

Chapter 20.21E

HD HARBOR DEPENDENT DISTRICT

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EXHIBIT NO. 4
APPLICATION NO. DNC-MAJ-2-03 DEL NORTE COUNTY LCP AMENDMENT PROPOSED AMENDED ZONING CODE (IP)

20.21E.010 Intent.

This district classification is intended to provide areas for harbor dependent uses which are dependent upon the activities or products at or generated by the Crescent City Harbor. Changes of district classification from harbor dependent to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan. The location of each proposed use shall conform with the adopted land use designations and development plan (Figures 3 and 4) of the Harbor Port Land Use Plan.

For the purposes of Section 21.52.020(A)(4), the harbor dependent recreational uses listed under Section 20.21E.020 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 in Section 21.52.020(A)(4).

The regulations set forth in this chapter apply in all Harbor Dependent Recreational Districts. (Ord. 2003-005 § 1 (part), 2003.)

20.21E.020 The principal permitted use.

The principal permitted harbor dependent use includes uses such as:

- A. Coast Guard stations and quarters.
- B. Harbor district and fisherman's organizations offices.
- C. Publicly owned support facilities including net repair/drying areas.
- D. Fisheries storage, supplies, and ice facilities.
- E. Dredge spoils disposal.
- F. Marine electronic repair shops.
- G. Parking facilities. (Ord. 2003-005 § 2 (part), 2003.)

20.21E.030 Uses permitted with a use permit.

Uses permitted with a use permit shall be as follows:

- A. Boat basins, marine terminals and docking facilities.
- B. Oil and fuel storage and retail sale.
- C. Seafood processing and sales.

D. Restaurants and cafes oriented towards harbor products and activities. (Ord. 2003-005 § 3 (part), 2003.)

20.21E.040 Building height limit.

Building height limit shall be fifty feet. (Ord. 2003-005 § 4 (part), 2003.)

20.21E.050 Minimum lot area required.

Minimum lot area shall be two thousand eight hundred and fifty square feet. (Ord. 2003-005 § 5 (part), 2003.)

20.21E.060 Minimum lot width.

Minimum lot width shall be thirty feet. (Ord. 2003-005 § 6 (part), 2003.)

20.21E.070 Percentage of lot coverage permitted.

Percentage of lot coverage permitted shall be up to one hundred percent of the building site, except as required in Chapter 21.47. (Ord. 2003-005 § 7 (part), 2003.)

20.21E.080 Front yard required.

Required front yard shall be none, except as provided in Chapter 21.47 and Section 21.46.090. (Ord. 2003-005 § 8 (part), 2003.)

20.21E.090 Side yard required.

Required side yard shall be none, except as provided in Chapter 21.47 and Section 21.46.090. (Ord. 2003-005 § 9 (part), 2003.)

20.21E.100 Rear yard required

Rear yard required shall be none, except as provided in Chapter 21.47 and Section 21.46.090. (Ord. 84-02 § 2 (part), 1984.)

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.040	Uses permitted with a use permit.
21.11A.050	Minimum lot areas.
21.11A.060	Supplemental application data.
21.11A.070	Requirements for all permitted development.
21.11A.080	Wetland restoration guidelines.

21.11A.010 Intent.

Resource conservation areas are those environmentally sensitive habitat areas which are identified by the General Plan Coastal Element 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), 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). 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 between the edge of the wetland and any future and/or existing development. Such wetland buffers shall be one hundred feet in width unless a determination of no adverse impact upon the wetland 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 area 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 resource conservation area shall be noted, i.e., wetland (W), wetland buffer (WB), 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 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 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.
- 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**. (**Ord. 2003-002**; Ord. 83-03 (part))

21.11A.040 Uses permitted with a use permit.

Uses permitted with a use permit 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 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 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. 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. Mineral extraction, including sand for restoring beaches, pursuant to Chapter 7.36 of the Del Norte County Code;
 6. Restoration purposes;
 7. Nature study, aquaculture, or similar resource-dependent activities;
 8. 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. 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 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. 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.

21.11A.060 Supplemental application data.

Where development is proposed wholly or partially within a resource conservation area and/or any buffer which may be required for it, a supplemental information report may 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., estuaries, 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. 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 and the General Plan Coastal Element.
- 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. 83-03 (part))

21.11A.080 Wetland restoration guidelines.

Restoration projects which are a permitted development in Section 21.11A.040(D) 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:

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. 83-03 (part))

Chapter 21.14

CT COASTAL TIMBER ZONE DISTRICT

Sections:

21.14.010 Intent.

21.14.020 The principal permitted use.

21.14.030 Uses permitted subject to a conditional use permit.

21.14.040 Minimum lot size.

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) , 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 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 coastal timber zone districts, subject to the provisions of Chapters 21.02 through 21.60. (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. Recreational use of the land for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing. (Ord. 83-03 (part))

21.14.030 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. (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 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. 2003-002 § (part);** 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 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), 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).

