surface area to be covered and any proposed use of the fill area;~~

~~I. If the project includes diking, identify on a map the location, size (length, top and base width), depth and elevation of the proposed dike(s), as well as the location, size and invert elevation of any existing or proposed culverts or tide gates;~~

~~**J. If the project is adjacent to a wetland or wetland buffer and may cause mud waves, a report shall be prepared by a qualified geotechnical engineer which explains ways to prevent or mitigate the problem;**~~

~~**K. Benchmark and survey data used to locate the project, the lines or highest tidal action, mean high tide, or other reference points applicable to the particular project.**~~ (**Ord. 2009- , § (part);** Ord. 83-03 (part))

21.11A.070 Requirements for all permitted development.

A. Any development which is proposed must be a permitted use under Sections 21.11A.030 and 21.11A.040 and must meet all general requirements of the Del Norte County Code**, the development standards of Chapters 21.55A through 21.55 ,** and the ~~**General Plan**~~ Coastal ~~**Element**~~ **Land Use Plan**.

~~**B. Where any dike and/or fill development is permitted in conformity with Section 21.11A.040(D) mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action concurrent with project construction; provided however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface area (including any litigation and/or restoration costs) shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration of the project site will be accomplished in the shortest feasible time.**~~

~~**C. Where dredging is permitted in conformity with Section 21.11A.040(D) mitigation measures must at least include the planning and implementation of dredging and spoils disposal which avoids significant disruption of wetlands habitat and/or water circulation, consideration of limitations upon timing of the operation, type of operation, quality of dredge material removed and location of the spoil site, and, where feasible, the transportation of dredge spoils suitable of beach replenishment to appropriate beaches or into suitable longshore current systems.**~~

~~**D. Where diking, filling, or dredging are permitted in conformity with Section 21.11A.040(D) the development must maintain or enhance the functional capacity of the existing sensitive habitat area. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant must demonstrate all of the following:**~~

~~**1. That the project does not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project;**~~

~~**2. That the project does not harm or destroy a species or habitat that is rare or endangered;**~~

~~3. That the project does not eliminate a species or habitat that is essential to the natural biological functioning of the wetland or estuary;~~

~~4. That the project does not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.~~

~~E. Where development is permitted within a stream or river the following requirements must be met:~~

~~1. All channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to minimize adverse environmental effects. Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream. A development which does not significantly disrupt the habitat value of a particular river or stream is one which maintains or enhances the functional capacity of that river or stream. Roads and bridges necessary to cross streams and rivers may be permitted if there is no feasible less environmentally damaging alternative and if feasible mitigation measures have been provided to minimize adverse environmental effects.~~

~~2. Flood-control projects shall be subject to both of the following conditions:~~

~~a. The project must be necessary for public safety or to protect existing development;~~

~~b. There must be no other feasible method for protecting existing development in the floodplain.~~

~~3. Boating facilities constructed in streams are subject to the same requirements as boating facilities constructed elsewhere.~~ (**Ord. 2009- § (part); Ord. 2003-002;** Ord. 83-03 (part))

21.11A.080 Wetland restoration guidelines.

Restoration projects which are a permitted development in Section 21.11A.040(D)**5** are ~~**publicly or privately financed projects in which restoration is the sole purpose of the project except as set forth in subsection A of this section:**~~ **subject to the requirements of Chapter 21.55.C.**

~~**A. Requirements for filling for the purpose of reclassification in urban areas restoration projects may include some fill for reclassification for nonpermitted uses if the wetlands are small, extremely isolated and incapable of being restored. Small, extremely isolated wetland parcels that are being restored to biologically productive systems may be filled and developed for reclassification only if such actions establish stable and logical boundaries between urban and wetland areas and if the applicant provides funds sufficient to accomplish the approved restoration program in the same general region. All the following criteria must be satisfied before this exception can be granted:**~~

~~**1. The wetland to be filled is so small (e.g., less than one acre) and so isolated (e.g., not contiguous or adjacent to a larger wetland) that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.**~~

~~**2. The wetland must not provide significant habitat value to wetland fish and wildlife species, and must not be used by any species which is rare or endangered. (For example: such a parcel would usually be completely surrounded by urban commercial, residential, or industrial development which are incompatible with the existence of the wetland as a significant habitat area.)**~~

~~**3. Restoration of another wetland to mitigate for fill can most feasibly be achieved in conjunction with filling a small wetland.**~~

~~**4. Restoration of a parcel to mitigate for the fill must occur at a site which is next to a larger, contiguous wetland area providing significant habitat value to fish and wildlife which would benefit from the addition of more area. In addition, such restoration must occur in the same general region (e.g., within the general area surrounding the same wetland or estuary where the fill occurred).**~~

~~**5. The Department of Fish and Game and the U.S. Fish and Wildlife Service have determined the proposed restoration project can be successfully carried out.**~~

~~**B. Degraded Wetlands. The California Department of Fish and Game must identify an area as a degraded wetland. The requirements for the restoration of such a designated wetland shall be as set forth in the "Statewide Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitat Areas" adopted by the California State Coastal Commission on February 4, 1981.**~~ (**Ord. 2009- § (part);** Ord. 83-03 (part))

Suggested Modification No. 19: (Title 20 – Zoning, Chapters 20.21A through 20.21E, and Title 21 – Coastal Zoning, Chapters 21.13 through 21.33, sub-

sections 21.xx.020 and appending subsections 21.xx.025: HDR, HDC, HR, G, HD, AI, TPZ, CT, RR-1, RRA, R-1, MHP, R-2, R-3, PC, C-1, C-2, C-3, C-R, C-4, M, MP, and PF Zoning District "Principal" and "Principally" Permitted Uses)

All changes to the Principal Permitted Use and establishment of an "Other Principally Permitted Use" sub-section, shown in Chapters 21.13 through 21.33 of Exhibit No. 2.

Chapter 21.13

TPZ TIMBERLAND ~~PRESERVE~~ PRODUCTION ZONE DISTRICT

Sections:

21.13.010 Intent.
21.13.020 The principal permitted use.
21.13.025 Other principally permitted uses.
21.13.030 Uses permitted subject to a conditional use permit.
21.13.035 Uses within resource conservation areas.
21.13.040 Other regulations.
21.13.050 Requirements.
21.13.060 Minimum lot size.

21.13.010 Intent.

The timber ~~preserve~~ **production** zone, or TPZ, is intended to provide for timberland zoning and restrictions for a minimum ten-year period as a "timberland ~~preserve~~ **production zone**." Such zoning allows land to be valued for property taxation, in general, on the basis of its use for growing and harvesting timber only. Beginning in fiscal year 1977-78, timber would be exempt from ad valorem taxation; however, a yield tax would be imposed at such time the timber is harvested. Changes of district from timberland ~~preserve~~ **production** zone district to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A)(4), the timberland ~~preserve~~ **production** zone district uses listed under principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards**, and all other principally permitted use enumerated in Section 21.13.025**, shall not be considered a principal permitted use for purposes of Section 21.52.020(A)(4).

The regulations set forth in this chapter shall apply in all timberland ~~preserve~~ **production** zone districts, subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.13.020 The principal permitted use.

The principal permitted **use in the** timberland ~~preserve~~ **production** zone ~~use includes:~~ **is the** growing and harvesting **of** timber and uses accessory (compatible) thereto **as enumerated in Section 21.13.040.A**. (Ord. 83-03 (part))

21.13.025 Other principally permitted uses.

Other principally permitted uses not requiring issuance of a conditional use permit entail:

A. Management for watershed;

B. Management for fish and wildlife habitat;

C. A use integrally related to the growing and harvesting of timber, including but not limited to roads, log landings, and log storage area (portable chippers and portable sawmills are considered a part of " processing");

D. Non-commercial cutting of firewood for sole use by the property owner;

21.13.030 Uses permitted subject to a conditional use permit.

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 timber:

A. Timber products processing plants (buildings) for commercial processing of wood and wood products, including sawmills, lumber and plywood mills but not including a pulp
mill;

B. Public camps, public stables and similar recreational uses, not including recreational vehicle parks or mobilehome parks;

C. Single-family dwelling, mobilehome or a manufactured home and normal accessory uses and structures for owner or caretaker**;**

D. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;

E, Mineral extraction subject to the requirements of Chapter 7.36 of the Del Norte County Code. (Ord. 95-06 §4 (part), 1995; Ord. 83-03 (part))

21.13.035 Uses within resource conservation areas.

A. Where the land use plan of the General Plan Coastal Element designates a portion of a TP zoned parcel as a resource conservation area, the extent and type of environmentally sensitive habitat shall be determined prior to development in the manner set forth in Section 21.11.060; however, no rezoning shall be required.

B. Uses within such environmentally sensitive habitat areas (including uses permitted by use permit) shall be as set forth in Sections 21.11A.030 and 21.11A.040. Sections 21.13.020 and 21.13.030 shall not apply. (Ord. 83-03 (part))

21.13.040 Other regulations.

A. 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 timber:

1. Management for watershed;
2. Management for fish and wildlife habitat;
3. 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");

~~**4. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;**~~

5. Grazing and uses accessory to grazing;

~~**6. Mineral extraction subject to the requirements of Chapter 7.36 of the Del Norte County Code;**~~

7. Temporary labor camps, less than one year in duration, accessory to timber harvesting or planting operations;

8. Recreational use of the land for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.

B. Provisions of Article 1, "General Provisions" (Section 51100), Article 2, "Establishment of Timberland Preserves" (Sections 51110 through 51119.5), Article 3, "Rezoning" (Sections 51120 and 51121), Article 4, "Immediate Rezoning" (Sections 51130 through 51134) and a portion of Article 5, "Removal from Zone" (Sections 51140 through 51146), of the Government Code of the state as it now reads or may be hereinafter amended shall apply.

C. The board of supervisors, in accordance with Section 51113 of the Government Code, shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland ~~**preserve**~~ **production** initiated by the owner or authorized agents. The minimum parcel size shall be one hundred sixty acres.

After November 1, 1977, owners of timberland not included on List A (Section 51110.1 of the Government Code) or List B (Section .51110.1 of the Government Code) may petition the board to zone his land as timberland ~~**preserve**~~ **production zone**, provided all criteria to be adopted are met.

D. Development for purposes other than principal permitted timber production on land with thirty percent (30%) or greater slopes shall be limited to those uses which cannot feasibly be sited on land with slopes of less than thirty percent. (**Ord. 2009- § (part), 2009;** Ord. 83-03 (part))

21.13.050 Requirements.

An applicant who petitions the county to zone his land as timberland ~~**preserve**~~ **production** shall submit the appropriate information to meet the following requirements:

A. A map shall be prepared showing the legal description of the assessor's parcel number of the property desired to be zoned.

B. A plan for forest management must be prepared or approved as to content for the property 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.

C. 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 or council to meet such stocking standards and Forest Practice Rules by the fiftieth anniversary of the signing of such agreement. If the parcel is subsequently zoned as timberland ~~**preserve**~~ **production** under subdivision (a), failure to meet such stocking standards and Forest Practice Rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

D. The land area to be zoned timberland ~~preserve~~ **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 which constitute twenty acres or more in size.

E. The land to be included in timberland ~~preserve~~ **production zoning** shall be Timber Site IV or better. (Ord. 83-03 (part))

21.13.060 Minimum lot size.

Parcels zoned as timberland ~~preserve~~ **production** under this chapter may be considered for division into parcels containing twenty acres or more, or where the rovisions of Chapter 21.36 Combining Zone are applied for clustered lot sizes under 20 acres so long as the overall project density does not exceed one parcel per 20 acres, provided the following conditions are complied with:

A. The owners of the resulting parcels submit or the present owner makes sufficient provisions for a joint timber management plan prepared or approved as to content by a registered professional forester.

B. Such owners enter into a binding contract with the board of supervisors, representing the county, to manage and harvest timber on the timberland jointly and are bound by the provisions of the management plan for a minimum period of ten years.

C. Any division shall be approved by a four-fifths vote of the full board of supervisors provided the project has been reviewed by the planning commission. (Ord. 83-03 (part))

Chapter 21.14

CT COASTAL TIMBER ZONE DISTRICT

Sections:

21.14.010 Intent.
21.14.020 The principal permitted use.
21.14.025 Other principally permitted uses.
21.14.030 Uses permitted subject to a conditional use permit.
21.14.040 Minimum lot size.
21.14.050 Other requirements.

21.14.010 Intent.

The coastal timber zone is intended to protect forested lands within the California Coastal Zone which have not been designated as timber preserve zones (TPZ) but which are considered of commercial value. These include forested areas with Class III or better timber which comprise a parcel of twenty acres or larger. Changes of district from coastal timber zone to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020 (A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**, the coastal timber zone uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards**, and all other**

principally permitted use enumerated in Section 21.14.025, shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~ (4)~~**(3) and Public Resources Code 30603(a)(4)**.

The regulations set forth in this chapter shall apply in all coastal timber zone districts, subject to the provisions of Chapters 21.02 through 21.60. (**Ord. 2009- § (part), 2009;** Ord. 83-03 (part))

21.14.020 The principal permitted use.

In the CT zone the principal permitted use is the growing and harvesting of timber and uses accessory (compatible) thereto. The following accessory uses are deemed to be compatible with growing and harvesting of timber provided they do not significantly detract from the use of the property for, or inhibit, growing and harvesting timber:

A. Management for watershed;

B. Management for fish and wildlife habitat;

C. A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage area (portable chippers and portable sawmills are considered a part of " processing");

~~**D. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;**~~

~~**E. Grazing and uses accessory to grazing;**~~

~~**F. Mineral extraction subject to the requirements of Chapter 7.36;**~~

~~**G. Temporary labor camps, less than one year in duration, accessory to timber harvesting or planting operations;**~~

~~**H.**~~ **D.** Recreational use of the land for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- § (part);** Ord. 83-03 (part))

21.14.025 Other principally permitted uses.

Other principally permitted uses not requiring issuance of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)entail:

A. Grazing and uses accessory to grazing;

B. Temporary labor camps, less than one year in duration, accessory to timber harvesting or planting operations. (Ord. 2009- § (part), 2009.).

21.14.030 Uses permitted subject to a conditional use permit.

Permits authorized under this section**, which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber:

A. Timber products processing plants (buildings) for commercial processing of wood and wood products, including sawmills, lumber and plywood mills but not including a pulp mill;
B. Public camps, public stables and similar recreational uses, not including recreational vehicle parks or mobilehome parks;
C. Single-family dwelling, mobilehome or a manufactured home and normal accessory uses and structures for owner or caretaker**;**
D. Mineral extraction subject to the requirements of Chapter 7.36 of the Del Norte County Code;
E. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;
F. Visitor lodges on parcels of twenty (20) acres or more, where minimal impact on timber production and adequate access is demonstrated. (**Ord. 2009- § (part), 2009**Ord. 95-06 §4 (part), 1995; Ord. 83-03 (part))

21.14.040 Minimum lot size.
A. Parcels zoned as coastal timberland under this chapter may be considered for division into parcels containing twenty acres or more, or where the provisions of Chapter 21.36 **Special Development Standards** Combing Zone are applied for clustered lot sizes under 20 acres so long as the overall project density does not exceed one parcel per 20 acres, provided the following conditions are complied with:

1. The owners of the resulting parcels submit or the present owner makes sufficient provisions for a joint timber management plan prepared or approved as to content by a registered professional forester.
2. Such owners enter into a binding contract with the county of Del Norte to manage and harvest timber on the timberland jointly and are bound by the provisions of the management plan for a minimum period of ten years.

B. Parcels less than twenty acres in size may be created when the one unit/twenty acres density is not exceeded but where the parcels shall not be smaller than that allowed utilizing the rural land division criteria as set forth in the land use categories section of the Local Coastal Plan and in Title 16 of the Del Norte County Code. Such a project shall be subject to conditions (A) (1) and (2) of this section and to the D district combining zone (Chapter 21.36) to ensure that there is no further division than that permitted by the Local Coastal Plan density. (**Ord. 2009- § (part), 2009;** Ord. 2003-002 § _ (part); Ord. 83-03 (part))

21.14.050 Other requirements.
Development for purposes other than principal permitted timber production on land with thirty percent (30%) or greater slopes shall be limited to those uses which cannot feasibly be sited on land with slopes of less than thirty percent. (Ord. 20 - § _ (part), 20)

Chapter 21.16

RR-1 RURAL RESIDENTIAL DISTRICT

Sections:

21.16.010 Intent--Purpose.
21.16.020 The principal permitted use.
21.16.025 Other principally permitted uses.
21.16.030 Uses permitted with a use permit.
21.16.040 Building height limit.
21.16.050 Minimum lot area required.
21.16.060 Minimum lot width required.
21.16.070 Percentage of lot coverage permitted.
21.16.080 Front yard required.
21.16.090 Side yard required.
21.16.100 Rear yard required.
21.16.110 Special yards and distances between buildings required.

21.16.010 Intent--Purpose.

This district classification is designed for the orderly development of rural home-sites in the one acre category, to encourage a suitable environment for family life for those who desire rural residential land. Since there is a limited area within the county which is suitable for rural residential land, this district is intended to protect rural residential uses against encroachment by other uses which may be in conflict therewith. The provisions of this section, therefore, shall be liberally interpreted to apply to rural residential and related services to the end that no other use shall be permitted, and no regulation shall be deemed or construed to interfere with any normal accessory use conducted in conjunction therewith. It is the intention of this section to prevent the further subdividing of rural residential land into lot sizes which might threaten the rural quality of areas zoned RR-1, and changes of zone from RR-1 to another classification are to be made only where such uses are in accord with the General Plan or an adopted specific plan. For the purposes of Section 21.52.020 (A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**, the rural residential districts uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A) ~~(4)~~**(3) and Public Resources Code 30603(a)(4)**. The following regulations shall apply in the RR-l district subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03(part))

21.16.020 The principal permitted use.

The principal permitted rural residential use ~~**includes:**~~
~~**A. A**~~ **entails** one-family residence **with appurtenant uses including home occupations and appurtenant accessory structures subject to Section 21.04.140, the keeping of household pets and small livestock**~~**;**~~
~~**B. Accessory buildings;**~~
~~**C. Animal husbandry, where no more than one horse, mule, cow or steer, nor more than five goats, sheep or similar livestock are kept for each twenty thousand square feet of lot area**~~. **These respective uses are not appealable to the California**

Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603. (**Ord. 2009- § (part);** Ord. 94-19 §11, 1995; Ord. 83-03 (part))

21.16.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)entail:

A. Animal husbandry, where no more than one horse, mule, cow or steer, nor more than five goats, sheep or similar livestock are kept for each twenty thousand square feet of lot area. (Ord. 2009- § (part)).

21.16.030 Uses permitted with a use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Home occupations;

B. Guest lodging where it is an integral part of the principal one-family residential use;

C. Animal husbandry, where more than one horse, mule, cow or steer, or more than five goats, sheep or similar livestock are kept for each twenty thousand square feet of lot area. (Ord. 94-19 §12, 1995; Ord. 83-03 (part))

21.16.040 Building height limit.

Building height limit shall be twenty-five feet. Accessory buildings shall be subject to Section 21.04.140. (Ord. 83-03 (part))

21.16.050 Minimum lot area required.

Minimum lot area shall be as specified by the planning commission, but in no case less than one acre. (Ord. 83-03 (part))

21.16.060 Minimum lot width required.

Minimum lot width shall be one hundred feet. (Ord. 83-03(part))

21.16.070 Percentage of lot coverage permitted.

Percentage of lot coverage permitted shall be twenty percent. (Ord. 83-03 (part))

21.16.080 Front yard required.

Required front yard shall be twenty-five feet. (Also refer to Chapter 21.46.) (Ord. 83-03 (part))

21.16.090 Side yard required.

Required side yard shall be ten feet unless the building site is less than one hundred feet in width, in which case side yards of ten percent of the width, but not less than five feet, shall be required. (Ord. 83-03 (part))

21.16.100 Rear yard required.

Required rear yard shall be twenty feet for main building and five feet for accessory building. (Ord. 83-03 (part))

21.16.110 Special yards and distances between buildings required.

A. Accessory buildings used as barns, stables or farm out-buildings for animals other than small livestock farming shall be not less than twenty feet from side or rear property line, and not less than fifty feet from the front property line, and not less than twenty feet from any dwelling unit on the property. In no case shall any animal other than a household pet be kept or sheltered in a dwelling structure or within twenty feet of a dwelling or residential structure.

B. Yards for the use of any animal husbandry livestock shall be fenced to keep animals not less than twenty feet from any dwelling. (Ord. 86-04 (part), 1986; Ord. 83-03 (part))

Chapter 21.17

RRA RURAL RESIDENTIAL AGRICULTURE DISTRICT

RRA-1 High Density Rural Residential–Agriculture District
One Unit Per Acre Density

RRA-2 Medium Density Rural Residential–Agriculture District
One Unit Per Two Acres Density

RRA-3 Low Density Rural Residential–Agriculture District
One Unit Per Three Acres Density

RRA-5 Low Density Rural Residential–Agriculture District
One Unit Per Five Acres Density

Sections:

21.17.010 Intent--Applicability.
21.17.020 The principal permitted use.
<u>21.17/025 Other principally permitted uses.</u>
21.17.030 Uses permitted with a use permit.
21.17.040 Building height limit.
21.17.050 Minimum lot area.
21.17.060 Minimum lot width, yard, and maximum building coverage requirements.
21.17.070 Special yards and distances between buildings required

21.17.010 Intent -- Applicability.

This district classification is designed for the orderly development of rural homesites in the one to five acre category, to encourage a suitable environment for family life for those who desire rural residential land.

Since there is a limited area within the county which is suitable for rural residential land, this district is intended to protect rural residential uses against encroachment by other uses which may be in conflict therewith. The provisions of this section, therefore, shall be liberally interpreted to apply to rural residential and agricultural pursuits and related services, to the end that no other use shall be permitted and no regulation shall be deemed or construed to interfere with any normal accessory use conducted in conjunction therewith. It is the intention of this section to prevent the further subdividing of rural residential land into lot sizes which might threaten the rural quality of areas zoned RRA and changes of zone from RRA to another classification are to be made only where such uses are in accord with the General Plan or an adopted specific plan.

For the purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**, the rural residential agriculture districts uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards**, and all other principally permitted use enumerated in Section 21.17.025,** shall not be considered a principal permitted use for purposes of Section 21.52.020(A) ~~(4)~~**(3) and Public Resources Code 30603(a)(4)**.

The following regulations shall apply in all RRA districts, subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.17.020 The principal permitted use.

The principal permitted rural residential agriculture use ~~**includes:**~~

~~**A. A**~~ **entails** one-family residence with appurtenant uses including home occupations**,** ~~**and**~~ appurtenant accessory structures subject to Section 21.04.140**, and animal**~~**;**~~

~~**B. Animal**~~ husbandry, where no more than one horse, mule, cow or steer, nor more than five goats, sheep or similar small livestock are kept for each twenty thousand square feet of lot area~~**;**~~

~~**C. The keeping of one hog or pig;**~~

~~**D. Agricultural uses, including the sale of agricultural products produced on the premises where the sales activity:**~~

~~**1. Is clearly incidental and secondary to the use of the property for dwelling purposes,**~~

~~**2. Does not display any visual evidence from surrounding roads and/or properties such as a separate sales stand, employees, traffic and/or parking beyond that normal to the neighborhood in which it is located, etc., except that one unlighted sign not exceeding eight square feet in size may be erected**~~.

These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC)

Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603. (**Ord. 2009- § (part);** Ord. 94-19 §13, 1995; Ord. 86-04 (part), 1986; Ord. 83-03 (part))

21.17.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)entail:

A. The keeping of one hog or pig;

B. Agricultural uses, including the sale of agricultural products produced on the premises where the sales activity:

1. Is clearly incidental and secondary to the use of the property for dwelling purposes; and

2. Does not display any visual evidence from surrounding roads and/or properties such as a separate sales stand, employees, traffic and/or parking beyond that normal to the neighborhood in which it is located, etc., except that one unlighted sign not exceeding eight square feet in size may be erected.

21.17.030 Uses permitted with a use permit.

Uses permitted with a use permit and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) shall be as follows:

A. On parcels of land five acres or greater in size, the following may be considered subject to the approval of the county sanitarian:

1. Animal husbandry, where more than one horse, mule, cow or steer, or more than five goats, sheep or similar livestock are kept for each twenty thousand square feet of lot area;
2. More than one hog or pig.

B. Guest lodging where it is an integral part of the principal one-family residential use;

C. Home enterprises**;**

D. Minor public uses which do not detract from the rural residential / low-intensity agricultural intent of the district. (Ord. 99-002 (part) 1999; 94-19 §14, 1995; Ord. 83-03 (part))

21.17.040 Building height limit.

Building height limit shall be twenty-five feet for residences. Accessory buildings shall have no height maximum except where subject to Section 21.04.140. (Ord. 86-04 (part), 1986; Ord. 83-03 (part))

21.17.050 Minimum lot area.

Minimum lot area shall be as required by the planning commission, but in no case less than:

One acre in the RRA-l district;
Two acres in the RRA-2 district;
Three acres in the RRA-3 district;
Five acres in the RRA-5 district.

(Ord. 83-03 (part))

21.17.060 Minimum lot width, yard, and maximum building coverage requirements.

Minimum lot width, front, rear and side yard requirements and the maximum percentage of building coverage on any one lot shall be as set forth in the table below and as set forth in Chapter 21.45.

Zoning District	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Requirements		
			Front	Rear*	Side**
RRA-1	100 ft.	20%	25 ft.	20 ft.	10 ft.
RRA-2	200 ft.	15%	25 ft.	20 ft.	20 ft.
RRA-3	200 ft.	15%	25 ft.	20 ft.	20 ft.
RRA-5	200 ft.	15%	25 ft.	20 ft.	20 ft.

* Rear yard for a detached accessory building shall be five feet except where Section 21.17.070 applies.

** Where the lot width is less than required, the side yards shall be each ten percent of the lot width, but in no case less than five feet. (Ord. 83-03 (part))

21.17.070 Special yards and distances between buildings required.

A. Accessory buildings used as barns, stables or farm out-buildings for animals other than small livestock farming, shall be not less than twenty feet from any side or rear property line, and not less than fifty feet from the front property line, and not less than twenty feet from any dwelling unit on the property. In no case shall any animal other than a household pet be kept or sheltered in a dwelling structure or within twenty feet of a dwelling or residential structure.

B. Yards for the use of any animal husbandry livestock shall be fenced to keep animals not less than twenty feet from any dwelling. (Ord. 86-04 (part), 1986; Ord. 83-03 (part))

Chapter 21.19

R-1 ONE-FAMILY RESIDENCE DISTRICT

Sections:

21.19.010 Intent.
21.19.020 The principal permitted use.
<u>21.19.025 Other principally permitted uses.</u>
21.19.030 Uses permitted with a use permit.
21.19.040 Building height.

21.19.050 Minimum lot area.
21.19.060 Minimum lot width.
21.19.070 Lot coverage.
21.19.080 Front yard.
21.19.090 Side yard.
21.19.100 Rear yard.

21.19.010 Intent.

The regulations of this district are designed to protect the residential qualities of high density single-family residences to the exclusion of other uses which may be detrimental to the orderly development of single-family urban areas. Lot sizes suitable for building are dependent on the availability of public water and sewage systems with the minimum of seven thousand two hundred square feet permitted only where one or both systems are available. Changes of district from one-family residence district to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**, the one- family residence district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**.

The regulations set forth in this chapter apply in all R-1 districts and are subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.19.020 The principal permitted use.

The principal permitted one-family residence use ~~**includes uses such as:**~~
~~**A. A**~~ **entails** one-family residence~~**;**~~
~~**B. Accessory buildings**~~ and accessory uses appurtenant to ~~**a**~~ **the** principal permitted use~~**;**~~
~~**C. Home occupations**~~. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- § (part);** Ord. 99-002 (part), 1999; Ord. 83-03 (part))

21.19.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a condition use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:
A. Home occupations. (Ord. 2009- § (part), 2009.).

21.19.030 Uses permitted with a use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)**shall be as follows:

A. Private stable where the building site area is one acre or more;
B. Commercial agriculture where building site area is one acre or more;
C. Home enterprises;
D. Guest lodging. (Ord. 99-002 (part), 1999; Ord. 83-03(part))

21.19.040 Building height.

Building height limit shall be as follows: main buildings, twenty-five feet. Accessory buildings are subject to Section 21.04.140. (Ord. 83-03 (part))

21.19.050 Minimum lot area.

Minimum lot area shall be seven thousand two hundred square feet. (See also Section 21.46.080.) (Ord. 83-03 (part))

21.19.060 Minimum lot width.

Minimum lot width shall be sixty feet. (Ord. 83-03 (part))

21.19.070 Lot coverage.

Percentage of lot coverage permitted shall be thirty-five percent. (See also Section 21.46.090.) (Ord. 83-03 (part))

21.19.080 Front yard.

Front yards shall be twenty-five feet. (See also Section 21.46.090.) (Ord. 83-03 (part))

21.19.090 Side yard.

Side yards shall be six feet, unless building site is less than sixty feet in width, in which case side yards not less than five feet shall be required. (Ord. 83-03 (part))

21.19.100 Rear yard.

Rear yards shall be twenty feet for main buildings, five feet for accessory buildings. (Ord. 83-03 (part))

Chapter 21.20

MHP MOBILEHOME PARK DISTRICT

Sections:

21.20.010 Intent.
21.20.020 The principal permitted use.
21.20.025 Other principally permitted uses.
21.20.030 Uses permitted by use permit.
21.20.040 Minimum lot size (project area).
21.20.050 Planning commission review.

21.20.010 Intent.

It is the intent of the mobilehome park district to provide an opportunity for low and moderate income housing within the county's rural coastal areas by providing for the development of mobilehome parks at a greater density than generally found in rural areas. It is further intended that the district set forth development standards for mobilehome parks which may be applied in rural or urban areas on a county-wide basis. The application of this district must be in areas designated by the General Plan. Changes of district from mobilehome park to another classification are to be made only, where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A)~~ (4)~~**(3) and Public Resources Code 30603(a)(4)**, mobilehome park uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~ (4)~~**(3) and Public Resources Code 30603(a)(4)**.

The regulations set forth in this chapter apply in all MHP districts and are subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03(part))

21.20.020 The principal permitted use.

The principal permitted low density multiple-family residence use includes:

A. A one-family residence ~~**or one two-family residence (duplex)**~~ per building site~~**;**~~ **within state-licensed special occupancy parks,**

~~**B. Accessory**~~ **accessory** buildings**,** and accessory uses appurtenant to an approved use. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- § (part);** Ord. 83-03 (part))

21.20.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. One two-family residence (duplex), accessory buildings, and accessory uses to an approved use. (Ord. 2009- § (part), 2009)

21.20.030 Uses permitted by use permit.

Use permitted by use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)**shall be as follows:

A. Home occupations within a mobilehome park dwelling unit. (Ord. 83-03 (part))

21.20.040 Minimum lot size (project area).

The minimum lot size (project area) shall be one acre. (Ord. 83-03 (part))

21.20.050 Planning commission review.

A. At the time of application to the county building official for a construction permit, copies of all necessary construction and improvement plans shall be made available by the developer for review by the planning commission at a regular scheduled meeting.

B. Prior to issuance of a permit to construct the project, applicant must submit evidence of approval of the plans by the planning commission, health and local fire department, public works and any public operated utility which will provide service to the park. (Ord. 83-03 (part))

Chapter 21.21

R-2 LOW DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT

Sections:

21.21.010 Intent.
21.21.020 The principal permitted use.
<u>21.21.025 Other principally permitted uses.</u>
21.21.030 Uses permitted with a use permit.
21.21.040 Building height.
21.21.050 Minimum lot area.
21.21.060 Minimum lot width.
21.21.070 Lot coverage.
21.21.080 Yard setbacks.

21.21.010 Intent.

The district classification is designed to be applied in areas having sufficient services to allow duplexes. Changes of district from low density multiple-family residence to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A) **~~(4)~~<u>(3) and Public Resources Code 30603(a)(4)</u>**, the low density multiple-family residence district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A**~~(4)~~<u>(3) and Public Resources Code 30603(a)(4)</u>**.

The regulations set forth in this chapter shall apply in all low density multiple-family residence districts, subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.21.020 The principal permitted use.

The principal permitted low density multiple-family residence use includes:

A. A **~~one-family residence or one~~** two-family residence (duplex) per building site**~~;~~**

~~B. Accessory~~ **<u>and accessory</u>** buildings and accessory uses appurtenant to an approved use. (**<u>(Ord 2009-___§ _ (part):</u>** Ord. 83-03 (part))

21.21.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit entail:

A. A one-family residence per building site not exceeding 3,630-square-feet in gross area. (Ord 2009- § (part))

21.21.030 Uses permitted with a use permit.

Uses permitted with a use permit shall be as follows:

A. Home occupations subject to Section 21.40.330. (Ord. 83-03 (part))

21.21.040 Building height.

Building height limit shall be twenty-five feet for main buildings. Accessory buildings are subject to Section 21.04.140.(Ord. 83-03 (part))

21.21.050 Minimum lot area.

Minimum lot area shall be **as follows:**

A. For two-family (duplex) residences – ~~**seven**~~ six thousand ~~**two hundred**~~ square feet unless otherwise specified by a combining B district (Chapter 21.34) or D district (Chapter 21.36)~~.~~**;**

B. For one-family residences – three thousand square feet.

The **maximum** number of allowed units shall be determined by the allowable density specified by the land use ~~**element of the county General Plan**~~ **plan** for each building site **during the review of a proposed land division or lot line adjustment**. (Ord. 83-03 (part))

21.21.055 Maximum lot area.

Maximum lot area shall be as follows:

A. For two-family (duplex) residences ---fourteen thousand five hundred twenty square feet;

B. For one-family residences --- seven thousand two hundred and sixty square feet

The minimum number of allowed units shall be determined by the allowable density specified by the land use plan for each building site during the review of a proposed land division or lot line adjustment.

21.21.060 Minimum lot width.

The minimum lot width shall be sixty feet. (Ord. 83-03 (part))

21.21.070 Lot coverage.

Percentage of lot coverage permitted shall be thirty-five percent. (Ord. 83-03 (part))

21.21.080 Yard setbacks.

Side yards shall be a minimum of five feet. Front yards shall be a minimum of twenty-five feet. Rear yards shall be a minimum of twenty feet for a main building1 five feet for an accessory building. (Ord. 83-03 (part))

Chapter 21.22

R-3 HIGH DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT

Sections:

21.22.010 Intent.
21.22.020 The principal permitted use.
21.22.025 Other principally permitted uses.
21.22.030 Uses permitted with a use permit.
21.22.040 Building height.
21.22.050 Minimum lot area.
21.22/055 Maximum lot area.
21.22.060 Minimum lot width.
21.22.070 Lot coverage.
21.22.080 Front yard.
21.22.090 Side yard.
21.22.100 Rear yard.
21.22.110 Special yards for dwelling groups.

21.22.010 Intent.

This district classification is designed for high density urban type living preferably where water or sewer facilities are available and where it is desirable because of housing demands to build garden type apartments and general apartment type buildings. Changes of district from high density multiple-family residence district to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A~~(4)~~**(3) and Public Resources Code 30603(a)(4)**, the high density multiple-family residence district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**.

The regulations set forth in this chapter apply in all R-3 districts and are subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.22.020 The principal permitted use.

Principal permitted high density multiple-family residence use includes:

A. Multiple dwellings and dwelling groups~~;~~

~~**B. All uses permitted in R-1 and R-2 districts, subject to securing a use permit for any use for which a use permit is required in any R-1 and R-2 district;**~~

~~**C. Accessory**~~ **comprised of three or more living units, accessory** uses**,** and accessory buildings appurtenant to a permitted use. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A)(3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- § (part);** Ord. 83-03part))

21.22.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. All principal and principally permitted uses allowed in R-1 and R-2 districts.

21.22.030 Uses permitted with a use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Hotels, motels, clubs, lodges, and mobilehome parks;

B. Public and/or quasi-public uses;

C. Mortuaries;

D. Professional offices;

E. Signs, not over twenty square feet and appurtenant to any permitted use; wall signs not over ten percent of wall coverage.

F. Any housing project with an overall density exceeding the density set forth by the ~~General Plan~~ **land use plan** as a result of California Government Code Section 65915 et seq.

G. Any comprehensive or phased multiple-family housing project comprising three or more units proposed to be developed at a residential density less than the minimum prescribed by the land use plan designation. (Ord. 88-31 §1, 1988; Ord. 83-03 (part))

21.22.040 Building height.

Building height limit shall be thirty-five feet. Accessory structures are subject to Section 21.04.140. (Ord. 83-03 (part))

21.22.050 Minimum lot area.

Minimum lot area shall be seven thousand two hundred square feet. There shall be a minimum lot area of three thousand square feet for each dwelling unit for a single-story multiple dwelling and one thousand five hundred square feet for each unit of a two-story dwelling. However, in no case shall the density exceed that set forth by the ~~General Plan~~ **land use plan**. Where water supply and sanitary facilities are contained on the property, all state and county health regulations shall apply. (Ord. 83-03 (part))

21.22.055 Maximum lot area.

Maximum lot area shall be as follows:

A. For multiple-family development of three units or more – no maximum lot size, provided any conditionally permitted development of less than the minimum density prescribed under the land use plan designation shall provide for reservation of future residential unit building sites and access roads, or parcelization to the requisite minimum residential density;

B. For two-family (duplex) residences ---fourteen thousand five hundred twenty square feet;
C. For one-family residences --- seven thousand two hundred and sixty square feet

The minimum number of allowed units shall be determined by the allowable density specified by the land use plan for each building site during the review of a proposed land division or lot line adjustment.

21.22.060 Minimum lot width.

Minimum lot width shall be sixty feet (Ord. 83-03 (part))

21.22.070 Lot coverage.

Percentage of lot coverage permitted shall be sixty percent over twelve thousand square feet, thirty-five percent under twelve thousand square feet. (See also Section 21.46.090.) (Ord. 83-03 (part))

21.22.080 Front yard.

Front yards shall be twenty feet. (See also Section 21.48.090.) (Ord. 83-03 (part))

21.22.090 Side yard.

Side yards shall be five feet. (Ord. 83-03 (part))

21.22.100 Rear yard.

Rear yards shall be fifteen feet for main buildings, five feet for accessory buildings. (Ord. 83-03 (part))

21.22.110 Special yards for dwelling groups.

For special yards required for dwelling groups, see Section 21.46.100. (Ord. 83-03 (part))

Chapter 21.23

PC PLANNED COMMUNITY DISTRICT

Sections:

21.23.010 Intent.
21.23.020 Minimum district size.
21.23.030 The principal permitted use.
21.23.040 Uses permitted by a use permit.
21.23.050 Project density.
21.23.060 Design requirements.
21.23.070 Application requirements.
21.23.080 Final review.
21.23.090 Revocation and expiration.
21.23.100 Districts for which there is no approved plan.

21.23.010 Intent.

These district classifications are applicable to parcels of land which are suitable for and of sufficient size to contain a planned development project comprised of one or more land uses which are compatible with each other, integrated in use and design to the districts adjacent to the parcel and are in accord with the ~~**General Plan**~~ **land use plan** or adopted specific plan.

It is the intent of the PC district to designate lands which meet the intent of the district and for which a plan for project development has been adopted pursuant to this chapter.

For the purposes of Section 21.52.020(A)~~**(4)**~~**(3) and Public Resources Code 30603(a)(4)**, the planned community district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~**(4)**~~**(3) and Public Resources Code 30603(a)(4)**.

The regulations set forth in this chapter apply in all PC districts and are subject to the provisions of Chapters 21.02 through 21.60, except that where apparent conflict in regulations occurs, the regulations specified in this chapter shall apply. (Ord. 83-03 (part))

21.23.020 Minimum district size.

The PC district may be established on parcels containing a minimum of one acre of land which is determined to be suitable for a planned community. (Ord. 83-03 (part))

21.23.030 The principal permitted use.

No uses shall be permitted without a use permit. (Ord. 83-03 (part))

21.23.040 Uses permitted by a use permit.

Uses permitted subject to the securing of a use permit as specified in Chapter 21.45 **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. All residential uses permitted in R-l, R-2, R-3, and MHl and 2 districts and commercial uses as in the C-1 district;

B. Mobilehome subdivisions;

C. Additional activities which are in the opinion of the planning commission, proper accessory activities to be included in the total development with a particular PC district and which are compatible with subsection A of this section. (Qrd. 95-06 §9 (part), 1995; Ord. 83-03 (part))

21.23.050 Project density.

A. The residential density of the project shall not exceed the overall density set forth by the ~~**General Plan**~~ **land use plan** or adopted specific plan**, or as provided for under California Government Code Section 65915 et seq**.

