

BOARD OF SUPERVISORS  
COUNTY OF DEL NORTE  
STATE OF CALIFORNIA

ORDINANCE NO. 84- 16 \*

AN ORDINANCE AMENDING SECTIONS 7.36.085,  
16.10.040, 19.04.070, 20.58.010, 20.58.040  
OF THE DEL NORTE COUNTY CODE REGARDING  
APPEALS FROM THE PLANNING COMMISSION

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

Section 1. Section 7.36.085 of the Del Norte County Code is amended to read as follows:

A. Any person, including the applicant, aggrieved by an action of the planning commission may appeal that action to the board of supervisors following the procedure set forth at 20.58.010.

B. An application for a permit to operate which is denied in an area of statewide 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 Board.

Section 2. Section 16.10.040 of the Del Norte County Code is amended to read as follows:

A. The subdivider, any county department, or any affected person, may appeal any action of the planning commission with respect to a tentative map. The appeal shall be in compliance with Section 20.58.010 and the appeal and hearing thereon shall be conducted in the manner provided by Government Code Section 66451.3 and 66452.5.

B. Any member of the board of supervisors may call up a tentative map for board review at any point in the map-processing procedure. The board of supervisors may, on their own motion, review or set aside any action of the planning commission with respect to a tentative map by giving notice of its intention to review the matter within fifteen days of the planning commission action. The board may, in its discretion, set the matter for hearing, and such hearing shall be conducted in the same manner that the planning commission conducted its hearing including environmental review.

Section 3. Section 19.04.070 of the Del Norte County Code is amended to read as follows:

Any final action by the county relating to the EIR process or its application may be appealed to the Planning Commission, and from the planning commission to the board of supervisors. A fee may be charged for the filing of each appeal, the amount of which shall be set by policy action of the board of supervisors. The appeal shall clearly state the grounds on which the appeal is being taken, provide supporting

documentation, and state the relief being sought. All procedures shall comply with Section 20.58.010 of this code.

Section 4. Section 20.58.010 of the Del Norte County Code is amended to read as follows:

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 planning commission must express all bases for appeal with sufficient information and documents supporting all grounds of appeal reasonably available 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 subsection 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 planning 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.

Section 5. Section 20.58.040 of the Del Norte County Code is amended to read as follows:

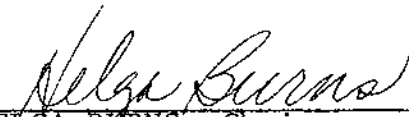
Within sixty days of the filing of the notice of appeal, the board of supervisors shall render its decision on the matter. Failure of the board of supervisors to render its decision on the matter within sixty days of the filing of the notice of appeal shall be a denial of the appeal and an affirmation of the action of the planning commission. The decision of the board of supervisors upon any appeal is final and conclusive as to all things involved in the matter.

PASSED AND ADOPTED by the Board of Supervisors, County of Del Norte, State of California, this 15th day of October 1984, by the following polled vote.

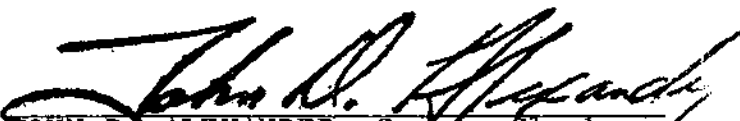
AYES : Supervisors Burns, Brown, Crockett, and Dee.

NAYES : NONE

ABSENT: Supervisor Smedley

  
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HELGA BURNS, Chairman  
Board of Supervisors

ATTEST:

  
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JOHN D. ALEXANDER, County Clerk-Recorder and ex-officio Clerk of the Board of Supervisors, County of Del Norte, State of California