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 shall be as follows:

- A. All residential uses permitted in R-1, R-2, R-3, and MHI and 2 districts and commercial uses as in the C-1 district;
- B. Mobilehome subdivisions;

C. Golf course and their associated clubhouse, putting green, pro shop, parking and unlighted driving range activities. Uses which could also be considered as accessory include restaurant, bar, court facilities, (i.e., tennis), swimming pool and health club. Minimum lot size is 25 acres. Density credit for the purpose of clustered residential development as part of the project shall be 1 unit for every 2 acres designated as Golf land use. Such density may be added to any addition density credit from adjacent Residential land use designations on the same project site as part of an overall planned community.

C. D. 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 or adopted specific plan.

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 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 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 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 zone district is therefore consistent with the residential designations of the county General Plan or adopted specific plan land use element. 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 or adopted specific plan.

For the purposes of Section 21.52.020(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).

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. (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 district 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 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 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 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 district except where the C-1 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 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 21.28

C-R COMMERCIAL RECREATIONAL DISTRICT

Sections:

- 21.28.010 Intent.**
- 21.28.020 The principal permitted use.**
- 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), 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). 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:

- A. Hotels, motels, guest lodging and motor inns;
- B. Private or 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. (Ord. 83-03 (part))

21.28.030 Uses permitted with a use permit.

Uses permitted with a use permit 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~~ Timeshare hotel resorts where new construction, not conversion of existing uses, is undertaken subject to the provisions that:
 - 1. A minimum of 50% of the projects units shall be available for transient visitor rooms; and
 - 2. On-site recreational facilities (such as swimming pool, sports courts, spa, bicycle trail, golf courses, etc.) are provided; and
 - 3. A minimum of one public-oriented activity is provided within the development such as restaurant/gift store complex, public recreation use, or public access to adjacent public recreational area;
- 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 and any adopted General Plan or specific plan;
- H. Nonflashing signs exceeding forty square feet in aggregate area, subject to Title 18 of the Del Norte County Code. (Ord. 2003-002 § (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 21.50B

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES ZONING AMENDMENTS

Sections:

21.50B.010	Definition.
21.50B.020	General Plan consistency.
21.50B.030	Application review.
21.50B.040	Notification.
21.50B.050	Hearings.
21.50B.060	Local Coastal Program amendments (LCP -- Zoning amendments).

21.50B.010 Definition.

A zoning amendment is an amendment to Chapters 21.02 through 21.60 to establish or change zoning district text, district boundaries or any other provisions thereof whenever the public necessity, convenience and/or general welfare require such an amendment. (Ord. 83-03 (part))

21.50B.020 General Plan consistency.

Chapters 21.02 through 21.60 and any amendment thereto shall be consistent with the County's General Plan. Within the California coastal zone consistency of zoning with the General Plan Coastal Element shall be as set forth in Table A, following this chapter. (Ord. 83-03 (part))

21.50B.030 Application review.

A. Application for a zoning amendment 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 plat 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 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. (Ord. 83-03 (part))

21.50B.040 Notification.

- A. The county shall provide notice of pending application for a zoning amendment 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 applicant;
 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. Notice of a public hearing shall be provided at least ten days prior to the hearing by:
1. First-class mail to each applicant, to all per-sons who have requested to be on the mailing list for the project of for coastal decisions within the county's coastal zone and to the Coastal Commission; and
 2. First-class mail to all property owners within three hundred feet of the perimeter of the parcel on which the development is proposed except that when notice would be sent to greater than one thousand owners alternative notice in a newspaper of general circulation pursuant to Government Code Section 65854.5 may be utilized; and
 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 at-testing to the delivery of the notices. The affidavit shall be submitted within three calendar days of delivery; and
 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 a request in writing to the department of planning and building at any time during the calendar year and it shall apply for the balance of such 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))

21.50B.050 Hearings.

A. Zoning amendments shall be heard by the planning commission at the date, time and place set forth in the required public notice.

B. Following the public hearing for a zoning amendment the commission shall make a written report to the board of supervisors summarizing any issues, addressing specific finding, including General Plan conformance and setting forth the commission's recommendation including any conditions or changes.

C. The board of supervisors, upon receipt of a commission report for a zoning amendment, shall set the matter for a public hearing and shall give notice thereof as set forth in Section 21.50B.040. The board may approve, modify or disapprove any recommendation of the commission. Any modification of the proposed ordinance or amendment shall be referred back to the commission for a report and recommendation. The board also may, by resolution, abandon any proceedings for an amendment initiated by its own action, provided that such abandonment may be made only when such proceedings are before such body at a hearing for which required notice has been given. (Ord. 83-03 (part))

21.50B.060 Local Coastal Program amendments (LCP -- Zoning amendments).