B. Where commercial development is proposed as a part of a project in a residentially designated area it shall be an incidental use designed for the convenience of project residents. (Ord. 83-03 (part))

21.23.060 Design requirements.

Standards for building heights, area, coverage, density, yard requirements, parking and screening for PC uses shall be determined by the planning commission, and shall be governed by standards of the residential, commercial or other districts most similar in nature and function to the proposed PC uses. (Qrd. 83-03 (part))

21.23.070 Application requirements.

A. Application for the establishment of a PC district shall include an application for a use permit for all developments within the district. Such application for a use permit includes the following:

1. A map or maps to scale showing:
   a. Topography of the land. Show one-foot contour interval where the natural terrain is in general under twenty percent slope and five-foot contours on terrain of over twenty percent slope,
   b. Proposed street system and lot design,
   c. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings, and other such uses,
   d. Areas proposed for commercial uses, off-street parking, multiple-family and single-family dwellings and all other uses proposed to be established within the district,
   e. Proposed locations of buildings on the land;
2. Elevations to scale of all proposed buildings and structures other than single-family residences including signs; and
3. Other data and information which may be deemed necessary by the planning commission for proper consideration of the application. Approval of the PC district and project use permit shall include tentative approval of land and building development plans.

B. Where a project proposes a subdivision of land, the application for the subdivision shall be made in conjunction with the planned community zoning and use permit applications. (Ord. 83-03 (part))

21.23.080 Final review.

A. Where a map for the subdivision of land is a part of project approval, the final map and improvement plans and construction drawings shall be submitted to the department of public works and the building official respectively for final review prior to submission to the board of supervisors for approval and the recordation of maps and deeds and the issuance of building permits respectively. Where changes are proposed in the final documents which are not in substantial compliance with the approved tentative plans, the planning commission shall review the changes and approve or deny the changes prior to final action.

B. Where a map for the subdivision of land is not a part of project approval, improvement plans and construction drawings shall be submitted to the building official for final review. Where changes are proposed in the final documents which are not in substantial compliance with the approved tentative plans, the planning commission shall review the changes and approve or deny the changes prior to final action.

C. Upon approval of the rezoning and use permit and tentative map for subdivision of land, if applicable, the board of supervisors shall adopt a resolution of intention to rezone the subject parcel to the PC district upon which final approval action shall take place when all final construction drawings, improvement plans and maps, if applicable, are ready for permit issuance and recordation, if applicable, subject to Section 21.23.090. The PC (planned community) zoning shall be effective upon the recordation of the subdivision. (Ord. 86-04 (part), 1986; Ord. 83-03 (part))

21.23.090 Revocation and expiration.

A. All use permits for projects pursuant to this chapter shall be subject to Section 21.56.050(A). In addition, those parcels which do not include a map for the subdivision shall be subject to Section 21.56.050(B).

B. Where a map for the subdivision of land is a part of the approved project and where a substantial start has not been made to use the use permit within eighteen months after the date of granting thereof, or the use permit has been abandoned for a period of eighteen months, then, without further action by the planning commission or board of supervisors, the use permit shall be null and void. Evidence of a substantial start or abandonment of a use permit may be reviewed by the planning commission as per Section 21.56.050(A). Project renewal prior to a substantial start may only be granted pursuant to state and county regulations applying to maps for the subdivision of land and use permits.

C. In any case where the use permit is revoked or expires, the zoning shall remain in, or pursuant to Chapter 21.52, be returned to a zoning district which is compatible with the ~~**General Plan**~~ **land use plan** or adopted specific plan. (Ord. 83-03 (part))

21.23.100 Districts for which there is no approved plan.

The owners of parcels of land designated with the PC district for which a development plan has not been approved shall be notified that they have one year from the date of enactment of this section in which to submit the required application(s) for such a plan. Where no application is submitted within the specified time, Section 21.23.090(C) shall apply. Those parcels of land for which a project has been approved and evidence of a substantial start does not exist shall be subject to the criteria of Section 21.23.090. (Ord. 83-03 (part))

Chapter 21.25

~~C-1~~ NC CN NEIGHBORHOOD COMMERCIAL DISTRICT

Sections:

21.25.010 Intent.
21.25.020 The principal permitted use.

21.25.030 Uses permitted with a use permit.
21.25.040 Building height.
21.25.050 Minimum lot area.
21.25.060 Lot coverage.
21.25.070 Yards.
21.25.080 Parking.

21.25.010 Intent.

It is the intent of the county to use this ~~**C-1**~~ **CN** zone district to recognize those types of commercial use which have been found to be compatible with residential land uses. These uses by their nature are small, nonintensive, quiet and designed to be located within a residential neighborhood. The ~~**C-1**~~ **CN** zone district is therefore consistent with the residential designations of the county ~~**General Plan**~~ **land use plan** or adopted specific plan land use element **and single-family residential development may be undertaken in-lieu of low intensity commercial development if demand for such neighborhood sales, services, or professional uses is understated**. Changes of district from neighborhood commercial district to another classification are to be made only where such uses are in accord with the ~~**General Plan**~~ **land use plan** or adopted specific plan.

For the purposes of Section 21.52.020(A)~~**(4)**~~**(3) and Public Resources Code 30603(a)(4)**, the neighborhood commercial district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~**(4)**~~**(3) and Public Resources Code 30603(a)(4)**.

The regulations set forth in this chapter shall apply in all neighborhood commercial districts, subject to the provisions of Chapters 21.02 through 21.60. (**Ord. 2003-002 § , 2003;** Ord. 83-03 (part))

21.25.020 The principal permitted use.

Placement of a single-family residence, manufactured home, or mobile home. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009-___ § _ (part); Ord. 2003-002 § , 2003;** Ord. 2000-003 §3, 2000; Ord. 83-03 (part))

21.25.030 Uses permitted with a use permit.

Uses permitted with a use permit in a ~~**C-1**~~ **CN** district **but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Neighborhood commercial uses which meet the intent as set forth in Section 21.25.010 such as small retail shops, small professional offices, personal service shops or grocery stores. (**Ord. 2003-002 § , 2003;** Ord. 83-03 (part))

21.25.040 Building height.

Building height limit in a ~~C-1~~ **CN** district shall be the same as the lowest building height limit of any adjoining residential zone district(s). (**Ord. 2003-002 § , 2003;** Ord. 83-03 (part))

21.25.050 Minimum lot area.

Minimum lot area in a ~~C-1~~ **CN** district shall be three thousand square feet. Care shall be taken that C-1 zone districts are kept as small as possible to ensure compatibility with adjoining residential district. (**Ord. 2003-002 § , 2003;** Ord. 83-03 (part))

21.25.060 Lot coverage.

Percentage of lot coverage in a ~~C-1~~ **CN** district is up to one hundred percent unless restricted by use permit or setback requirements. (**Ord. 2003-002 § , 2003;** Ord. 83-03 (part))

21.25.070 Yards.

Front, rear and side yards are not required in a ~~C-1~~ **CN** district except where the ~~C-1~~ **CN** abuts a residential district. In such cases the setbacks shall be the same as required in the residential district. (**Ord. 2003-002 § , 2003;** Ord. 83-03 (part))

21.25.080 Parking.

Adequate parking spaces shall be provided in a ~~C-1~~ **CN** district. Unless otherwise specified by use permit, Chapter 21.44 (Off-Street Parking) of this title shall determine the number of required spaces. (**Ord. 2003-002 § , 2003;** Ord. 83-03 (part))

Chapter 21.26

C-2 LIGHT COMMERCIAL DISTRICT

Sections:

21.26.010 Intent.
21.26.020 The principal permitted use.
21.26.025 Other principally permitted uses.
21.26.030 Uses permitted with use permit.
21.26.040 Building height.
21.26.050 Minimum lot area.
21.26.060 Minimum lot width.
21.26.070 Lot coverage.
21.26.080 Front yard.
21.26.090 Side yard.
21.26.100 Rear yard.
21.26.110 Special yards required for dwelling groups.
21.26.120 Parking areas.

21.26.010 Intent.

This district classification is designed to be applied to areas such as small community shopping centers and business districts which cater to quiet enclosed

businesses which are accessory to residential, urban, or suburban living. Shops and services which cater to residential needs are to be encouraged to the exclusion of other businesses. Changes of district from light commercial to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A)~~ (4)~~**(3) and Public Resources Code 30603(a)(4)**, the light commercial district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~ (4)~~**(3) and Public Resources Code 30603(a)(4)**.

The regulations set forth in this chapter apply in all C-1 districts and are subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.26.020 The principal permitted use.

The principal permitted light commercial use ~~**includes uses such as:**~~

~~**A. Retail**~~ **entails retail** stores and shops of a light commercial character and conducted within a building; including appliance stores, bakeries, banks, barbershops, beauty parlors, boat and trailer sales yards, bookstores, bus terminals, cleaner and laundry agencies, clubs and lodges, commercial recreational facilities, department stores, dress shops, drug stores, furniture stores, grocery stores, general merchandising establishments, hotels, launderettes, millinery shops, office buildings, professional offices, real estate offices, regional shopping centers, restaurants, refreshment stands, clinics, shoe shops, storage garages, studios, theaters and tailor shops; except those which contain department store, variety store or dry goods sales area of greater than five thousand square feet~~**;**~~

~~**B. New and used car lots and service stations;**~~

~~**C. Agriculture where site area is one acre or more;**~~

~~**D. Accessory**~~ **and accessory** buildings and accessory uses appurtenant to a permitted use including on-site signs. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- § (part);** Ord. 83-03 (part))

21.26.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. New and used car lots and service stations;

B. Agriculture where site area is one acre or more. (Ord 2009- __ § _ (part)

21.26.030 Uses permitted with use permit.

Uses permitted with a use permit **but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Public and quasi-public uses;
B. Mobilehome parks;
C. A one-family residence, mobilehome or a manufactured home;
D. Multiple dwellings and dwelling groups subject to the height limit, building site area, average lot width and yard requirements specified for R-3 districts;
E. Off-site advertising signs. (Ord. 95-06 §4 (part), 1995; Ord. 83-03 (part))

21.26.040 Building height.

Building height limit shall be forty-five feet. (Ord. 83-03 (part))

21.26.050 Minimum lot area.

Minimum lot area shall be three thousand square feet where both a public or mutual water supply and public sanitary system is available. Where water and/or sanitary facilities are contained on the property, all state and county health regulations shall apply. (See also Section 21.46.080.) (Ord. 83-03 (part))

21.26.060 Minimum lot width.

Minimum lot width shall be thirty feet. (Ord. 83-03 (part))

21.26.070 Lot coverage.

Percentage of lot coverage permitted shall be up to one hundred percent of the buildmg site where both a public or mutual water supply and public sanitary system are available. Where water and sanitary facilities are contained on the property adequate yard space shall be provided. (See also Chapter 21.46.) (Ord. 83-03 (part))

21.26.080 Front yard.

Front yards shall be none, except as provided in Section 21.46.090. On corner lots or where frontage in a block is partially in an R district, the front yard shall be one-half that required in such R district, or not less than ten feet. (Ord. 83-03 (part))

21.26.090 Side yard.

Side yards shall be none, except where the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall be not be less than five feet. Where the side yard on the street side of a corner lot abuts on an R district, the side yard on the street side shall comply with the standard corner lot setbacks adjacent to key lots. (Ord. 83-03 (part))

21.26.100 Rear yard.

Rear yards shall be none. (Ord. 83-03 (part))

21.26.110 Special yards required for dwelling groups.

For special yards required for dwelling groups, see Section 21.46.100. (Ord. 83-03(part))

21.26.120 Parking areas.

For parking areas, see Chapter 21.44. (Ord. 83-03 (part))

Chapter 21.27

C-3 CENTRAL BUSINESS DISTRICT

Sections:

21.27.010 Intent.
21.27.020 The principal permitted use.
<u>21.27.025 Other principally permitted uses.</u>
21.27.030 Uses permitted with use permit.
21.27.040 Building height.
21.27.050 Minimum lot area.
21.27.060 Minimum lot width.
21.27.070 Lot coverage.
21.27.080 Front yard.
21.27.090 Side yard.
21.27.100 Rear yard.
21.27.110 Special yards for dwelling groups.
21.27.120 Parking areas.

21.27.010 Intent.

This district classification is intended to be applied to areas such as would be developed into a "downtown" or central shopping area which cater to shoppers in a high density urban area. Changes of district from central business district to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A)**~~(4)~~<u>(3) and Public Resources Code 30603(a)(4)</u>**, the central business district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)**~~(4)~~<u>(3) and Public Resources Code 30603(a)(4)</u>**.

The regulations set forth in this chapter apply in all C-3 districts and are subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.27.020 The principal permitted use.

The principal permitted central business use **~~includes uses such as:~~**

~~A. Regional~~ **<u>entails regional</u>** shopping centers, department stores and/or general merchandise stores which utilize more than five thousand square feet of floor area**~~;~~**

~~B. Retail stores of a light commercial character conducted within a building, storage garages, offices, outdoor sales yards of automobiles and boats, furniture sales, clubs and lodge halls, commercial recreation facilities, restaurants, theaters, bus terminals, motels and hotels;~~

~~C. Accessory~~ **<u>and accessory</u>** uses and buildings appurtenant to any permitted use including on-site signs. **<u>These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other</u>**

provisions of Section of PRC Section 30603. (**Ord. 2009-___ § _ (part);** Ord. 83-03 (part))

21.27.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. Retail stores of a light commercial character conducted within a building, storage garages, offices, outdoor sales yards of automobiles and boats, furniture sales, clubs and lodge halls, commercial recreation facilities, restaurants, theaters, bus terminals, motels and hotels. (Ord 2009- § (part))

21.27.030 Uses permitted with use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Public and quasi-public uses;

B. Multiple dwellings and dwelling groups, subject to the height limit, building site area, ~~average~~ **minimum** lot width, and yard requirements specified for R-3 districts;

C. Mobilehome parks;

D. Off-site advertising signs. (Ord. 83-03 (part))

21.27.040 Building height.

Building height limit shall be forty-five feet. (Ord. 83-03 (part))

21.27.050 Minimum lot area.

Minimum lot area shall be three thousand square feet, where both a public or mutual water supply and public sanitary system is available. Where water and/or sanitary facilities are contained on the property, all state and county health regulations shall apply. (See also Section 21.46.080.) (Ord. 83-03 (part))

21.27.060 Minimum lot width.

Minimum lot width shall be thirty feet. (Ord. 83-03 (part))

21.27.070 Lot coverage.

Percentage of lot coverage permitted shall be up to one hundred percent of the building site where both a public or mutual water supply and public sanitary system are available. Where water and sanitary facilities are contained on the property adequate yard space shall be provided. (See also Chapter 21.46.) (Ord. 83-03 (part))

21.27.080 Front yard.

Front yards shall be none, except as provided in Section 21.46.090. Where frontage in a block is partially in an R district, the front yard shall be one-half that required in such R district or not less than ten feet. (Ord. 83-03 (part))

21.27.090 Side yard.

Side yards shall be none, except where the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall not be less than five feet. Where the side yard on the street side of a corner lot abuts oil an R district, the side yard on the street side shall comply with the standard corner lot setbacks adjacent to key lots. (Ord. 83-03 (part))

21.27.100 Rear yard.

Rear yard shall be none. (Ord. 83-03 (part))

21.27.110 Special yards for dwelling groups.

For special yards required for dwelling groups, see Section 21.46.100. (Ord. 83-03 (part))

21.27.120 Parking areas.

For parking areas, see Chapter 21.44. (Ord. 83-03 (part))

Chapter 21.28

C-R COMMERCIAL RECREATIONAL DISTRICT

Sections:

21.28.010 Intent.
21.28.020 The principal permitted use.
<u>21.28.025 Other principally permitted uses.</u>
21.28.030 Uses permitted with a use permit.
21.28.040 Building height.
21.28.050 Minimum lot area.
21.28.060 Minimum lot width.
21.28.070 Lot coverage.
21.28.080 Front yard.
21.28.090 Side yard.
21.28.100 Rear yard.

21.28.010 Intent.

This district classification is designed to be applied to areas for the use of private and public lands for visitor-serving commercial recreation (e.g., resorts, recreational vehicle facilities, campgrounds, motor inns, etc.) and their support facilities. Development within this district shall be designed to enhance public opportunities for recreation and to act as a visual invitation to the tourist traveler. Changes of district from commercial recreational district to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For purposes of Section 21.52.020(A)~~**(4)**~~**<u>(3) and Public Resources Code 30603(a)(4)</u>**, the commercial recreational district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California

Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~ (4)~~**(3) and Public Resources Code 30603(a)(4)**. The regulations set forth in this chapter shall apply in all commercial recreational districts, subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.28.020 The principal permitted use.

The principal permitted commercial recreational use ~~**includes**~~ **entails those facilities and activities intended primarily for serving the needs of visitors to coastal areas, and support facilities for enhancing their visit experience, namely**:

A. ~~**Hotels**~~ **Lower-cost, down-market hostels, hotels**, motels, guest lodging and motor inns;

B. Private commercial outdoor recreation facilities ~~**including hunting and fishing resorts and riding academies and stables**~~;

C. Commercial boat ramps, docks and appurtenant facilities such as parking and rest areas;

D. Restaurants and service stations~~**;**~~

~~**E. Nonflashing signs appurtenant to any permitted use not exceeding forty square feet in aggregate area**~~. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- § (part);** Ord. 83-03 (part))

21.28.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. Up-market, destination hotels, motels, and guest lodging, including hunting and fishing resorts, excluding such facilities with condominiumized units;

B. Horse-riding academies and stables;

C. Non-flashing signs appurtenant to any permitted use not exceeding forty square feet in aggregate area. (Ord. 2009- § (part))

21.28.030 Uses permitted with a use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Recreational vehicle parks;

B. Mobilehome parks: where the subject property is located within the California Coastal Zone the mobilehome park must be in conjunction with a recreational vehicle park where the number of recreational vehicle spaces exceeds the number of mobilehome spaces by a ratio of 2:1. where a facility exists prior to the adoption of this section the 2:1 ratio shall be applied only to expansion development;

C. Antique shops, handicraft and other unique item shops;

D. Self-service laundries;
E. Golf courses and country clubs;
F. A one-family residence, mobilehome or a manufactured home for the owner or operator of the site;
G. Commercial recreation facilities which are not identified in Section 21.28.020 but which are found to be consistent with the intent of the district**, the policies of the land use plan,** and any adopted ~~**General Plan or**~~ specific plan;
H. Hotels, motels, or other guest lodging facilities with no more than twenty-five percent of the units offered as exclusive condominium units;
~~**H.**~~ **I.** Nonflashing signs exceeding forty square feet in aggregate area, subject to Title 18 of the Del Norte County Code. (**(Ord. 2009- § (part);** Ord. 95-06 §4 (part), 1995; Ord. 83-03 (part))

21.28.040 Building height.
The building height limit shall be thirty-five feet. (Ord. 83-03 (part))

21.28.050 Minimum lot area.
Minimum lot area shall be one acre. (Ord. 83-03(part))

21.28.060 Minimum lot width.
The minimum lot width shall be one hundred twenty feet. (Ord. 83-03(part))

21.28.070 Lot coverage.
The maximum lot coverage shall be sixty percent for building and/or user sites. (Ord. 83-03 (part))

21.28.080 Front yard.
The minimum front yard distance shall be twenty feet for any building. (Ord. 83-03(part))

21.28.090 Side yard.
The side yard minimum shall be ten feet for buildings. (Ord. 83-03 (part))

21.28.100 Rear yard.
Rear yards shall be a minimum of ten feet for buildings. (Ord. 83-03 (part))

Chapter 21.30

C-4 GENERAL COMMERCIAL DISTRICT

Sections:
21.30.010 Intent.
21.30.020 The principal permitted use.
21.30.025 Other principally permitted uses.
21.30.030 Uses permitted with a use permit.

21.30.040 Building height.
21.30.050 Minimum lot area.
21.30.060 Minimum lot width.
21.30.070 Lot coverage.
21.30.080 Front yard.
21.30.090 Side yard.
21.30.100 Rear yard.
21.30.110 Special yards for dwellings.

21.30.010 Intent.

This district classification is intended to be applied to areas in which heavy commercial and light manufacturing uses of the non-nuisance type and large administrative facilities are the desired predominant uses. Changes of district from general commercial district to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**, the general commercial district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district3s requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**.

The regulations set forth in this chapter apply in all C-4 districts, and are subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.30.020 The principal permitted use.

The principal permitted general commercial use ~~**include uses such as:**~~
~~**A. Heavy**~~ **entails heavy** commercial and light industrial uses such as storage and warehousing, bottling works, carpenter shops, machine shops, plumbing shops, public garages, welding shops, the manufacture of clothing, handicraft products, printing, lithographing and other uses of a similar character but not including sawmills and planing mills; and the manufacture of food products and pharmaceuticals but not including the production of fish, meat products, vinegar, or sauerkraut or the like~~;~~
~~**B. Hotels, motels, clubs and lodge halls, clinics, retail stores of a light commercial character conducted within a building; storage garages, offices, outdoor sales yards of automobiles and boats, commercial recreation facilities, restaurants and theaters;**~~
~~**C. Accessory uses and buildings appurtenant to a permitted use including on-site signs**~~. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- § (part);** Ord. 83-03 (part))

21.30.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant

to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. Hotels, motels, clubs and lodge halls, clinics, retail stores of a light commercial character conducted within a building; storage garages, offices, outdoor sales yards of automobiles and boats, commercial recreation facilities, restaurants and theaters;

B. Accessory uses and buildings appurtenant to a permitted use including on-site signs. (Ord. 2009- § (part))

21.30.030 Uses permitted with a use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Public and quasi-public uses;

B. Mobilehome parks, multiple dwellings and dwelling groups subject to the height limit, building site area, average lot width, and yard requirements specified for R-3 districts;

C. Animal hospitals, enclosed kennels and veterinary clinics;

D. Drive-in theaters;

E. One-family residences, mobilehome or a manufactured home;

F. Contractor yards, lumber yards, storage yards;

G. Off-site advertising signs. (Ord. 95-06 §4 (part), 1995; Ord. 83-03 (part))

21.30.040 Building height.

`Building height limit shall be forty-five feet. (Ord. 83-03 (part))

21.30.050 Minimum lot area.

Minimum lot area shall be three thousand square feet where both a public or mutual water supply and public sanitary system is available. Where water and sanitary facilities are contained on the property, all state and county health regulations shall apply. (See also Section 21.46.080.) (Ord. 83-03 (part))

21.30.060 Minimum lot width.

Minimum lot width shall be thirty feet. (Ord. 83-03 (part))

21.30.070 Lot coverage.

Percentage of lot coverage permitted shall be up to one hundred percent of the building site where both a public or mutual water supply and public sanitary system are available. Where water and sanitary facilities are contained on the property adequate yard space shall be provided. (See also Chapter 21.46.) (Ord. 83-03 (part))

21.30.080 Front yard.

Front yards shall be none, except as provided in Section 21.46.090.Where frontage in a block is partially in an R district, the front yard shall be one-half that required in such R district or not less than ten feet. (Ord. 83-03 (part))

21.30.090 Side yard.

Side yards shall be none, except where the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall not be less than five feet. Where the side yard on the street side of a corner lot abuts on an R district, the side yard on the street side shall comply with the standard corner lot setback adjacent to key lots. (Ord. 83-03 (part))

21.30.100 Rear yard.

Rear yards shall be none. (Ord. 83-03 (part))

21.30.110 Special yards for dwellings.

For special yards required for dwelling groups, see Section 21.46.090. (Ord. 83-03 (part))

Chapter 21.31

M MANUFACTURING AND INDUSTRIAL DISTRICT

Sections:

21.31.010 Intent.
21.31.020 The principal permitted use.
<u>21.31.025 Other principally permitted uses.</u>
21.31.030 Uses permitted with use permit.
21.31.040 Building height.
21.31.050 Minimum lot area.
21.31.060 Minimum lot width.
21.31.070 Lot coverage.
21.31.080 Front yard.
21.31.090 Side yard.
21.31.100 Rear yard.
21.31.110 Parking areas.

21.31.010 Intent.

This district classification is intended to apply to areas suited to normal operations of industries, subject only to such regulations as are needed to control congestion and protect surrounding areas. Changes of district from manufacturing and industrial district to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020 (A)~~(4)~~**<u>(3) and Public Resources Code 30603(a)(4)</u>**, the manufacturing and industrial uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A) ~~(4)~~**<u>(3) and Public Resources Code 30603(a)(4)</u>**.

The regulations set forth in this chapter apply in all M districts and are subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.31.020 The principal permitted use.

The principal permitted manufacturing and industrial use ~~**includes uses such as:**~~ ~~**A. All**~~ **all principal and principally permitted** commercial uses permitted in C-4 districts excepting residential uses of a permanent or transitory nature such as hotels, motels, mobilehome parks, hospitals and multiple-family or single-family dwellings ~~**(except as listed in subsection C of this section);**~~

~~**B. All other commercial and manufacturing uses except as set forth in Section 21.31.030;**~~

~~**C. Accessory uses appurtenant to a permitted use including one watchman's residence and on-site signs**~~. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- § (part);** Ord. 83-03 (part))

21.31.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. All other commercial and manufacturing uses except as set forth in Section 21.31.030;

B. Accessory uses appurtenant to a permitted use including one watchman's residence and on-site signs. (Ord. 2009- § (part))

21.31.030 Uses permitted with use permit.

Uses permitted with a use permit in a M district **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Exploration and/or the removal of stone, minerals, oil, gas, etc., pursuant to Chapter 7.36 of the Del Norte County Code;

B. Refining of petroleum or other fuels and/or the byproducts and/or the bulk storage of such;

C. Distillation of bones, fat rendering or tanneries;

D. Stockyards and slaughterhouses;

E. Fish or meat processing;

F. Professional offices;

G. Sawmills and planing mills;

H. Pulp mills and paper mills;

I. Manufacture of acid, chemicals, cement, explosives, fireworks, fertilizer, gas, glue, gypsum, inflammable fluids or gases and/or the bulk storage of such;

J. Smelting of copper, iron, tin, zinc or other ores;

K. Animal hospitals, enclosed kennels and veterinary clinics;

L. Other commercial and industrial uses which might be objectionable for reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration or involving the handling of explosive or dangerous materials;
M. Hog ranches;
N. Junkyards, wrecking yards, contractor yards, lumber yards and storage yards;
O. Off-site advertising signs. (Ord. 83-03 (part))

21.31.040 Building height.
Building height limit shall be seventy-five feet. (Ord. 83-03 (part))

21.31.050 Minimum lot area.
Minimum lot area shall be three thousand square feet, where both a public or mutual water supply and public sanitary system is available. Where water and sanitary facilities are contained on the property, all state and county health regulations shall apply. (See also Section 21.46.080.) (Ord. 83-03 (part))

21.31.060 Minimum lot width.
Minimum lot width shall be thirty feet. (Ord. 83-03 (part))

21.31.070 Lot coverage.
Percentage of lot coverage permitted shall be up to one hundred percent of the building site where both a public or mutual water supply and public sanitary system are available. Where water and sanitary facilities are contained on the property adequate yard space shall be provided. (See also Chapter 21.46.) (Ord. 83-03 (part))

21.31.080 Front yard.
Front yards shall be none, except as provided in Section 21.46.090. Where frontage in a block is partially in an R district, the front yard shall be one-half that required in such R district or not less than ten feet. (Ord. 83-03(part))

21.31.090 Side yard.
Side yards shall be none, except where the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall not be less than five feet. Where the side yard on the street side of a corner lot abuts on an R district, the side yard on the street side shall comply with the standard corner lot setback adjacent to a key lot. (Ord. 83-03 (part))

21.31.100 Rear yard.
Rear yards shall be none. (Ord. 83-03 (part))

21.31.110 Parking areas.
For parking areas, see Section 21.44.020. (Ord. 83-03 (part))

Chapter 21.32

MP MANUFACTURING AND INDUSTRIAL PERFORMANCE DISTRICT

Sections:

21.32.010 Intent -- Applicability.
21.32.020 The principal permitted use.
21.32.025 Other principally permitted uses.
21.32.030 Uses permitted with a use permit.
21.32.040 Building height limit.
21.32.050 Minimum lot area required.
21.32.060 Minimum lot width.
21.32.070 Percentage of lot coverage permitted.
21.32.080 Front yard required.
21.32.090 Side yard required.
21.32.100 Rear yard required.
21.32.110 Performance standards.

21.32.010 Intent -- Applicability.

This district classification is intended to apply to areas suited to normal operations of industries, subject to such regulations as are necessary to protect the public health, safety, convenience and general welfare within the district and adjacent districts. All uses shall be subject to the use performance standards set forth in Section 21.32.110. No MP district shall be located adjacent to an R district. Changes of district from manufacturing and industrial performance district to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**, the manufacturing and industrial performance district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for the purposes of Section 21.52.020(A)~~(4)~~**(3) and Public Resources Code 30603(a)(4)**.

The following regulations shall apply in all MP districts and shall be subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.32.020 The principal permitted use.

The principal permitted manufacturing and industrial performance use ~~**includes uses such as:**~~

~~**A. All**~~ **entails all** commercial uses permitted in C-4 districts excepting residential uses of a permanent or transitory nature such as hotels, motels, mobilehome parks, hospitals and multiple-family or single-family dwellings ~~**(except as listed in subsection C of this section);**~~

~~**B. All other commercial and manufacturing uses except as set forth in Section 21.32.030;**~~

~~**C. Accessory uses appurtenant to a permitted use including one watchman's residence and on-site signs**~~. **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to**

other provisions of Section of PRC Section 30603. (**Ord. 2009-___ § _ (part);** Ord. 83-03 (part))

21.32.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

A. All other commercial and manufacturing uses except as set forth in Section 21.32.030;

B. Accessory uses appurtenant to a permitted use including one watchman's residence and on-site signs. (ord. 2009- § (part))

21.32.030 Uses permitted with a use permit.

Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:

A. Exploration and/or the removal of stone, minerals, oil, gas, etc., pursuant to Chapter 7.36;

B. Refining of petroleum or other fuels and/or the byproducts and/or the bulk storage of such;

C. Distillation of bones, fat rendering or tanneries;

D. Stockyards and slaughterhouses;

E. Fish or meat processing;

F. Professional offices;

G. Sawmills and planing mills;

H. Pulp mills and paper mills;

I. Manufacture of acid, chemicals, cement, explosives, fireworks, fertilizer, gas, glue, gypsum, inflammable fluids or gases and/or the bulk storage of such;

J. Smelting of copper, iron, tin, zinc or other ores;

K. Animal hospitals, enclosed kennels and veterinary clinics;

L. Other commercial and industrial uses which might be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration or involving the handling of explosive or dangerous materials;

M. Hog ranches;

N. Junkyards, wrecking yards, contractor yards, lumber yards and storage yards;

O. Off-site advertising signs. (Ord. 83-03 (part))

21.32.040 Building height limit.

Building height limit shall be seventy-five feet. (Ord. 83-03(part))

21.32.050 Minimum lot area required.

Minimum lot area shall be three thousand square feet, where both a public or mutual water supply and public sewage collection system are available. Where water

and sanitary facilities are contamed on the property, adequate yard space shall be provided. (See also Section 21.46.080.) (Ord. 83-03 (part))

21.32.060 Minimum lot width.

Minimum lot width shall be thirty feet. (Ord. 83-03 (part))

21.32.070 Percentage of lot coverage permitted.

Percentage of lot coverage permitted shall be up to one hundred percent of the building site where both a public or mutual water supply and a public sewage collection system are available. Where water and sanitary facilities are contained on the property, adequate yard space shall be provided. (See also Chapter 21.46.) (Ord. 83-03 (part))

21.32.080 Front yard required.

Required front yard shall be thirty feet, except as provided in Section 21.46.090. (Ord. 83-03 (part))

21.32.090 Side yard required.

Required side yard shall be none, except that the side yard on the street side of a corner lot shall be no less than thirty feet. (Ord. 83-03 (part))

21.32.100 Rear yard required.

Required rear yard shall be none. (Ord. 83-03 (part))

21.32.110 Performance standards.

All activities allowed in the MP district shall be subject to the following limitations of their external effects and such limitations shall be a condition of all uses permitted in the district:

A. Noise or vibration created by or resulting directly or indirectly from any industrial machinery or process shall not be discernible without instruments at the lot boundaries.

B. Odors, glare or heat created by or resulting directly or indirectly from any use shall not be perceptible at any point beyond the lot boundaries.

C. Discharge into the atmosphere of air contaminants including1 but not limited to sulphur compounds, nitrogen compounds1 smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, mist, odors or particulate matter or any combination thereof from any single source of emission whatsoever for a period or periods aggregating more than three minutes in any one hour shall be permitted which:

1. Exceeds the legally permissible discharge limits, herein prescribed as follows: sulfur dioxide, carbon monoxide, oxidant, hydrocarbons and nitrogen dioxide shall not be less than set forth as national standard in Table I, Rules and Regulations, Del Norte County Air Pollution Control District; particulate matter, visibility reducing particles, lead, hydrogen sulfide and nitrogen dioxide shall not be less than set forth as California standard in Table I, Rules and Regulations, Del Norte County Air Pollution Control District; or additional or more restrictive emission limits as prescribed by the county air pollution control officer; or

2. Is as dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United State Bureau of Mines; or
3. Is of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in subsection C(2) of this section; except that
4. Subsections C(2) and (3) of this section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this subsection.

D. Industrial activities shall be of such nature as not to cause damage or jeopardy to the health or safety of persons, animals, vegetation or any form of real or personal property.

E. Water supply, drainage, rubbish and waste disposal systems and practices shall conform to all applicable codes and standards relating to public safety, health, sanitation and/or public works of the county. (Ord. 83-03 (part))

Chapter 21.33

PF PUBLIC FACILITY DISTRICT

Sections:

21.33.010 Intent.
21.33.020 The principal permitted use.
<u>21.33.025 Other principally permitted uses.</u>
21.33.030 Uses permitted by use permit.
21.33.040 Special regulations.

21.33.010 Intent.

This district classification is designed to provide for the reservation of land for, development of, and the continued operation of public facilities which serve the community on a county-wide or regional basis and is to be applied in those areas designated by the General Plan for public or quasi-public use. Changes of district from public facility to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan.

For the purposes of Section 21.52.020(A)~~(4)~~**<u>(3) and Public Resources Code 30603(a)(4)</u>**, the public facility district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)~~(4)~~**<u>(3) and Public Resources Code 30603(a)(4)</u>**.

The regulations set forth in this chapter shall apply in all PF districts and shall be subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.33.020 The principal permitted use.

The principal permitted public facility use ~~**includes:**~~

~~**A. The**~~ **<u>entails the</u>** operation and maintenance of existing public facilities~~**;**~~

~~**B. Timber harvesting and agricultural uses such as grazing and the raising and harvesting of crops on cultivated land;**~~
~~**C. Undeveloped public recreation areas only requiring access maintenance**. **(See also Section 21.46.020(A).)**~~ **These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.** (**Ord. 2009- § (part);** Ord. 83-03 (part))

21.33.025 Other principally permitted uses.
Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:
A. Timber harvesting and agricultural uses such as grazing and the raising and harvesting of crops on cultivated land;
B. Undeveloped public recreation areas only requiring access maintenance (See also Section 21.46.020(A).) (Ord. 2009- § (part))

21.33.030 Uses permitted by use permit.
Uses permitted with a use permit **and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4)** shall be as follows:
A. Airports, including industrial uses on airport property when consistent with adopted General Plan land use policies;
B. Sanitary landfills and related transfer sites, including the stockpiling and resale of salvage items;
C. Public buildings, complexes and corporation yards;
D. Public park and recreation areas which include development and/or maintenance of other than access;
E. Quasi-public recreation facilities, including golf courses and country clubs;
F. Public and quasi-public utility facilities, other than business or sales offices, such as power generation plants, water and sewer treatment plants and bulk storage facilities;
G. Schools;
H. Cemeteries. (Ord. 83-03 (part))

21.33.040 Special regulations.
Special regulations regarding issues such as yards, building height and lot coverage shall be determined at the time of issuance of the use permit. (Ord. 83-03(part))

Suggested Modification No. 20: (Title 21 – Coastal Zoning, Chapter 21.35: C Coastal Areas Combining District)
All changes to Title 21 – Coastal Zoning, Chapter 21.35

Chapter 21.35

C COASTAL AREA COMBINING DISTRICT

Sections:

21.35.010 Intent.
21.35.020 Applicability.
21.35.030 Requirements of coastal bluff hazard, tsunami, erosion and slope failure risk areas.
21.35.040 Requirements of coastal access.
21.35.050 Requirements for highly scenic visual resource areas.
21.35.060 Special development pattern areas.
21.35.070 Zoning maps.

21.35.010 Intent.

It is the intent of this chapter to create a district which will, when combined with a basic zoning district, implement the goals and policies of the ~~**General Plan Coastal Element**~~ **land use plan** and California Coastal Act regarding access, safety, aesthetic resources and special development patterns. (Ord. 83-03 (part))

21.35.020 Applicability.

This chapter shall be applied as follows:

A. Requirements for coastal bluff hazard, tsunami and erosion or slope failure risk shall be applied as designated in Section 21.35.030(B).

B. Requirements for coastal access shall be applied to development on properties designated in Section 21.35.040(D) and along the immediate shoreline, except within the boundaries of the Crescent City Harbor District and those agricultural areas designated by the Coastal Element to be protected from access.

C. Requirements for highly scenic visual resource areas shall be applied in those areas designated pursuant to Section 21.35.050(C) (1).

D. Requirements for special development pattern areas shall be as applied in those areas designated in Section 21.35.060. (Ord. 83-03(part))

21.35.030 Requirements of coastal bluff hazard, tsunami, erosion and slope failure risk areas.

A. Intent. It is the intent of this section to implement the policies of the certified Local Coastal Program pertaining to development in environmentally sensitive and potentially hazardous coastal bluff, tsunami and/or erosion areas.

B. Requirements and Applicability.

1. Coastal Bluff Areas.

a. Geologic studies as set forth by the county grading standards shall be required as a part of the permit application for new construction within the area of demonstration to determine:

i. Their suitability for development; and

ii. The necessary setbacks and/or yards required to avoid or reduce hazards associated with bluff failure.

b. The area(s) of demonstration of stability includes the base, face and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a twenty-degree angle from horizontal passing through the toe of the bluff or cliff, or fifty feet inland from the edge of the cliff or bluff, whichever is greater.

c. Where adequate geologic evaluation, historic evidence and/or adequate protective works already exist and demonstrate stability, the county may designate a greater area of demonstration, or exclude development entirely, in known areas of high instability.

d. Data submitted shall be utilized to require the provision of feasible mitigation(s) as a part of development such as building setbacks or engineered structures.

2. Tsunami and Coastal Erosion Areas.

a. Any development proposed adjacent to identified tsunami run-up and/or coastal erosion area shall require as a part of the permit application:

i. An assessment of the rates of coastal retreat, in the case of bluffs, a detailed examination of underlying geology by a registered geologist or engineering geologist; and/or

ii. An analysis of the potential for tsunami run-up.

b. Critical coastal erosion areas are:

i. The coastal area between Point St. George and Crescent City, extending approximately 2.3 miles north from the city boundary.

c. Critical tsunami run-up areas are:

i. Those southern Crescent City areas delineated as tsunami run-up on the General Plan Coastal Element Land Use Constraint-Hazards Map.

d. Data submitted shall be utilized to require the provision of feasible mitigation(s) as a part of development such as building setbacks, minimum-first-floor elevations or engineered structures.

e. To the extent practicable, critical facilities, such as hospitals, schools, utility installations (other than service lines) and communication centers should not be sited in areas susceptible to tsunami inundation. Where it is deemed essential to do so for the public welfare, these structures should be sited, designed and constructed with mitigations.

3. Slope Failure Risk Areas.

a. Geologic studies as set forth by the county grading standards shall be required as a part of any application for development and shall assess the stability of the site under both normal and seismic conditions as well as recommended mitigations.

b. Slope failure risk areas are as identified by the Seismic Safety and Safety Element of the Del Norte County General Plan.

c. Data submitted shall be utilized to require the provision of feasible mitigation(s) as a part of development such as building setbacks or engineered structures. (Ord. 83-03 (part))

21.35.040 Requirements of coastal access.

A. Intent. It is the intent of this section to implement the certified Local Coastal Program and the basic goal of the public access set forth in the California Coastal Act which calls for the maximization of public access both to and along the shoreline where it is consistent with public safety, property owner rights and the protection of fragile coastal resources.

B. Vertical Access.

1. Development along the immediate shoreline shall provide public access to the shoreline except where:

a. Findings are made consistent with Section 21.35.040(B)(2), that access is inconsistent with public safety or that agriculture would be adversely affected; or

b. Access would have unavoidable adverse impacts on environmentally sensitive habitat areas as designated on the Land Use Plan; or

c. An existing vertical accessway, adequate to meet anticipated access needs, is located one-half mile or less from the development; or

d. The parcel is to small to allow for an adequate vertical access corridor without passing within twenty-five feet of a proposed dwelling; or

e. Project site is too small for the proposed development and the access with improvements related to its use (i.e., parking).

2.a. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (i) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (ii) adequate access exists nearby, or (iii) agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

b. For the purposes of this section, "new development" does not include:

i. Replacement of any structure, other than a public works facility destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and shall be sited in the same location on the affected property as the destroyed structure (As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.)

ii. The demolition and reconstruction of a single-family residence, provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than ten percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

iii. Improvements to any structure which do not change the intensity of its use, which do not increase either the height, or bulk of the structure by more than ten percent, which do not block or impede

public access, and which do not result in a seaward encroachment by the structure.

iv. Any repair or maintenance activity which does not result in an addition to, or enlargement of maintenance activities; unless such activity will have an adverse impact on internal public access to the beach. (As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.)

c. Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66578.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution. (Amend. by Cal. Stats. 1979. Ch. 919.)

3. Priority for vertical access shall be restricted to that for sandy beach areas. Accessways to rock beaches will not be required for areas where public safety is of concern or where increased visitor pressure on biological areas or areas of unique character, sensitive to visitor pressure, will be degraded.

4. The county shall not allow any development between the mouth of the Smith River and Prince Island Court and from Marhoffer Creek north to the east line of Section 14 at Point St. George, that would preempt any prescriptive rights that may exist on a parcel. Any new development shall, when feasible, be sited in such a way that it will not infringe on any existing prescriptive rights accessways unless an alternative easement is provided on the site which is substantially equivalent to that required by the public.

C. Lateral Access.

1. New development along the immediate shoreline shall provide lateral access by access easements along the shoreline, inland of the mean high tide to the first line of vegetation or to the crest of the paralleling bluff in areas of coastal bluffs. No permit shall be issued for a project which obstructs lateral access on the immediate shoreline, inland of the mean high tide to the first line of vegetation, or the crest of the paralleling bluff. Exceptions to these requirements would be for the placement of navigational aids or shoreline protective devices to protect existing structures (i.e., houses, roadways and parking areas) and as set forth in Section 21.35.040(B) (2).

D. Specific Access Requirements. In addition to the above general access requirements of the Coastal Program, the Coastal Element Access and Development Components identify specific areas where access shall be required to river areas which are subject to tidal action. These areas are:

1. Ship Ashore Resort - access to the Smith River;
2. Trains End - access to the Smith River;
3. County Boat Ramp - access to the Smith River from Fred Haight Drive;
4. Simpco Lands (Assessor's Parcel Number 105-020-38, -39) - access to the Smith River;
5. Buzzini Road - access to Lake Earl;

6. Lake View Drive - access to Lake Earl;
7. Public Reserve Area (County) and existing RV parks - access to the Klamath River.

E. Design and Use.

1. The vertical access required shall be limited to the right of pass and repass unless additional uses are specified as a condition of development. If possible, the accessway should be sited along the border of the development and shall extend from the road (or boundary line closest to the road) to the shoreline.
2. The lateral access required shall be limited to passive recreational uses unless another type of use is specified as a condition of development.
3. Developments that provide access for the general public over a wide range of income levels, ages, and social groups shall have priority over other private development.
4. The design and construction by any public entity of shoreline access facility (e.g., parking, trails, stairway, etc.) shall consider safety from potential vandalism and the protection of fragile coastal resources.

F. Dedications.

1. Legal Instruments Required. Prior to the issuance of a permit for development in the coastal zone between the first public road and the sea, each applicant may be required to record one of the following legal documents for the provision of coastal access as specified in the condition of approval.

a. Irrevocable Offer of Dedication. Prior to issuance of a development permit, the landowner shall submit a preliminary title report and shall record an irrevocable offer to dedicate an easement free of prior liens and encumbrances except tax liens in the public accessway as described in the permit condition. This offer can be accepted by an appropriate agency which may or may not be the local government, within twenty-one years. In all offers, the county of Del Norte shall have the first right of refusal for a period of two years of the offer. Until the offer is accepted or unless the landowner consents, the public has no right to use the proposed accessway.

b. Outright Grant of In-fee Interest of Easement. If the parcel is important in and of itself for access needs, the size and scope of the proposed development is such that an outright interest is appropriate, or there is an accepting agency available to accept the easement (as in subdivision map approvals) , a grant of an easement or in-fee is required prior to issuance of the permit.

c. Deed restrictions do not grant any interest in the land proposed for public access and the landowner retains all responsibility for the maintenance of the accessway. Deed restrictions are appropriate in limited situations, e.g., in large residential development where the accessways will mostly be used by residents and a homeowners association is available to maintain the accessway or in commercial facilities. Deed restrictions are not appropriate for small parcels or for accessways that will require public maintenance.

2. Title Information. As a condition to the issuance of the permit, the applicant shall be required to furnish a CLTA title report and all necessary

subordination agreements. Title insurance may also be required where extensive easements are being granted. The amount of insurance shall be estimated on the basis of what it would cost to acquire an equivalent access or recreational use elsewhere in the vicinity.

3. Procedure. Copies of the document to be recorded, title report and permit shall be forwarded to the Coastal Commission within ten days after submission of the document for preparation of the coastal access inventory. The accepting agency or commission staff may make minor revisions to the documents (such as corrections in the legal descriptions) to assure that the public right of access along the shoreline or the vertical accessways are protected and capable of being implemented. The coastal commission shall have fifteen working days from the receipt of the document in which to notify the county and the applicant of any recommended revisions. If notification of inadequacy has not been received within that time period, the county may issue the permit and record the documents. If revisions are recommended by the commission, the permit shall not be issued until the discrepancies have been resolved.

4. Dedication and Development. The county shall submit a brief description of all offers to dedicate to the state of California for illustration of the State Access Inventory Map. The county shall have the right of first refusal on these offers for a period of two years. These offers should be made available for acceptance by any public or private organization acceptable to the county after consultation with the coastal commission and after the option of the county's first right of refusal. Any required accessway shall not be opened to public use until a public agency, including the state, or a private association agrees to accept responsibility for maintenance and liability of the accessway. (Ord. 83-03 (part))

21.35.050 Requirements for highly scenic visual resource areas.

A. Intent. It is the intent of this section to implement the policies of the certified Local Coastal Program pertaining to highly scenic visual resource areas by providing for the establishment of visual resource development guidelines and an architectural review committee.

B. Architectural Review Committee. An architectural review committee may be established by the county board of supervisors to evaluate and make recommendations regarding the design and placement of new development within areas of the coastal zone which are designated as highly scenic. The committee shall consist of five residents appointed by the board, one of which should have some expertise in architecture or engineering.

C. Duties. Once established it shall be the duty of the committee to:

1. Review and develop recommendations regarding the specific designation of highly scenic areas within the coastal zone as combining districts based on the policies set forth in the Visual Resources Component of the General Plan Coastal Element;

2. Develop guidelines based on General Plan Coastal Element policies for use in the review of new development permits, addressing specifically:

a. Landform alteration (such as roadway design),
b. Architectural design and placement,
c. Outdoor advertising signs;
3. Develop a procedure for permit review;
4. Evaluate permits for new development and make recommendations regarding the compatibility of the proposal with the adopted guidelines.

D. Adoption of Guidelines. Prior to the commencement of permit review, the guidelines and permit processing procedures required in subsection C of this section shall be adopted as an amendment to this chapter and section of the Del Norte County Code. (Ord. 83-03 (part))

21.35.060 Special development pattern areas.

A. It is the intent of this section to implement the policies of the General Plan Coastal Element pertaining to special development patterns on parcels identified by the Specific Area Recommendations section of the New Development Component.

B. Requirements and Applicability. This section shall apply to those lands identified by the specific policies of the New Development Specific Area Recommendations section as listed below. Special development requirements shall be as set forth in the Land Use Plan text and shall be included in the approval of any coastal development permit or equivalent.

1. Ocean View Drive Area - Policy 9 (Ocean View Estates, Walters) - Seven conditions of approval shall be required in permit;
2. Smith River Area - Policies 8-11 (L.C. Bliss Shores State Park) - Master Plan development shall include specific listed improvements;
3. Lake Earl Area - Policy 6 (Buzzini Road) - Conditions regarding expansion shall be met in permit;
4. Lake Earl Area - Policy 7 (Rural Mobilehome Park, Lake Earl Drive) - Development conforming to prior permits shall be required;
5. Lake Earl Area - Policies 10-13 (L.C. Bliss Shores State Park) - Master Plan development shall include specific listed improvements;
6. Lake Earl Area - Policy 16 (McNamara) - Clustering and density policy shall be required in permit;
7. Crescent City Area - Policy 4 (Assessor's Parcel Number 120-020-23, McNamara) - Woodlot and airport approaches shall be addressed in the issuance of permits;
8. Crescent City Area - Policy 5 (Assessor's Parcel Number 120-020-06, Bauer) - Clustering and diversity of units shall be required in permit;
9. Crescent Oily Area - Policies 15, 21 and 24 (L.C. Bliss Shores Stare Park) - Master Plan development shall include specific listed improvements;
10. Crescent City Area - Policy 18 (Assessor's Parcel Number 110-300-01) - Requirements shall apply to permit for division of land;
11. Crescent City Area - Policy 23 (Redwood State Park) - Master Plan development shall include specific listed improvements;
12. Crescent City Area - Policy 26 (Point St. George) - Option to be selected at time of development application, (including bonus density provision) with all requirements of either to be required in permit;

13. Klamath Area - Policy 10 (Assessor's Parcel Number 140-060-01 and 04, Public Reserve Area) - Prioritized uses shall be required in permit. (Ord. 93-17 §1, 1993; Ord. 83-03 (part))

21.35.070 Zoning maps.

The depiction of the C coastal area combining district upon the county zoning maps shall include a parenthetical reference as to the type of coastal area designated, i.e., hazard (H), access (A), highly scenic visual resource areas (V) or special development pat- tern area (S). (Ord. 83-03 (part))

Suggested Modification No. 21: (Title 21 – Coastal Zoning, Chapter 21.50: California Coastal Zone Entitlement Procedures – General Provisions)

All changes to Title 21 – Coastal Zoning, Chapter 21.5

Chapter 21.50

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES GENERAL PROVISIONS

Sections:

21.50.010	Intent.
21.50.020	**Coastal development permit required for development.**
~~**21.50.020**~~ **21.50.030**	County entitlements equivalent to coastal development permits.
~~**21.50.030**~~ **21.50.040**	Coastal development permit exemptions.
~~**21.50.040**~~ **21.50.050**	Coastal development permits under California Coastal Commission jurisdiction.
~~**21.50.050**~~ **21.50.060**	Emergency permits.
~~**21.50.060**~~ **21.50.070**	Determination of applicable notice and hearing procedures.
21.50.080	**Application processing and review procedures.**
21.50.085	**Public notice.**
~~**21.50.070**~~ **21.50.090**	Hearings.
21.50.100	**Required findings.**
21.50.110	**Permit conditions.**
21.50.120	**Procedures for open space easements and public access documents.**
21.50.130	**Consolidated Permit Processing**

21.50.010 Intent.

It is the intent of this chapter and all subsequent entitlement procedures chapters to implement the policies and requirements of the California Coastal Act and General

Plan Coastal Element by establishing the procedures for the processing of coastal development permits. (Ord. 83-03(part))

21.50.020 Coastal development permit required for development.

Except as provided in Section 21.50.040 of this chapter, any applicant wishing to undertake a "development," as defined in Section 21.04.195, in the coastal zone shall obtain a coastal development permit in accordance with the provisions of this chapter, in addition to any other permit required by law. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. The procedures prescribed herein may be used in conjunction with other procedural requirements of the approving authority, provided that the minimum requirements as specified herein are assured. (Ord. 20 § (part), 20 .)

~~21.50.020~~ 21.50.030 County entitlements equivalent to coastal development permits.

Where development within the California Coastal Zone requires the issuance of a permit or other entitlement pursuant to Titles ~~**14, 16 and**~~ 21 **and 22** of the Del Norte County Code (e.g., ~~**General Plan amendment, zoning amendment,**~~ use permit, variance, building or grading permit or tentative subdivision map), **if the use permit, variance, building or grading permit, or tentative subdivision is found consistent the policies and standards of the local coastal program, including the findings of this chapter and Chapters 21.55A through 21.55G,** said entitlement shall serve as the coastal development permit, subject to compliance with this title, except that:

A. No person who has obtained a vested right in a development, as determined by the Coastal Commission, prior to the effective date of this title or who holds a valid permit from the California Coastal Commission pursuant to California Coastal Act of 1976 shall be required to secure approval for the development pursuant to this title; provided, however, that no substantial change may be made in any such development without prior approval having been obtained under this title; and

~~**B. Any person who holds a valid entitlement issued by the county prior to the effective date of this title but does not meet the requirements of subsection A of this section shall within one year of said effective date reapply to the county for a new entitlement. Where no substantial change is made in the project the following shall apply:**~~

~~**1. Repetition of review pursuant to the California Environmental Quality Act may be waived, and**~~

~~**2. The project shall only be reviewed for consistency with the certified Local Coastal Program and shall be approved if consistency is affirmed. Such approval may include any new conditions or contingencies necessary to insure Coastal Program consistency, and**~~

~~**3. The effective date of the entitlement shall be the date of final action regarding the reapplication.**~~

~~**C. Where coastal permit jurisdiction lies with the California Coastal Commission, as set forth in Section 21.50.040 and its maps, the regulations of this title shall apply. However, the county permit or entitlement shall not act**~~

~~**as a coastal permit. In such cases the county permit shall be processed pursuant to county regulations for non-coastal projects. (Ord. 86-04 (part), 1986; Ord. 83-03 (part))**~~

~~**21.50.030**~~ **21.50.040 Coastal development permit exemptions.**

A. Notwithstanding any provision in this title to the contrary, no local coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

1. Improvements to existing single-family residences, **specifically: (a) all fixtures and other structures directly attached to a residence; (b) structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and (c) landscaping on the lot;** provided, however, that, where the development involves a risk of adverse environmental effect, it shall require a coastal development permit pursuant to these chapters. The following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

a. Improvements to a single-family structure if the structure or improvement is located: (1) on a beach; (2) in a wetland; (3) seaward of the mean high tide line; (4) in an environmentally sensitive habitat area; (5) in an area designated as highly scenic in a certified land use plan; or (6) within 50 feet of the edge of a coastal bluff;

b. Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;

c. On property not included in Section 21.50.040.A.1a. above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission or Regional Commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Section 21.50.040.A.1, increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks;

~~**a.**~~ **d.** Improvements to a single-family structure, or accessory structure, which requires a building permit, within either**: (1) a** resource conservation area zone district, **(2)** a coastal (hazard) **combining** zone district**,** or **(3)** within an area appealable to the California Coastal Commission pursuant to Chapter 21.52;

~~**b.**~~ **e.** Improvement to a single-family structure or accessory structure, which requires a building permit, with-in a coastal (access) zone district where the improvements are not otherwise excepted by Section 21.35.050 of the C district;

~~e.~~ **f.** Improvements in areas which the Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system;

~~d.~~ **g.** Any addition to a single-family residence where the development permit issued for the original structure by the Commission or Regional Commission indicated that any future additions would require a development permit;

~~e.~~ **h.** The expansion or construction of any septic systems or domestic water wells;

2. Improvements to any structure other than a single-family residence or a public works facility**, entailing the structure itself as well as: (a) all fixtures and other structures directly attached to the structure; and (b) landscaping on the lot**; provided, however, that, where the improvements (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this title, a coastal development permit shall be required. The following classes of development require a coastal development permit because they involve one or more of the above listed effects:

a. Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff;

b. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area;

c. On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Section 21.50.040.A.2, and/or increase in height by more than 10 percent of an existing structure;

~~a.~~ **d.** Improvements to structures, which require a building permit, within either resource conservation area zone district, a coastal (hazard) zone district or within an area appealable to the California Coastal Commission pursuant the Chapter 21.52;

~~b.~~ **e.** Improvements to a structure within a coastal (access) zone district where the improvements are not other-wise excepted by Section 21.35.040 of the C district;

~~e.~~ **f.** Improvements in areas which the Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system;

~~d.~~ **g.** Any addition to a single-family residence where the development permit issued for the original structure by the Commission or Regional Commission indicated that any future additions would require a development permit;

~~e.~~ **h.** The expansion or construction of any septic systems or domestic water wells;

~~f.~~ **i.** Any improvement to structure~~, which requires a building permit and~~ which changes the intensity of the use of the structure;

~~g.~~ **j.** Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use **involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or** motel/hotel time-sharing conversion.

3. Maintenance dredging **of not more that 100,000 cubic yards of material within a twelve (12) month period** of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

4. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair, however, if certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, they shall require that a permit be obtained under this chapter.

a. The following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin or similar shoreline work that involves:

i. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

~~ii.~~ **ii.** Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

~~ii.~~ **iii.** The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work;

~~iii.~~ **iv.** The replacement of twenty percent or more of the materials of an existing structure with materials of a different kind; or

~~iv.~~ **v.** The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within twenty feet of coastal waters or streams.

b. Repair and maintenance activities described in the Commission's September 5,1978 document which have a risk of substantial adverse impact on public access, ESHA, public views or wetlands.

c. ~~**b.**~~ ~~**The**~~ **Unless destroyed by natural disaster, the** replacement of fifty percent of more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit.

d. ~~**c.**~~ Notwithstanding the above provisions, the Executive Director of the Coastal Commission shall have the discretion to exempt from this section ongoing routine re-pair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation roadways.

e. ~~**d.**~~ Pursuant to this section, the planning commission may issue a permit for on-going maintenance activities for a term in excess of the one-year term provided by this title.

5. Any category of development, or any category of development within a specifically defined geographic area, that the California Coastal Commission, after public hearing, and by two/thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to or along, the coast. Those categories of exemption which have been so established are described by the California Coastal Commission in its Order of Categorical Exclusion for Del Norte County dated November 12, 1986, which is on file with the county clerk.
6. 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 Title 16 or 21, Del Norte County Code; provided, however, that where necessary, reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources may be required as a part of the Title 16 and/or 21 entitlement(s).
7. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk

of the destroyed structure by more than ten percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be re-placed were beyond the control of its owner. As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

8. Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision. **Conversions of visitor-serving accommodations, whether in part of wholly, to a condominium, time-share project, estate, or use shall require a coastal development permit.**

9. Temporary Events Criteria for Exclusion from Permit Requirements.

A. Except as provided in Section B, below, the Director shall exclude from coastal development permit requirements all temporary events except those which meet all of the following criteria:

a) Are held between Memorial Day weekend and Labor Day; and

b) Occupy all or a portion of a sandy beach area; and

c) Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

Only temporary events meeting all of the above criteria shall require coastal development permit review, however, the Director may also exclude from permit requirements temporary events meeting all of the above criteria when:

d) The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or

e) The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or

f) The event is less than one day in duration; or

g) The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.

B. Director Discretion to Require a Permit

The director may determine that a temporary event shall be subject to coastal development permit review, even if the criteria in Section A are not met. If the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time.

b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Article 10 of this Development Code.

c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;

d) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

B. Exemption from coastal development permit requirements is not to be construed as exemption from permits and/ or entitlements required by the county. Where a building permit, use permit, variance, land subdivision, etc., is required by the county for development which is exempt under the provisions of subsection A of this section, the entitlement shall be processed pursuant to the county regulations for noncoastal zone areas. (**Ord. 20 § (part), 20 ;** Ord. 86-04 (part), 1986; Ord. 83-03 (part))

C. Record of Permit Exemption

The Director shall maintain a record of all those developments within the Coastal Zone that have been authorized as being exempt from the requirement for a Coastal Development Permit pursuant to this Chapter. This record shall be available for review by members of the public and mailed to the North Coast District Office of the California Coastal Commission. The Record of Exemption shall include the name of the applicant, the location of the project, and a brief description of the project.

~~21.50.040~~ 21.50.050 Coastal development permits under California Coastal Commission jurisdiction.

Section **~~21.50.020~~ 21.50.030** shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Section 30700 of the Public Resources Code or within any state university or college within the coastal zone, however, said section shall

apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to the county whose certified Local Coastal Program includes the specific development plans for such district or authority (e.g., the Crescent City Harbor District). (**Ord. 20 § (part), 20 ;** Ord. 83-03 (part))

~~21.50.050~~ 21.50.060 Emergency permits.

It is recognized that in some instances a person or public agency performing a public service may need to undertake work to protect life and public property, or to maintain public services before the provisions of Title 14 and 21 can be fully complied with. Where such persons or agencies are authorized to proceed without a permit pursuant to the general requirements of this chapter, they shall comply with the requirements of Titles 14 and 21 to the maximum extent feasible.

A. Applications in cases of emergencies shall be made to the county planner by letter if time allows, and by telephone or in person if time does not allow.

B. The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency;
5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

C. The county planner shall verify the facts, including the existence and nature of the emergency, insofar as time allows.

D. 1. The county planner shall provide public notice of the proposed emergency action with the extent and type of notice determined on the basis of the nature of the emergency itself. Notice shall also be provided to the Executive Director of the California Coastal Commission.

2. The county planner may grant an emergency permit upon reasonable terms and conditions, including an expiration date, if he finds that:

a. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits;

b. Public comment on the proposed emergency action has been reviewed if time allows;

c. The work proposed would be consistent with the requirements of the ~~**General Plan Coastal Element**~~ **certified Local Coastal Program**.

3. The county planner shall report in writing to each meeting of the planning commission~~**/harbor commission, or within thirty days of the action of any**~~ **the** emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing.

All emergency permits issued after the mailing for the meeting shall be briefly described by the county planner at the meeting and the written report shall be distributed prior to the next succeeding meeting.

4. Within ten calendar days of request for an emergency permit the owner/applicant shall submit an application for any required local entitlement pursuant to Section ~~**21.50.020**~~ **21.50.030**. Where findings are made that the action is not in conformity with the long-term policies of the General Plan Coastal Element, the application shall be denied and the emergency permit revoked. Such revocation shall specify the type of abatement action required, if any, and a time limit for compliance shall be specified. (**Ord. 20__ § __(part), 20__;**Ord. 83-03 (part))

~~**21.50.060**~~ **21.50.070 Determination of applicable notice and hearing procedure.**

The determination of whether a development within the California Coastal Zone is an exempt, nonappealable or appealable coastal development permit project for purposes of notice, hearing and appeals procedures shall be made by the county at the time the application for development is ~~**reviewed for completeness by staff or the Environmental Review Committee, whichever is applicable**~~ **submitted**. This determination shall be made with reference to **Section 30603 of the Coastal Act and** the certified local coastal program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the local coastal program. When an applicant, interested person, or the county has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, nonappealable or appealable:

A. The county shall make its determination as what type of development is being proposed (e.g., exempt, appealable, nonappealable) and shall inform the applicant of the notice and hearing requirements for the particular development. ~~**Where a question arises regarding exempt status due to potential impacts of a project as set forth in Section 21.50.030(A), the county planning commission shall make the determination.**~~

B. If the determination of the county is challenged by the applicant or an interested person, or if the county wishes to have a California Coastal Commission determination as to the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request the Executive Director's opinion.

C. The Executive Director shall, within two working days of the county's request (or upon completion of a site inspection where such inspection is warranted), transmit its determination as to whether the development is exempt, categorically excluded, nonappealable or appealable.

D. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the county's determination, the California Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following the local government request. (**Ord. 20__ § __(part), 20__;** Ord. 83-03 (part))

21.50.080 Application Processing and Review Procedures.

A. Application contents. Each application for a permit, amendment, or other matter pertaining to this Title shall be filed with the director of community development on an application form approved by the board of supervisors, together with required fees and/or deposits, and all other information and materials required by the county's list of required application contents, as identified in the community development department handout for the specific type of application. Applicants are encouraged to contact the department before submitting an application to verify which materials are necessary for application filing.

B. 1. Identification of interested persons; submission of envelopes, posting of site. For applications filed pursuant to this chapter, the applicant shall provide names and addresses of, and stamped envelopes for adjacent landowners and residents, and other interested persons as provided in this section. The applicant shall provide the commission with a list of:

a. The addresses of all residences, including each residence within an apartment or condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed;

b. The addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based upon the most recent equalized assesment roll; and,

c. The names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s).

2. This list shall be part of the public record maintained by the department for the application.

3. The applicant shall also provide the department with stamped envelopes for all addresses on the list prepared pursuant to subsection 1.a through 1.c above. Separate stamped envelopes shall be addressed to "owner," "occupant," or the name of the interested person, as applicable. The applicant shall also place a legend on the front of each envelope including words to the effect of "Important. Public Hearing Notice." The director shall provide an appropriate stamp for the use of applicants in the commission office. The legend shall be legible and of sufficient size to be reasonably noted by the recipient of the envelope. The director may waive this requirement for addresses identified under subsection 1.a and 1.b above and may require that some other suitable form of notice be provided by the applicant to those interested persons pursuant to these regulations.

4. If at the applicant's request, the public hearing on the application is postponed or continued after notice of the hearing has been mailed, the applicant shall provide an additional set of stamped, addressed envelopes that meet the requirements of this section. The additional set of stamped, addressed envelopes shall be submitted within ten

days of the commission's or board's decision to postpone or continue the hearing.

5. At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public which is also as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The department shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the director shall refuse to file the application.

6. The commission or board may revoke a permit if it determines that the permit was granted without proper notice having been given.

C. Eligibility for filing. An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner. With the director's approval, a lessee with the exclusive right to use the property for a specified use may file an application related to that use.

C. Rejection of application. If the director determines that an application cannot lawfully be approved by the county (e.g., a request for use that could not be granted in the absence of a preceding a coastal land use plan or coastal zoning text or map amendment, or a concurrent tentative subdivision map approval; or a use permit application proposing a use that is not allowable in the subject zoning district, etc.), the director shall not accept the application for processing.

D. Fee schedule. The board shall establish a schedule of fees for the processing of the applications required by this title, hereafter referred to as the county's fee schedule. The fee schedule is intended to allow recovery of all costs incurred by the county in processing permit applications to the maximum extent allowed by the law.

E. Review for completeness. The director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The director's determination of completeness shall be based on the county's list of required application contents (see Chapters 21.55A through 21.55G - "Application contents" sub-sections), and any additional written instructions provided to the applicant in any pre-application conference, and/or during the initial application review period.

1. Notification of applicant. As required by State law (Government Code Section 65943), within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the director's letter, shall be provided.

2. Appeal of determination. Where the director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the director is not required, the applicant may appeal the director's determination in compliance with Chapter 21.51 (Local Appeals).

3. Environmental information. Prior to an application having been accepted as complete for filing, the director may request the applicant to submit additional information needed for the environmental review of the project in compliance with Chapters 21.55A through 21.55G.

F. Referral of application. At the discretion of the director, or where otherwise required by this title or state or federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

G. Staff evaluation. The director shall review all discretionary applications filed in compliance with this title to determine whether they comply and are consistent with the provisions of this title, other applicable provisions of the county code, the coastal land use plan, and any applicable specific plan.

H. Staff report. The director shall provide a written recommendation to the commission and/or board (as applicable) as to whether the application should be approved, approved subject to conditions, or disapproved. (Ord. 20 § (part), 20 .)

21.50.085 Public notice.

A. . Notice of appealable developments. Within ten (10) calendar days of accepting an application for an appealable coastal development permit, or coastal building, grading,or use permit, tentative subdivision map approval, or variance equivalent, or at least seven (7) calendar days prior to the first public hearing on the development proposal, the county shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

1. A statement that the development is within the coastal zone;

2. The date of filing of the application and the name of the applicant;

3. The number assigned to the application;

4. A description of the development and its proposed location;

5. The date, time and place at which the application will be heard by the local governing body or hearing officer;

6. A brief description of the general procedure of local government concerning the conduct of hearing and local actions;

7. The system for local and Coastal Commission appeals, including any local fees required.

B. Notice of Local Government Action When Hearing Continued.

If a decision on a development permit is continued by the commission or board to a time which is neither: (1) previously stated in the notice provided pursuant to Section 21.50.085.A; nor (2) announced at the hearing as being continued to a time certain, the county shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section 21.50.085.A.

C. Notice of non-appealable developments requiring hearings. Notice of developments within the coastal zone that require a public hearing under this title, but which are not appealable pursuant to Public Resources Code Section 30603, and which are not categorically excluded, shall be provided in accordance with county notice requirements which shall provide at a minimum:

1. Notice of developments shall be given at least ten (10) calendar days before a hearing in the following manner:

a. If the matter is heard by the Planning Commission city or county. notice shall be published in a newspaper of general circulation or if there is none. posted in at least three public places in the local jurisdiction;

b. Notice by first class mail to any person who has filed a written request therefore,

c. Notice by first class mail to property owners within 300 feet.

d. Notice by first class mail to residents within 100 feet of the proposed project.

e. Notice by first class mail to the Coastal Commission.

f. The notice shall contain a statement that the proposed development is within the coastal zone.

The local government may, instead, elect to provide notice in accordance with Section 20.50.085.A.

D. Notice of non-appealable developments not requiring hearings. Notice of developments within the coastal zone which are not appealable pursuant to Public Resources Code Section 30603 and which do not require a public hearing, and which are not categorically excluded, shall be provided as follows:

1. Within ten (10) calendar days of accepting an application for a non-appealable coastal development permit, or coastal building, grading,or use permit, tentative subdivision map approval, or variance equivalent, or at least seven (7) calendar days prior to the local decision on the application, the county shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

a. A statement that the development is within the coastal zone;

b. The date of filing of the application and the name of the applicant;

c. The number assigned to the application;

d. A description of development and its proposed location;

e. The date the application will be acted upon by the director, commission, or board;

f. The general procedure of the county concerning the submission of public comments either in writing or orally prior to the local decision;

g. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision on the development permit application. (Ord. 20 § (part), 20 .)

~~21.50.070~~ 21.50.090 Hearings.

A. Public hearing on appealable developments. At least one public hearing shall be held on each application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the local government of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 20.50.085.A. The public hearing may be conducted in accordance with existing county procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.

A. Second residential units do not require a public hearing pursuant to Government Code section 65852.2

~~A.~~ B. New permit applications which are, in the opinion of the county planner, de minimis with respect to the purposes and objectives of the adopted Local Coastal Program **and which do not involve appealable development**, may be scheduled for one public planning commission hearing during which all such items will be taken up as a single matter, which shall be known as the consent calendar~~.~~**, pursuant to the following criteria:**

1. Applications shall be processed pursuant to applicable regulations including any preparation of staff reports and the recommendation of findings and/or conditions. Where an item is approved as a part of the consent calendar, any such recommendations shall also be deemed approved.
2. The public shall have the right to present any testimony or evidence regarding any item on the consent calendar. Any person may request that a consent calendar item be removed and heard as a separate item subject to their submittal of a brief statement of reasons for the request. The Commission shall, upon a majority vote in favor of the request, set a continued hearing time for the subject item.
3. For the purposes of this section a proposed development is de minimis if it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the ~~County General Plan~~ **County's certified local coastal program**.

C. All permit applications involving appealable development and other permit applications not so determined to be de minimis shall be heard as a separate hearing item.

(**Ord. 20 § (part), 20 .;** Ord. 83-03 (part))

21.50.100 Required findings.

Approval of any coastal development permit or other authorization or entitlement serving concurrently as a coastal development permit pursuant to

21.50.020, shall be based upon specific factual findings supporting the conclusion that: (1) the proposed development, without or without conditions, is consistent with the policies and standards of the County's certified local coastal program; and (2) there are no other feasible mitigation measures or alternatives that would lessen any significant adverse effects of the development or the environment. (Ord. 20 § (part), 20 .)

21.50.110 Permit conditions.

Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such development or action will be in accordance with the provisions of this title. (Ord. 20 § (part), 20 .)

21.50.120 Procedures for open space easements and public access documents.

All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures:

A. The executive director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements.

1. Upon completion of permit review by the county and prior to the issuance of the permit, the county shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the executive director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;

2. The executive director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;

3. The county may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the local government within that time period;

4. If the executive director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director; or

B. The county may request the Coastal Commission to delegate the authority to process the recordation of the necessary legal documents to the county. The Coastal Commission shall delegate said authority provided the county identifies the department of the local government or public agency or private association that has the resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval of coastal development permits. Upon completion of the recordation of the documents, the county shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open

space conditions to the executive director of the Coastal Commission. (Ord. 20 § (part), 20 .)

21.50.130 Coastal development permit application; processing criteria; standard of review; application fee; adoption of guidelines

(a) Notwithstanding Section 30519, the commission may process and act upon a consolidated coastal development permit application if both of the following criteria are satisfied.

(1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission.

(2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.

(b) The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision (a) shall follow Chapter 3 (commencing with Section 30200), with the appropriate local coastal program used as guidance.

(c) The application fee for consolidated coastal development permit shall be determined by reference to the commission's permit fee schedule.

(d) To implement this section, the commission may adopt guidelines, in the same manner as interpretive guidelines adopted pursuant to paragraph (3) of subdivision (a) of Section 30620.

Suggested Modification No. 22: (Title 21 – Coastal Zoning, Chapter 21.50D: California Coastal Zone Entitlement Procedures – Variances)

All changes to Title 21 – Coastal Zoning, Chapter 21.50D

Chapter 21.50D

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES VARIANCES

Sections:

21.50D.010 Definition.
21.50D.020 Application review.
21.50D.030 Notification.
21.50D.040 Hearings.
21.50D.050 Revocation/expiration.

21.50D.010 Definition.

A variance is an entitlement to deviate from those requirements of Chapters 21.08 through 21.48 which do not address land use because of special circumstances applicable to the property, including size, shape, topography, location or surroundings when the

strict application of said chapters deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. (Ord. 83-03 (part))

21.50D.020 Application review.

A. Content. Application for a variance shall be made to the county planning office on a form provided by said office and shall be accompanied by:

1. Verification of the applicant's interest in the property such as a copy of the grant deed signed or certified escrow instructions, title report or owner's letter of authorization;
2. An assessor's office plant map;
3. A plot plan of sufficient detail to illustrate the request and to determine compliance with other county regulations (yards, setbacks, grading, General Plan compliance, etc.);
4. Any building plans, elevations or supplemental data as may be requested to adequately illustrate the proposal and/or its impacts;
5. A filing fee, as prescribed in the current fee schedule resolution of the board of supervisors.

B. Environmental Review Committee (See Title 16 of the Del Norte County Code). The environmental review committee shall review an application at its next regular meeting after submission of the application packet to the department of planning and building. Review shall include:

1. A determination of completeness of the application and, where necessary, notification of any additional information required;
2. A recommendation for action on an environmental document pursuant to the California Environmental Quality Act.

C. Planning Staff Report. Project applications shall be reviewed by the environmental review committee, scheduled for planning commission/harbor commission hearings and shall be accompanied by a report from the staff of the department of planning and building. The report shall include a description of the project, its location, any applicable regulations and/or policies, any responses to comments submitted regarding the project and a recommendation for findings and/or conditions, if any. (Ord. 83-03 (part))

21.50D.030 Appeal status; Notification.

A. The county shall provide notice of pending application which contains the following information:

1. A statement that the development is within the coastal zone;
2. The date of filing of the application and the name of the application;
3. The number assigned to the application;
4. A description of the development and its pro-posed location;
5. The date(s), time and place(s) at which the application will be considered by the local governing body;
6. A brief description of the general procedure of local government concerning the conduct of any hearing and/ or issuance action;
7. The system for local and Coastal Commission appeals, including any local fees required.

B. Variances represent a deviation from the recognized and intended types, forms and scales of development within a given zoning district. Therefore, for purposes of appeal pursuant to sections 21.51.030, and/or 21.52.020 and Coastal Act section 30603(a)(4), a development for which a variance has been granted does not constitute a principal permitted use.

~~B.~~ C. When a project which is appealable to the Coastal Commission required a local public Public hearing, notice shall be provided **~~at least ten days prior to the hearing by~~** as set forth in section 21.51.xxx and 21.52.xxx.:

~~**1. First-class mail to each applicant, to all persons who have requested to be on the mailing list for the project or for coastal decisions within the county's coastal zone and to the Coastal Commission; and**~~

~~**2. First-class mail to all property owners within one hundred feet of the perimeter of the parcel on which the development is proposed.**~~

~~**3. Notice shall be delivered by the applicant to each dwelling unit within one hundred feet of the project. The applicant shall submit to the county planner a signed affidavit listing the addresses of all residences and attesting to the delivery of the notices. The affidavit shall be submitted within three calendar days of delivery.**~~

~~**4. Notice shall be published at least once in a newspaper of general circulation published and circulated in the county.**~~

~~**C. For the purposes of this section:**~~

~~**1. "Property owner" means all persons, including businesses, corporations or other public or private entities shown on the latest equalized assessment roll as owning real property.**~~

~~**2. Those persons who request to be on a mailing list shall submit such request in writing to the department of planning and building at any time during the calendar year. the county may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing. (Ord. 83-03 (part))**~~

21.50D.040 Hearings.

A. Variances shall be heard by the planning commission at the date, time and place set forth in the required public notice.

B. Before any variance may be granted, all of the following must be shown:

1. That there are exceptional or extraordinary circumstances, or conditions applying to the land referred to in the application, which circumstances or conditions do not apply to other lands, in the same district;
2. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;
3. That the granting of such variance will not, under the circumstances of the particular case, affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
4. That the issuance of such variance is consistent with ~~**General Plan**~~ policies **and standards of the local coastal program** which are

applicable to the subject parcel and the intent of the zoning district in which it is located.

C. Variances shall be granted solely for deviations from the prescriptive standards of development site zoning district (i.e., building height, minimum lot area except for land divisions and lot line adjustments, front, side and rear yard areas, special yards and distances between buildings). Variances shall not be granted for deviation from the requirements for buffer around environmentally sensitive habitat area or for development setbacks from geologically unstable areas, or other procedural provisions or exactions relating to the protection of coastal resources.

~~C.~~ **D.** 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 district in which such property is situated.

~~D.~~ **E.** Following the public hearing for a variance the commission shall make a written report to the board of supervisors summarizing any issues, addressing specific findings, and setting forth the commission's recommendation including any conditions.

~~D.~~ **F.** The board of supervisors shall consider the report of the commission regarding any variance and, if the board of supervisors finds that the requirements of subsection B of this section do in fact apply to the land and that such variance is in harmony with the purposes of Chapters 21.02 through 21.60, the board shall by resolution grant such variance. The board of supervisors may designate conditions and guarantees in connection with the variance to secure the purposes of Chapters 21.02 through 21.60. (Ord. 83-03 (part))

21.50D.050 Revocation/expiration.

A. In any case where the conditions of granting of a variance have not, or are not complied with, the board of supervisors shall give notice to the permittee of intention to revoke such variance at least ten days prior to a hearing hereon by the planning commission/harbor commission. After conclusion of the hearing, the planning commission/harbor commission may revoke such variance. Such revocation shall be subject to confirmation by the board of supervisors.

B. In any case where a variance has not been used within one year after the date of granting thereof, then, without further action by the planning commission or board of supervisors, the variance granted shall be null and void. (Ord. 83-03 (part))

Suggested Modification No. 23: (Title 21 – Coastal Zoning, Chapter 21.51: California Coastal Zone Entitlement Procedures – Local Appeals and Chapter 21.52: California Coastal Zone Entitlement Procedures – California Coastal Commission Appeals)

All changes to Title 21 – Coastal Zoning, Chapters 21.51 and 21.52 shown in Chapters 21.51 and 21.52

Chapter 21.51

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES
LOCAL APPEALS

Sections:

21.51.010 Final county action.
21.51.020 Appeal of project review.
21.51.030 Appeal of planning commission~~/harbor commission~~ review.
21.51.040 Fee.
21.51.050 Aggrieved person.

21.51.010 Final county action.

A. Finality of County Action. A county decision on an application for a development shall **not** be deemed final **until** ~~**when**~~ (1) the county decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program; and **where applicable, the public access policies of the Coastal Act and** (2) when all local rights of appeal have been exhausted as set forth herein.

B. Notice of Final County Action.

1. Notice After Final County Decision. (This section shall not apply to exempt development.) Within seven calendar days of a final county decision on an application for any development, the county shall provide notice of its action by first-class mail to the applicant, the California Coastal Commission, and to any persons who specifically requested notice of such final action who paid a reasonable fee to receive such notice. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the California Coastal Commission.
2. Failure to Act -- Notice.