A. Zoning amendments within the California coastal zone shall constitute an amendment to the Local Coastal Program except where:

1. The amendment deals solely with the issue of the establishment or removal of the MH-1 and MH-2 (mobilehome) combining district zone; or
2. The amendment consists of an interchange between the RR-1 (rural residential) and RRA-1 (high density rural residential agriculture) district zones for the provision for or control of agricultural animals.

B. A textual amendment to Chapters 21.02 through 21.60 shall be an amendment of the Local Coastal Program and, if approval is recommended by the county upon completion of local review, shall be submitted as such to the California Coastal Commission for review.

C. Any zoning map amendment involving the application or removal of Chapters 21.37 through 21.39 (flood zone combining districts), Chapter 21.35 (coastal area combining district), or the removal of Chapter 21.11A (designated resource conservation area) shall be considered a major amendment of the local coastal program and, if approval is recommended by the county upon completion of local review, shall be submitted as such to the California Coastal Commission for review. A rezoning from RCA-1 to RCA-2 pursuant to Section 21.11.060 shall be considered a minor amendment and shall be submitted as such to the California Coastal Commission

D. Except as provided in subsections A through C of this section, a zoning map amendment where the zoning district use and density are consistent with the certified land use plan and density as set forth in Table ~~A~~ **herein 3-1 of the General Plan Policy Document** shall be considered a minor amendment of the Local Coastal Program and, if approval is recommended by the county upon completion of local review, shall be submitted as such to the California Coastal Commission for review.

E. No local coastal program zoning amendment shall take effect until it has been certified by the California Coastal Commission. (**Ord. 2003-002 § (part)**; Ord. 86-04 (part), 1986; Ord. 83-03 (part))

**TABLE A
COASTAL ELEMENT LAND USE PLAN AND ZONING CONSISTENCY**

LUP LAND USE	ZONING DISTRICT																																											
	AE	A-20	A-5	A-1	RCA-1	RCA-2	TP	CT	RR-1	RR-1*	RR-2	RR-3	RR-5	R-1	MHP	R-2	R-3	PC	HDR	HDC	G	C-1	C-2	C-3	C-R	C-4	M	MP	PF	B#	C	D	FP1	FP2	FP3	MH&S2	W1							
Res 0-2			C						C	C				C				C				C									C	C	C	C	C	C	C	C						
Res 0-6														C		C		C				C									C	C	C	C	C	C	C	C	C					
Res 0-15														C		C	C	C				C									C	C	C	C	C	C	C	C	C					
Res 12-30														C		C	C	C				C									C	C	C	C	C	C	C	C						
GC																							C	C	C							C		C	C	C	C							
VSC																									C								C		C	C	C	C						
GI																											C	C	C				C		C	C	C	C						
LI/HC																											C	C	C				C		C	C	C	C						
RR 1/1									C	C	C	C	C					C				C										C	C	C	C	C	C	C	C					
RR 1/2											C	C	C					C				C										C	C	C	C	C	C	C	C	C				
RR 1/3												C	C					C				C										C	C	C	C	C	C	C	C	C				
RR 1/5 ²													C					C				C									C	C	C	C	C	C	C	C	C	C				
RN										C				C				C				C									C	C	C	C	C	C	C	C	C	C				
RMHP														C																		C	C	C	C	C	C	C	C					
W 1/2 ¹							C	C			C							C														C	C	C	C	C	C	C	C	C	C	C		
W 1/3 ¹							C	C				C						C														C	C	C	C	C	C	C	C	C	C	C	C	
W 1/5 ¹							C	C				C						C														C	C	C	C	C	C	C	C	C	C	C	C	
A Prime	C																															C		C	C	C	C	C	C	C				
GA 20	C	C																														C	C	C	C	C	C	C	C	C				
GA 5	C	C	C																													C	C	C	C	C	C	C	C	C				
AI				C																												C		C	C	C	C	C	C	C				
TP							C	C																								C		C	C	C	C	C	C	C				
Non-TPZ							C	C																								C	C	C	C	C	C	C	C	C				
PF																																C		C	C	C	C	C	C	C				
RCA					C	C	C																									C		C	C	C	C	C	C	C				
HD-C																				C																								
HD-R																						C																						
G																							C																					

Consistent

Not Consistent

* When assigned density does not exceed General Plan Density

1 Woodlot LUP and IP designations deleted by LCP Amendment No. 2-86; all areas therein re-zoned to RR1/2|RR-2, RR1/3|RR-3, and RR1/5|RR-5, respectively

2 LUP-IP Consistency of RR1/5 with RRA-5 established through Commission's action on LCP Amendment No. 2-86 (See Ord. 86-04)