~~**a. Notification by Applicant. If the county has failed to act on an application within the time limits set forth in Government Code Sections 65950 through 65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 through 65957.1 shall notify, in writ- mg, the county and the California Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.**~~

~~**b. Notification by the County. When the county determines that the time limits established pursuant to Government Code Sections 65950 through 65957.1 have expired, the county shall, within seven calendar days of such determination, notify any person entitled to receive notice pursuant to subsection B.1. of this section, that it has taken final action by operation of law pursuant to Government Code Sections 65950 through 65957.1. The appeal period for projects approved by operation of law shall begin to run**~~

~~**only upon the receipt of the local government notice in the California Coastal Commission office. (This section shall apply equally to a county determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.)**~~

a. Failure of County to act in a timely fashion. If the applicant believes that the City failed to act on an application within the time limits in Government code Sections 65950 through 65957.1, which provide that permit applications are deemed approved if the permitting agency has not acted within specified deadlines, and which further provide that a project cannot be deemed approved without the public notice required by law, the applicant shall notify the County, all interested persons, and the Coastal Commission, in writing, of the claim that the development has been approved by operation of law. The notice shall specify the application that is claimed ot be approved, the time, date, and place when the application was filed and deemed complete, and language stating the permit will be approved if the County does not act within 60 days.

b. Notice of County failure to act. When the County receives a notice that the time limits established in compliance with Government Code Sections 65950 through 65957.1 have expired, the County shall act on the application within 60 days of receipt of the notice required by law. If the County fails to act within 60 days of receipt of the notice required by law, the County shall notify the Commission and any person entitled to receive notice that the application has been locally approved by operation of law in compliance with Government Code Sections 65950 through 65957.1. The appeal period to the coastal Commission for a project locally approved by operation of law shall begin to run only upon the receipt of the County notice of the Coastal Commission's office.

C. Effective Date of County Action.

1. The county's final decision on an application for a project which is not appealable to the California Coastal Commission shall become effective after a ten-working-day appeal period or after the twenty-first calendar day following the final action, whichever comes first, unless an appeal is filed in accordance with Sections **21.51.020** or **21.51.030**. Where an appeal is filed pursuant to Section **21.51.020** or **21.51.030** the effective date shall be the date upon which final action is taken regarding the appeal. (Ord. 83-03 (part))

2. The county's final decision on an application for a project which is appealable to the California Coastal Commission shall become effective after a ten-working-day appeal period to the Commission has expired ~~**or after the twenty-first calendar day following the final county action, whichever comes first**~~, unless any of the following occur:

a. An appeal is filed in accordance ~~**with Sections 21.51.020 or 21.51.030**~~ **Subchapter 21.52**;

b. The notice of final county action does not meet requirements **of section 21.51.10**;

~~**c. The notice of final county action is not mailed to the California Coastal Commission office and/or interested parties in time to allow for the ten-working-day appeal period within the twenty-one calendar days after the local decision.**~~

Where any of the circumstances in subsections a. ~~**through c.**~~ **and b.** above occur, the California Coastal Commission shall, within five calendar days of receiving notice, notify the local government and applicant that the effective date of the local government action has been suspended ~~**and that a new appeal period shall be set**~~.

21.51.020 Appeal of project review.

A. Any person aggrieved by an action of the building official pursuant to Section 14.06.050(A) of the Del Norte County Code may make an appeal to the planning commission by filing a letter of appeal with the planning commission secretary within ten days of the action of the building official. The commission secretary shall place the appeal upon the agenda of the next regular meeting of the planning commission and shall notify the building official of the appeal at least five days prior to the time the commission will consider the appeal.

B. The planning commission shall consider the appeal and the record upon which the action appealed was taken and may, at its own discretion, cause the matter to be set for a public hearing pursuant to Section 14.06.040.C of the Del Norte County Code.

C. Within sixty days of the filing of the letter of appeal, the planning commission shall render its decision on the matter. Failure of the commission to render its decision on the matter within sixty days of the filing of the letter of appeal shall be a denial of the appeal and an affirmation of the action of the building official review. The decision of the planning commission upon an appeal, whether approval or denial, is final and conclusive as to all things involved in the matter. (Ord. 83-03 (part))

21.51.030 Appeal of planning commission~~/harbor commission~~ review.

A. Filing of notice. Any person aggrieved by an action of the Planning Commission may take an appeal to the Board of Supervisors by filing a notice of appeal with the clerk of the Board of Supervisors and with the Planning Commission within ten days of the action of the Planning Commission. An appeal of an action of the commission must express all basis for appeal with sufficient information and documents supporting all grounds of appeal reasonable thereto. No additional grounds, information, or documents reasonably known or available at the time an appeal is filed will be accepted or considered by the board of supervisors after the expiration of ten days from the challenged action. The appeals process of this section is the exclusive, full and complete remedy available to a person aggrieved by an action of the planning commission. Failure to follow this appellate procedure will foreclose any aggrieved person the opportunity to file a legal challenge to the commission action complained of. Upon receipt of the planning commission records, the board of supervisors shall notify the planning commission, at least five days previous, of the time the board will consider the appeal.

B. The Board of Supervisors shall consider the appeal and the record upon which the action appealed from was taken, and may, at its own discretion, cause the matter to be set for a public hearing.

C. Public Hearing -- Notice.

1. The county shall provide notice of pending appeal which contains the following information:

a. A statement that the development is within the coastal zone;

b. The date of filing of the appeal and the name of the appellant;

c. The number assigned to the application;

d. A description of the development and its pro-posed location;

e. The date(s), time and place(s) at which the application will be considered by the board of supervisors;

f. A brief description of the general procedure of conduct of the hearing and/or appeal action;

g. The system for Coastal Commission appeals.

2. Notice of a public hearing shall be provided at least ten days prior to the hearing by:

a. First-class mail to each appellant, the applicant, to all persons who have requested to be on the mailing list for that project or for coastal decisions within the county's coastal zone and the coastal commission; and

b. First-class mail to all property owners with-in one hundred feet of the perimeter of the parcel on which the development is proposed; and

c. Notice shall be delivered by the appellant to each dwelling unit within one hundred feet of the project. The appellant shall submit to the county planner a signed affidavit listing the addresses of all residences and at-testing to the delivery of the notices. The affidavit shall be submitted within three calendar days of delivery. Where more than one appeal is filed the first to be submitted which is accepted for hearing shall be the party responsible for delivery of notices and submittal of the affidavit; and

d. Notice shall be published at least once in a newspaper of general circulation published and circulated in the county.

D. Within sixty days of the filing of the notice of appeal, the board of supervisors shall render its decision in the matter. Failure of the board of supervisors to render its decision on the matter within sixty days of the filing of the notice of appeal shall be a denial of the appeal and an affirmation of the action of the planning commission. The decision of the board of supervisors upon an appeal is final and conclusive as to all things involved in the matter. (Ord. 86-04 (part), 1986; Ord. 83-03 (part))

21.51.040 Fee.

Appeal requests shall be accompanied by a filing fee as prescribed in the current fee schedule resolution of the board of supervisors. (Ord. 83-03 (part))

21.51.050 Aggrieved person.

For the purposes of this title, an “aggrieved person” means any person who, in person or through a representative, appeared at a public hearing or review of the building official, planning or ~~**harbor commission, or**~~ board of supervisors in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the building official1 commission, or board of the nature of his or her concerns,

or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit. (Ord. 83-03 (part))

Chapter 21.52

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES
CALIFORNIA COASTAL COMMISSION APPEALS

Sections:

21.52.010 Filing of Appeal
21.52.0~~1~~20 Exhaustion of local appeals.
21.52.0~~2~~30 Basis of appeals.

21.52.010 Filing of Appeal

A. An appeal of a local government's decision on a coastal development permit application (or local government equivalent) may be filed by an applicant or any aggrieved person who exhausted local appeals, or any tow (2) members of the Commission. The appeal must contain the following information.

(1) the name and address of the permit applicant and appellant;

(2) the date of the local government action;

(3) a description of the development;

(4) the name of the governing body having jurisdiction over the project area;

(5) the names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available.

(6) the names and addresses of all other persons known by the appellant to have an interest in the matter on appeal;

(7) the specific grounds for appeal;

(8) a statement of facts on which the appeal is based;

(9) a summary of the significant question raised by the appeal.

The filing of the notice of appeal should also contain information which the local government has specifically requested or required.

B. The appeal must be received in the Commission district office with jurisdiction over the local government on or before the tenth (10th) working day after receipt of the notice of the permit decision by the executive director.

C. The appellant shall notify the applicant, any persons known to be interested in the application, and the local government of the filing of the appeal. Notification shall be by delivering a copy of the completed Notice of Appeal to the domicile(s), office(s), or mailing address(es) of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Commission.

21.52.0~~1~~20 Exhaustion of local appeals.

A. An appellant shall be deemed to have exhausted local appeals for purposes of this section and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body as required by Chapter 21.51 except that exhaustion of all local appeals shall not be required if any of the following occur:

1. The county requires an appellant to appeal to more local appellate bodies than have been certified as appellant bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program;
2. An appellant was denied the right of the initial local appeal by county ordinance which restricts the class of persons who may appeal a local decision;
3. An appellant was denied the right of local appeal because county notice and hearing procedures for the development did not comply with the provisions of the adopted Local Coastal Program procedures;
4. The county charges an appeal fee for the filing or processing of appeals.

B. Where a project is appealed by any two members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that the county may provide, by ordinance, that notice of Coastal Commission appeals may be transmitted to the county appellate body (which considers appeals from the local body that rendered the final decision) and the appeal to the Coastal Commission may be suspended pending a decision of the appellate body modifies or reverses the previous decision, the Coastal Commissioners shall be required to file a new appeal from that decision. Adoption of such an ordinance would be subject to Coastal Commission certification as ~~in~~ **an** amendment to the Local Coastal Program. (Ord. 83-03 (part))

21.52.025

A. For purposes of Public Resources Code Section 30603, the precise boundaries of the jurisdictional areas described therein shall be determined using the following criteria:

1. **Streams. Measure 100 feet landward from the top of the bank of any stream mapped by USGS on the 7.5 minute quadrangle series, or as identified in the local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. For purposes of this section, channelized streams not having significant habitat value should not be considered.**
2. **Wetlands. Measure 100 feet landward from the upland limit of the wetland. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic**

fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;

b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or

c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where: (a) The pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and (b) There is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

3. Estuaries. Measure 300 feet landward from the mean high tide line of the estuary. For purposes of this section, an estuary shall be defined as a coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level may be periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall be defined as the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

4. Tidelands. Tidelands shall be defined as lands which are located between the lines of mean high tide and mean low tide.

5. Submerged Lands. Submerged lands shall be defined as lands which lie below the line of mean low tide.

6. Public Trust Lands. Public Trust lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently

filled or reclaimed, and which were subject to the Public Trust at any time.

7. Beaches. Measure 300 feet landward from the inland extent of the beach. The back beach, or dry beach, if it exists, shall be included. The inland extent of the beach shall be determined as follows:

a. From a distinct linear feature (e.g., a seawall, road, or bluff, etc.);

b. From the inland edge of the further inland beach berm as determined from historical surveys, aerial photographs, and other records or geological evidence; or

c. Where a beach berm does not exist, from the further point separating the dynamic portion of the beach from the inland area as distinguished by vegetation, debris or other geological or historical evidence.

8. Coastal Bluffs. Measure 300 feet both landward and seaward from the bluff line or edge. Coastal bluff shall mean:

a. Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and

b. 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 in Public Resources Code Section 30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

9.a. First Public Road Paralleling the Sea. The "first public road paralleling the sea" means that road nearest to the sea, as defined in Public Resources Code Section 30115, which:

(1) Is lawfully open to uninterrupted public use and is suitable for such use;

(2) Is publicly maintained;

(3) Is an improved, all-weather road open to motor vehicle traffic in at least one direction;

(4) Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and

(5) Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

When based on a road designated pursuant to this section, the precise boundary of the permit and appeal jurisdiction shall be located along the inland right-of-way of such road.

b. Whenever no public road can be designated which conforms to all provisions of sub-section a. above, and a public road does exist, which conforms to all provisions of a. except a.(5), the effect of designating the first public road paralleling the sea shall be limited to the following:

(1) All parcels between the Pacific Ocean and such other public road; and

(2) Those parcels immediately adjacent of the sea inland of such other public road.

c. Where the County determines that the designation of the "first public road paralleling the sea" results in the inclusion of areas within the permit and appeal jurisdiction where the grounds for an appeal set forth in Public Resources Code Section 30603(b) are not an issue, the County may take action to limit the geographic area where developments approved by the county may be appealed to the Coastal Commission, to that area where any such grounds are, in fact, an issue.

21.52.0~~2~~30 Basis of appeals.

A. Action taken by the county on a coastal development permit (or entitlement serving as a coastal development permit) may be appealed to the California Coastal Commission for only the following types of development:

1. Developments approved by the county between the sea and the first public road paralleling the sea or within three hundred 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 ~~**as designated on the Local Program permit appeal maps**~~;
2. Developments approved by the county not included within subsection A(1) of this section that are located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of the seaward face of any coastal bluff ~~**as designated on the Local Coastal Program permit appeals maps**~~;
3. Any development approved by the county that is not designated as the principal permitted use in Title 21;
4. Any development which constitutes a major public works project of a major energy facility.

~~**B. The grounds for an appeal pursuant to subsection A(1) of this section shall be limited to one or more of the following allegations:**~~

~~**1. The development fails to provide adequate physical access or public or private commercial use or interferes with such uses;**~~

~~**2. The development fails to protect public views from any public road or from a recreational area to, and along, the coast;**~~

~~**3. The development is not compatible with the established physical scale of the area;**~~

~~**4. The development may significantly alter existing natural landforms;**~~

~~**5. The development does not comply with shoreline erosion and geologic setback requirements.**~~

~~**C.**~~ **B. 1.** The grounds for an appeal pursuant to subsection A ~~**(1), (3) or (4) of this section**~~ shall be limited to an allegation that the development does not conform to the certified local program **or, if the development is between the first road and the sea, the public access policies of the Coastal Act.**

2. The grounds for an appeal of a denial pursuant to Subsection A(4) shall be limited to an allegation that the development conforms to the standards set forth in the certified LCP and the public access policies of the Coastal Act.

~~**D.**~~ **C.** Any action described in subsection A of this section shall become final after the tenth working day **of the receipt of the Commission of a valid notice of final action**, unless an appeal is filed within that time. (Ord. 83-03 (part))

D. The county shall make its determination as what type of development is being proposed (e.g., exempt, appealable, nonappealable) and shall inform the applicant of the notice and hearing requirements for the particular development.

Suggested Modification No. 24: (New Title 21 – Coastal Zoning, Chapters 21.55A through 21.55F: California Coastal Zone Entitlement Procedures – Coastal Resource Protection Application Review, Findings, and Development Standards)

Append six new sub-chapters shown in Chapters 21.55A through 21.5

Chapter 21.60A

COASTAL RESOURCE PROTECTION
PUBLIC ACCESS AND RECREATIONAL OPPORTUNITIES

Sections:

21.60A.010 Purpose.
21.60A.020 Applicability.
21.60A.030 Definitions.
21.60A.040 General provisions.
21.60A.050. Access location — Requirements.
21.60A.060 Access design standards.
21.60A.090 Protection of historic public use.
21.60A.080 Access title and guarantee.

21.60A.090 Required findings and supporting analysis for public access dedications.
21.60A.100 Review of recorded access documents.
21.60A.110 Coastal development permit application contents.
21.60A.120 Development standards.

21.60A.010 Purpose

This chapter provides requirements for the protection, dedication and improvement of public access to, and along the coast, in conjunction with proposed development and new land uses. The intent of this chapter is to ensure that public rights of access to and along the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this chapter in compliance with the California Coastal Act. In addition this chapter sets standards for the review, protection, and prioritization of shoreline and nearshore sites in or suitable for coastal recreational uses.

21.60A.020 Applicability.

The provisions of this Chapter apply to all development and proposed land uses located within the Coastal Zone. Certain sections of this chapter (i.e., access dedications) apply only to areas between the sea and the first public road paralleling the sea as defined in Chapter 21.04.

21.60A.030 Definitions

A. Definitions of terms used in this chapter

1. Development. "Development" means, on land, in or under water, the placement or erection of a solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; change in 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; change in the intensity of use of water; or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public or municipal utility; and 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 the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section structure includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

2. New Development. For purposes of implementing the public access requirements of Public Resources Code Section 30212 and of this

Section, "new development" includes "development" as defined above except for the following:

a. Structures destroyed by natural disaster: The replacement of any structure, other than a public works facility, destroyed by a disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, is sited in the same location on the affected property as the destroyed structure and does not extend the replacement structure seaward on a sandy beach or beach fronting bluff lot. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure be replaced were beyond the control of the owners

b. Demolition and reconstruction: The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, that the reconstructed residence shall be sited in the same location on the affected property as the former structure, that the reconstructed residence does not block or impede public access, that the reconstructed residence does not extend seaward of the demolished residence on a sandy beach or beach fronting bluff lot and that the reconstructed residence does not include or necessitate a shoreline protective device.

c. Improvements: Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede access, which do not result in a seaward encroachment by the structure and which do not include or necessitate a new or enlarged shoreline protective device.

d. Repair and maintenance: Repair or maintenance activity which, pursuant to Public Resources Code Section 30610(d) and California Code of Regulations Section 13252, requires no permit unless the activity will have an adverse impact on lateral public access along the beach.

e. Reconstruction and/or repair of a seawall, revetment, retaining wall or other shoreline protective device: The reconstruction or repair of any shoreline protective device; provided that the reconstructed or repaired shoreline protective device does not substantially alter the foundation of the protective device, does not result in the replacement of 20 percent or more of the materials of the existing structure with materials of a different kind, does not extend the protective device seaward of the location of the former structure. As used in this section, "reconstruction or repair" of a seawall shall not include replacement by a different type of structure or other modification in design or construction which results in different or greater impacts to

public access or other shoreline resources than those of the existing structure.

3. Sea. "Sea" means 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.

B. Types of public access.

1. Vertical access: Provides public access from the first public road, trail, or public use area nearest the sea to the publicly owned shoreline, tidelands, or established lateral access perpendicular to the shore.

2. Lateral access: Provides for public access and use along or parallel to the shoreline.

3. Blufftop access: Provides access and coastal viewing along blufftops that run parallel to the shoreline, and in some cases provide the only opportunity for public access along the shoreline above a rocky intertidal zone with no sandy beach.

4. Trail access: Provides public access (i.e. hiking and equestrian) along a coastal or mountain recreational path, including to and along canyons, rivers, streams, wetlands, lagoons, freshwater marshes, significant habitat and open space areas or similar resource areas, and which also may link inland trails or recreational facilities to the shoreline.

5. Recreational access: Provides public access to coastal recreational resources through means other than those listed above, including but not limited to, parking facilities, viewing platforms, and blufftop parks.

C. Character of accessway use

1. "Pass and repass" refers to the right of the public to walk and run along an accessway. Because this use limitation can substantially restrict the public's ability to enjoy adjacent publicly owned tidelands by restricting the potential use of lateral accessways, it will be applied only in connection with vertical access or other types of access where the findings required by Section 21.60A.090 of this chapter establish that the limitation is necessary to protect natural habitat values, topographic features (such as eroding bluffs), or privacy of the landowner.

2. Passive recreational use refers to those recreational activities typically associated with coastal open space that generally are non-structured and require minimal or no developed facilities or improvements to land. Such activities include, but are not limited to, walking, biking, jogging, hiking, dog walking, bird watching, tide-pooling, beach combing, informal sports activities such as Frisbee or ball throwing and kite-flying, nature viewing, and picnicking. Passive recreation includes ancillary facilities necessary to support visitor access to the

coastal open space, including but not limited to parking lots, interpretive signage, visitor kiosks, restrooms, etc. Passive recreation activities do not include activities such as: playgrounds, community gardens, ball-fields, skate parks, etc.

3. Active recreational use refers to the right of the public to conduct the full range of beach-oriented activities, not including horseback riding and use of motorized vehicles unless specifically authorized.

21.60A.040 General provisions.

A. Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

B. Access requirements. Proposed development and new land uses located between the ocean the first public road may be required to provide vertical (perpendicular) access from the public road to bluff and beach areas, and lateral access along the beach, shoreline and blufftops, where the review authority first makes specific findings documenting the need for additional public access on and/or through the site, and the relationship of the required dedication to the impacts on existing access, or needs for additional access created by the project.

C. Exceptions to access requirements. Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:

1. It would be inconsistent with public safety, or the protection of fragile coastal resources;

2. Adequate access exists within 500 feet of the site;

3. Access at the site would be inconsistent with the policies of the coastal land use plan other than those requiring access; or

4. Requiring or providing the access would be inconsistent with federal or state law.

D. Timing of access implementation. The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section.

1. Dedication. Shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.

2. Construction of improvements: Shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.

3. Interference with public use prohibited. Following an offer to dedicate public access in compliance with to this Section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.

21.60A.050. Access location — Requirements

Vertical, lateral, and/or blufftop access shall be required by the review authority in compliance with this Chapter, in the locations specified by the Open Space, Conservation, and Parks Element of the Coastal General Plan.

A. Access required. As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in 1 - 4 of this section, except as provided in Section 21.60A.030 of this chapter, a 25 foot wide easement for one or more of the types of access identified in Section 21.60A.030(B) of this chapter shall be required and shall be supported by findings required by Section 21.60A.090 of this chapter; provided that no such condition of approval shall be imposed if the analysis required by Section 21.60A.090 of this chapter establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the access dedication requirement will not alleviate the access burdens identified. For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the Executive Director of the Coastal Commission or to a designated private nonprofit association acceptable to the County who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the County nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission.

1. **New Development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing an historically used or suitable public access trail or pathway.**
2. **New development between the nearest public roadway and the sea.**
3. **New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.**
4. **New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.**

B. Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

C. Exceptions to access requirements. Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:

1. **It would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources;**

2. Adequate access exists within 500 feet of the site;

3. Access at the site would be inconsistent with policies of the Coastal Land Use Plan other than those requiring access;

4. Requiring or providing the access would be inconsistent with Federal or State law; or

21.60A.060 Access design standards

The standards of this section are intended to provide guidance to the review authority in determining the appropriate design of accessways to be required by coastal development permit conditions of approval, in compliance with this chapter.

A. Design objectives. The following are general guidelines as to the size and nature of all public access facilities in the County.

1. Design and siting. Accessways and trails should be sited and designed:

a. To minimize alteration of natural landforms, conform to the existing contours of the land, and to subordinate to the character of their setting;

b. To prevent unwarranted hazards to the land and public safety;

c. To provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses; and

d. To prevent damage to sensitive coastal resource areas.

2. Correction of existing damage/alternative routes. Where appropriate, coastal accessways should be designed to correct damage resulting from past and existing use. Shoreline and blufftop trail segments that may not be passable at all times shall provide inland alternative routes.

3. Accessway specifications.

a. Width. Each public access easement offered for dedication for public use shall be a minimum of 25 feet wide. The area where public access is allowed within an easement may be reduced to the minimum necessary for pedestrian traffic to avoid:

i) Adverse impacts on sensitive environmental areas;

ii) Encroachment closer than 20 feet to an existing residence; and/or

iii) Hazardous topographic conditions.

b. Slope. The preferred slope gradient for the walking surface of an accessway is zero to 20 percent, and in no case should exceed 70 percent.

c. Overhead clearance. The minimum overheard clearance for an accessway shall be seven feet.

4. Access for disabled persons. Wherever possible, wheelchair access to the ocean should be provided. Ramps should have dimensions and gradients consistent with current ADA requirements. Where beach access for disabled persons is provided, one out of five parking spaces should be provided for disabled persons, with the spaces marked clearly for handicapped use only.

5. Residential privacy. The design and placement of access trails should provide for the privacy of adjacent residences. Accessways may be wide enough to allow the placement of a trail, fencing and a landscape

buffer. A vertical accessway abutting a residential area may be fenced at the property line and have its use restricted to daylight hours.

6. Parking. Where access sites are required, parking should be provided where feasible. Where handicapped beach access is provided, one out of five parking spaces should be provided for disabled persons. These spaces should be marked clearly for handicapped use only.

7. Signs. Directional signing advising the public of vertical, lateral, and blufftop accessways and parking should be placed in prominent locations along access routes, at appropriate places in the downtown and at major visitor destinations. Signs designating handicapped access points and parking should be conspicuous. Potential hazards along accessways such as steep cliffs, steps or slopes should be signed, and fenced when necessary.

B. Standards for application of access conditions. The public access required pursuant to Section 21.60A.050(A) of this chapter shall conform to the following standards and requirements, as applicable to the type of access facility.

1. Vertical access. A vertical accessway shall comply with the following standards, in addition to the other applicable requirements of this Section.

a. Minimum requirements. A condition to require vertical public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 21.60A.050(A) of this chapter shall provide the public with the permanent right of access, (1) located in specific locations identified in the certified local coastal program for future vertical access, or (2) located in a site for which the County has reviewed an application for a development permit and has determined a vertical accessway is required pursuant to the access and recreation policies of the Coastal Act or the applicable provisions of the Del Norte Local Coastal Program.

b. A condition to require vertical access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 21.60A.050(A) of this chapter shall provide the public with the permanent right of vertical access and be limited to the public right of passive recreational use unless another character of use is specified as a condition of the development. In determining whether another character of use is appropriate, findings shall be made on the specific factors identified in Section 21.60A.090(B) of this chapter.

c. Each vertical accessway shall extend from the public road to the shoreline (or bluff edge) and shall be legally described as required in Section 21.60A.080(D) of this chapter. The access easement shall be a minimum of 25-feet-wide wherever feasible. If a residential structure is proposed, the accessway should be sited along the border or side property line of the project site or away from existing or proposed development and should not be sited closer than 10 feet to the structure wherever feasible. Exceptions to siting a vertical accessway along a border or side property line or not closer

than 10 feet to a structure may be required where topographical, physical or other constraints exist on the site.

2. Lateral access. A lateral accessway shall comply with the following standards, in addition to the other applicable requirements of this section.

a. Minimum requirements. A condition to require lateral access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 21.60A.050(A) of this chapter shall provide the public with the permanent right of lateral public access and passive recreational use along the shoreline (or public recreational area, bikeway, or blufftop area, as applicable); provided that in some cases controls on the time, place and manner of uses, such as limiting access to pass and repass or restricting hours of use, may be justified by site characteristics including sensitive habitat values or fragile topographic features or by the need to protect the privacy of residential development. Active recreational use may be appropriate in many cases where the development is determined to be especially burdensome on public access. Examples include cases where the burdens of the proposed project would severely impact public recreational use of the shoreline, where the proposed development is not one of the priority uses specified in Public Resources Code Section 30222, where active recreational uses reflect the historic public use of the site, where active recreational uses would be consistent with the use of the proposed project, and where such uses would not significantly interfere with the privacy of the landowner. In determining the appropriate character of public use, findings shall be made on the specific factors enumerated in Section 21.60A.090(B) of this chapter. Lateral access shall be legally described as required in Section 21.60A.080(D). The requirements of this section shall apply for blufftop access or trail access, as applicable.

3. Blufftop access.

a. Minimum requirements. A condition to require public access to or along a blufftop as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 21.60A.050(A) of this chapter shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.

b. The blufftop access shall be limited to passive recreational use and coastal viewing purposes unless another character of use is specified as a condition of development. In determining the appropriate character of use findings shall be made on the specific factors identified in Section 21.60A.090(B) of this chapter.

c. Each blufftop accessway shall be described in the conditions of approval of the coastal development permit as an area beginning at the current bluff edge extending 25 feet inland or [greater or lesser] as determined to be necessary for public safety or geologic stability. However, wherever feasible, the accessway should not extend any closer than 10 feet from an occupied residential structure. Due to the potential for erosion of the

bluff edge, the condition shall include a mechanism that will cause the accessway to be adjusted inland as the edge recedes. Any permanent improvements should be set back from the accessway by a distance derived by multiplying the annual rate of blufftop retreat by the 100-year life expectancy of the improvements plus an added geologic stability factor of 1.5.

d. The accessway shall be legally described as required in Section 21.60A.080(D) of this chapter, with the furthest inland extent of the area possible referenced as a distance from a fixed monument in the following manner: "Such easement shall be a minimum of 25 feet wide located along the blufftop as measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the location of this right of way will change over time with the then current bluff edge."

4. Trail access.

a. Minimum requirements. A condition to require public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) required pursuant to Section 21.60A.050(A) of this chapter shall provide the public with the permanent right of access and active recreational use, (1) along a designated alignment of a coastal recreational path or trail in specific locations identified in the LCP for implementation of trail access, or (2) in locations where it has been determined that a trail access is required to link recreational areas to the shoreline or provide alternative recreation and access opportunities pursuant to the access and recreation policies of the LCP and Coastal Act, consistent with other provisions of this chapter. In determining if another character of use is appropriate, findings shall be made on the specific factors enumerated in Section 21.60A.090(B) of this chapter.

The trail access shall be legally described as required by Section 21.60A.080(D) of this chapter.

5. Recreational access

a. Minimum requirements. A condition to require public recreational access as a condition of approval of a coastal development permit (or some other authorization to proceed with development) required pursuant to Section 21.60A.050(A) of this chapter shall provide the public with the permanent right of access and use within a designated recreational access area. Conditions required pursuant to this section shall specify the location and extent of the public access area. The form and content should take the form of requirements in Section 21.60A.060(B)(1)-(4) of this chapter as applicable. The accessway shall be legally described as required in Section 21.60A.080(D) of this chapter.

21.60A.090 Protection of historic public use

A. Substantial evidence determination. Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:

1. The public must have used the land for a period of five years or more as if it were public land.

2. Without asking for or receiving permission from the owner.
3. With the actual or presumed knowledge of the owner.
4. Without significant objection or bona fide attempts by the owner to prevent or halt the use.
5. The use must be substantial, rather than minimal.
6. The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.

B. 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:

1. Substantial evidence does not warrant the conclusion that public prescriptive rights exist.
2. There is substantial evidence of the existence of public prescriptive rights, but development will not interfere with those rights.
3. There is substantial evidence of the existence of public prescriptive rights which requires denial of a coastal development permit because of interference with those rights.
4. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring dedication of public access protects the rights of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.
5. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring siting development away from the area used by the public protects the rights of the public.

C. Siting and design requirements

1. Development shall be sited and designed in a manner that does not interfere with or diminish any public right of access which may exist based on the potential public rights based on substantial evidence of historic public use. Only when site constraints are so severe that siting of the accessway 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 in accordance with Section 21.60A.080 of this chapter. Gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted within private street easements where they have the potential to limit, deter, or prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist.
2. An access condition shall not serve to extinguish, adjudicate or waive potential prescriptive rights. The following language shall be added to the access condition in a permit with possible prescriptive rights:

"Nothing in this condition shall be construed to constitute a waiver of any sort or a determination on any issue of prescriptive rights which may exist on the parcel itself or on the designated easement."

21.60A.080 Access title and guarantee.

Where public coastal accessways are required by this Chapter, approval of a coastal development permit for new development shall require guarantee of the access through deed restriction, or dedication of right-of-way or easement. Before the approval of a coastal development permit, the method and form of the access guarantee shall be approved by County Attorney, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee shall be chosen according to the following criteria:

A. Deed restriction. Shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the director.

B. Grant of fee interest or easement: Shall be used when a public agency or private organization approved by the Director is willing to assume ownership, maintenance and liability for the access.

C. Offer of dedication. Shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.

D. Legal description of an accessway — Recordation.

1. An access dedication (offer to dedicate or grant of easement) required pursuant to Section 21.60A.050(A) of this chapter shall be described, in the condition of approval of the permit or other authorization for development in a manner that provides the public, the property owner, and the accepting agency with the maximum amount of certainty as to the location of the accessway. As part of the condition of approval, easements shall be described as follows:

a. For lateral access: along the entire width of the property from the mean high tide line landward to a point fixed at the most seaward extent of development (as applicable): the toe of the bluff, the intersection of sand with toe of revetment, the vertical face of seawall, or other appropriate boundary such as stringline or dripline. On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation;

b. For blufftop access or trail access: extending inland from the bluff edge or along the alignment of a recreational trail;

c. Ffor vertical access: extending from the road to the mean high tide line (or bluff edge). A privacy buffer provided pursuant to Section 21.60A.080(E) shall be described as applicable.

2. Prior to the issuance of the coastal development permit or other authorization for development, the landowner shall execute and

record a document in a form and content acceptable to the Coastal Commission (or local agency authorized pursuant to 14 Cal. Code of Regulations Section 13574(b)), consistent with provisions of Section 21.60A.050(A) of this chapter, irrevocably offering to dedicate (or grant an easement) to a public agency or private nonprofit association approved by the Coastal Commission (or local agency authorized by the Coastal Commission pursuant to 14 Cal. Admin. Code Section 13574(b)) an easement for a specific type of access as described in Section 21.60A.050(B) and a specific character of use as described in Section 21.60A.030(C) of this chapter, as applicable to the particular condition.

3. The recorded document shall provide that: (1) the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement prior to acceptance of the offer and, (2) development or obstruction in the accessway prior to acceptance of the offer is prohibited.

4. The recorded document shall include legal descriptions and a map drawn to scale of both the applicant's entire parcel and the easement area. The offer or grant shall be recorded free of prior liens and any other encumbrances which the Coastal Commission [or local agency authorized by the Commission pursuant to 14 Cal. Admin. Code Section 13574(b)] determines may affect the interest being conveyed. The grant of easement or offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

E. Privacy buffers.

1. Minimum requirements. Separation between a public accessway and adjacent residential use may be provided when necessary to protect the landowner's privacy or security as well as the public's right to use of the accessway. Any such buffer shall be provided within the development area. Access should not be sited closer to any residential structure than the distance specified in the certified LUP, or where there is no distance specified, no closer than 10 feet. The buffer can be reduced where separation is achieved through landscaping, fences or grade separation.

F. Implementation.

1. For any project where a public access easement is required, the preferred implementation should be through a recorded grant of easement to the County or to a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the County nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be

implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission.

2. For all grants of easement to the County, required as a condition of approval of a coastal development permit, the County shall open the easement to the public as soon as is feasible, and shall be responsible for operating and maintaining the accessway, or the County shall grant the easement to a private nonprofit association acceptable to the Executive Director of the Coastal Commission that is willing to accept, maintain and operate the accessway.

3. In the case of an Offer to Dedicate or where the County grants an easement to a private nonprofit association, an accessway shall not be required to be opened to public use until a public agency or private nonprofit association approved in accordance with Section 21.60A.080(D) of this chapter agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction. New offers to dedicate public beach or trail access easements shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights, in the area subject to the easement prior to acceptance of the offer and, 2) prohibits any development or obstruction in the easement area prior to acceptance of the offer.

4. Access facilities constructed on access easements (e.g., walkways, paved paths, boardwalks, etc.) shall be as wide as necessary to accommodate the numbers and types of users that can reasonably be expected. Width of facilities can vary for ramps or paved walkways, depending on site factors.

5. Any government agency may accept an offer to dedicate or grant of an easement if the agency is willing to operate and maintain the easement. For all grants of an easement or offers to dedicate that are required as conditions of coastal development permits approved by the County, the Executive Director of the Coastal Commission has the authority to approve a private non-profit association that seeks to accept the offer or the grant of easement. In order for the Executive Director to approve any private non-profit association, the non-profit association must submit a plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate or grant the easement.

6. The appropriate agency or organization to accept and develop trail dedication offers or grants of easement resulting from County issued CDPs shall be determined through coordination, where applicable, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Del Norte County, and nonprofit land trusts or associations. Public agencies and private

nonprofit associations which may be appropriate to accept offers to dedicate include, but shall not be limited to, the State Coastal Conservancy, the State Department of Parks and Recreation, the State Lands Commission, the County of Del Norte, the City of Crescent City, special districts empowered with recreational facilities management authority, private land trusts and conservancies chartered to accept easements or fee interest dedications in the County of Del Norte, and other nongovernmental organizations.

7. Grants of public access easements or offers to dedicate shall be accepted for the express purpose of opening, operating, and maintaining the accessway for public use. Unless there are unusual circumstances, the accessway shall be opened within five (5) years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private nonprofit association expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within six (6) months of the written request. A coastal development permit that includes a grant of easement or offer to dedicate for public access as a term or condition shall require the recorded offer to dedicate to include the requirement that the easement holder shall transfer the easement to another public agency or private nonprofit association that requests such transfer, if the easement holder has not opened the accessway to the public within five (5) years of accepting the offer.

8. Facilities to complement public access to and along the shoreline and trails shall be permitted where feasible and appropriate. This may include parking areas, restrooms, picnic tables, or other improvements. No facilities or amenities, including, but not limited to, those referenced above, shall be required as a prerequisite to the approval of any lateral or vertical accessway or trail OTD or grant of easement or as a precondition to the opening or construction of the accessway or trail. Where there is an existing, but unaccepted and/or unopened public access OTD, easement, or deed restriction for lateral, vertical, bluff or trail access or related support facilities, necessary access improvements shall be permitted to be constructed, opened and operated for the intended public use.

9. Any accessway which the managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private nonprofit association that agrees to open and maintain the accessway in a condition suitable for public use.

10. All public access mitigation conditions or terms required by a CDP shall include, as a compliance component, a requirement that the permittee submit a detailed and surveyed map, drawn to scale, locating any proposed or required easements or deed restricted areas.

G. Timing of access implementation. The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section.

1. Dedication. Dedication shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.

2. Construction of improvements. Construction of improvements shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.

3. Interference with public use prohibited. Following an offer to dedicate public access in compliance with this Section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.

H. Title information. As a requirement for any public access condition, prior to the issuance of the permit or other authorization for development, the applicant shall be required to furnish a title report and all necessary subordination agreements. All offers or grants shall be made free of all encumbrances which the approving authority pursuant to Section 21.60A.080(D) of this chapter determines may affect the interest being conveyed. If any such interest exists which could extinguish the access easement, it must be subordinated through a written and recorded agreement.

21.60A.090 Required findings and supporting analysis for public access dedications.

A. Required overall findings. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals or conditional approvals of where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section 21.60A.090(B) of this chapter and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include:

1. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 21.60A.090(B) of this chapter. The type of affected public access and recreation opportunities shall be clearly described.

2. An analysis based on applicable factors identified in Section 21.60A.090(B) of this chapter of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.

3. A description of the legitimate governmental interest furthered by any access condition required.

4. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related to those burdens in both nature and extent.

B. Required Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the County shall evaluate and document in written findings the factors identified in subsections (1) through (5), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the County and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning requirements or regulations.

1. Project effects on demand for access and recreation including:

a. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development;

b. Analysis of the project's effects upon existing public access and recreation opportunities;

c. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout;

d. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public;

e. Analysis of the contribution of the project's cumulative effects to any such projected increase;

f. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas;

g. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.

2. Shoreline processes including:

a. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of existing or proposed shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site;

b. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development;

c. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity;

d. Analysis of the effect of any identified changes of the project -- alone or in combination with other anticipated changes -will have upon the ability of the public to use public tidelands and shoreline recreation areas.

3. Historic public use including:

a. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal);

b. Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc. and for passive and/or active recreational use, etc. Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made;

c. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts;

d. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use).

3. Physical obstructions including:

a. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.

4. Other adverse impacts on access and recreation including:

a. Description of the development's physical proximity and relationship to the shoreline and any public recreation area;

b. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation;

c. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

C. Required findings for public access exceptions. Any determination that one of the exceptions of Section 21.60A.050(C) of this chapter applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

1. The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety

concern, or the military facility which is the basis for the exception, as applicable.

2. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected.

3. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

21.60A.100 Review of recorded access documents.

A. Standards and procedures

Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate or grant an interest or easement in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit consistent with the following procedures and California Code of Regulations Section 13574:

All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures:

1. The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements.

a. Upon completion of permit review by the County and prior to the issuance of the permit, the County shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;

b. The Executive Director of the Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;

c. The County may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the County within that time period;

d. If the Executive Director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director; or

2. If the County requests, the Commission shall delegate the authority to process the recordation of the necessary legal documents to the County if the County identifies the County department that has the

resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval of coastal development permits subject to the following: Upon completion of the recordation of the documents the County shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Commission.

21.60A.110 Coastal development permit application contents.

In addition to permit and application submittal requirements established elsewhere in this title, new development pursuant to Section 21.60A.030(A)(2) of this chapter shall be subject to the following additional permit and/or application requirements:

A. All applications for new development located along the shoreline or fronting a beach shall include the submittal of a review and/or determination in writing from the State Lands Commission that addresses the proposed project relative to its location or proximity to, or impact upon, the boundary between public tidelands and private property. Any application for development on or along the shoreline filed without such determination shall be determined to be incomplete for filing.

B. Coastal development permit application filing requirements shall include the submittal of mapped documentation identifying the location of any existing recorded shoreline or inland trail OTDs, deed restrictions, or easements on the subject parcel(s).

21.60A.120 Development standards.

A. Any existing accessway which the County owns, operates, maintains, or is otherwise responsible for shall not be closed, abandoned, or rendered unusable by the public without first obtaining a coastal development permit unless determined to be necessary for public safety.

B. Any limitation on existing public access to or along a beach, trail, or bluff located in a sensitive habitat area determined to be necessary for temporary protection of habitat, restoration, repair and/or maintenance shall be for the minimum period necessary but shall not exceed the nesting season for shorebird habitat or be greater than 90 days for habitat restoration or 30 days for repair and maintenance, and shall require a coastal development permit. Any limitation for purposes of protecting or restoring habitat shall be subject to review and approval, where required, from the Department of Fish & Game and U.S. Fish and Wildlife. Access to or along public tidelands or areas subject to an accepted and opened Offer to Dedicate or grant of easement shall not be fully restricted.

C. No signs shall be posted on a beachfront or on public beach unless authorized by a coastal development permit. Signs which purport to identify the boundary between State tidelands and private property or which indicate that public access to State tidelands or public lateral or vertical access easement areas is restricted shall not be permitted. Temporary signs posted by a public agency for environmental or

public safety purposes may be authorized by the emergency permit provisions of Section 21.56.140 of this title.

D. Improvements and/or opening of accessways already in public ownership or that are accepted pursuant to an offer to dedicate required by a coastal development permit shall be permitted regardless of the distance from the nearest available vertical accessway.

Chapter 21.55B

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES WATER QUALITY

Sections:

21.55B.010 Purpose.
21.55B.020 Applicability.
21.55B.030 Application contents.
21.55B.040 Supplementary findings.
21.55B.050 Development standards.

21.55B.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of the quality of coastal waters by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act.

21.55B.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development or uses proposed on sites that entails construction, grading, or other activities that involve ground disturbance, increases in impervious surface areas, or alterations in the direction, volume, or flow rate of surface or groundwater hydrology.

21.55B.030 Application contents.

In addition to the information required by sections 14.05.070 and 21.50.065 for coastal grading and/or coastal development permit applications, the applicant shall provide the following supplemental information:

A. Construction pollution control plan. A construction-phase erosion, sedimentation, and polluted runoff control plan ("construction pollution control plan") shall specify interim best management practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials, to the maximum extent practicable. The construction pollution control plan shall demonstrate that:

(1) During construction, development shall minimize site runoff and erosion through the use of temporary BMPs (including, but not

limited to, soil stabilization measures), and shall eliminate the discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, asphalt and cement compounds, and debris), to the extent feasible.

(2) Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.

(3) Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which is important for preventing erosion and sedimentation.

(4) Development shall implement soil stabilization BMPs, including but not limited to re-vegetation, on graded or disturbed areas as soon as feasible.

(5) Grading operations shall not be conducted during the rainy season (from November 1 to March 30), except in response to emergencies, unless the County determines that soil conditions at the project site are suitable, the likelihood of significant precipitation is low during the period of extension, (not to exceed one week at a time), and adequate erosion and sedimentation control measures will be in place during all grading operations.

(6) The construction pollution control plan shall be submitted with the final construction drawings. The plan shall include, at a minimum, a narrative report describing all temporary polluted runoff, sedimentation, and erosion control measures to be implemented during construction, including:

(a) Controls to be implemented on the amount and timing of grading.

(b) BMPs to be implemented for staging, storage, and disposal of excavated materials.

(c) Design specifications for structural treatment control BMPs, such as sedimentation basins.

(d) Re-vegetation or landscaping plans for graded or disturbed areas.

(e) Other soil stabilization BMPs to be implemented.

(f) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction.

(g) Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (including but not limited to paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff.

(h) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials.

(i) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation.

(j) A site plan showing the location of all temporary erosion control measures.

(k) A schedule for installation and removal of the temporary erosion control measures.

B. Post-Construction Stormwater Plan. A plan to control post-construction stormwater runoff flows, and maintain or improve water quality ("post-construction stormwater plan") shall specify site design, source control, and if necessary, treatment control BMPs that will be implemented to minimize stormwater pollution and minimize or eliminate increases in stormwater runoff volume and rate from the development after construction. The post-construction stormwater plan shall demonstrate that:

(1) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources.

(2) Permanent erosion control measures shall be installed, as may be needed, depending upon the intensity of development proposed and the sensitivity of receiving waters.

(3) Runoff from the project shall not increase sedimentation in receiving waters.

(4) On-site filtering, grease, and/or sediment trapping systems shall be installed, as needed, to capture any pollutants contained in the runoff.

(5) Permanent runoff/drainage control improvements, such as subsurface drainage interception, energy dissipaters, recovery/reuse cisterns, detention/retention impoundments, etc. shall be installed, as needed, at the point of discharge.

(6) In the application and initial planning process, the applicant shall submit a preliminary post-construction stormwater plan, and prior to issuance of a building permit the applicant shall submit a final post-construction stormwater plan for approval by the County. The plan shall include, at a minimum, the following components:

(a) Proposed site design and source control BMPs that will be implemented to minimize post-construction polluted runoff.

(b) Proposed drainage improvements (including locations of infiltration basins, and diversions/ conveyances for upstream runoff).

(c) Measures to maximize on-site retention and infiltration (including directing rooftop runoff to permeable areas rather than to driveways).

(d) Measures to maximize, to the extent practicable, the percentage of permeable surfaces, and to limit the percentage of directly connected impervious areas, to increase infiltration of runoff.

(e) Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.

(f) A site plan showing the location of all permanent erosion control measures.

(g) A schedule for installation and maintenance of the permanent erosion control measures.

(h) A schedule for installation and maintenance of the sediment and debris filtration, grease and/or sediment trap, etc., as warranted for the type of development and site.

(i) A site plan showing finished grades in one-foot contour intervals and associated drainage improvements.

C. Site design using low impact development techniques. The post-construction stormwater plan shall demonstrate the preferential consideration of low impact development (LID) techniques in order to minimize stormwater quality and quantity impacts from development. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation. LID techniques to consider include, but are not limited to, the following:

(1) Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.

(2) Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, to the maximum extent practicable. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

(3) Development shall maintain or enhance, where appropriate and feasible, on-site infiltration of stormwater runoff, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants.

Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

(4) Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas in order to maintain, or enhance where appropriate and feasible, on-site stormwater infiltration capacity.

(5) To enhance stormwater infiltration capacity, development applicants shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or

gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.

D. Water quality and hydrology plan for developments of water quality concern. In addition to the information to be provided in the post-construction stormwater plan, applicants for "developments of water quality concern," shall submit a water quality and hydrology plan and be subject to the additional requirements listed below.

(1) "Developments of water quality concern" include the following:

(a) Housing developments of five or more dwelling units, including but not limited to residential subdivisions.

(b) Hillside developments on slopes greater than 20 percent, located in areas with highly erodible soil.

(c) Developments that result in the creation, addition, or replacement of one acre or more of impervious surface area.

(d) Parking lots with 10,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.

(e) Vehicle service facilities, including retail gasoline outlets, commercial car washes, and vehicle repair facilities, with 10,000 square feet or more of impervious surface area.

(f) Industrial parks, commercial strip malls, or restaurants with 10,000 square feet or more of impervious surface area.

(g) Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the County based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or coastal waters.

(h) Heavy industrial developments.

(i) Streets, roads, highways, and freeway construction of 10,000 square feet or more of impervious surface area, but not including stand-alone pedestrian pathways, trails, and off-street bicycle lanes.

(j) All developments entailing the creation, addition, or replacement of 5,000 square feet or more of impervious surface area, located within 200 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody (i.e., outflow from the drainage conveyance system is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.)

(2) Additional Requirements for developments of water quality concern:

(a) Water quality and hydrology plan. The applicant for a development of water quality concern shall be required to submit a water quality & hydrology plan (WQHP), prepared by a California licensed civil engineer or landscape architect, which supplements the post-construction stormwater plan. The WQHP shall include calculations, per County standards, that estimate increases in pollutant loads and changes in stormwater runoff hydrology (i.e.,

volume and flow rate) resulting from the proposed development, and shall specify the BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts. The WQHP shall also include operation and maintenance plans for post-construction treatment control BMPs. In the application and initial planning process, the applicant shall be required to submit for approval a preliminary WQHP, and prior to issuance of a building permit the applicant shall submit a final WQHP for approval by the County Engineer.

(b) Selection of structural treatment control BMPs. If the County determines that the combination of site design and source control BMPs is not sufficient to protect water quality and coastal waters, a structural treatment control BMP (or suite of BMPs) shall also be required. developments of water quality concern are presumed to require treatment control BMPs to meet the requirements of the coastal land use plan and state and federal water quality laws, unless the water quality & hydrology plan demonstrates otherwise.

The water quality & hydrology plan for a development of water quality concern shall describe the selection of treatment controls BMPs. Applicants shall first consider the treatment control BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.

(c) 85th percentile design standard for treatment control BMPs. For post-construction treatment of stormwater runoff in developments of water quality concern, treatment control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

(d) Maintain pre-development hydrograph. In developments of water quality concern where changes in stormwater runoff hydrology (i.e., volume and flow rate) may result in increased potential for streambank erosion, downstream flooding, or other adverse habitat impacts, hydrologic control measures (e.g., stormwater infiltration, detention, harvest and re-use, and landscape evapotranspiration) shall be implemented in order to ensure that the pre- and post-project runoff hydrographs match within 10% for a two-year return frequency storm.

(5) Content. The water quality and hydrology plan shall contain the following:

(a) Site design, source control, and treatment control BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts.

(b) All of the information required in sub-section A for the post-construction stormwater plan.

(c) Pre-development stormwater runoff hydrology (i.e., volume and flow rate) from the site.

(d) Expected post-development stormwater runoff hydrology (i.e., volume and flow rate) from the site, with all proposed non-structural and structural BMPs in place.

(e) Measures to infiltrate or treat runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the site, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, structural treatment control BMPs including biofilters, grassy swales, on-site de-silting basins, detention ponds, or dry wells.

(f) A description of how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs.

(g) Appropriate structural post-construction Treatment Control BMPs selected to remove the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process.

(h) A long-term plan and schedule for the monitoring and maintenance of all structural Treatment Control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

E. Best management practices (BMPs); selection and incorporation.

(1) All development shall incorporate effective site design and long-term post-construction source control BMPs, as necessary to minimize adverse impacts to water quality and coastal waters resulting from the development, to the maximum extent practicable. BMPs that protect post-construction water quality and minimize increases in runoff volume and rate shall be incorporated as necessary in the project design of developments in the following order of priority:

i. Site design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.

ii. Source control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

iii. Treatment control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters.

(2) The selection of BMPs shall be guided by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development and specific to a climate similar to Del Norte County's. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs. Additional guidance on BMPs is available from the state water resources and water quality boards, the U.S. Environmental Protection Agency, regional entities such as the Bay Area Stormwater Management Agencies Association's (BASMAA) "Start at the Source: Design Guidance Manual for Stormwater Quality Protection," and/or as may be developed from time to time with technological advances in water quality treatment.

(3) Where BMPs, are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPs to protect water quality and coastal waters shall be guided by Tables 21-55B-1 through -3, below, or equivalent tables which list pollutants of concern and appropriate BMPs for each type of development or land use.

21.55B.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by section 21.50.080, the following supplementary findings, based on factual evidence, shall be made for new development or uses having potential impacts to the quality of coastal waters:

A. Generally. All approved development will be, or has been conditioned to be, consistent with the development standards of Section 21.60B.050, as applicable.

21.55B.050 Development standards.

A. Development shall be undertaken in accordance with the approved erosion and stormwater control final plans and/or water quality management plan. Any proposed changes to the approved final plans shall be reported to the director. No changes to the approved final plans shall occur without an amendment to the coastal development permit, or equivalent, unless the director determines that no amendment is legally required.

Table 21.55B-1: Pollutants Generated by Development Category

	Pollutants generated by various development categories include, but are not limited to:								
Development Categories	Sediments	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Detached Residential Developments	X	X			X	X	X	X	X
Attached Residential Developments	X	X			X	P(1)	P(2)	P	X
Commercial Developments >100,000 ft^2	P(1)	P(1)		P(2)	X	P(5)	X	P(3)	P(5)
Automotive Service Facilities			X	X(4)(5)	X		X		
Retail Gasoline Outlets			X	X(4)(5)	X		X		
Restaurants					X	X	X	X	
Hillside Developments	X	X			X	X	X		X
Parking Lots	P(1)	P(1)	X		X	P(1)	X		P(1)
Streets, Highways & Freeways	X	P(1)	X	X(4)	X	P(5)	X		

X = anticipated P = potential

(1) A potential pollutant if landscaping exists on-site
(2) A potential pollutant if the project includes uncovered parking areas
(3) A potential pollutant if land use involves food or animal waste products
(4) Including petroleum hydrocarbons
(5) Including solvents

Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.

Table 21.55C-2: Areas for Site Design and Source Control BMP Implementation by Development Category

	Specific areas for implementation of Site Design and Source Control BMPs include, but are not limited to:													
Development Categories	Private Roads	Residential Driveways & Guest Parking	Loading/Unloading Dock Areas	Repair/Maintenance Bays	Vehicle Wash Areas	Outdoor Processing Areas	Equipment Wash Areas	Parking Areas	Roadways	Fueling Areas	Hillside Landscaping	Outdoor Material Storage Areas	Trash Storage Areas	Pools and Spas
Detached Residential Developments	R	R									R			R
Attached Residential Developments	R												R	R
Commercial Developments >100,000 ft^2			R	R	R	R						R	R	
Automotive Service Facilities			R	R	R		R			R		R	R	
Retail Gasoline Outlets			R	R	R		R			R		R	R	
Restaurants			R				R					R	R	
Hillside Developments	R										R			
Parking Lots								R					R	
Streets, Highways & Freeways									R					

R = Required to minimize pollutants of concern by selecting appropriate Site Design and Source Control BMPs.

Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.

Table 3. Treatment Control BMP Efficiency for Pollutants of Concern(1)

	Efficiency of Treatment Control BMP categories for removal of pollutants of concern include, but are not limited to:						
Pollutants of Concern	Biofilters	Detention Basins	Infiltration Basins(2)	Wet Ponds or Wetlands	Drainage Inserts	Filtration	Hydrodynamic Separator Systems(3)
Sediment	M	H	H	H	L	H	M
Nutrients	L	M	M	M	L	M	L
Heavy Metals	M	M	M	H	L	H	L
Organic Compounds	U	U	U	U	L	M	L
Trash &	L	H	U	U	M	H	M

Debris							
Oxygen Demanding Substances	L	M	M	M	L	M	L
Bacteria	U	U	H	U	L	M	L
Oil & Grease	M	M	U	U	L	H	L
Pesticides	U	U	U	U	L	U	L

L = Low removal efficiency for this pollutant
M = Medium removal efficiency for this pollutant
H = High removal efficiency for this pollutant
U = Unknown removal efficiency for this pollutant

(1) The County is encouraged to periodically assess the performance characteristics of these BMPs to update this table.
(2) Includes trenches and permeable pavement
(3) Also known as hydrodynamic devices and baffle boxes

Sources: *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (1993), *National Stormwater Best Management Practices Database* (2001), *and Guide for BMP Selection in Urban Developed Areas* (2001).

Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.

Chapter 21.60C

COASTAL RESOURCES PROTECTION
BIOLOGICAL RESOURCES

Sections:

21.60C.010 Purpose.
21.60C.020 Applicability.
21.60C.030 Coastal development permit application contents.
21.60C.040 General to designated resource conservation area zoning amendment supplemental information.
21.60C.050 Supplementary findings.
21.60C.060 Development standards.

21.60C.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of environmentally sensitive resource areas and other biological resources by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act and the coastal land use plan. (Ord. 2009- § (part))

21.60C.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites that include, are

immediately adjacent to, or are within an environmentally sensitive habitat area (ESHA), defined as 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. In addition, this chapter sets forth the supplemental information required for evaluating proposed amendments from general to designated resource conservation area zoning district pursuant to Section 21.11.060. (Ord. 2009- § (part))

21.60C.030 Coastal development permit application contents.

Applications for development projects requiring the securement of a coastal development permit, either independently or in conjunction with an application for a use permit, variance, building or grading permit or tentative subdivision map approval pursuant to section 21.50.020, shall include the following as applicable to the development type or setting:

A. Biological resources report. A permit application for development on a site that is subject to this chapter shall include a biological resources report that complies with the following requirements:

1. Qualifications of preparer. The report shall be prepared by individuals approved by the County with demonstrated education, training, or experience to prepare these plans in a professional and competent manner. Acceptance of additional experts may be authorized by the director upon receipt of a resume demonstrating an individual's special capabilities. The director's decision to accept or deny a consulting biologist shall be final.

2. Report contents. A biological resources report shall include, but not be limited to:

a. A study identifying biological resources existing on the site, and if available, the historical extent of the resources, disclosing the history, ecology and habitat requirements of the relevant resources, such as plants, fish and wildlife, in sufficient detail to permit a review of functional relationships, theitr potential for restoration, and present and potential adverse physical and biological impacts on the ecosystem;

b. An identification of "fully protected" species and/or "species of special concern," and an identification of any other species of rarity, including plants designated "List 1B" or "List 2" by the California Native Plant Society, that are present or have the potential to occur on the project site;

c. Photographs of the site;

d. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;

e. A site map depicting the location of biological resources, both current and historical, consisting of the following elements:

i. Topographic Base Map. The base map shall be at a scale sufficiently large to permit clear and accurate depiction of vegetation associations and soil types in relation to any and all proposed development (minimum 1:2,400). Contour intervals shall be five feet, and the map

should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date). The map shall show the following information:

a. Benchmark and survey data used to locate the project, the lines or highest tidal action, mean high tide, or other reference points applicable to the particular project;

b. Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as well as the boundaries of any tidelands, submerged lands or public trust lands, per Section 21.50.040;

b. Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features such as streams, bluffs or steep slopes;

c. Location, elevation, and dimensions of any levees, dikes or flood-control channels;

d. Location, size, dimensions, and invert elevation of any culverts or tide gates; and

e. Existing development (structures, agricultural areas, etc.);

ii. Inundation Map. For intertidal wetlands, an inundation map showing the inland extent of extreme higher high water. For nontidal wetlands, the map shall indicate permanent or seasonal patterns of inundation, including sources, in a year of normal rainfall.

iii. Vegetation Map. Location and names of dominant plant species (e.g., Salicornia virginica) and vegetation associations (e.g., saltmarsh).

iv. Soils Map. If no soil survey is available, a soils map should be prepared and should show the location of soil types and include a physical description of their characteristics;

f. An analysis of the potential impacts of the proposed development on the identified habitat or species;

g. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition;

h. Project alternatives, including project modifications and off-site options designed to avoid and minimize impacts to identified habitat or species;

i. A buffer adequacy analysis consistent with the requirements of section 21.060C.050.B, sub-section 1 through 7, where an ESHA buffer of less than 100 feet (100′) is proposed.

j. An evaluation of the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures. Proposed mitigation measures shall meet the following standards:

i. They are specific, implementable, and, wherever feasible, quantifiable;

ii. They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption;

iii. They are incorporated into a mitigation monitoring program; and

iv. They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

k. An analysis of potential significant impacts on the habitat from noise, sediment, and other potential disturbances that may occur during project construction.

l. Recommendations for conditions of approval for habitat maintenance, and the restoration of damaged habitats, where feasible.

In addition to compliance with this section, all development within or adjacent to coastal wetland ESHA, shall comply with sections 21.60C.030.B, D and E, as applicable. All development within or adjacent to rivers and streams coastal wetlands and/or riparian vegetation ESHA, shall comply with section 21.60C.030.C.

B. Wetland delineation report for wetland ESHA. Where the biological study required by Section 21.60C.030.A above indicates the presence or potential for wetland species or indicators, the applicant shall additionally submit a delineation of all wetland areas on the project site.

Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in section 13577(b) of the California Code of Regulations. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum: (1) a map at a scale of 1:2,400 or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points; and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.

C. Stream channel analysis. In addition to the biological report required by Section 21.60C.050.A, each permit application for a project that is situated in or within one-hundred feet (100′) of rivers and streams coastal wetlands and/or riparian vegetation ESHAs shall include a site-specific stream channel analysis prepared by a hydrologist, civil engineer, or other qualified professional approved by the County to identify the precise boundary/top of bank of the subject watercourse. The director may waive this requirement if it is determined that the project, because of its size, location, or design will have no impact on the watercourse, or that sufficient information already exists and further analysis is not

necessary. A required stream channel analysis shall include all hydro-geomorphic information and materials required by the department. The "top of bank" shall mean the upper elevation of land, having a slope not exceeding ten percent (10%), which confines the channel waters flowing in the watercourse in their normal winter flow.

D. Sediment dredging. For projects involving the dredging and disposal of sediment materials, each permit applications shall include a dredged materials management plan consisting of the following items:

1. **The purpose of the dredging;**
2. **The existing and proposed depths;**
3. **The volume (cubic yards) and area (acres or square feet) to be dredged;**
4. **Location of the dredging site(s) (e.g., estuaries, open coastal waters or streams);**
5. **The location of proposed spoils disposal;**
6. **A textural grain size analysis of the spoils; and**
7. **A chemical assay of the dredge spoils for the presence of contaminants.**

E. Filling and/or diking projects. For projects involving the placement of fill or the construction of diking, each permit applications shall provide the following information:

1. **The type of fill or diking material to be used, including pilings or other structures;**
2. **The proposed location for the placement of the fill or diking;**
3. **The quantity or volume of materials to be placed and the surface area to be covered;**
4. **A description of any proposed use of the fill or diked areas; and**
5. **If the project is adjacent to a wetland or wetland buffer and may cause mud waves, a report shall be prepared by a qualified geotechnical engineer which explains ways to prevent or mitigate the problem;**

F. Wetland management plan. Proposed wetland restoration and/or enhancement projects, either as mitigation for an accompanying development project or to be undertaken independently of a development project, shall include a wetlands management plan prepared by a qualified wetlands expert. The wetlands management plan shall include all of the following, and any additional information deemed necessary by the review authority:

1. **Goals and objectives. These shall include a description of the functional relationship of the existing and proposed wetland areas, such as habitat area, type, topography and soil characteristics, water flow patterns and water levels, and upland buffers. The stated goals and objectives should also be consistent with established regional habitat goals where possible. These regional goals must identify functions and/or habitats most in need of replacement or restoration and must be as specific as possible. A schedule to complete the restoration program shall be included.**

2. Site plans. Site plans of the restoration or mitigation area shall identify the location and size of wetland areas to be preserved, restored, or created, and shall include the following:

a. Grading plan. Topography at one-foot intervals, along with any grading, excavation and/or fill plan. Submit footprints of all improvements indicating heights of all structures as well as access routes for maintenance and monitoring and all uses/structures within 200 feet of the property.

b. Drainage plan. Water flow and drainage patterns along with any estimated volume exchange rates.

c. Planting plan. The location of flora and fauna habitat areas and types, and any planting plans.

3. Proposed techniques and standards. The application shall include, as applicable, the following wetland preservation, restoration, and creation techniques and standards, indicating processes, practices and criteria used in identifying the wetlands and the adjoining upland buffers:

a. Watershed area and hydrology, water sources, water depths, water-control structures, water-quality watershed area and hydrology parameters, including treatment of urban runoff and water-level maintenance practices needed to achieve the necessary ambient water conditions and characteristics along with a stormwater management plan which identifies potential pollutants and ensures that runoff is substantially free of debris, pollutants and silt. Stormwater runoff management systems may include treatment swales, retention ponds, and other natural treatment systems. Treatment wetlands shall not be considered as habitat mitigation, but may address water quality functions of the impacted wetlands;

b. Planting plans which identify target wildlife species and specify plant species, quantities, locations, size, space, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and, plant protection measures;

c. Site preparation grading elevations and specifications for, if needed, soil amendments, removal of unsuitable fill, and weed control;

d. Measures for minimizing impacts to the wetland during grading and construction, and for minimizing disturbances to wildlife habitat;

e. Vector management, demonstrating ecological vector control; and

f. Identification of disposal area for any excavated or dredged material;

4. Implementation and monitoring plan. The wetland management plan shall include an implementation and monitoring plan, which shall provide:

a. Specific criteria and identification of process and responsibility for evaluating whether or not the goals of the Wetland Management Plan are being achieved at various stages in the development. Specifications for irrigation as needed, removal of exotic and nuisance vegetation, and maintenance;

b. Responsibility schedule and reporting requirements for monitoring the hydrology, vegetation, and wildlife of the wetland with a specified

monitoring time frame (five years minimum for brackish or tidal marshes, and 10 years for freshwater and seasonal wetlands);

c. Procedures for the correction of deficiencies or problems in the Plan discovered after implementation, such as any needed plant substitutions, or modifications to site hydrology;

d. Identification of methods to ensure that the wetland will be protected in perpetuity; and

e. A schedule for grading, planting, and long-term maintenance.

5. Cost estimate. A cost estimate for implementing, monitoring, and maintaining the wetland. Performance security may be required to ensure proper installation, monitoring, and maintenance of the wetland.

6. Management plan. A management plan that addresses the long term fiscal, administrative, and technical requirements to successfully execute and maintain the wetland restoration and enhancement project. The plan shall identify the project funding source and assign responsibilities for the long-term maintenance of the wetland, and the management of the necessary ongoing activities.

F. Mitigation monitoring program. When filling, dredging, and/or diking wetlands for a permissible use cannot be avoided and there is a potential loss of existing wetland habitat or value, or the development project entails restoration and enhancement activities, a mitigation monitoring program must be submitted with the coastal development permit application that, when implemented, will result in the replacement of all lost wetland functions and habitat, where feasible. A mitigation monitoring plan can take several forms, although restoration is the most common form submitted to the County. The County shall administer the mitigation monitoring program; preparation and administration of the plan shall be paid for by the project applicant. A bond or other method acceptable to the County shall be established to guarantee successful completion of the mitigation project. The mitigation monitoring program shall, at a minimum:

1. Establish clearly stated goals and objectives that provide for the establishment of functions and values at least equal to those occurring at the impact site. The stated goals and objectives should also be consistent with established regional habitat goals where possible. These regional goals must identify functions and/or habitats most in need of replacement or restoration and must be as specific as possible. A schedule to complete the restoration program shall be included.

2. Provide adequate baseline data regarding the biological, physical, and chemical criteria for the restoration area. For a restoration plan to be deemed acceptable, it must include evidence or other conclusive information that:

a. The site can be purchased prior to commencement of the development project and dedicated to a public agency or otherwise permanently restricted in use to "open space;"

b. The site is located in an area no longer functioning in a manner beneficial to wetland species, such as a formerly productive wetland or estuary that is now biologically unproductive dry land;

c. The site can be restored to "equal or greater biological productivity" (Coastal Act Section 30607.1) than the area lost, with the same type and variety of plant and animal species. That is, the mitigation wetland would replace the functions and values existing at the impacted wetland; and

d. The site is located in the same region e.g., preferably within the same water body or watershed as the wetland impacted through development;

3. Provide documentation that the project will continue to function as a viable restored wetland site over the long-term.

4. Provide sufficient technical detail on the restoration design. This should include, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the restoration base map, and maintenance techniques.

5. Require independent monitoring of the site at least five years after completion of the mitigation project. The intent is to continue monitoring until the project has successfully met the stated goals and objectives, therefore the monitoring plan should specifically monitor the measurable success features of the project and adaptive management, approved by the County, should be employed in the event that success features are not achieved. A brief report with photographic evidence of the site should be submitted to the department on an annual basis. For larger projects where new wetlands are created, extended monitoring will be required.

6. Require annual survey for plants and animals of special concern throughout the various habitats of the mitigation area. The surveys should permit a determination of species composition and abundance for species of special concern and indicator species for each major ecological strata. The presence/absence of terrestrial and aquatic organisms (especially aquatic insects) that are not species of special concern should be identified, as appropriate. Timing of the surveys should be considered, since the abundance of many plant and animal species often varies with season. Surveys sufficient to characterize the mitigation site should also be completed prior to any enhancement or restoration activities.

7. Monitor hydrology. For tidal wetlands include mapping, photographing, and/or measuring areas and associated depths of the areas inundated at high and low tide, tidal prism, and water velocity. For non-tidal wetlands, include mapping, photographing, and/or measuring areas and associated depths of the areas of permanent and seasonal saturation, inundation, and flowing waters.

8. Monitor water quality. Carry out repetitive sampling, as appropriate, of various chemical and physical constituents such as salinity, pH, nutrient concentration, dissolved oxygen, temperature, and turbidity throughout the year. The sampling pattern may vary throughout the

year and may include more intensive sampling over several tidal cycles to determine short-term salinity patterns;

9. Monitor for evidence of tidal wetland inundation to determine if the depth or area of the tideland area changes in response to tidal influx/retreat;

10. Utilize adaptive management for the ongoing identification and correction of problems as they arise. With County approval, the project proponent, qualified biologist or other monitor should adopt an adaptive management corrective approach to problems that arise as conditions warrant; and

11. Provide timely analysis and production of annual reports. These reports will be distributed to the County, the California Coastal Commission and other interested parties. The final monitoring report, submitted upon completion of the monitoring program, should analyze all monitoring data and present different management options. (Ord. 2009- § (part))

21.60C.040 General to designated resources conservation area zoning amendments supplemental information. Zoning amendments in general resource conservation area districts pursuant to the special procedures set forth in sections 21.11.060 and 21.50B.060 shall provide the following supplemental information:

A. Biological resources report.

1. Qualifications of preparer. The report shall be prepared by individuals approved by the County with demonstrated education, training, or experience to prepare these plans in a professional and competent manner. Acceptance of additional experts may be authorized by the director upon receipt of a resume demonstrating an individual's special capabilities. The director's decision to accept or deny a consulting biologist shall be final.

2. Report contents. A biological resources report shall include, but not be limited to:

a. A study identifying biological resources existing on the site, and if available, the historical extent of the resources, disclosing the history, ecology and habitat requirements of the relevant resources, such as plants, fish and wildlife, in sufficient detail to permit a review of functional relationships, their potential for restoration, and present and potential adverse physical and biological impacts on the ecosystem;

b. An identification of "fully protected" species and/or "species of special concern," and an identification of any other species of rarity, including plants designated "List 1B" or "List 2" by the California Native Plant Society, that are present or have the potential to occur on the project site;

c. Photographs of the site;

d. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;

e. A site map depicting the location of biological resources, both current and historical, consisting of the following elements:

i. Topographic Base Map. The base map shall be at a scale sufficiently large to permit clear and accurate depiction of vegetation associations and soil types in relation to any and all proposed development (minimum 1:2,400). Contour intervals shall be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date). The map shall show the following information:

a. Benchmark and survey data used to locate the project, the lines or highest tidal action, mean high tide, or other reference points applicable to the particular project;

b. Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as well as the boundaries of any tidelands, submerged lands or public trust lands, per Section 21.50.040;

b. Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features such as streams, bluffs or steep slopes;

c. Location, elevation, and dimensions of any levees, dikes or flood-control channels;

d. Location, size, dimensions, and invert elevation of any culverts or tide gates; and

e. Existing development (structures, agricultural areas, etc.);

ii. Inundation Map. For intertidal wetlands, an inundation map showing the inland extent of extreme higher high water. For nontidal wetlands, the map shall indicate permanent or seasonal patterns of inundation, including sources, in a year of normal rainfall.

iii. Vegetation Map. Location and names of dominant plant species (e.g., Salicornia virginica) and vegetation associations (e.g., saltmarsh).

iv. Soils Map. If no soil survey is available, a soils map should be prepared and should show the location of soil types and include a physical description of their characteristics;

f. An analysis of the potential impacts that development on the site under the proposed new zoning designations would have on the identified habitat or species;

g. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition;

h. Project alternatives, including project modifications and off-site options designed to avoid and minimize impacts to identified habitat or species;

i. A buffer adequacy analysis consistent with the requirements of section 21.060C.050.B, sub-section 1 through 7, where an ESHA buffer of less than 100 feet (100′) is proposed.

j. An evaluation of the impact that development on the site under the proposed new zoning designations would have on the identified habitat or species, and whether such development would be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures. Proposed mitigation measures shall meet the following standards:

i. They are specific, implementable, and, wherever feasible, quantifiable;

ii. They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption;

iii. They are incorporated into a mitigation monitoring program; and

iv. They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

k. An analysis of potential significant impacts on the habitat from noise, sediment, and other potential disturbances that may occur during construction of development on the site that could be authorized under the proposed new zoning designations.

l. Recommendations for conditions of approval for habitat maintenance, and the restoration of damaged habitats, where feasible.

B. Supplemental information. Where a specific development project is proposed in conjunction with the rezoning, the supplement information identified in section 21.60C.030 shall be provided as applicable to the type of development and its setting.

21.60C.050 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by section 21.50.080, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or adjacent to ESHA:

A. Generally. All approved development will be, or has been conditioned to be, consistent with the development standards of Section 21.60C.060, as applicable.

B. Development within non-wetland ESHA. The development or use is:

1. Dependent on the resources within and/or supported by the ESHA; and

2. The environmentally sensitive habitat shall be protected against any significant disruption of habitat values.

C. Development within coastal wetland ESHA other than rivers and streams.

1. The development or use is:

a. For one or more of the following permissible uses:
i.. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
ii. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
iii. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
iv. 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.
v. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
vi. Restoration purposes.
vii. Nature study, aquaculture, or similar resource dependent activities;
b. No feasible less environmentally damaging alternative exists;
c. Feasible mitigation measures have been provided to minimize adverse environmental effects; and
d. The functional capacity of the wetland is maintained or enhanced.

D. Development within rivers and streams coastal wetland ESHA.
1. The development or use:
a. Is for one or more of the following permissible uses:
i.. Necessary water supply projects.
ii. Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.
iii. Developments where the primary function is the improvement of fish and wildlife habitat.
b. Incorporates the best mitigation measures feasible.

E. Development adjacent to ESHA. The development or use is:
1. Sited and designed to prevent impacts which would significantly degrade those adjacent environmentally sensitive areas; and
2. Shall be compatible with the continuance of those habitat areas. (Ord. 2009- § (part))

21.60C.060 Development standards.

A. Siting and design. The development or use shall be sited and designed consistent with the mitigation measures and recommendations of the approved biological resources report.

B. Buffer areas. New development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to

protect environmentally sensitive habitats from significant degradation resulting from future development Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of one-hundred feet (100′), unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and the County, that one-hundred feet (100′) is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The following criteria shall be utilized to review the adequacy of reduced-width buffer areas:

1. Biological significance of adjacent lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.

2. Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or others with similar expertise:

a. Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;

b. An assessment of the short-term and long-term adaptability of various species to human disturbance; and

c. An assessment of the impact and activity levels of the proposed development on the resource.

3. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.

4. Use natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of

hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.

5. Use existing man-made features. Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.

6. Lot configuration and location of existing development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection.

7. Type and scale of development proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

Required buffer areas as determined by an approved biological report prepared pursuant to section 21.60C.030A, or as authorized to be reduced to less than 100 feet in width, shall be measured from the following points as applicable:

- **The low-tide extent periphery of off-shore rocks and intertidal ESHA.**
- **The mean high tide line for intertidal zone ESHA.**
- **The perimeter of the sand dune/permanently established terrestrial vegetation interface for sand dune ESHA.**
- **The upland edge of a wetland for a wetland ESHA.**
- **The outer edge of the canopy of streamside vegetation for riparian vegetation ESHA, or from the top of stream bank where no riparian vegetation exists.**
- **The outer edge of the plants that comprise the rare plant community for rare plant community ESHA.**

C. Where any dike and/or fill development is permitted in conformity with Section 21.11A.040(D) mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action concurrent with project construction; provided however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface area (including any litigation and/or restoration costs) shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration of the project site will be accomplished in the shortest feasible time.

D. Where dredging is permitted in conformity with Section 21.11A.040(D) mitigation measures must at least include the planning and implementation of dredging and spoils disposal which avoids significant disruption of wetlands habitat and/or water circulation, consideration of limitations upon timing of the operation,

type of operation, quality of dredge material removed and location of the spoil site, and, where feasible, the transportation of dredge spoils suitable of beach replenishment to appropriate beaches or into suitable longshore current systems.

E. Where diking, filling, or dredging are permitted in conformity with Section 21.11A.040(D) the development must maintain or enhance the functional capacity of the existing sensitive habitat area. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant must demonstrate all of the following:

1. **That the project does not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project;**
2. **That the project does not harm or destroy a species or habitat that is rare or endangered;**
3. **That the project does not eliminate a species or habitat that is essential to the natural biological functioning of the wetland or estuary;**
4. **That the project does not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.**

F. Where development is permitted within a stream or river the following requirements must be met:

1. **All channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to minimize adverse environmental effects. Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream. A development which does not significantly disrupt the habitat value of a particular river or stream is one which maintains or enhances the functional capacity of that river or stream. Roads and bridges necessary to cross streams and rivers may be permitted if there is no feasible less environmentally damaging alternative and if feasible mitigation measures have been provided to minimize adverse environmental effects.**

2. **Flood-control projects shall be subject to both of the following conditions:**

a. The project must be necessary for public safety or to protect existing development;

b. There must be no other feasible method for protecting existing development in the floodplain.

3. Boating facilities constructed in streams are subject to the same requirements as boating facilities constructed elsewhere.

G. ESHA restoration and enhancement. All ESHA restoration and enhancement work, whether required as mitigation to offset impacts of development or proposed independent of a development project, shall be conducted in conformance with the approved mitigation management plan and monitoring program.

H. Vegetation removal. Existing native vegetation shall not be removed within an ESHA unless authorized through coastal permit approval to accommodate approved construction. Vegetation removal limited to tree branch lopping, shrub pruning, and the mowing of grasses and forbs within thirty feet (30′) to reduce fire and other hazards may be approved by the director without a coastal development permit. After construction, unpaved areas shall be replanted to provide for the reestablishment of a one-hundred percent (100%) vegetation cover within two (2) years. At five years, the site should support the same habitat as that removed. Plant species that would provide bank stability and habitat enhancement should be used where applicable. Remedial actions (e.g., planting of native species and removal of invasive horticultural species) should be implemented as necessary to ensure that the site will consist of at least seventy-five percent (75%) native species at the end of five (5) years.

I. Landscaping. A landscaping plan shall be submitted to the County for approval prior to construction for any site where development will disturb existing or potential native plant habitat. The plan shall provide for vegetation restoration in compliance with subsection A above. Landscaping with exotic plants shall be limited to outdoor living space immediately adjacent to the proposed development. Invasive non-native plants including but not limited to pampas grass (*Cortaderia* sp.), acacia (*Acacia* sp.), broom (*Genista* sp.), English ivy (*Hedera helix*), and iceplant (*Carpobrotus* sp., *Mesembryanthemum* sp.) pose a threat to indigenous plant communities. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or listed as a "noxious weed" by the governments of the State of California or the United States shall be approved as part of any proposed landscaping.

J. Fencing. Fencing within or adjacent to ESHAs shall be restricted to that which will not impact public views or the free passage of native wildlife, and shall employ design and materials determined by the review authority to be compatible with the visual and biological character of the habitat.

K. Resource protection during construction. Habitat areas containing vegetation that is essential to the maintenance of the habitat and/or rare or

endangered plant or animal species shall be protected from disturbance by construction activities. Temporary wire mesh fencing shall be placed around habitat prior to construction, and protected areas shall not be used by workers or for the storage of machinery or materials. Inspections for compliance shall occur during construction.

L. Herbicide use. The use and disposal of any herbicides for invasive species removal shall follow the written directions of the manufacturer, shall comply with all conditions imposed by the County, and shall be accomplished in a manner that will fully protect adjacent native vegetation and coastal water quality.

M. Rodenticide use. Rodenticides containing any anticoagulant compounds, including, but not limited to, bromadiolone or diphacinone shall not be used. (Ord. 2009- § (part))

Chapter 21.55D

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES PROTECTION OF SOIL, AGRICULTURAL AND TIMBERLAND RESOURCES

Sections:

21.55D.010 Purpose.
21.55D.020 Applicability.
21.55D.030 Application contents.
21.55D.040 Supplementary findings.
21.55D.050 Development standards.

21.55D.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of soil, agricultural, and timberland resources by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act.

21.55D.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development as follows:

A. Soil Resources. The policies and standards of sub-sections 21.55D.030.A, 21.55.040.A, and 21.55D.050.A, relating to the protection and conservation of soil resources, shall apply to all developments and uses which involve grading, excavation, filling, or other significant ground disturbances.

B. Agricultural Resources. The policies and standards of sub-sections 21.55D.030.B, 21.55.040.B, and 21.55D.050.B, relating to the protection and conservation of agricultural resources, shall apply to all developments and uses situated in agricultural lands and lands suitable for agriculture and in lands designated for Agricultural Prime (AP), Agricultural General (AG), and Resource

Conservation Area – Farmed Wetlands (RCA) land uses, as implemented through Agricultural Exclusive (AE), Agricultural General – Twenty Acres Minimum Parcels (AG20), Agricultural General – Five Acres Minimum Parcels (AG5), and Designated Resource Conservation Area – Farmed Wetlands (RCA2(fw)) zoning district standards.

C. Timberland Resources. The policies and standards of sub-sections 21.55D.030.C, 21.55.040.C, and 21.55D.050.C, relating to the protection and conservation of timberland resources, shall apply to all developments and uses situated in lands designated for Timber Production (TBR) land uses as implemented through Timber Production (TPZ) and Coastal Timberland (CT) zoning district standards.

21.55D.030 Application contents.

A. Grading. Permit applications shall be filed with the department on a county-approved application form, together with all fees, plans, maps, reports, and other information prepared as required by the coastal grading permit application preparation and contents instruction list provided by the department. The plans and reports submitted with the application shall include, but not be limited to, the following, where required by the county engineer.

1. A grading plan;

2. A drainage plan with hydrology and hydraulic calculations;

3. A geotechnical investigation where the potential for seismically induced soil liquefaction and soil instability is present. When the following conditions are discovered during the course of an investigation, the geotechnical report shall address the potential for liquefaction:

a. Shallow groundwater, 50 feet or less; and

b. Unconsolidated sandy alluvium. The report shall identify measures to mitigate the liquefaction and soil instability hazards associated with the proposed development;

4. A runoff mitigation plan (see Section 21.55B.030 (stormwater runoff mitigation plan requirements));

5. Any special reports (e.g., compaction, geotechnical, soils, etc.) required by the county engineer.

The preparation of grading permit applications shall also comply with the provisions of Chapter 14.05 (Grading, Excavation, and Filing), 14.06 (California Coastal Zone Entitlement Procedures – Building and Grading Permits) and 21.50.050 (California Coastal Zone Entitlement Procedures – General Provisions).

B. Agricultural lands conversion. For all conversions of agricultural lands and lands suitable for agriculture to non-agricultural uses pursuant to Land Use Policy 1.E.12 a conversion/continued viability study shall be submitted consisting of the following information and analyses:

1. Baseline information.

a. Mapping. Maps, photos and aerial photography adequate to identify the parent parcel, the proposed parcels, easements, restrictions, existing development and uses, wells and/or any other water supply

lines, Natural Resources Conservation Service (NRCS) soils classifications, slopes, roads and any other relevant physical features.

b. Soils.

(1) Soil types found in the area.

(2) Storie index and capability classification ratings or equivalent ratings of all identified soil types (as published by the NRCS, United States Department of Agriculture)of all identified soil types.

(3) The expected AUM (animal unit per month) yield for each soil type.

(4) The expected net dollar return for potential crops grown on each soil type.

(5) Identification of agricultural uses in the area that are not dependent upon the soil (e.g., greenhouse-based cultivation), if any, and, the location and nature of their operation(s).

c. Geographic/Historical information.

(1) Existing land uses on the site;

(2) Potential effects of the proposed agricultural land conversion or development on agricultural food production, both short-term and long-term; and recommendations and conclusions of the development's effects on existing or potential agricultural production;

(3) Description of factors such as slope, temperature, adequate sunlight, length of growing season, precipitation, soil quality (depth, drainage, capability classification rating, texture, development, unique qualities) affecting agricultural operations in the area.

(4) Description of management techniques currently used, or could be used, in order to improve soil quality for agricultural operations.

(5) Identification of agricultural operations that utilize more than one parcel for production in the area, and identification of the current agricultural practices and average acreage for each individual operation.

(6) Description of the relationship or proximity of agricultural and urban land uses.

(7) Adequacy of access to agricultural operations in the area.

(8) The types of agricultural operations that have taken place in the area in the past and where have they occurred.

d. Water.

(1) Water availability in the area.

(2) Water sources.

(3) Water quality issues that impact agricultural operations in the area, (e.g., high mineral content, saltwater intrusion).

e. Access.

(1) Adequacy of access to agricultural operations in the area.

(2) If access is problematic, the nature of the conflict; and the impacts the access limitations have on agricultural operation(s).

2. Operational expenses.

a. Fixed costs for any given crop, assumed to be constant regardless of the annual yield, based solely on current costs and not upon speculative on potential future circumstances. Note: Land cost are not to be included into the cost analysis pursuant to Coastal Act Section 30241.5.

b. Capital costs including:

(1) Land improvements (i.e., fences, roads, clearing, leveling, wells and pumps, etc.

(2) Equipment, i.e. trucks, tractors, buildings, special equipment (e.g. irrigation), etc.

(3) Herd expenses, i.e., payment for bulls and heifers; and

(4) Miscellaneous expenses. Cost determination must also include depreciation and interest expenses.

c. Cultivating cost including operating costs for:

(1) Labor (i.e., the amount of hours necessary for planting and the rate of pay per hour including benefits;

(2) Materials, i.e., water, seed, feed supplements, salt, fertilizer, and pesticides;

(3) Machinery;

(4) Fuel and repair; and

(5) Outside consultants (i.e., veterinary and management).

d. Variable costs. The harvest costs based on the amount of yield only, expressed as the cost per unit of yield (e.g., tons, bushels, 100 weight, or pounds).

3. Gross revenue.

a. Gross returns for each crop type grown in the area for the preceding five years, as detailed in the annual crop report issued by the County Agriculture Commissioner.

b. Past return figures, factoring in the appropriate Producer Price Index (PPI) value to account to inflation over time.

4. Evaluations incorporating cost and revenue figures.

a. Requisite minimum acreage for continued viable agricultural operation (farm family approach). Demonstration of continued viability shall be based upon:

(1) A determination of projected net income, taking into account production costs by crop computed on a per acre basis and subtracted from gross market receipts expected from that crop. The resulting farmer income per acre of productive land. shall then be divided into the county's median income figure to compute the number of acres required to support a farm family; or

(2) A determination of net return per acre, per crop type, for the area only by crop type. The gross revenue per acre for subject crop types

as listed in the County Agricultural Commissioner's annual report subtracting the cost per acre associated with each crop type.

5. Prime agricultural land determination. All agricultural land and land suitable for agriculture that is proposed for conversion to nonagricultural use shall be evaluated for a determination of whether it should be categorized as prime or nonprime agricultural land. As defined in the Coastal Act, "prime agricultural land" is "those lands defined in paragraph (1), (2), (3), or (4) of subsection (c) of Section 51201 of the Government Code" (Coastal Act Section 30113). Government Code Sections 51200 through 51296, also known as the "Williamson Act," and Coastal Land Use Plan Agricultural Resources Policy 1.E.1. list the following definitions of prime agricultural land:

(i) All land that qualifies for rating as Class I or Class II in the Natural Resource Conservation Service land use capability classifications;

(ii) Land which qualifies for rating eighty (80) through 100 in the Storie Index Rating;

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

(iv) Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five (5) years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than Two Hundred and no/100ths ($200.00) Dollars per acre; and

(v) Land of high agricultural value, meeting the following criteria:

(a) Lands "actively used" (lands may be considered "actively used" even though they lie idle for up to ten years) for agricultural production such as nursery crops, pasture crops, dairy products, and/or livestock, and;

(b) Lands which comprise a minimum of 20 acres in contiguous ownership.

C. Divisions of agricultural land. All land divisions of agricultural lands and lands suitable for agriculture shall submit a continued viability analysis and agricultural management plan detailing how the land will remain in active agricultural production once subdivided. The viability analysis and management plan shall consist of the following information:

1. Property information. A summary of the current status of the property to be subdivided:

a. Current ownership.

b. Property location and size.

c. Climate of the area.

d. Existing infrastructure both on and off farm.

e. A list of all known agricultural activities conducted on the property in the last 10 - 50 years.

f. Principal management strategies applied by current owner (e.g. fertilizer applications, erosion management, waste disposal etc.)

g. Personnel currently employed on the property.

2. Property map. Illustration of how the proposed development fits within the current property structure:

a. North arrow and map scale

b. Abutting lots, roads and water ways.

c. Adjoining land uses.

d. Perimeter bounds including walls and fences and the proposed subdivision boundary.

e. All existing buildings.

f. Access roads and trails.

g. Slope and major landform features.

h. Soil types / land classes.

i. Easements

j. Dams, water courses and drainage facilities.

k. Utility services (e.g. electrical and natural gas, domestic water supplies, and telephone).

l. Proposed uses and internal fencing of the property with area and linear measurements shown.

m. Existing and proposed vegetation including windbreaks, areas of arable land, plantation forestry and native bush.

n. If water or other materials are discharged off-site, the location, direction and type of discharge (e.g. pollution, soil erosion, manure, fertilizers);

o. Important aesthetic, cultural and historical features.

p. Unique natural areas, e.g. raptor nests, ecologically significant habitats, rare or endangered species.

q. Current land use.

r. Proposed subdivision boundaries.

3. Proposed land uses for each of the proposed new subdivision lots. An evaluation of potential land-uses for the properties, based on the land capability and the local climate, comprising a list indicating the suitability of the land for each purpose and note any restrictions.

4. Water management. A description of the water supply in terms of location, quality, quantity and power source, detailing any water entitlements that will be allocated to the lots, and providing an assessment of the likely water requirements for the proposed uses. If water or other materials are discharged off-site, the location, direction and character of discharge (e.g., stormwater drainage, crop bog draining, fertigation runoff, irrigation flow-through) shall be specified.

5. Soil quality and conservation practices. Description of the major soil types, their structure, fertility and permeability characteristics, and identification of any major soil erosion patterns if present, including the current and proposed future management of these problem areas.

6. Pest management. A listing of any agricultural pest problems (e.g., vertebrate, invertebrate or noxious or invasive plants) on the property, their location and the impact of their presence on the viability of existing or potential agricultural production, and identification of any necessary structures or eradication practices (e.g., bird netting, packing sheds, baiting, defoliant spraying, etc.)

7. Natural resources management. A description of the impact of the proposed development on the biological environment, including affects on fish, wildlife, or rare plant habitats.

8. Adverse weather management. Description of crop-damaging climatic or meteorologic conditions, including the identification of necessary structures to lessen such damages (e.g., hail netting, frost control systems, etc.)

9. Fire management. Description of any fire risk created by the proposed development, including recommended fire prevention and management measures.

10. Adverse effects on adjacent land. Identification of potential impacts of the agricultural operation on adjacent land, including a description of how the impacts would be reduced to less than significant levels, addressing:

a. Air pollution (e.g. offensive smells and spray drift).

b. Noise (e.g., water pumps, refrigeration, cultivation equipment).

c. Exterior lighting.

d. Water borne pollution.

e. Farm implement traffic on access roads.

11. Required Resources. An inventory of the human and material assets needed to conduct the proposed agricultural operations:

a. Number of personnel necessary to operate the properties., including the identification of changes to the current human resource base following instigation of the proposed development.

b. Infrastructure required for the proposed development, (e.g., new access roads, dikes and levees, buildings, utility extensions, securement of water rights, etc.)

c. Schedule of cultivation and processing equipment and implements needed to conduct the agricultural operations.

12. Allowance for possible future expansion. An explanation of how the proposed development will impact future expansion of the business enterprises given that average minimum farm sizes scales of economy are generally increasing.

13. Capital resources, operational costs, and profits. Illustration of the potential profitability and sustainability of the venture, including amounts and sources of start-up capital, anticipated costs, and projected income.

21.55D.040 Supplementary findings for development within or adjacent to agricultural lands.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by section 21.50.080, the following supplementary findings, based on factual

evidence, shall be made for new development or uses occurring in or adjacent to agricultural lands:

A. General. All development conforms to the development standards set forth in Section 21.55D.050.

B. Land divisions of prime agricultural land; adjacent agricultural lands. All subdivisions of prime agricultural lands shall demonstrate that they will not diminish the productivity of such prime agricultural lands or adjacent agricultural lands.

C. Land division of agricultural lands and lands suitable for agriculture. Agricultural lands and lands suitable for agriculture shall not be divided unless it can be demonstrated pursuant to an approved continued viability analysis and agriculture management plan, prepared consistent with the requirements of Section 21.55D.030.C, demonstrating that the parcel(s) will remain viable for agricultural use at the subdivided parcel size(s) and will not diminish the productivity of adjacent agricultural lands.

D. Residential development. Otherwise permissible residential development, whether for farm dwellings, other permissible single-family residential occupancy, or farm labor housing, shall not be allowed to diminish current or future agricultural use of the property, or of adjacent agricultural lands.

21.55D.050 Development standards.

A. Development of all structural improvements and uses on lands designated or suitable for agriculture consistent with all other LCP policies, shall be subject to the following standards:

1. All development and uses shall:

a Support, and not interfere with, the primary use of the site as a productive agricultural unit for the continuing, renewed or expanded production of food and fiber. The structures or uses shall be designed to provide buffer areas between on- and off-site agricultural and non-agricultural uses to minimize land use conflicts.

b. Be clustered adjacent to existing non-agricultural structures or along road frontages, and avoid construction on prime agricultural soils, except where it is demonstrated that all agriculturally unsuitable land on the site has been developed or cannot be used because of terrain or other constraints constraints.

c. Retain the maximum feasible amount of agriculturally designated lands available for existing or potential agricultural production;

d. Be sited and designed to protect coastal resources, including but not limited to, ESHA and visual resources;

e. Protect on-site water resources through sizing non-agricultural development to assure that adequate water resources are available to the site, to maintain habitat values and serve both the development and existing and proposed agricultural operations;

f. Preclude growth inducement through prohibiting extension of urban sewer and water services to support on-site agricultural operations or other

uses, except for reclaimed wastewater that may be used for agricultural enhancement.

g. Site and design roads and driveways to be the minimum width and length necessary, to ensure that the road and driveways will not adverse affect agricultural productivity on the site or on adjoining lands, and designed to avoid unnecessary cut and fill, particularly by conforming to natural landforms

2. a. Guarantee of continuing agricultural use. As a condition of approval of a development involving the conversion from an agricultural use to a non-agricultural use, the applicant shall insure that the remainder of the parcel(s) be retained in agricultural use by recording a legal restriction against the property (e.g., agricultural conservation easement, offer to dedicate an agricultural easement, deed restriction(that limits the use of the land covered by the easement to agricultural uses.

b. Procedures for agricultural or open space easements. Any easement required by this section shall be reviewed as set forth in Section 21.35.040.F of this title.

Chapter 21.55F

COASTAL RESOURCES PROTECTION
VISUAL RESOURCES

Sections:

21.55F.010 Purpose.
21.55F.020 Applicability.
21.55F.030 Application contents.
21.55F.040 Supplementary findings.
21.55F.050 Development standards.

21.55F.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of coastal visual resource areas by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act

21.55F.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites visible from publicly accessible vantages, including but not limited to streets and highways, trails, or parklands, for which views to and along the ocean and scenic coastal areas may potentially be impacted.

21.55F.030 Application contents.

A. Visual resources impact analysis. A permit application for development on a site that is subject to this chapter shall include a visual resources impact analysis that complies with the following requirements:

1. Report contents. A visual resources impact analysis shall include, but not be limited to:

a. A narrative describing the coastal scenic resources visible through the project site from publicly-accessible vantage points, including expanses of open ocean, bay, harbor, river or other waterbody vistas, beach and shoreline areas, off-shore rocks and islands, and noteworthy terrestrial landforms and vegetated areas;

b. An survey of the heights, bulks, and architectural styles of structural improvements in surrounding areas. The study area should be adequately sized to fully characterize the project locality;

c. Photographs of the site;

d. Drawn-to-scale plan view and elevational cross-sectional site plans, illustrating the location and dimensions of structural improvements, quantification of any associated grading and excavation work, and the location and type of proposed landscaping;

e. A schedule of exterior building materials, describing the types and colors of siding, cladding, roofing, window, and lighting elements; and

f. An evaluation of potential impacts to coastal scenic views and visual resources, including:

i. The degree to which existing views to and along the coast from public-accessible vantages, both across the project site and from other public areas such as parklands, beaches, and seaward areas, will be obstructed and/or altered by the new development or use;

ii. An assessment of the relative compatibility of the proposed project structural improvements with similar development in the surrounding area, comparing and contrasting, building heights, square-footages, floor-area, lot coverage, and, where discernable, architectural design continuity;

B. Story poles. At the discretion of the director, as determined to be necessary for assessing the proposed development's visual resource ramifications, the applicant may be required to erect story poles as part of the permit review process.

21.55F.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by section 21.50.080, the following supplementary findings, based on factual evidence, shall be made for new development situated within publicly-accessible coastal viewsheds:

A. The development or use has been designed and sited to:

1. Protect views to and along the ocean and scenic coastal areas;

2. Minimize landform alteration;

3. Be visually compatible with the character of surrounding areas; and

4. Restore and enhance visual quality in visually degraded areas, where feasible.

B. Development within designated highly scenic areas:

In addition to the supplementary findings set forth in sub-section A, development or use situated within a highly scenic area, as identified by a Coastal Areas – Highly Scenic Visual Resource Area combining zone designation pursuant to Chapter 21.35, shall:

1. Be subordinate to the character of the setting.

21.55F.050 Development standards.

The following development standards shall be applied in the approval of new development on sites between the first public road and the sea where the building site would be visible from publicly-accessible vantages:

A. Exterior building materials. Use of the following exterior building materials shall be prohibited:

- **Mirrored or reflective-coated glazing**
- **Intense, brightly-hued roofing or siding materials**

B. Exterior lighting. Exterior lighting shall be limited to low-wattage illumination necessary to provide for safe nighttime transit and/or visual site security. Lighting shall employ siting and design features, such as cut-off shielding, recessed fixtures, and low-rise stanchions, to minimize glare and prevent light from being directed off of the project property.

C. Landscaping. The installation of landscaping shall be appropriately limited by species and location to assure that, at maturity, the installed vegetation will not significantly obstruct pre-project coastal views across the project property.

Chapter 21.55G

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES NATURAL AND MAN-MADE HAZARDS AVOIDANCE

Sections:

21.55G.010 Purpose.
21.55G.020 Applicability.
21.55G.030 Application contents.
21.55G.040 Supplementary findings.
21.55G.050 Development standards.

21.55G.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the avoidance and minimization of risks associated exposure to natural and man-made hazards, including geologic, flooding, wildfire, and toxic materials, by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act.

21.55G.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites that contain or are within

proximity to hazardous areas, could be exposed to natural and man-made hazards, or whose construction or presence may: (a) expose persons and property to geologic, flooding, and wildfire hazards; (b) create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs; and/or (c) potentially result in spillage of crude oil, gas, petroleum products, or hazardous substances, or exposure thereto. Where any policy or standard provided in this chapter conflicts with any other policy or standard contained in the County's Coastal Land Use Plan, Local Coastal Program Zoning Enabling Ordinance, or other County-adopted plan, resolution or ordinance not included in the certified Local Coastal Plan or its implementing provisions, and it is not possible for the development to comply with both the Del Norte County LCP and other plan, resolution or ordinance, the policies, standards or provisions contained herein shall take precedence.

21.55G.030 Application contents.

A. 1. Geologic Hazards. All proposed new development located in or near an area subject to geologic hazards shall be required to submit a geologic/soils/geotechnical study report prepared by a registered engineer qualified in hydrology and soil mechanics**, as appropriate for the intended structural improvements, that identifies any geologic hazards affecting the proposed development site and any necessary mitigation measures. The geologic/soils/geotechnical report shall include a statement by the consulting registered engineer(s) that the project site is suitable for the proposed development, that the development will be safe from geologic hazard, and that the development will in no way contribute to instability on or off the subject site. Such reports shall be subject to the review and approval of the department staff, and may include peer-review by a similarly-licensed registered engineer.**

2. Geology report. Applications for blufftop and shoreline development located in or near an area subject to geologic hazards, including but not limited to, areas of geologic hazard shown on the "National Seismic Hazards Maps" and/or the "Geology and Geomorphic Features Related to Landsliding" and "the North Coast Watersheds Mapping" series prepared for Del Norte County by the U.S. Geological Survey and California Geological Survey, respectively, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard.

3. Preparation and contents of geology report. A required geology report shall be prepared one or more qualified Certified Engineering Geologists (CEG), Registered Civil Engineers (RCE), Geotechnical Engineers (GE) or group of aforementioned disciplines approved by the City, with expertise appropriate to the site and anticipated hazard conditions, and shall be submitted with the planning

permit application for the proposed development. The report shall consider, describe, and analyze the following:

a. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;

b. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and sand transport;

c. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints, and faults;

d. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;

e. Impact of construction activity on the stability of the site and adjacent area;

f. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage, effluent, and irrigation water to the groundwater system, alterations to surface drainage, and the like);

g. Potential erodibility of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);

h. Effects of marine erosion on the coastal bluffs;

i. Potential effects of seismic forces resulting from a maximum credible earthquake;

j. Any other factors that might affect slope or bluff stability;

k. Whether the proposed project will be subject to or contribute to significant geologic instability throughout the 100-year life span of the project;

l. Effects of future sea level rise on the development;

m. Slope stability and bluff erosion rate determination performed as outlined in Sections B.2 and B.3 below; and

n. An alternatives analysis of, and mitigation measures for, all potential impacts.

In addition to all applicable information required by sub-section 3a-3n above, all applications for new shoreline structures shall include an analysis of beach erosion, wave run-up, and tsunami and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering. These reports shall address and analyze the effects of said development in relation to the following:

o. The profile of the beach;

p. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;

q. The availability of public access to the beach;

r. The area of the project site subject to design wave run-up, based on design conditions;

s. Foundation design requirements;

t. The long-term effects of proposed development on sand supply;

u. The Federal Emergency Management Agency Flood Insurance Rate Map (FEMA-FIRM) Base Flood Elevation and other mapped areas (A,B, or V zones);

v. Future projections in sea level rise; and

w. Project alternatives designed to avoid or minimize impacts to public access.

B. Blufftop and shoreline development hazards. A coastal development permit application for development with 300 feet of a bluff line or edge as defined shall include the following supplemental information and analyses:

1. Public access information. Applications for blufftop or shoreline development, including but not limited to shoreline protective structures, shall include a site map that shows all existing easements, deed restrictions, or offers of dedication and/or other dedications for public access or open space and provides documentation that the development shall be located outside of and consistent with the provisions of such easement or offers.

2. Slope stability analysis. For the purpose of this section, quantitative slope stability analyses shall be undertaken as follows:

a. The analyses shall demonstrate a factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition. Seismic analyses may be performed by the pseudostatic method, but in any case shall demonstrate a permanent displacement of less than 50 mm.

b. Slope stability analyses shall be undertaken through cross-sections modeling worst case geologic and slope gradient conditions. Analyses shall include postulated failure surfaces such that both the overall stability of the slope and the stability of the surficial units is examined.

c. The effects of earthquakes on slope stability (seismic stability) shall be addressed through pseudostatic slope analyses assuming a horizontal seismic coefficient of 0.15g, and shall be evaluated in conformance with the guidelines published by the American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California."

d. All slope analyses shall be performed using shear strength parameters (friction angle and cohesion), and unit weights determined from relatively undisturbed samples collected at the site. The choice of shear strength parameters shall be supported by direct shear tests, triaxial shear test, or literature references.

e. All slope stability analyses shall be undertaken with water table or potentiometric surfaces for the highest potential ground water conditions.

f. If anisotropic conditions are assumed for any geologic unit, strike and dip of weakness planes shall be provided, and shear strength parameters for

each orientation shall be supported by reference to pertinent direct sheer tests, triaxial shear test, or literature.

g. When planes of weakness are oriented normal to the slope or dip into the slope, or when the strength of materials is considered homogenous, circular failure surfaces shall be sought through a search routine to analyze the factor of safety along postulated critical failure surfaces. In general, methods that satisfy both force and moment equilibrium (e.g., Spencer, Morgenstern-Price, and General Limit Equilibrium) are preferred. Methods based on moment equilibrium alone (e.g., Bishop's Method) also are acceptable. In general, methods that solve only for force equilibrium (e.g., Janbu's method) are discouraged due to their sensitivity to the ratio of normal to shear forces between slices.

h. If anisotropic conditions are assumed for units containing critical failure surfaces determined above, and when planes of weakness are inclined at angles ranging from nearly parallel to the slope to dipping out of slope, factors of safety for translational failure surfaces shall also be calculated. The use of a block failure model shall be supported by geologic evidence for anisotropy in rock or soil strength. Shear strength parameters for such weak surfaces shall be supported through direct shear tests, triaxial shear test, or literature references.

i. The selection of shear strength values is a critical component to the evaluation of slope stability. Reference should be made to American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMS Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California." when selecting shear strength parameters.

3. Bluff retreat rate. For the purpose of this chapter, the long-term average bluff retreat rate shall be determined by the examination of historic records, surveys, aerial photographs, published or unpublished studies, or other evidence that unequivocally show the location of the bluff edge through time. The long-term bluff retreat rate is an historic average that accounts both for periods of exceptionally high bluff retreat, such as during extreme storm events, and for long periods of relatively little or no bluff retreat. Accordingly, the time span used to calculate a site-specific long-term bluff retreat rate shall be as long as possible, but in no case less than 50 years. Further, the time interval examined shall include the strong El Niño winters of 1982-1983, and 1997-1998. The expected bluff retreat rate over the expected life of the development shall be based in part on the historic bluff retreat rate, but shall also include consideration of the effects of continued historic rates of sea level rise, potential accelerated sea level rise, increase in significant wave heights, and increase in storm intensity and frequency, as is expected under most scenarios of the Intergovernmental Panel on Climate Change or as anticipated in studies prepared for California coastal areas pursuant to Executive Order S-13-08.

4. Erosion control plan. Erosion control plan. All coastal development permit applications for development on blufftop and shoreline parcels shall include

a site specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall ensure that the development will not create nor contribute to the erosion or failure of any bluff face, and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible. The plan shall identify drainage and erosion control features to ensure that surficial erosion or ground saturation will not that incorporate structural and non-structural stormwater runoff and water quality best management practices (BMPs) to control the volume, velocity, flow direction, and pollutant load of stormwater runoff from new development, including construction, grading, and landscaping, and bioswale treatment and/or other facilities designed to accommodate the 85th percentile one-hour rainfall event for volumetric-based systems and the 85th percentile 24-hour precipitation event for flow-based facilities.

C. New Beachfront Development and Shoreline Structures. In addition to all applicable information required by sub-sections A and B above, all applications for new beachfront development or shoreline structures shall include an analysis of beach erosion, wave run-up, and tsunami and flood hazards prepared by a registered civil engineer with expertise in coastal processes. These reports shall address and analyze the effects of said development in relation to the following:

1. **The profile of the beach;**
2. **Surveyed locations of mean high tide lines acceptable to the State Lands Commission;**
3. **The FEMA Base Flood Elevation and other mapped areas (A,B, or V zones);**
4. **Future projections in sea level rise;**
5. **The area of the project site subject to design wave run-up (normally the 100-year wave event), based on design beach and water level conditions (normally taken to be an eroded, winter profile beach, high tide and the future erosion and sea level rise conditions appropriate for the project life;**
6. **Foundation design requirements;**
7. **The long-term effects of proposed development on sand supply; and**
8. **Project alternatives designed to avoid or minimize impacts to beach and public access.**

D. Sea Level Rise Analysis. Applications for development adjacent to the shore or that may be subject to the influence of sea level over the life of the project shall include an analysis of possible impacts from sea level rise. The analysis shall take into account the best available scientific information with respect to the effects of long-range sea level rise for all requisite geologic, geotechnical, hydrologic, and engineering invstigations. Residential and commercial development at nearshore sites shall analyze potential coastal hazard sensitivities for a range of potential global sea level rise scenarios, from three to six feet per century. The analysis shall also take into consideration regional sea level variability, localized uplift or subsidence, local topography, bathymetry and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and

distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazard analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level thresholds after which limitations to the development's design and siting would cause the improvements to become significantly less stable.

E. Public access information. Applications for blufftop or shoreline development, including but not limited to shoreline protective structures, shall include a site map that shows all existing easements, deed restrictions, or offers-of-dedication and/or other dedications for public access or open space and provides documentation that the development shall be located outside of and consistent with the provisions of such easement or offers. The application shall also identify all available beach access within one-half miles upcoast or downcoast of the proposed development site.

F. Floodplain development. A coastal development permit application for development within an identified floodplain in the coastal zone, including but not limited to those areas shown on FEMA-FIRM community panel series 06015C 0044E through 0575E, shall include the following supplemental information and analyses:

1. Site plans and elevations depicting the height of the base flood elevation relative to the floor height of the structures; and

2. Copies of any flood elevation certificates, flood-proofing certificates, or other as-built verifications of floodplain management conformance prepared for the structures.

G. Tsunami runup and inundation. A coastal development permit application for development within an identified tsunami runup and/or inundation area, including but not limited to those areas depicted on the latest government-prepared tsunami hazard maps , shall include the following supplemental information and analyses:

1. A analysis of the vulnerability of any proposed structural improvements to instability or damage associated with tsunami inundation up to and including wave heights resulting from a near-source maximum credible Cascadia subduction zone seisimic event. The analysis shall take into consideration local uplift or subsidence, and a three- to six-foot rise in sea level over one hundred years, a minimum of 4.5 feet of sea level rise over 100 years for critical facilities, and greater sea level rise rates if development is expected to have a long economic life, the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level. The analysis shall address potential damage and instability from in-coming and out-flow waters, including wave strike and foundation scour. The analysis shall identify design and siting mitigation measures to feasibly reduce potential exposure of persons and property to flooding and instability risks;

2. A tsunami safety plan containing information as to the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for

prompt evacuation upon the receipt of a tsunami warning or upon experiencing seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation.

H. Wildfire hazards. A coastal development permit application for development within an identified wildfire hazard areas, including but not limited to those areas depicted on the latest adopted fire hazard severity maps, shall include the following supplemental information and analyses:

1. A fire safe compliance plan, illustrating how the development would conform to the state and local agency emergency vehicle access, street signage, fuel modification, defensible space, fire-fighting water supply, and building code standards applicable to the class of development.

I. Hazardous materials. A coastal development permit application for commercial and/or industrial development proposing the use, storage, or transportation of hazardous materials subject to state and federal regulation, shall include the following supplemental information and analyses:

1. An accidental spill/release response and cleanup plan, detailing training and logistics for prompt response to, containment of, and clean up of, any accidentally released or spilled hazardous materials. The plan will include an inventory of spill/release containment and clean-up materials and equipment to be stockpiled at the project site, responsible parties for initiating a response activity and provisions for notification of responsible agencies, as appropriate, including but not limited to the county department of public health, county sheriff's office, police and fire departments, and state and federal oil spill responders.

21.55G.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by section 21.50.080, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or in proximity to hazardous areas:

A. Development or uses in to geologic, flooding, and wildfire hazard areas. The development or use has been designed and sited to:

1. Minimize risks to life and property; and

2. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

B. Commercial or industrial development involving the use, storage, or transport of hazardous materials. The development or use has been designed and sited such that protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided and that effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

21.55G.050 Development standards.

Development in areas subject to natural or man-made hazards shall only be authorized subject to the following conditions:

A. Geologic hazard areas.

1. All recommendations of the consulting registered engineer(s) and/or the department staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans must be reviewed and approved for compliance with geologic recommendations by the consulting registered engineer(s) and the department staff; and

2. Final plans approved by the consulting registered engineer(s) and the department staff shall be in substantial conformance with the plans approved by the final County decision making body relative to construction, grading, sewage disposal and drainage. Any substantial changes in the proposed development approved by the County which may be required by the project consultants or department staff shall require an amendment to the permit or a new coastal development permit.

B. Blufftop and shoreline sites.

1. The development is sited such that it will remain safe from coastal erosion and slope instability for the full span of its economic life (75 to 100 years);

2. The erosion control plan is implemented as part of the approved development;

3. Provisions are included in the authorization should slope instability and/or bluff retreat occur at locations or rates other than anticipated, the permittee is required to seek a permit amendment for relocation of the structure or to authorize other stabilizing actions once the blufftop edge or area of instability encroach within ten feet of the structure; and

4. Rights to future construction of a sea wall, cliff retaining wall, or other protective devices that would substantially alter natural landforms along bluffs and cliffs are conveyed by recorded deed restriction.

C. Floodplains and other flood-prone sites.

1. The development has been conditioned to meet all requirements of the flood damage prevention chapter 21.45; and

2. Maintenance projects involving the removal of materials from erosion control and flood control facilities constructed on watercourses are required, where feasible, to be placed at appropriate points on the shoreline such that the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters are not impeded, and the continued delivery of these sediments to the littoral zone is facilitated. Such placement shall be done in accordance with feasible mitigation measures to minimize adverse environmental effects, taking into consideration physical and chemical properties of the removed materials, the method of placement, time of

year of placement, and sensitivity of the placement area and receiving waters.

D. New permanent residential development created through land divisions located within mapped or modeled tsunami hazard areas.

1. Have floor elevations one-foot above the height of tsunami runup originating from the maximum credible near-source seismic event on the Cascadia Subduction Zone, as depicted on the latest government-prepared tsunami hazard maps or local modeling, taking into consideration local uplift and subsidence, and a three-foot rise in sea level over a 100 year period; and

2. The building has been designed to withstand the hydrodynamic, hydrostatic, and buoyancy forces associated with wave strike and back-flow, including the effects on foundation scour, without experiencing catastrophic

E. Wildfire hazards.

1. The development or use has been conditioned to be constructed or operated consistent with applicable fire safe standards for the local- or state-responsibility area in which it is located, provided that that all feasible protective measures are included such that impacts to coastal resources are minimized. Examples of these measures include, but are not limited to, siting and designing the development or use so that fuel modification clearing and access improvements in and in proximity to environmentally sensitive habitat areas and geologically unstable areas are minimized.

F. Hazardous materials.

1. The development or use has been conditioned to be constructed and/or operated consistent with an approved spill prevention, response, and clean-up plan.

ZONING MAPS

25. Suggested Modification No. 25 (Zoning Maps)

All changes to the Zoning Maps (Title 21, Section 21.06.050) as follows:

a. ***Revise Zoning Map B-1 to: (1) retain the currently-certified Rural Residential Agriculture One Unit per Two Acres zoning district designation over the easterly 400-foot width of the area bounded on the north by the California-Oregon state boundary, on the west by Highway 101, and on the south by the quarter-section line of Section 32, T19N, R1W, HB&M, and (2) apply a Coastal Areas – Special Development Pattern Area Combining Zone overlay over the westerly 300-foot width of the subject area proposed for rezoning to Rural***

Residential Agriculture One Unit per One Acre zoning district designation (Stateline/Highway 101 (Barth) zoning map amendment).

b. ***Revise Zoning Map B-9 to: (1) Retain existing configurations of currently-certified Public Facility and Manufacturing Performance zoning designation boundaries on the portion of McNamara Field situated between the southern legs of Runways 11-29 and 17-35 (McNamara Field zoning map amendment); and (2) Redesignate the campus of Mary Peacock Elementary School from One-Family Residence (R-1) to Public Facility (PF)***.

c. ***Revise Zoning Map C-10 to conform the boundaries of the proposed Commercial Recreation with Coastal Area – Hazards Combining Zone district to match boundaries of Visitor-Serving Commercial land use designation area on Crescent City Area Land Use Plan Map over the approximate five acre area within SW¼, SW¼, Section 2, T16N, R1W, HB&M (South Beach Tank Farm zoning map amendment)***.

LOCALLY ADOPTED BUT UNCERTIFIED IP PROVISIONS

26. Suggested Modification No. 26: (Deferred LCP Amendment Effective Certification Clean-up)

Incorporate all changes to various non-Title 21, County Code Chapters comprising the Implementation Plan locally adopted but not submitted for certification as follows:

a. Title 7 – Health and Welfare, Chapter 7.36:Surface Mining and Quarries Ordinance, Sections 7.36.040, 7.36.045, 7.36.050, 7.36.065, 7.36.070, 7.36.080, 7.36.085, 7.36.100, 7.36.110, 7.36.120, 7.36.130, and 7.36.150 - 7.36.240

b. Title 14 – Buildings and Construction, Chapter 14.04: Building Codes, Section 14.04.020

c. Title 14 – Buildings and Construction, Chapter 14.05: Grading, Excavating, and Filling, Section 14.05.050 and 14.05.075

d. Title 16 – Subdivisions, Chapter 16.04: General Provisions, Section 16.04.020, 16.04.028, and 16.04.032

e. Title 16 – Subdivisions, Chapter 16.08: Tentative maps, Section 16.08.050

f. Title 16 – Subdivisions, Chapter 16.10: Planning Commission-Action and Findings, Section 16.10.040

g. Title 16 – Subdivisions, Chapter 16.12: Action Following Final Approval of Tentative Map, Section 16.12.020, 16.12.025, and 16.12.045

h. Title 16 – Subdivisions, Chapter 16.16: Vesting Tentative Maps, Section 16.16.010 through 16.16.090

i. Title 18 – Signs, Chapters 18.02 through 18.38

j. Title 20 – Zoning, Chapter 20.21B: HDC Harbor Dependent Commercial/Industrial District, Section 20.21B.010

k. Title 21, – Coastal Zoning, Chapter 21.00: Secondary Dwelling Units

Chapter 7.36

SURFACE MINING AND QUARRIES

Sections:

7.36.010 Title of provisions.
7.36.020 Purpose of provisions.
7.36.030 Authority.
7.36.040 Definitions.
7.36.045 Incorporation by reference.
7.36.050 Compliance with provisions required -- Exceptions.
7.36.060 Permit -- Required when.
7.36.065 Vested rights.
7.36.070 Permit -- Application.
7.36.080 Permit -- Issuance -- Hearing.
7.36.085 Appeals.
7.36.100 Permit -- Suspension or revocation.
7.36.110 Operation regulations generally.
7.36.120 Excavation regulations.
7.36.130 Gravel extractions~~, drainage~~ -- Drainage within stream channels.
7.36.140 Erosion control and screening.
7.36.150 Maintenance and operation.
7.36.160 Site reclamation and standards.
7.36.165 Statement of responsibility.
7.36.170 ~~Enforcement of provisions~~ Findings for approval.
7.36.180 ~~Emergency action~~ Financial assurances.
7.36.190 ~~Prior vested rights~~ Interim management plans.
7.36.200 ~~Reclamation plan~~ Annual report requirements.
7.36.210 Inspections.
7.36.220 Violations and penalties.
7.36.230 Fees.
7.36.240 Mineral resource protection.

7.36.010 Title of provisions.

The ordinance codified in this chapter shall be known and cited as the surface mining and quarry ordinance of the county. (Ord. ~~77-16 § 2.0. 1977~~ 97-05 (part), 1997.)

7.36.020 Purpose of provisions.

The purpose of this chapter is to provide for the orderly use and regulation of the surface mining and quarries within the unincorporated area of the county in keeping with

the protection of the public health, safety, convenience and general welfare. (Ord. ~~77-16 § 1.0. 1977~~ 97-05 (part), 1997.)

7.36.030 Authority.

The ordinance codified in this chapter is adopted pursuant to Chapter 4, Article 2, Title 7, of the California Government Code, under the planning and health powers granted the county, and the Surface Mining and Reclamation Act of 1975. (**Ord. 20__-__ § ___ (part), 20__;** Ord. 97-05 (part), 1997; Ord. **77-**16 § 2.2. 1977.)

7.36.040 Definitions.

For the purpose of this chapter, certain words and phrases are defined as set forth in this section, and certain provisions shall be construed as set forth unless it shall be apparent from the text that they have different meaning~~.~~:

"Area of regional significance" means an area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance. "Area of statewide significance" means an area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate land uses, could result in the premature loss of minerals that are of more than local or regional significance.

~~A.~~ "Average annual bed load" means the average amount of gravel that is carried downstream in a normal year and deposited during the high water season in the lower river bars.

"Borrow pit" means excavation created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

"Compatible land use" means land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational agriculture, silviculture, grazing, and open space.

~~B.~~ "Excavation" means any excavation, removal, relocation or alteration of the existing contours and location of any soil, earth, fill, sand, rock, gravel, or waste material more than ten cubic yards or as determined by the planning commission, or any combination thereof, and the conditions resulting therefrom.

~~C.~~ "Ground level" means and includes the natural or finished grade, surface, or contour of a site.

"Haul road" means a road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.

"Idle" means surface mining operations curtailed for a period of one year or more, by more than ninety percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. "Incompatible land use" means land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.

"Mined lands" means the surface, subsurface, and ground water 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 excavations, 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.

~~D. "Mineral"~~ "Minerals" means any naturally occurring chemical element or compound, or group groups of elements and compounds ~~obtained for man's use~~, formed from inorganic process and organic substances, including, but not limited to, ~~sand, stone, ore, soil; not including~~ coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, ~~or~~ and petroleum.

~~E. "Mined lands" means the surface, subsurface, and ground water 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 excavations, 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.~~

"Operator means any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her compensation.

~~F.~~ "Overburden" means 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.

~~G. "Personal use" means for the use of the owner (not to be sold) which meets the following criteria:~~

~~1. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;~~

~~2. Prospecting for, or the extraction of, minerals for commercial purposes and the removal or overburden in any one location of one acre or less;~~

~~3. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose;~~

~~4. Such other surface mining operations which are categorically identified by the State Mining and Geology Board pursuant to Section 2714(d) of the California Surface Mining and Reclamation Act of 1975.~~

~~H.~~ "Quarry" means premises from which any rock, sand, gravel, stone, earth, topsoil, or mineral is removed or excavated for the purpose of disposition away from the immediate premises, whether such disposition is immediate or in the future.

~~I.~~ "Reclamation" means 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 mines are reclaimed to a useable condition which is readily adaptable for alternate land uses and create 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 means.

~~J.~~ "Reclamation plan" means an applicant's (~~operators'~~ operator's) proposal to the lead agency for reclaiming the lands affected by his mining operation. Refer to Sec. 7.36.200 of this chapter.

"Stream bed skimming" means excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher.

~~K.~~ "Surface mining operations" means all of 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 method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations include, but are not limited to ~~the following:~~, ¶

~~1. In place~~ in-place distillation or retorting or leaching~~;~~, ¶

~~2. The~~ the production and disposal of mining waste~~;~~, ¶

~~3. Prospecting~~ prospecting and exploratory activities, borrow pitting, stream bed skimming, and segregation and stockpiling of mined materials (and recovery of same). (**Ord. 20__-__§ ___ (part), 20__;** Ord. 97-05 (part), 1997; Ord. 81-28 § 3, 1981; Ord. 77-16 §§ 3.0–3.11, 1977.)

7.36.045 Incorporation by reference (new from State Model Ord.).

~~The~~ **As applied to areas located outside of the coastal zone, the** provisions of SMARA (PRC 2710 et seq.) PRC Section 2207, and state regulations CCR 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this chapter are more restrictive than state provisions, this chapter shall prevail. **As applied to areas within the coastal zone, an amendment to SMARA or its regulations shall not become effective and part of the County's LCP until the amendment has been submitted by the County to the Coastal Commission as an amendment to its LCP and the amendment has been certified by the Commission.** (**Ord. 20__-__§ ___ (part), 20__;** Ord. 97-05 (part), 1997.)

7.36.050 Compliance with provisions required -- Exceptions.

~~It is unlawful for any person to operate or cause to be operated or maintained any surface mining operation or quarry in the county which is not in compliance with the provisions of this with the following~~ Except as provided in this chapter, no person shall conduct surface mining operations unless a permit, reclamation plan, and financial

assurances for the reclamation have first been approved by the county. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the county, including but not limited to, the application of CEQA, the requirement of site approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this chapter shall apply to all lands within the county, public and private.

This chapter shall not apply to the following activities, subject to the above referenced exceptions:

A. ~~Excavation by the owner for his own personal use as defined in Section 7.36.040;~~ Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

B. ~~Excavation for the construction of any building for which a building permit has been duly issued, or excavation which is all or part of a grading operation necessary to bring the contours of the proposed land subdivision to the grades shown on a tentative subdivision plan which has been officially approved;~~ On-site excavation and on-site earthmoving which are an integral and necessary part of a construction project and that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

1. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act (CEQA, public resources code, Division 13, 21000 et seq.).
2. The county's approval of the construction project including consideration of the on-site excavation and on-site earth-moving activities pursuant to CEQA.
3. The approved construction project is consistent with the general plan or zoning of the site.
4. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

C. ~~Leveling of land for agricultural purposes;~~ Operation of a plant used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:

1. The plant site is located on lands designated for industrial or commercial uses in the county's general plan.
2. The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the county.
3. None of the materials being processed are being extracted on-site.

4. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976.

D. ~~Those earth material moving activities (such as excavation, grading, compaction, and the creation of fills and embankments) which are required to prepare a site for construction of structures, landscaping, or other land improvements are not deemed to be surface mining operations if the resultant excavations, fills, grades, or embankments are beneficially modified by such construction of structures, landsaping, or other land improvements. Excavations, fills, grades, or embankments that are themselves constitute engineered works, such as dams, road cuts, fills, catchment basins, or levees, are not considered to be surface mining operations;~~ Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand cubic yards in any one location of one acre or less.

E. ~~Total excavations on any site or contiguous sites held under one ownership not exceeding ten cubic yards and where the excavation is not intended for the purpose of disposition away from the immediate premises;~~ Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

F. Any ~~such excavation, removal of rock, sand, stone, earth topsoil, or minerals that the county board of supervisors determines to be exempt and is categorically identified by~~ other surface mining operations that the State Mining and Geology Board ~~pursuant to the California Surface Mining and Reclamation Act of 1975~~ determines to be of an infrequent nature and which involve only minor surface disturbance.

G. The solar evaporation of seawater for the production of salt and related minerals.

H. Emergency excavations or grading conducted by the department of water resources or the reclamation board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

I. Road construction and maintenance for timber forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post-closure uses in consultation with the department of forestry and fire protection. This exemption does not apply to on-site excavation or grading that occurs within one hundred feet of a class one watercourse or seventy-five feet of a class two watercourse, or excavations for materials that are, or have been, sold for commercial purposes.

Notwithstanding these exceptions to the requirements of this chapter for securing a use permit, these exceptions do not obviate the need for securing coastal development permit authorization pursuant to Chapter 21.50. (**Ord. 20__-__ § ___ (part) 20__;** Ord. 97-05 (part), 1997; Ord. 81-28 § 4, 1981; Ord 77-16 §§ 4.0 – 4.6, 1977.)

7.36.060 Permit-Required when.

Surface mining and quarry operations may be operated in any portion of the county where there are provisions for such uses in the intended zones. Surface mining

and quarry operations, unless excluded by Section 7.36.050 of this chapter, are subject to the securing of a permit as specified in this chapter and subject to the regulations of this chapter. The issuance of such a use permit is a discretionary action of the planning commission. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord 77-16 § 5.0, 1977.)

7.36.065 Vested rights.

No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, state regulations, and this chapter. Where a person with a vested right has continued surface mining in the same area subsequent to January 1, 1976, he/she shall obtain county approval of reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in horizontal and/or vertical sense) between pre- and post-act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976). All other requirements of state law and this chapter shall apply to vested mining operations. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997.)

7.36.070 Permit-Application.

~~Each application for any such permit shall be made to the planning commission on a form provided by the planning department. Such applications shall be filled out completely and accompanied with the following:~~

A. Applications for a site approval or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the planning division. Said application shall be filed in accord with this chapter and procedures to be established by the planning director. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (2772-2773) and state regulations, and any other requirements deemed necessary at the discretion of the planning division. As many copies of the site approval application as may be required by the planning division shall be submitted.

B. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all use permit applications for site approvals for surface mining operations. For surface mining operations that are exempt from a use permit for site approval pursuant to this chapter, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the county at one time.

C. Applications shall include all required environmental review forms and information prescribed by the planning division.

D. Upon completion of the environmental review procedure and fil1mg of all documents required by the planning director, consideration of the use permit and/or reclamation plan for the proposed or existing surface mining operation shall be completed pursuant to Section 20.56 of Del Norte County Code at a public hearing before the planning commission and pursuant to Section 2774 of the public resources code.

E. Within thirty days of acceptance of an application for a use permit for site approval of surface mining operations and/or a reclamation plan as complete, the planning division shall notify the State Department of Conservation of the filing of the application. Whenever mining operations are proposed in the one hundred-year flood plain of any stream, as shown in zone A of the flood insurance rate maps issued by the Federal Emergency Management Agency, and within one mile upstream or downstream of any state highway bridge, the planning division shall also notify the State Department of Transportation that the application has been received.

F. The planning division shall process the application through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 2 1000 et seq.) and the county's environmental review guidelines.

G. Subsequent to the appropriate environmental review, the planning division shall prepare a staff report with recommendations for consideration by the planning commission.

H. The planning commission shall hold at least one public hearing on the use permit for site approval and/or reclamation plan.

I. Prior to final approval of a reclamation plan, financial assurances (as provided in this chapter), or any amendments to the reclamation plan or existing financial assurances, the planning commission shall certify to the State Department of Conservation (DOC) that the reclamation plan and/or financial assurance complies with the applicable requirements of state law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The planning commission may conceptually approve the reclamation plan and financial assurance before submittal to the DOC. If a use permit for site approval is being processed concurrently with the reclamation plan, the planning commission may simultaneously also conceptually approve the use permit for site approval. However, the planning commission may defer action on the use permit until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the planning commission may conditionally approve the use permit for site approval with the condition that the planning division shall not issue the use permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances.

Pursuant to PRC 2774(d), the State Department of Conservation shall be given thirty days to review and comment on the reclamation plan and forty-five days to review and comment on the financial assurance. The planning commission shall evaluate written comments received, if any, from the DOC during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the DOC for the planning commission's approval. In particular, when the planning commission's position is at variance with the recommendations and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the planning commission shall be promptly forwarded to the operator/applicant.

J. The planning commission shall then take action to approve, conditionally approve, or deny the use permit for site approval and/or reclamation plan, and to approve the financial assurances pursuant to PRC 2770(d).

K. The planning division shall forward a copy of each approved use permit for site approval for surface mining operations and/or approved reclamation plan, and a copy of the approved financial assurances to the DOC. By July 1st of each year, the planning division shall submit to the DOC for each active or idle mining operation a copy of the use pen-nit for site approval or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.

In addition to the above listed SMARA required information, an application for a permit to conduct surface mining shall include, but is not limited to, the following information:

~~A.~~ 1. An accurate plot plan ~~(assessor's parcel map)~~ showing exterior boundaries of the property on which the proposed surface mining or quarry will be located, and the location of existing and/or proposed structures, roads, rivers, streams, or other significant land uses;

2. A current assessor's parcel map;

~~B.~~ 3. Contour map when required by the planning commission;

~~C.~~ 4. Aerial ~~photos~~ photo(s) ~~when required by the planning commission~~ at a scale of no smaller than 1″ = 600′;

~~D.~~ 5. Statement of plan of operation, including time limits, method of removal, ~~how much~~ volume to be removed over the life of the project, equipment to be used, areas to be ~~removed, processing~~ disturbed and final grading of site and clean-up;

~~E. Performance bonds, when required by the planning commission, shall be executed in favor of the county and maintained in an amount equal to the cost of completing the reclamation of the site as prescribed in the approved or amended reclamation plan. Site reclamation will be completed during the prescribed time within the succeeding two-year period or other reasonable time as determined by the planning commission. Such surety shall be executed in favot of the county and reviewed and revised, as necessary, biannually. Such surety shall be maintained in an account equal to the cost of completing the required reclamation of the site as prescribed in the approved or amended reclamation plan during the succeeding two-year period, or other reasonable term;~~

~~F.~~ 6. Filing fees shall be paid to the planning ~~department~~ division and shall be as prescribed in the current fee schedule resolution of the board of supervisors.

~~G. A site reclamation plan illustrating how the site is to be rehabilitated after completion of the excavation. This plan is mandatory for all projects which exceed items 1 through 4 in subsection G of Section 7.36.040, for both commercial and personal uses, and are discretionary to the planning commission for projects which are commercial but are less than items 1 through 4 in subsection G of Section 7.36.040, in scope and size. A recommended form is available from the planning department. All plans must include the information requested in Section 7.36.200.~~ (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 82-09 § 2 Exh. A (11), 1982; Ord. 77-16 §§ 6.0 – 6.7, 1977.)

7.36.080 Permit-Issuance -- Hearing.

A. At the completion of the application procedure outlined in Section 7.36.070 of this chapter, the planning ~~department~~ division will review the use permit application for the following:

1. ~~Site~~ A site inspection shall be conducted to determine whether the proposed surface mining or quarry operation conforms to the provisions of this chapter,
2. That the proposal is consistent with the terms of any other county ordinance or state law;
3. ~~A public hearing shall be scheduled to determine public attitudes towards the project and make findings as to whether the project may be a public nuisance;~~
4. ~~.~~ 3. As lead agency, the county planning commission may require an environmental impact report be prepared~~.~~;
4. A public hearing shall be scheduled to determine public attitudes towards the project and make findings as to whether the project may be a public nuisance;

B. If, in the opinion of the planning commission, the proposed surface mining operation or quarry will not be deemed detrimental, a ~~seasonal~~ use permit ~~or~~ for up to a ~~twenty-four month permit~~ five year period that may be seasonal shall be issued as provided in this chapter. The planning commission, in issuing any such permit, shall specify such conditions as are deemed necessary for the protection of persons and property in the area and to ensure the operation will not significantly adversely affect the character of the area in which the surface mining operation or quarry is located. In order to ensure compliance with such conditions, the planning commission, as a condition of approval for the permit or reclamation plan, or both, shall impose a schedule for periodic inspections of the site to evaluate continuing compliance with the permit and the reclamation plan. Inspection may coincide with the issuance and subsequent review for renewal of the issued use permit and shall include an inspection upon completion of the project. The planning commission shall require ~~bonds and other guarantees as are necessary~~ financial assurances to ensure compliance with the regulations imposed under the terms of any permit. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 81-28 § 1, 1981; Ord. 77-16 §§ 7.0 – 7.4, 1977.)

7.36.085 Appeals.

A. Any person, including the applicant, aggrieved by an action of the planning commission**, other than an action on a use permit that would serve as a coastal development permit pursuant to Section 21.50.020 of the coastal zoning ordinance,** may appeal that action to the board of supervisors following the procedure set forth in Section 20.58.010. **An action of the planning commission on a use permit that would serve as a coastal development permit may be appealed to the board of supervisors following the procedures set forth in Chapter 21.51 of the coastal zoning regulations, or to the Coastal Commission pursuant to the procedures set forth in Chapter 21.52 of the coastal zoning regulations.**

B. An application for a permit to operate which is denied in an area of statewide significance or regional significance, as designated by the State Mining and Geology board, may be appealed under Section 2775 of the Surface Mining and Reclamation Act

of 1975 to the ~~state~~ State board. (**Ord. 20__-__§ ___ (part), 20__;** Ord. 97-05 (part), 1997; Ord. 84-16 § 1, 1984; Ord. 81-28 § 2, 1981.)

7.36.100 Permit -- Suspension or revocation.

Any permit granted under this chapter shall be subject to revocation or suspension by the planning commission where violation of this chapter, contingencies of the use permit, or a proven public nuisance have occurred. Revocation or suspension proceedings shall be the following:

A. A notice shall be served on the permit holder specifying:

1. He/she has failed to comply with the provisions of this chapter or with the terms specified in the permit;
2. He/she must cease operation of any surface ~~extraction~~ mining or quarry until the county planning commission may hold a public hearing;
3. He/she shall be required to appear before the planning commission at a date and hour specified, not less than thirty days after the serving of the notice, to show cause for the permit to be reinstated.

B. A public hearing shall be held by the county planning commission.

C. The planning commission shall ~~confront~~ present to the permit holder during the public hearing ~~of~~ any charges or complaints which have been filed in the planning ~~department~~ division.

D. The permit holder shall have the right to appear in person or by counsel and introduce such evidence as he/she may desire to show why his/her use permit should be reinstated.

E. After the conclusion of the public hearing, the planning commission may, if it is their opinion the permit holder has violated the terms of his permit, revoke or reinstate the permit.

F. The permit holder may appeal to the county board of supervisors regarding revocation. (**Ord. 20__-__§ ___ (part), 20__;** Ord. 97-05 (part), 1997; Ord. 77-16 §§ 9.0 – 9.6, 1977.)

7.36.110 Operation regulations generally.

Surface mining may be conducted and maintained in any zone district where it is permitted subject to the general requirements of Sections 7.36.120 through 7.36.160 of this chapter. (**Ord. 20__-__§ ___ (part), 20__;** Ord. 97-05 (part), 1997; Ord. 77-16 § 10.0, 1977.)

7.36.120 Excavation regulations.

A. Gravel extractions shall not be excavated ~~from~~ within the live waters of ~~the~~ a river, except as specifically permitted by the Department of Fish and Game.

B. Aggregate gravel extraction volume shall be discretionary to the planning commission~~,~~; ~~but in no case shall the extraction volume exceed~~ the average annual bed load~~, if known,~~ for any ~~project site~~ extraction area on a county river or stream shall provide a guide to determine maximum extraction volumes.

C. Quarries shall in no case allow cut slopes at a ratio steeper than two to one to be brought closer than twenty five feet of any exterior property line. (**Ord. 20__-__§ ___ (part), 20__;** Ord. 97-05 (part), 1997; Ord. 77-16 § 10.1, 1977.)

7.36.130 Gravel excavations~~, drainage~~ - Drainage within stream channels.

A. The finished excavation shall in all cases be graded in such a manner as to prevent accumulation of waters ~~or~~ to natural seepage~~.~~;

B. Finished grades in the case of surface mining operations shall have slopes of not less than one and ~~one-half~~ one half percent, sloping toward the channel, unless otherwise permitted by the Department of Fish and Game. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 82-09 § 2 Exh. A(13), 1982; Ord. 77-16 § 10.2, 1977.)

7.36.140 Erosion control and screening

A. All surface drainage existing or developed by or through the surface mining operation of a quarry shall be controlled by dikes, barriers, or drainage structures to any existing drainage course and permitted from encroaching on state or county roads or private property. All provisions to control natural drainage or floodwater shall meet with the approval of the county engineer.

B. Existing trees and natural undergrowth should be retained to screen the proposed operation and maintain the stability of surrounding terrain. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 82-09 § 2 Exh. A(4), 1982; Ord. 77-16 § 10.3, 1977.)

7.36.150 Maintenance and operation.

A. The surface mining operation shall be maintained at all times in a neat and orderly manner to the satisfaction of the planning ~~director~~ division.

B. The surface mining or quarry shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain ~~haulage~~ haul roads in a dust free condition.

C. The holder of the surface mining or quarry use permit shall be responsible for the ~~spilling~~ spillage or dumping of materials related to the ~~quarry~~ operation on county roads. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 77-16 § 10.4, 1977.)

7.36.160 Site reclamation and standards.

A. No surface mining operation or quarry use permit shall be issued prior to the planning commission approval of a reclamation plan and financial assurances subject to the provisions of ~~subsection G of~~ Section 7.36.070 (A) through (K) of this chapter.

B. The holder of the surface mining or quarry operation use permit shall be responsible for adhering to the approval plan as set forth in subsection A of this section.

C. Whenever one operator succeeds to the interest of another in any ~~incompleted~~ uncompleted 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 chapter.

D. All reclamation plans shall comply with the provisions of SMARA (2772 and 2773) and state regulations (CCR 3500-3505). Reclamation Plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments for reclamation plans shall also comply with the requirements for reclamation performance standards (CCR 3700-3713).

E. The county may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of countywide performance standards.

F. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the county. Each phase of reclamation shall be specifically described in the reclamation plan and shall include: (1) the beginning and expected ending dates for each phase; (2) all reclamation activities required; (3) criteria for measuring completion of specific reclamation activities; and (4) estimated costs for completion of each phase of reclamation. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 77-16 § 10.5, 1977.)

7.36.165 Statement of Responsibility.

The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the planning division in the mining operation's permanent record sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the planning division for placement in the permanent record. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997.)

7.36.170 ~~Enforcement of provisions~~ Findings for approval.

~~Any surface mining operation or quarry set up, altered, constructed, enlarged, converted, operated, or maintained contrary to the provisions of this chapter and/or any use of any land of premises established, conducted, operated, or maintained contrary to the provisions of this chapter shall be, and the same is declared to be, unlawful and a public nuisance. The district attorney of the county shall, upon order of the board of supervisors, immediately commence action or proceedings for the abatement and removal and enjoinment thereof, in the manner prescribed by law and shall take such other steps and to apply to such court or courts as may have jurisdiction to grant such relief, as will abate and remove such quarry and restrain and enjoin any person from setting up, maintaining, using any quarry, or using any property contrary to the provisions of this chapter.~~

A. Site Approvals. In addition to any findings required by the County Surface Mining and Quarries Code, use permits for site approval for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations. **Further, where a use permit serves as a coastal development permit for a surface mining operation in the coastal zone, the use permit shall include a finding that the project is in conformity with the certified Del Norte County Local Coastal Program, any other applicable findings within Chapters 21.50, 21.50C, and 21.55A through 21.55G, and the public access and public recreation policies of the Coastal Act.**

B. Reclamation Plans. For reclamation plans, the following findings shall be required:

1. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;
2. That the reclamation plan complies with applicable requirements of state regulations (CCR 3500-3505, and 3700-3713).
3. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with this chapter and the county's general plan;
4. That the reclamation plan has been reviewed pursuant to CEQA and the county's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible;
5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values;
6. That the reclamation plan will restore the mined lands to a useable condition which is readily adaptable for alternative land uses consistent with the general plan and applicable resource plan;
7. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by the DOC. Where the county's position is at a variance with the recommendations and objections raised by the DOC, said response shall address, in detail, why specific comments and suggestions were not accepted. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 77-16 § 11.0, 1977.)

7.36.180 ~~Emergency action~~ Financial Assurances.

~~Should the county board of supervisors declare an emergency situation due to floods, earthquakes, or any other such emergencies, provisions of this chapter governing surface mining and quarry operations may be temporarily suspended by board action until such time as the emergency situation is mitigated.~~

A. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the county shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the county and the State Mining and Geology Board as specified in state regulations, and which the county reasonably determines is adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the county and the State Department of Conservation.

B. Financial assurances will be required to ensure compliance with elements of the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance shall be submitted to the Planning Division for review and approval prior to the operator securing financial assurances. The

planning director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the DOC for review. If the DOC does not comment within forty-five days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the county has reason to determine that additional costs may be incurred. The planning director shall have the discretion to approve the financial assurance if it meets the requirements of this chapter, SMARA and state regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California Registered Professional Engineer and/or other similarly licensed and qualified professionals. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration, water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the county or DOC may need to contract with a third party commercial company for reclamation of the site.

F. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

G. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the upcoming year.

H. Revisions to financial assurances shall be submitted to the planning director each year prior to the anniversary date for approval of the financial assurances. The financial assurances shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why any revisions are not required. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 77-16 § 12.0, 1977.)

7.36.190 ~~Prior vested rights~~ Interim management plans.

A. ~~No person who as obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this chapter as long as such vested right continues; provided, however, that no substantial change may be made in any such operation except in accordance with the provisions of this chapter. A person shall be deemed to have such vested rights if, prior to January 1, 1976, he has, in good faith and in reliance upon a permit or other authorization, if such permit or other authorization was required, diligently commenced surface mining 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.~~ Within ninety days of a surface mining operation becoming idle, the operator shall submit to the planning division a proposed interim management plan (HAP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all use permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the planning division, and shall be processed as an amendment to the reclamation plan. IMP's shall not be considered a project for the purposes of environmental review.

B. ~~A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the lead agency and receive, within a reasonable period of time, approval of a reclamation plan for operations to be conducted after January 1, 1976, and the person submitting the plan has accepted responsibility for reclaiming the mined lands in accordance with the reclamation plan.~~ Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.

C. ~~Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for or the reclamation of mined lands on which surface mining operations were conducted prior to January 1, 1976.~~ Upon receipt of a complete proposed IMP, the planning division shall forward the IMP to the DOC for review. The IMP shall be submitted to the DOC at least thirty days prior to approval by the planning commission.

D. Within sixty days of receipt of the proposed IMP, or a longer period mutually agreed upon by the planning director and the operator, the planning commission shall review and approve or deny the IMP in accordance with this chapter. The operator shall have thirty days, or a longer period mutually agreed upon by the planning director and operator, to submit a revised IMP. The planning commission shall approve or deny the revised IMP within sixty days of receipt. If the planning commission denies the revised IMP, the operator may appeal that action to the county board of supervisors.

E. The IMP may remain in effect for a period not to exceed five years, at which the planning commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 77-16 § 13.0, 1977.)

7.36.200 ~~Reclamation plan~~ Annual report requirements.

~~The reclamation plan shall include the following information and documents:~~

~~A. 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;~~
~~B. The anticipated quantity and type of minerals for which the surface mining operation is to be conducted;~~
~~C. The proposed dates for the initiation and termination of such operation;~~
~~D. The maximum anticipated depth of the surface mining operation;~~
~~E. 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; a detailed description of the geology of the area in which surface mining is to be conducted; the location of all streams, roads, railroads, and utility facilties within, or adjacent to, such lands; 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 mineral interests in such lands;~~
~~F. 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;~~
~~G. 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;~~
~~H. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including a description of the manner in which contaminants will be controlled and mining waste will be disposed, and a description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur;~~
~~I. An assessment of the effect of implementation of the reclamation plan on future mining in the area;~~
~~J. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan;~~
~~K. Any other information which the planning commission may require by ordinance.~~

Surface mining operators shall forward an annual surface mining report to the DOC and to the county planning division on a date established by the DOC, upon forms furnished by the State Mining and Geology board. New mining operations shall file an initial surface mining report and any applicable filing fees with the DOC within thirty days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the DOC at the time of filing of the annual surface mining report. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997; Ord. 77-16 § 15.0, 1977.)

7.36.210 Inspections.

The planning division shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 7.36.200 of this chapter, to determine whether the surface mining operation is in compliance with the approved use permit and/or reclamation plan, approved financial assurances, and state regulations. In no event shall less than one inspection be conducted in any calendar year,

said inspections may be made by a state registered geologist, a state registered civil engineer, a state licensed landscape architect, or a state registered forester who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve months, or other qualified specialists. All inspections shall be conducted using a form approved by the State Mining and Geology Board.

The planning division shall notify the DOC within thirty days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997.)

7.36.220 Violations and penalties.

If the planning director, based on an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this chapter, the applicable use permit, any required permit and/or the reclamation plan, the county shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those available provisions of Del Norte County Code for revocation and/or abandonment of a use permit which are not preempted by SMARA. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997.)

7.36.230 Fees.

The county shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing the chapter and the state regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the county, at such time of filing of the use permit for site approval application, reclamation plan application, and at such other times as are determined by the county to be appropriate in order to ensure that all reasonable costs of implementing this chapter are borne by the applicant and/or operator. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997.)

7.36.240 Mineral resource protection.

Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the DOC Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this chapter, shall be protected from intrusion of incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the county's general plan.

In accordance with PRC 2762, the county's general plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within twelve months of receipt from the State Mining and Geology Board of such information land use decisions within the county will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and

potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts. (**Ord. 20 - § (part), 20 ;** Ord. 97-05 (part), 1997.)

Chapter 14.05

GRADING, EXCAVATING AND FILLING

Sections:

14.05.010 Purpose.
14.05.020 Scope.
14.05.025 Jurisdiction.
14.05.030 Definitions.
14.05.040 Prohibited grading.
14.05.050 Exceptions from permit requirement.
14.05.060 Safety precautions.
14.05.070 Permit application.
14.05.075 Grading permit process when coastal permit is not required.
14.05.080 Fees and bonds.
14.05.090 Cessation of work.
14.05.100 Stop order.
14.05.110 Abatement.
14.05.120 Emergency abatement.
14.05.130 Assessment and lien.
14.05.140 Violations and remedies.

14.05.010 Purpose.

The purpose of this chapter is to promote and protect the public safety, convenience, comfort, prosperity, general welfare and Del Norte County's natural resources by establishing minimum requirements for grading, excavating and filling in order to:

A. Control flooding, erosion and sedimentation and prevent damage to off-site property and resource conservation areas;
B. Avoid creation of unstable slopes or unstable filled areas;
C. Prevent impairment or destruction of potential leach fields for sewage disposal systems;
D. Regulate de facto development caused by uncontrolled grading; and
E. Implement the policies of the general plan coastal element within the county's designated California Coastal Zone. (Ord. 83-03 (part), 1983.)

14.05.020 Scope.

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. (Ord. 83-03 (part), 1983.)

14.05.025 Jurisdiction.

The jurisdiction for this chapter shall be the entire county. (**Ord. 20 - § (part), 20 ;** Ord. 83-07 § 2 (part), 1983.)

14.05.030 Definitions.

For the purposes of this chapter, the following words and terms have the meanings indicated, unless tile context in which any word or term is used or a specific provision of this code requires another meaning.

A. "California Coastal Zone" means that area of the County under tile jurisdiction of tile California Coastal Act as set forth by Public Resources Code Section 30103 and as delineated by title Local Coastal Program prepared pursuant to that Act. The coastal element of title county general plan serves to implement Coastal Act policies within the coastal zone.

B. "Earth material" is any soil, sand, gravel, decomposed granite, rock or other natural material or fill.

C. "Enforcing officer" is the person or body so designated by the board of supervisors.

D. "Grading" means tile movement, removal or placement of any earth and/or vegetation materials except as regulated by Chapter 7.36 DNCC. Those activities excepted by Section 7.36.050 shall be considered as grading for the purposes of this chapter.

E. "Grading standards" are standards for grading, erosion control and sensitive resource area protection as adopted by resolution of the board of supervisors. Within the California Coastal Zone, standards shall be certified as a part of the local coastal program.

F. "Resource conservation area" means an environmentally sensitive habitat area which is a wetland, farmed wetland, riparian vegetation, estuary and/or coastal sand dune area as designated by tile general plan coastal element. (Ord. 83-03 (part), 1983.)

14.05.040 Prohibited grading.

No grading shall be done or caused to be done:

A. That will endanger any public or private property, result in the deposit of debris on any public way or significantly affect any existing wetland, drainage or other resource conservation area unless the hazard is eliminated by construction of retaining structures, buttress fills, drainage devices, landscaping, vegetation buffers, or other means required as a condition of a building and grading permit or other entitlement;

B. On land subject to geologic or flood hazards to a degree that no amount of protective or corrective work can eliminate the hazards to the property endangered;

C. As on-site preparation preparatory to or in association with any development which requires a permit or other entitlement, including but not limited to coastal zone

permits, tentative maps, use permits, reasoning's, building permits, mobile home installation permits and sewage disposal permits, until the permit or entitlement to which the grading relates is issued;

D. That does not comply with applicable grading standards, unless an engineered alternative is approved as a part of a valid building and grading permit. (Ord. 83-03 (part), 1983.)

14.05.050 Exceptions from permit requirement.

All grading shall require the issuance of a building and grading permit pursuant to this title except that such permit shall not be required for the following:

A. Cultivation for the production of agricultural products including the rearing and management of livestock and the maintenance and repair of existing dikes, levees, drainage ditches and similar agricultural drainage systems pursuant to Title 20 and 2 1, DNCC;

B. The maintenance opening of the sandbar at Lake Talawa when consistent with agreements negotiated between the county and the California Department of Fish and Game;

C. Subsurface geologic exploration by a civil engineer, soil engineer, engineering geologist, or archaeologist required as part of an application for a permit such as a soils analysis or as a condition of approval of a project:

D. Activities involving grading and/or vegetation removal which is undertaken pursuant to a valid permit to engage in that activity issued by a public agency other than the county charged with control or regulation of the activity and related grading, such as timer harvesting and coastal zone permits issued pursuant to Section ~~**21.50.040**~~ **21.50.050** DNCC,

E. Grading and/or filling for cemetery graves where the cemetery exists prior to the adoption of this section or where a grading plan has been reviewed as part of a use permit:

F. Operation of refuse disposal sites for which permits have been issued;

G. Grading conducted during a civil emergency or natural disaster to relieve or correct conditions caused by such emergency or disaster or to make emergency firebreaks. Within the California Coastal Zone, the provisions of Section ~~**21.50.050**~~ **21.50.060** DNCC shall apply,

~~**H. Within the California Coastal Zone, grading subordinate to a use established prior to 1976 or by a coastal permit (or equivalent) such as gardens, yards, landscaping, native wooded habitat maintenance and driveways where:**~~

~~**1. Cuts and/or fills do not exceed five and/or three feet respectively; and**~~

~~**2. The subordinate use area does not conflict with the requirements of any RCA, W or C zoning district,**~~

~~**I.**~~ **H.** Outside of the California Coastal Zone, grading where:

1. Less than five hundred cubic yards of material is involved, and
2. Cuts which do not exceed five feet and are no steeper than two horizontal to one vertical, and
3. Fill less than one foot deep placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not

intended to support structures and which does not obstruct a drainage course:

~~J.~~ **I.** Outside of the California Coastal Zone, temporary excavation for installation of underground storage tanks when no permanent change is made in the existing terrain and the excavation is refilled and temporary trench or pit excavations for the purpose of installing underground or overhead utilities.

No exemption shall apply to any grading that ~~adversely~~ significantly effects any off-site drainage or that ~~adversely~~ significantly effects the lateral support of or increases the stresses in or pressure upon any adjacent or contiguous property not owned by the owner of the land upon which such grading is performed.

No exemption provided in this section shall apply to any activity for which a permit or other entitlement for use is required to be issued by Del Norte County unless the application for that permit includes a grading plan for any grading related to the activity which has been found to be in conformance with the grading standards or an engineered alternative has been approved. (**Ord. 20 - § (part), 20 ;** Ord. 86-04 § 1 (part), 1986; Ord. 83-03 (part), 1983.)

14.05.060 Safety precautions.

In addition to the requirements of the grading standards, the requirements of all laws, ordinances, and regulations of the state and county, and regulations of the Industrial Accident Commission, California Department of Industrial Relations in relation to the character of the work, equipment and labor personnel involved in the project, shall be met.

Whenever the building official or county engineer determines that any existing excavation or embankment or rill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code. (Ord. 83-03 (part), 1983.)

14.05.070 Permit application.

A. Except as exempted in Section 14.05.050 of this code, no person shall do any grading without first obtaining a grading permit. A separate permit shall be required for each site, and may cover both excavations and fills.

B. The provisions of Section 302(a) of the Uniform Building Code are applicable to grading, and in addition the application shall state the estimated quantities of work involved.

C. Each application for a grading permit shall be accompanied by two sets of plans and specifications, and any required supporting data such as a soil engineering report or engineering geology report. The plans and specifications shall be prepared and signed by a civil engineer when required by the building official.

D. Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances,

rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage;
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction;
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains;
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifteen feet of the property or which may be affected by the proposed grading operations. Specifications shall contain information covering construction and material requirements**;**
6. **Applicable erosion and stormwater control, and/or water quality and hydrology plan prepared pursuant to Section 21.55B.030**.

E. The provisions of Section 303 of the Uniform Building Code regarding permit issuance shall apply for projects not subject to the jurisdiction of the California Coastal Zone. Permit issuance for projects within the California Coastal Zone shall be pursuant to ~~Chapter~~ **Chapters** 14.06**, 21.50, and 21.55B,** DNCC. (Ord 83-03 (part), 1983.)

14.05.075 Grading permit process when coastal permit is not required.

A. Application for a grading permit for a project not requiring a coastal permit (see Chapter 14.06 for permit processing procedure for projects requiring a coastal permit) shall be made to the office of building inspectors on a form provided by said office and shall be accompanied by:

1. Proof of ownership and access;
2. An assessor's office plat map;
3. A plot plan of sufficient detail to illustrate location, distance from property lines, proposed improvements, septic tank and leach field, grading, etc.;
4. Two copies of building or grading plans and specifications (the building official may waive this requirement for small accessory structures);
5. Where applicable, soils analysis tests and/or soil reports.

B. Projects which don't require a coastal permit shall be reviewed as follows:

1. Upon receipt of a complete application, the department of planning and building shall review the application and, as soon as possible, circulate the application to the following listed departments for review and comment: assessor, fire department, public works department and health department. Each department shall submit a recommendation for action to the department of public works. (**Ord. 20 - § (part), 20 ;** Ord. 83-07 § 2 (part), 1983.)

14.05.080 Fees and bonds.

A. For excavation and fill on the same site, the fee shall be based on the volume of the excavation or fill, whichever is greater. Before accepting a set of plans and specifications for checking, the building official shall collect a plan checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures as indicated elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan checking fee for grading plans shall be as set forth in the current fee schedule as adopted by resolution of the board of supervisors.

The plan checking fee for a grading permit authorizing additional work to that under a valid permit shall be tile difference between such fee paid for the original permit and tile fee shown for the entire project.

B. A fee for each grading permit shall be paid to the building official set forth in the current fee schedule as adopted by resolution of tile board of supervisors.

C. The building official or county engineer may require bonds in such form and amounts as may be deemed necessary to assure that tile work, if not completed in accordance with tile approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond tile applicant may file a cash bond or instrument of credit with tile building official in an amount equal to that which would be required in the surety bond. (Ord. 83-03 (part), 1983.)

14.05.090 Cessation of work.

If work ceases for any reason before the work is completed, all necessary steps shall be taken to leave the premises in a safe condition which will not cause damage to adjoining properties or to public roads or utilities or to any natural or manmade wetland, estuary or riparian drainage way through erosion or materials, landslides, or other instability of slopes and materials. If work is abandoned in an unfinished state, the premises shall be graded so as to blend the site into adjacent terrain and the provision of Section 14.05.040 shall apply. (Ord. 83-03 (part), 1983.)

14.05.100 Stop order.

A. Whenever the enforcing officer determines that any work involving removal of natural vegetation or movement of earth materials is occurring or has occurred in violation of the provisions of this chapter, the grading standards or any other applicable law or other governmental approval to perform the work, he shall issue a stop order directing that the violation cease immediately. The order shall state the nature of the violation and that it is deemed to be a nuisance and shall contain references to applicable provisions of law, the grading standards and/or conditions of approval upon which the enforcing officer based his determination. The order may include a statement of any corrective action the enforcing officer deems necessary to abate the condition pursuant to subsection C of this section.

The order shall direct that the condition constituting the violation be abated within ten days after the order is posted and shall state that in the event the owner fails to abate the condition, the condition may be abated at the owner's cost as provided in this chapter. If the enforcing officer determines that the work has proceeded without a required permit or

other necessary entitlement from the county, the order shall so state and shall direct that application for the permit or entitlement be made to the appropriate county department or officer.

The order shall be prominently posted at the site of the work and shall be addressed and mailed to the owner of the site, as determined by the latest assessment roll, and any engineer, contractor or equipment operator known to the enforcing officer to have caused to be responsible for causing the work to be done.

If the enforcing officer determines that the work is being performed under the authorization of or pursuant to approval by a public agency other than Del Norte County and which has jurisdiction to regulate the work, he shall refer the matter to that agency.

B. If no permit or other entitlement is required to perform the work necessary to abate the condition and the condition is abated within the ten-day period, the officer shall cause the order to be removed from the site and shall mail notice that the order has been revoked to the persons to whom the stop order was mailed.

C. Where permits or other entitlements are required, no further work shall be undertaken until such permit or entitlement is granted unless required by the enforcing officer to immediately abate potential hazard and/or negative impacts upon an environmentally sensitive area. When such occurs within the California Coastal Zone, any action for immediate abatement shall be processed as an emergency permit pursuant to Section ~~**21.50.050**~~ **21.50.060** DNCC. (Ord. 83-03 (part), 1983)

14.05.110 Abatement.

A. If a condition referred to in a stop order is not abated within ten days of the posting of the order, the board of supervisors may hold a hearing to determine whether the condition should be abated by the county and whether the cost of such abatement shall be specially assessed against the parcel of land where the work occurred which caused the condition. Notice of the purpose, date, time and place of the hearing shall be sent by registered or certified mail to the owner of the parcel and by regular mail to all other persons to whom the stop order was mailed. The notice shall be given not less than five days before the hearing.

B. At the hearing, the owner or his agent may appear and present evidence and reasons why the condition should not abated by the county and why the cost of such abatement should not be specially assessed against the parcel.

C. At the conclusion of the hearing, the board may order the condition abated by the county engineer and may order the cost of such abatement to be specially assessed against the parcel. (Ord. 83-03 (part), 1983.)

14.05.120 Emergency abatement.

A. Notwithstanding the provisions of Sections 14.05.070 and 14.05.080, the enforcing officer may order and cause the immediate abatement of any condition without notice if he finds that the public health, safety or welfare are immediately threatened or endangered by the condition and the circumstances require abatement before the owner can be notified of the condition or, if so notified, before abatement can be accomplished by the owner.

B. A complete report shall be rendered by the enforcing officer to the board of supervisors at its next regular meeting. The board may hold a hearing under the

provisions of Section 14.05.080 to determine whether the cost of the emergency abatement should be specially assessed against the parcel where the work occurred which caused the condition. (Ord. 83-03 (part), 1983.)

14.05.130 Assessment and lien.

A. If the board of supervisors determines after the hearing that the cost of abatement performed under Section 14.05.110 and 14.05.120, or both, shall be specially assessed against the parcel, the assessment shall be collected at the same time and in the same manner as county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for county taxes.

B. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to the special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon prior to the date on which the first installment of taxes would become delinquent, then the cost of abatement shall not result in a lien against the property but instead shall be transferred to the unsecured roll for collection. (Ord. 83-03 (part), 1983.)

14.05.140 Violations and remedies.

A. Violation of any provision of this chapter or the grading standards is a misdemeanor punishable by imprisonment in the County Jail for not more than six months, or by a fine of not more than five hundred dollars, or by both, for each offense. A separate offense is committed upon each and every day during which a violation of this chapter is committed, continued or permitted. Each offense is punishable separately from any other offense.

B. A violation of this chapter or the grading standards is expressly declared to be a public nuisance. The county counsel may bring any appropriate legal action or proceeding to abate, prevent, restrain or enjoin a violation of this chapter.

C. The remedies provided in this chapter are cumulative and not exclusive. Nothing in this division bars any legal, equitable, administrative or summary remedy to which any aggrieved person or Del Norte County may otherwise be entitled. (Ord. 83-03 (part), 1983.)

27. <u>Suggested Modification No. 27: (Uncertified Identified Implementation Measures)</u>

Incorporate various County Code Chapters or other adopted County procedures and standards identified in the Coastal Land Use plan for carrying out specific policies but not included in the Implementation Plan amendments, as follows:

a. <u>Title 10 – Vehicles and Traffic, Chapter 10.16: Restricted Driving Areas</u>

b. <u>Ordinance 2008- : Right to Farm</u>

c. <u>Road Systems and Drainage Systems Practice Manual</u>

28. <u>Suggested Modification No. 28: (Notice of Coastal Act Requirements)</u>
Incorporate all changes to various non-Title 21, County Code Chapters comprising the Implementation Plan which set forth provisions for other authorizations to serve concurrently as a coastal development permit authorization (or proposing automatic amendment if overarching state statute is amended), shown in the respective cited chapters and sections as follows:

a. <u>Title 7, Chapter 7.36 – Surface Mining and Quarries Ordinance, Sections 7.36.045, 7.36.050, 7.36.085, and 7.36.170</u>
b. <u>Title 14 – Buildings and Construction, Chapter 14.06 – California Coastal Zone Entitlement Procedures – Building and Grading Permits, Section 14.06.020</u>
c. <u>Title 16 – Subdivisions, Chapter 16.04: General Provisions, Section 16.04.033</u>
d. <u>Title 18 – Signs, Chapter 18.22: Permits Required, Section 18.22.010</u>
e. <u>Title 21 – Coastal Zoning, Chapter 21.50: California Coastal Zone Entitlement Procedures, Section 21.50.020 – General Provisions</u>
f. <u>Title 21 – Coastal Zoning, Chapter 21.50C: California Coastal Zone Entitlement Procedures – Use Permits, Section 21.50C.030 – Application Review</u>
g. <u>Title 21 – Coastal Zoning, Chapter 21.50D: California Coastal Zone Entitlement Procedures – Variances, Section 21.50D.030 – Application Review</u>

Chapter: 14.04

BUILDING CODES

Sections:

14.04.010 Adoption.
14.04.020 Amendments to codes.
14.04.030 Fees.
14.04.040 Regulations for limited-density owner-built rural dwellings.

14.04.010 Adoption

The most recent editions, including appendices, amendments, additions and deletions which have become effective, of the following uniform industry codes, as adopted by the State of California, regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance, plumbing and electrical requirements, are adopted, and incorporated in this chapter as though set forth in full by this reference, for all buildings and/or structures in the unincorporated area of the county of Del Norte:

A. California Building Standards Administrative Code (California Code of Regulations, Title 24, Part 1);

B. California Building Code (California Code of Regulations, Title 24, Part 2, Volume 1 and Volume 2) as prepared by the

C. California Electrical Code (California Code of Regulations, Title 24, Part 3) as prepared by the California Building Standards Commission and based on the National Electrical Code (NEC, NFPA);

D. California Mechanical Code (California Code of Regulations, Title 24, Part 4) as prepared by the California Building Standards Commission and based on the Uniform Mechanical Code (IAPMO);

E. California Plumbing Code (California Code of Regulations, Title 24, part 5) as prepared by the California Building Standards Commission and based on the Uniform Plumbing Code (IAPMO);

F. California Energy Code (California Code of Regulations, Title 24, Part 6) as prepared by the California Building Standards Commission;

G. California Historical Building Code (California Code of Regulations, Title 24, Part 8);

H. California Code for Building Conservation (California Code of Regulations, Title 24, Part 10);

I. California Reference Standards Code (California Code of Regulations, Title 24, Part 12);

J. Uniform Housing Code of the International Conference of Building Officials, except its definition of "substandard building." (**Ord. 20__ - __ § ____ (part), 20__ ;** Ord. 2006-005 § 2, 2008; (Ord. 96-19 § 2, 1996; Ord. 94-12 § 2, 1994: Ord. 90-14 § 1, 1990.)

14.04.020 Amendments to codes.

A. State Building Code.

1. Part 2, Title 24, C.A.C. Sec. 2-5351(b) l is amended as enacted by the county to read as follows:

   "Water heating budgets. The budgets for water heating systems for each building type and climate zone shall be those specified in Table 2-53Y. The annual water heating budgets specified in Table 2-53Y may be met by installing any gas storage type non-recirculating water heating system that does not exceed 50 gallons of capacity and that meets the minimum standards for efficiency and standby losses specified in Section 2-5314 and the requirements of Section 2-5352(i) or by the installation of an Electric Plus domestic water heating system as specified by resolution of the Board of Supervisors of the County of Del Norte.

   Calculate the energy consumption of all other water heating systems using an approved calculation method."

2. Pan 2. Title 24, C.A.C., item 8 is amended as enacted by the county to read as follows:

   "Water Heating Systems. All water heating systems must meet the water heating budgets specified in Table 2-53Y, or be installed in compliance as specified by resolution of the Board of Supervisors of the County of Del Norte. Solar domestic water heating systems installed to meet the

requirements of Alternative Component Package C in Tables 2-53Z1 through 2-53Z16 shall be designed so that the total system's use of depletable resources does not exceed 40 percent of the energy budget in Table 2-53Y, calculated using an approved calculation method."

3. The definition of “substandard building” set forth in California Health and Safety Code Section 17920.3 shall be used in place of the definition of “substandard building” from the Uniform Housing Code.

B. Local Building Code.

1. Footing Design. In order to reduce structural damage due to soil movement of expansive soils from fluctuations of soil moisture and to minimize seismic damage, all residential footings shall be structurally designed, including slab-on-grade footings, to include, at a minimum, the following steel reinforcement:

   a. For foundations supporting one floor there shall be two #4 (one-half-inch) rebar placed within the footing itself The placement of the rebar in the stemwall shall be such that a "continuous" bar of the same diameter rebar is formed.

   b. For foundations supporting two floors there shall be two #5 (five-eighths-inch) rebar placed within the footing itself The placement of the rebar in the stemwall shall be such that a "continuous" bar of the same diameter rebar is formed.

   c. If more than one pour of concrete is used in the construction of the foundation footing and stemwall, #4 rebar placed vertically at four feet on center is required.

2. Under Floor Moisture Barrier. Due to excessive soil moisture conditions in Del Norte County, an impervious moisture barrier shall be placed between the excavated grade and the floor area. This provision applies to both structurally supported floors and to slab-on-grade concrete floors. Where the area below the lowest supporting member to the average grade exceeds three feet, the placement of a moisture barrier is optional.

3. Under-Floor Clearance. In order to enhance protection against decay and termite infestation the following shall apply:

   a. Where the sub-floor rests directly on a girder and no floor joists are used the girder shall be no less than eighteen inches above grade.

   b. Concrete poured as a pest barrier under a structurally supported floor is to be considered as part of the measurement above grade, however there shall be a minimum clearance of twelve inches between the lowest supporting member and the poured in place concrete.

4. Ventilation. Due to the high humidity prevalent within Del Norte County the following measures are intended to prevent moisture build-up and condensation:

   a. A minimum of two inches of clearance shall be maintained between the insulation placed in the "attic" area and the inside of the roof. Such clearance shall be constructed in such a manner as to provide continuous air flow and shall apply to all types of ceiling/roof construction including shed roofs, cathedral ceilings, and other ceiling construction. -

b. A non-permeable material may not be used as a vapor barrier in the construction of the exterior walls or ceiling of any residential construction, unless specifically designed by a California licensed engineer or architect and specifically designed to reflect the local climatic conditions of Del Norte County for the climatic region in which the building is located.

c. The ration of under-floor ventilation to the area of the under-floor space shall not be less than one square foot for each one hundred square feet of under floor area. The ration of attic ventilation to the area of the attic space shall not be less than one square foot for each one hundred square feet of attic area and/or space ventilated.

5. Support Systems. In order that the appropriate service connections and installations are properly sized and designed, all support systems applicable to residential development may only be installed as part of the building permit issued for the subject residential construction or placement.

6. Meter Bases.

a. All single-family residential construction, or placement of a manufactured home, within all single-family "R" zone districts are permitted to have one electrical meter base per legally established parcel as part of the issuance of the building permit establishing the residential use of the parcel. Exceptions are permitted for legally established pre-existing nonconforming uses, use permits issued by the planning commission for home enterprises that meet County Code requirements for a second electrical meter for commercial purposes, for second single-family dwellings with individual utilities in compliance with County Code that have been issued a building permit.

b. All new meter bases, including the replacement of an existing meter base, are to be designed to provide for future underground service where overhead service is currently provided. Where underground service is provided, the meter base shall be designed for underground service.

7. Metal Connectors.

a. Seismic and Hurricane Anchors. Metal connectors designed to provide wind and seismic ties for trusses and rafters may be used for anchoring purposes, however such metal connectors shall be designed for the specific purpose and shall be installed on the outside of the plate member.

b. Roof Truss Blocking/Clips. Placement of the lower chord of a truss or frame on the top plate of a nonbearing wall shall require blocking or the installation of a roof truss clip to provide alignment control between the roof truss and the nonbearing wall.

8. Roof Overhangs. Pursuant to Government Code Section 65852.5, roof overhangs are required on conventional single-family residential construction as specified in Section 20.48.130 of Del Norte County Code. For the purposes of this section, "ends" are defined on conventional construction as that which is perpendicular to the entry or area of the residence facing the street.

9. Pole Structures. All pole structure (pole barns) over one thousand square feet in floor area are required to have engineered plans submitted with the building permit application. Such plans shall be prepared by an engineer licensed and registered to practice in California.
10. Addresses for Buildings. All buildings designed for residential or commercial occupancy, including mobile homes and manufactured homes, shall be issued an address by the county which conforms to the overall address system of the county at the time of issuance of a building permit. No certificate of completion nor certificate of occupancy nor a mobile home installation permit shall be issued unless the address of the building is displayed in conformance with Section 14.16.027 (posting of addresses) and Section 14.16.028 (Approved address numbers) of this Code.
11. Slab Flooring. Concrete or other slab flooring construction, within the conditioned floor area, shall, as a minimum, contain No. 3 rebar spaced four feet zero inches on center in each direction or 6-6-10-10 concrete reinforcement wire.
12. Placement of Manufactured Homes. Manufactured homes, which for the purposes of this code include mobile homes, trailers, and all other prefabricated dwelling units, are separate residential units, the construction and alteration of which are regulated by the state of California. No manufactured home shall be stored or placed in such a manner as to be physically connected or adjoined to any other residential unit, nor shall any manufactured home be modified so as to permit its physical connection or adjoinment to any other residential unit. Nothing contained herein shall prevent the lawful placement of manufactured homes on parcels of land which are approved mobile home parks or are approved for other multifamily uses, or otherwise approved for manufactured home use.
13. Property Lines. Any applicant proposing to set a structure within twenty-five feet of a property line or easement or right-of-way functioning as a property/lot line, shall identify the affected property line, easement or right-of-way line in the field. Such identification shall include marking in the field the subject property line(s) sufficient to permit the building inspector to verify building setbacks. The accuracy of the property line identification is the responsibility of the applicant. (**Ord. 20 - § (part), 20 ;** Ord. 2006-005 § 3, 2008)(Ord. 2003-009 § 3, 2003; Ord. 2000-002 § § 1, 2, 2000; Ord. 95-17 § 11, 1995; Ord. 94-12 § § 3, 4, 1994; Ord. 91-26 § 6, 1991; Ord. 90-16 § 1, 1991; Ord. 90-14 § 2, 1990.)

14.04.030 Fees.

All other fees not identified in Section 14.04.010 shall be as set forth by the board of supervisors in resolution, or as adopted in the applicable code. (**Ord. 20 - § (part), 20 ;** Ord. 90-14 § 3, 1990.)

14.04.040 Regulations for limited-density owner-built rural dwellings.

As provided in Section 17958.2 of the California Health and Safety Code, the county finds that the application of Article 10 of Subchapter 1 of Chapter 1 of Title 25 of

the California Administrative Code is reasonably necessary because of local conditions to the following areas(s):
Sunstar Area (the east half of the SE quarter of Section 34 and the south half of the SW quarter of Section 35 in R19NR5E): This rural area of the county is surrounded in total by federal ownership, is not provided with nor anticipated to be serviced by commercial electrical service, and is designated and zoned for low-density rural uses. A use permit (No. 1871) has been issued specifying the maximum allowable density and conditions of compliance. (Ord. 85-15 § 1, 1985.)

Chapter 14.05

GRADING, EXCAVATING AND FILLING

Sections:

14.05.010 Purpose.
14.05.020 Scope.
14.05.025 Jurisdiction.
14.05.030 Definitions.
14.05.040 Prohibited grading.
14.05.050 Exceptions from permit requirement.
14.05.060 Safety precautions.
14.05.070 Permit application.
14.05.075 Grading permit process when coastal permit is not required.
14.05.080 Fees and bonds.
14.05.090 Cessation of work.
14.05.100 Stop order.
14.05.110 Abatement.
14.05.120 Emergency abatement.
14.05.130 Assessment and lien.
14.05.140 Violations and remedies.

14.05.010 Purpose.

The purpose of this chapter is to promote and protect the public safety, convenience, comfort, prosperity, general welfare and Del Norte County's natural resources by establishing minimum requirements for grading, excavating and filling in order to:

A. Control flooding, erosion and sedimentation and prevent damage to off-site property and resource conservation areas;
B. Avoid creation of unstable slopes or unstable filled areas;
C. Prevent impairment or destruction of potential leach fields for sewage disposal systems;
D. Regulate de facto development caused by uncontrolled grading; and
E. Implement the policies of the general plan coastal element within the county's designated California Coastal Zone. (Ord. 83-03 (part), 1983.)

14.05.020 Scope.

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. (Ord. 83-03 (part), 1983.)

14.05.025 Jurisdiction.

The jurisdiction for this chapter shall be the entire county. (**Ord. 20 - § (part), 20 ;** Ord. 83-07 § 2 (part), 1983.)

14.05.030 Definitions.

For the purposes of this chapter, the following words and terms have the meanings indicated, unless tile context in which any word or term is used or a specific provision of this code requires another meaning.

A. "California Coastal Zone" means that area of the County under tile jurisdiction of tile California Coastal Act as set forth by Public Resources Code Section 30103 and as delineated by title Local Coastal Program prepared pursuant to that Act. The coastal element of title county general plan serves to implement Coastal Act policies within the coastal zone.

B. "Earth material" is any soil, sand, gravel, decomposed granite, rock or other natural material or fill.

C. "Enforcing officer" is the person or body so designated by the board of supervisors.

D. "Grading" means tile movement, removal or placement of any earth and/or vegetation materials except as regulated by Chapter 7.36 DNCC. Those activities excepted by Section 7.36.050 shall be considered as grading for the purposes of this chapter.

E. "Grading standards" are standards for grading, erosion control and sensitive resource area protection as adopted by resolution of the board of supervisors. Within the California Coastal Zone, standards shall be certified as a part of the local coastal program.

F. "Resource conservation area" means an environmentally sensitive habitat area which is a wetland, farmed wetland, riparian vegetation, estuary and/or coastal sand dune area as designated by tile general plan coastal element. (Ord. 83-03 (part), 1983.)

14.05.040 Prohibited grading.

No grading shall be done or caused to be done:

A. That will endanger any public or private property, result in the deposit of debris on any public way or significantly affect any existing wetland, drainage or other resource conservation area unless the hazard is eliminated by construction of retaining structures, buttress fills, drainage devices, landscaping, vegetation buffers, or other means required as a condition of a building and grading permit or other entitlement;

B. On land subject to geologic or flood hazards to a degree that no amount of protective or corrective work can eliminate the hazards to the property endangered;

C. As on-site preparation preparatory to or in association with any development which requires a permit or other entitlement, including but not limited to coastal zone permits, tentative maps, use permits, reasoning's, building permits, mobile home installation permits and sewage disposal permits, until the permit or entitlement to which the grading relates is issued;

D. That does not comply with applicable grading standards, unless an engineered alternative is approved as a part of a valid building and grading permit. (Ord. 83-03 (part), 1983.)

14.05.050 Exceptions from permit requirement.

All grading shall require the issuance of a building and grading permit pursuant to this title except that such permit shall not be required for the following:

A. Cultivation for the production of agricultural products including the rearing and management of livestock and the maintenance and repair of existing dikes, levees, drainage ditches and similar agricultural drainage systems pursuant to Title 20 and 2 1, DNCC;

B. The maintenance opening of the sandbar at Lake Talawa when consistent with agreements negotiated between the county and the California Department of Fish and Game;

C. Subsurface geologic exploration by a civil engineer, soil engineer, engineering geologist, or archaeologist required as part of an application for a permit such as a soils analysis or as a condition of approval of a project:

D. Activities involving grading and/or vegetation removal which is undertaken pursuant to a valid permit to engage in that activity issued by a public agency other than the county charged with control or regulation of the activity and related grading, such as timer harvesting and coastal zone permits issued pursuant to Section ~~**21.50.040**~~ **21.50.050** DNCC,

E. Grading and/or filling for cemetery graves where the cemetery exists prior to the adoption of this section or where a grading plan has been reviewed as part of a use permit:

F. Operation of refuse disposal sites for which permits have been issued;

G. Grading conducted during a civil emergency or natural disaster to relieve or correct conditions caused by such emergency or disaster or to make emergency firebreaks. Within the California Coastal Zone, the provisions of Section ~~**21.50.050**~~ **21.50.060** DNCC shall apply,

~~**H. Within the California Coastal Zone, grading subordinate to a use established prior to 1976 or by a coastal permit (or equivalent) such as gardens, yards, landscaping, native wooded habitat maintenance and driveways where:**~~

~~**1. Cuts and/or fills do not exceed five and/or three feet respectively; and**~~

~~**2. The subordinate use area does not conflict with the requirements of any RCA, W or C zoning district,**~~

~~**I.**~~ **H.** Outside of the California Coastal Zone, grading where:

1. Less than five hundred cubic yards of material is involved, and
2. Cuts which do not exceed five feet and are no steeper than two horizontal to one vertical, and

3. Fill less than one foot deep placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures and which does not obstruct a drainage course:

~~J.~~ **L.** Outside of the California Coastal Zone, temporary excavation for installation of underground storage tanks when no permanent change is made in the existing terrain and the excavation is refilled and temporary trench or pit excavations for the purpose of installing underground or overhead utilities.

No exemption shall apply to any grading that ~~adversely~~ significantly effects any off-site drainage or that ~~adversely~~ significantly effects the lateral support of or increases the stresses in or pressure upon any adjacent or contiguous property not owned by the owner of the land upon which such grading is performed.

No exemption provided in this section shall apply to any activity for which a permit or other entitlement for use is required to be issued by Del Norte County unless the application for that permit includes a grading plan for any grading related to the activity which has been found to be in conformance with the grading standards or an engineered alternative has been approved. (**Ord. 20 - § (part), 20 ;** Ord. 86-04 § 1 (part), 1986; Ord. 83-03 (part), 1983.)

14.05.060 Safety precautions.

In addition to the requirements of the grading standards, the requirements of all laws, ordinances, and regulations of the state and county, and regulations of the Industrial Accident Commission, California Department of Industrial Relations in relation to the character of the work, equipment and labor personnel involved in the project, shall be met.

Whenever the building official or county engineer determines that any existing excavation or embankment or rill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code. (Ord. 83-03 (part), 1983.)

14.05.070 Permit application.

A. Except as exempted in Section 14.05.050 of this code, no person shall do any grading without first obtaining a grading permit. A separate permit shall be required for each site, and may cover both excavations and fills.

B. The provisions of Section 302(a) of the Uniform Building Code are applicable to grading, and in addition the application shall state the estimated quantities of work involved.

C. Each application for a grading permit shall be accompanied by two sets of plans and specifications, and any required supporting data such as a soil engineering report or engineering geology report. The plans and specifications shall be prepared and signed by a civil engineer when required by the building official.

D. Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage;
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction;
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains;
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifteen feet of the property or which may be affected by the proposed grading operations. Specifications shall contain information covering construction and material requirements**;**
6. **Applicable erosion and stormwater control, and/or water quality and hydrology plan prepared pursuant to Section 21.55B.030**.

E. The provisions of Section 303 of the Uniform Building Code regarding permit issuance shall apply for projects not subject to the jurisdiction of the California Coastal Zone. Permit issuance for projects within the California Coastal Zone shall be pursuant to ~~Chapter~~ **Chapters** 14.06**, 21.50, and 21.55B,** DNCC. (Ord 83-03 (part), 1983.)

14.05.075 Grading permit process when coastal permit is not required.

A. Application for a grading permit for a project not requiring a coastal permit (see Chapter 14.06 for permit processing procedure for projects requiring a coastal permit) shall be made to the office of building inspectors on a form provided by said office and shall be accompanied by:

1. Proof of ownership and access;
2. An assessor's office plat map;
3. A plot plan of sufficient detail to illustrate location, distance from property lines, proposed improvements, septic tank and leach field, grading, etc.;
4. Two copies of building or grading plans and specifications (the building official may waive this requirement for small accessory structures);
5. Where applicable, soils analysis tests and/or soil reports.

B. Projects which don't require a coastal permit shall be reviewed as follows:

1. Upon receipt of a complete application, the department of planning and building shall review the application and, as soon as possible, circulate the application to the following listed departments for review and comment: assessor, fire department, public works department and health department. Each department shall submit a recommendation for action to the

department of public works. (**Ord. 20__ - __ § ___ (part), 20__ ;** Ord. 83-07 § 2 (part), 1983.)

14.05.080 Fees and bonds.

A. For excavation and fill on the same site, the fee shall be based on the volume of the excavation or fill, whichever is greater. Before accepting a set of plans and specifications for checking, the building official shall collect a plan checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures as indicated elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan checking fee for grading plans shall be as set forth in the current fee schedule as adopted by resolution of the board of supervisors.

The plan checking fee for a grading permit authorizing additional work to that under a valid permit shall be tile difference between such fee paid for the original permit and tile fee shown for the entire project.

B. A fee for each grading permit shall be paid to the building official set forth in the current fee schedule as adopted by resolution of tile board of supervisors.

C. The building official or county engineer may require bonds in such form and amounts as may be deemed necessary to assure that tile work, if not completed in accordance with tile approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond tile applicant may file a cash bond or instrument of credit with tile building official in an amount equal to that which would be required in the surety bond. (Ord. 83-03 (part), 1983.)

14.05.090 Cessation of work.

If work ceases for any reason before the work is completed, all necessary steps shall be taken to leave the premises in a safe condition which will not cause damage to adjoining properties or to public roads or utilities or to any natural or manmade wetland, estuary or riparian drainage way through erosion or materials, landslides, or other instability of slopes and materials. If work is abandoned in an unfinished state, the premises shall be graded so as to blend the site into adjacent terrain and the provision of Section 14.05.040 shall apply. (Ord. 83-03 (part), 1983.)

14.05.100 Stop order.

A. Whenever the enforcing officer determines that any work involving removal of natural vegetation or movement of earth materials is occurring or has occurred in violation of the provisions of this chapter, the grading standards or any other applicable law or other governmental approval to perform the work, he shall issue a stop order directing that the violation cease immediately. The order shall state the nature of the violation and that it is deemed to be a nuisance and shall contain references to applicable provisions of law, the grading standards and/or conditions of approval upon which the enforcing officer based his determination. The order may include a statement of any corrective action the enforcing officer deems necessary to abate the condition pursuant to subsection C of this section.

The order shall direct that the condition constituting the violation be abated within ten days after the order is posted and shall state that in the event the owner fails to abate the condition, the condition may be abated at the owner's cost as provided in this chapter. If the enforcing officer determines that the work has proceeded without a required permit or other necessary entitlement from the county, the order shall so state and shall direct that application for the permit or entitlement be made to the appropriate county department or officer.

The order shall be prominently posted at the site of the work and shall be addressed and mailed to the owner of the site, as determined by the latest assessment roll, and any engineer, contractor or equipment operator known to the enforcing officer to have caused to be responsible for causing the work to be done.

If the enforcing officer determines that the work is being performed under the authorization of or pursuant to approval by a public agency other than Del Norte County and which has jurisdiction to regulate the work, he shall refer the matter to that agency.

B. If no permit or other entitlement is required to perform the work necessary to abate the condition and the condition is abated within the ten-day period, the officer shall cause the order to be removed from the site and shall mail notice that the order has been revoked to the persons to whom the stop order was mailed.

C. Where permits or other entitlements are required, no further work shall be undertaken until such permit or entitlement is granted unless required by the enforcing officer to immediately abate potential hazard and/or negative impacts upon an environmentally sensitive area. When such occurs within the California Coastal Zone, any action for immediate abatement shall be processed as an emergency permit pursuant to Section ~~**21.50.050**~~ **21.50.060** DNCC. (Ord. 83-03 (part), 1983)

14.05.110 Abatement.

A. If a condition referred to in a stop order is not abated within ten days of the posting of the order, the board of supervisors may hold a hearing to determine whether the condition should be abated by the county and whether the cost of such abatement shall be specially assessed against the parcel of land where the work occurred which caused the condition. Notice of the purpose, date, time and place of the hearing shall be sent by registered or certified mail to the owner of the parcel and by regular mail to all other persons to whom the stop order was mailed. The notice shall be given not less than five days before the hearing.

B. At the hearing, the owner or his agent may appear and present evidence and reasons why the condition should not abated by the county and why the cost of such abatement should not be specially assessed against the parcel.

C. At the conclusion of the hearing, the board may order the condition abated by the county engineer and may order the cost of such abatement to be specially assessed against the parcel. (Ord. 83-03 (part), 1983.)

14.05.120 Emergency abatement.

A. Notwithstanding the provisions of Sections 14.05.070 and 14.05.080, the enforcing officer may order and cause the immediate abatement of any condition without notice if he finds that the public health, safety or welfare are immediately threatened or endangered by the condition and the circumstances require abatement before the owner

can be notified of the condition or, if so notified, before abatement can be accomplished by the owner.

B. A complete report shall be rendered by the enforcing officer to the board of supervisors at its next regular meeting. The board may hold a hearing under the provisions of Section 14.05.080 to determine whether the cost of the emergency abatement should be specially assessed against the parcel where the work occurred which caused the condition. (Ord. 83-03 (part), 1983.)

14.05.130 Assessment and lien.

A. If the board of supervisors determines after the hearing that the cost of abatement performed under Section 14.05.110 and 14.05.120, or both, shall be specially assessed against the parcel, the assessment shall be collected at the same time and in the same manner as county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for county taxes.

B. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to the special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon prior to the date on which the first installment of taxes would become delinquent, then the cost of abatement shall not result in a lien against the property but instead shall be transferred to the unsecured roll for collection. (Ord. 83-03 (part), 1983.)

14.05.140 Violations and remedies.

A. Violation of any provision of this chapter or the grading standards is a misdemeanor punishable by imprisonment in the County Jail for not more than six months, or by a fine of not more than five hundred dollars, or by both, for each offense. A separate offense is committed upon each and every day during which a violation of this chapter is committed, continued or permitted. Each offense is punishable separately from any other offense.

B. A violation of this chapter or the grading standards is expressly declared to be a public nuisance. The county counsel may bring any appropriate legal action or proceeding to abate, prevent, restrain or enjoin a violation of this chapter.

C. The remedies provided in this chapter are cumulative and not exclusive. Nothing in this division bars any legal, equitable, administrative or summary remedy to which any aggrieved person or Del Norte County may otherwise be entitled. (Ord. 83-03 (part), 1983.)

Chapter 14.06

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES BUILDING AND GRADING PERMITS

Sections:

14.06.010 Definitions and general requirements.
14.06.020 County entitlements equivalent to coastal development permits.

14.06.030 Application review.
14.06.040 Appeals.

14.06.010 Definitions and general requirements.

Building definitions and general requirements shall be as set forth in Chapters 14.04 and 14.16. Grading definitions and general requirements shall be as set forth in Chapter 14.05 and the grading standards adopted as part of the certified local coastal program. (Ord. 83-03 (part), 1983.)

14.06.020 County entitlements equivalent to coastal development permits

A. Where development within the California Coastal Zone requires the issuance of a building and/or grading permit pursuant to Title 14 of the Del Norte County Code, the permit shall serve as the coastal development permit, **provided all findings set forth in Section 21.50.100 can be made, and** subject to compliance with this chapter.

B. Projects which are exempt from coastal permit requirements or have presiding entitlement (e.g., use permit, PC zone) which is of sufficient detail and acts as a valid coastal permit at the time of application, they shall be reviewed pursuant to county regulations for non-coastal projects.

C. Where coastal permit jurisdiction lies with the California Coastal Commission, as set forth in County Code Section ~~**21.50.040**~~ **21.50.050** and its maps, the regulations of this title shall apply. However, the county permit or entitlement shall not act as a coastal permit. In such cases the county permit shall be processed pursuant to county regulations for non-coastal projects.

D. Appeals. Any person, including the applicant, aggrieved by an action of the planning commission or the board of supervisors on a building and/or grading permit that would serve as a coastal development permit may appeal that action to the board or the Coastal Commission pursuant to the procedures set forth in Chapters 21.51 and 21.52 of the local coastal program zoning enabling ordinance regulations. (Ord. 20__-__ § ___ (part), 20__; Ord. 86-04 § 1 (part), 1986, Ord. 83-03 (part), 1983.)

14.06.030 Application review

A. Application for a building or grading permit shall be made to the office of building inspectors on a form provided by said office and shall be accompanied by:

1. Proof of ownership and access;
2. An Assessor's office plat map;
3. A plot plan of sufficient detail to illustrate location, distance from property lines, proposed improvements, septic tank and leach field, grading, etc.;
4. Two copies of building or grading plans and specifications (the building official may waive this requirement for small accessory structures);
5. Where applicable, soils analysis tests and/or soil reports.

B. Projects which require a coastal permit and are not appealable to the California Coastal Commission as set forth in Section 21.50.030 shall be reviewed as follows:

1. Upon receipt of a complete application, the department of planning and building shall review the application and, as soon as possible, circulate the

application to the following listed departments for review and comment: assessor, fire department, public works department, and health department. Each department shall submit a recommendation for action to the department of planning and building.

C. Projects which require a coastal permit and are appealable to the California Coastal Commission shall be reviewed as follows:

1. Environmental Review Committee (See Title 16). The environmental review committee shall review an application at its next regular meeting after submission of the application packet to the department of planning and building. Review shall include:

a. A determination of completeness of the application and, where necessary, notification of any additional information required.

b. A recommendation for action on an environmental document pursuant to the California Environmental Quality Act.

2. Planning Staff Report. Project applications shall be reviewed by the environmental review committee, scheduled for planning commission /harbor commission hearing and shall be accompanied by a report from the staff of the department of planning and building. The report shall include a description of the project, its location, any applicable regulations and/or policies, any responses to comments submitted regarding the project and a recommendation for findings and/or conditions, if any, including consistency with the zoning and/or general plan. (Ord. 83-03 (part), 1983.)

Chapter: 14.04

UNIFORM FIRE CODE

Sections:

14.16.010 Adoption of the Uniform Fire Code.
14.16.020 Definitions.
14.16.025 Access roadways for fire apparatus.
14.16.026 Premises identification.
14.16.027 Posting of addresses.
14.16.028 Approved address numbers.
14.16.029 Posting of road naming signs.
14.16.030 Areas where storage of flammable or combustible liquids is prohibited.
14.16.040 Areas where bulk storage of liquefied petroleum gas is restricted.
14.16.050 Areas where storage of explosives and blasting agents is prohibited.
14.16.060 Appeals.
14.16.070 Penalties.

14.16.010 Adoption of the Uniform Fire Code.

There is adopted by the board of supervisors, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code, recommended by the Western Fire Chiefs' Association and the International Conference of Building Officials, being particularly the 1979 edition thereof, and the whole thereof, save and except such portions as are deleted, modified or amended by provisions of this chapter, of which code not less than three copies have been and are now filed in the office of the clerk of the county and the same are adopted and incorporated as fully as it set out at length in this chapter, and from the date on which the ordinance in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the unincorporated area of the county. (**Ord. 20__ - __ § ___ (part), 20__ ;** Ord. 87-04 § 1, 1987: Ord. 80-03 § 1, 1980.)

14.16.020 Definitions.

A. Wherever the word "chief" is used in the Uniform Fire Code it shall refer to the chief of the fire protection district having jurisdiction over the territory in which the chief is required or permitted to act.

B. Wherever the term "Corporation Counsel" is used in the Uniform Fire Code, it shall be held to mean the attorney for the county of Del Norte.

C. Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the unincorporated area of the county of Del Norte. (**Ord. 20 - § (part), 20 ;** Ord. 87-04 § 2, 1987: Ord. 80-03 § 2, 1980.)

14.16.025 Access roadways for fire apparatus.

The requirements for access roads imposed by Section 10.207 of the Uniform Fire Code are deleted from this adoption. The standards for private rural roads set forth in Chapter 12.05 of this code are made applicable to access roads for fire apparatus. A chief may recommend standards in excess of those set forth in Chapter 12.05 whenever he is of the opinion that an access road constructed to such standards will not allow access by the fire protection district's fire apparatus. It shall be the duty of each chief to inform owners of premises within his jurisdiction when in his opinion access roads to such premises are not adequate to permit fire apparatus to approach the premises for purposes of fire suppression. (**Ord. 20 - § (part), 20 ;** Ord. 87-04 § 3, 1987.)

14.16.026 Premises identification

The provisions of Section 10.208 of the Uniform Fire Code shall not be applicable in this county. (**Ord. 20 - § (part), 20 ;** Ord. 88-23 § 1, 1988: Ord. 87-04 § 4, 1987.)

14.16.027 Posting of addresses.

A. All residential and commercial buildings shall have approved address numbers conspicuously posted at all times. Address numbers shall be posted on the side of the building facing the frontage street.

B. In the event address numbers are not visible from the frontage street, the approved address numbers shall be placed at the beginning of the driveway. If more than one driveway services a single structure the approved numbers shall be placed at the beginning of each driveway. Where there are more than one residential or commercial

buildings with separate addresses located on the same driveway, or driveways, the approved address numbers shall be placed upon both the structure and at the beginning of the driveway. (**Ord. 20 - § (part), 20 ;** Ord. 88-23 § 2, 1988.)

14.16.028 Approved address numbers.

County approved address numbers shall be reflective white Arabic numerals at least three inches in height on a green metallic background of overall dimensions of four inches by ten inches. (**Ord. 20 - § (part), 20 ;** Ord. 88-23 § 3, 1988.)

14.16.029 Posting of road naming signs.

A. Name identification signs shall be placed at all intersections of improved roads, whether public or private, of three hundred feet or more in length, or which serve three or more residences.

B. Said signs shall consist of white reflective letters and numerals on a green background and be posted so as to adequately indicate which intersecting road is being identified and of adequate height to be visible to motorists.

(**Ord. 20 - § (part), 20 ;** Ord. 88-23 § 4, 1988)

14.16.030 Areas where storage of flammable or combustible liquids is prohibited.

A. The limits referred to in Section 79.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are established as follows: all areas zoned by the county as other than “M” districts, manufacturing and industrial.

B. The limits referred to in Section 79.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: all areas zoned by the county as other than "M" districts, manufacturing and industrial. (Ord. 80-03 § 3, 1980.)

14.16.040 Areas where bulk storage of liquefied petroleum gas is restricted.

The limits referred to in Section 82.105(a) of the Uniform Fire Code, in which bulk storage of liquefied gas is restricted, are established as follows: all areas zoned by the county as other than "M" districts, manufacturing and industrial. (Ord. 80-03 § 4, 1980.)

14.16.050 Areas where storage of explosives and blasting agents is prohibited.

The limits referred to in Section 77.106(b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are established as follows: all areas zoned by the county as other than “M" districts, manufacturing and industrial. (Ord. 80-03 § 5, 1980.)

14.16.060 Appeals.

Whenever the chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the intent and meaning of the code have been misconstrued or wrongly interpreted, the

applicant may appeal from the decision of the chief to the board of supervisors within thirty days from the date of the decision appealed. (Ord. 80-03 § 6, 1980.)

14.16.070 Penalties.

A. Any person who shall violate any of the provisions of the code adopted in this chapter, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of supervisors or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 80-03 § 7, 1980.)

29. <u>Suggested Modification No. 29 (Organization/Recodification)</u>

All changes to the organization of the IP as follows:

a. ***Reiteratively codify Title 7, Chapter 7.36 – Surface Mining and Quarries Ordinance as coastal zone-exclusive Title 21, Chapter 21.57 – Surface Mining and Quarries Ordinance.***

b. ***Reiteratively codify Chapter 12.05 – Standards for Private Rural Roads as coastal zone-exclusive Title 21, Chapter 21.51 – Standards for Private Rural Roads.***

c. ***Reiteratively codify Chapter 14.04 – Building Codes as coastal zone-exclusive Title 21, Chapter 21.52 – Building Codes.***

d. ***Reiteratively codify Chapter 14.05 – Grading, Excavating, and Filling as coastal zone-exclusive Title 21, Chapter 21.53 – Grading, Excavating, and Filling.***

e. ***Reiteratively codify Chapter 14.06 – California Coastal Zone Entitlement Procedures-Building and Grading Permits as coastal zone-exclusive Title 21, Chapter 21.54 – California Coastal Zone Entitlement Procedures-Building and Grading Permits.***

f. ***Reiteratively codify Chapter 14.16 – Uniform Fire Code as coastal zone-exclusive Title 21, Chapter 21.55 – Uniform Fire Code.***

g. ***Reiteratively codify (1) Title 16 – Land Divisions, Chapter 16.04 General Provisions, Sections 16.04.010 through 16.04.032, and 16.04.040, and Chapters 16.08 Tentative maps, 16.10 Planning Commission-Action and Findings, 16.12 Action Following Final Approval of Tentative Map, 16.14 Action Following Approval of Final Map or Parcel Map, and 16.16 Vesting Tentative Maps, and (2) recodify Chapter 16.04 General Provisions, Sections 16.04.033 and 16.04.037 as (1) new coastal zone-exclusive Title 22 – Coastal Land Divisions, Chapters 22.04 General Provisions, Sections 22.04.010 through 22.04.032, and 22.04.040, and Chapters 22.08 Tentative maps, 22.10 Planning Commission-Action and Findings, 22.12 Action Following Final Approval of Tentative Map, 22.14 Action Following Approval of Final Map or Parcel Map, and 22.16 Vesting Tentative Maps, and (2) coastal zone-exclusive Title 21- Coastal Zoning, Chapter 21.64.010 through 21.64.030, and Title 22 – Coastal Land Divisions, Chapter 22.04, Sections 22.04.033 and 22.04.037, respectively.***

h. ***Reiteratively codify Title 18 – Signs as coastal zone-exclusive, consolidated Title 21, Chapter 21.55, Sections 21.55.010 through 21.55.510.***

i. ***Recodify Title 20 – Zoning, Chapter 20.21A, HDR Harbor Dependent Recreational District as Title 21, Chapter 21.34B HDR Harbor Dependent Recreational District.***

j. ***Recodify Title 20 – Zoning, Chapter 20.21B, HDC Harbor Dependent Commercial / Industrial District as Title 21, Chapter 21.34C HDC Harbor Dependent Commercial / Industrial District.***

k. ***Recodify Title 20 – Zoning, Chapter 20.21C, HDR Harbor Dependent Commercial / Light Industrial District as Title 21, Chapter 21.34D HDR Harbor Dependent Commercial / Light Industrial District.***

l. ***Recodify Title 20 – Zoning, Chapter 20.21D, G Greenery Areas District as Title 21, Chapter 21.34E G Greenery Areas District.***

m. ***Recodify Title 20 – Zoning, Chapter 20.21E, HD Harbor Dependent District as Title 21, Chapter 21.34A HD Harbor Dependent District.***

n. ***Revise descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added, revised, or rechaptered through suggested modifications.***

o. ***Number all chapters and sections, including table entries, in appropriate sequential order and correct all policy and standards cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.***

p. ***Change all references to "General Plan" to "Coastal Land Use Plan" throughout the Coastal Zoning and Coastal Subdivision titles.***

q. ***Publish the updated Local Coastal Program Zoning Enabling Ordinance and Land Division Ordinance implementation measures as Title 21 – Coastal Zoning and Title 22 – Coastal Subdivisions, respectively, incorporating all of the above suggested modifications.***