

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

ORDINANCE NO. 82- 09*

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF DEL NORTE AMENDING PORTIONS OF
THE COUNTY ZONING ORDINANCE, SURFACE MINING
AND QUARRIES ORDINANCE, ENVIRONMENTAL GUIDE-
LINES AND PROCEDURES ORDINANCE AND SUBDIVISION
ORDINANCE.

The Board of Supervisors of the County of Del Norte,
State of California, do hereby ordain as follows:

SECTION I: The purpose of the following amendments to
existing County Code is to reflect manda-
tory requirements pursuant to legislative
action, title changes of local officials,
clarification of existing local procedures
and to correct conflicts with existing fee
schedules.

SECTION II: The below listed titles and chapters of
the Del Norte County Code are amended as
specified in the attached Exhibit A:

A. Title 20 Zoning:

1. Chapter 20.04 Definitions
2. Chapter 20.45 D - District Combining
3. Chapter 20.48 General Provisions
4. Chapter 20.52 Amendments
5. Chapter 20.54 Variances
6. Chapter 20.56 Use Permits
7. Chapter 20.58 Appeals

B. Title 7 Health and Welfare:

1. Chapter 7.36 Surface Mining and
Quarries

C. Title 16 Subdivisions

1. Chapter 16.04 General Provisions
2. Chapter 16.08 Tentative Maps
3. Chapter 16.10 Planning Commission -
Action and Findings
4. Chapter 16.12 Action Following Final
Approval of Tentative
Map
5. Chapter 16.14 Action Following
Approval of Final Map
or Parcel Maps

D. Title 19 Environment

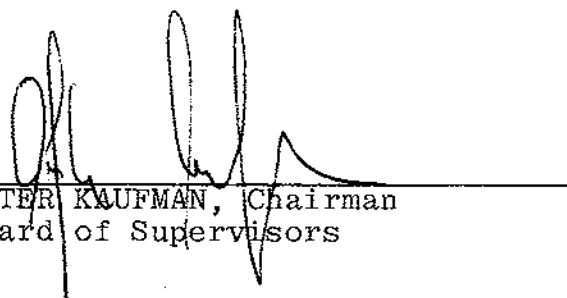
1. Chapter 19.04 Environmental Guide-
lines and Procedures

PASSED AND ADOPTED this 6th day of July, 1982, by the
following polled vote:

AYES: Supervisors Burns, Brown, Crockett, Smedley and Kaufman.


NOES: None.

ABSENT: None.



PETER KAUFMAN, Chairman
Board of Supervisors

ATTEST:



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

EXHIBIT A

1. Zoning Amendments - Clarification, Existing Policy.

Amend Section 20.52.030 to read as follows:

20.52.030 Application Fee:

An application for an amendment pursuant to Section 20.52.020 A. shall be in a form acceptable to the Planning Department with sufficient detail to determine the boundaries of the project area, a listing of properties involved and the specific request of the parties involved. Additional information necessary to determine conformance with the General Plan, other County ordinances or policies or criteria set by the County may be requested by the Planning Department as part of the application processing. Filing fees shall be paid to the Planning Department and shall be as prescribed in the current fee schedule resolution of the Board of Supervisors.

2. Zoning Variances - Clarification, Existing Policy.

Amend Section 20.54.020 to read as follows:

20.54.020 Application Fee - Conditions:

Application for a variance shall be made in writing on a form prescribed by the Planning Department. Filing fees shall be paid to the Planning Department and shall be as prescribed in the current fee schedule resolution of the Board of Supervisors. Before any variance may be granted by the Board of Supervisors, all of the following must be shown:

- A. 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;
- B. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and
- C. That the granting of such variance will not, under the circumstances of the particular case, materially 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 materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. (Ord. 67-10 5.0401, 1967)

3. Use Permits - Clarification, Existing Policy.

Amend Section 20.56.020 to read as follows:

20.56.020 Application - Fees

Application for a use permit shall be made in writing on a form prescribed by the Planning Department. Filing fees shall be paid to the Planning Department and shall be as prescribed in the current fee schedule of the Board of Supervisors.

4. Appeals - Clarification, Existing policy.

Amend Section 20.58.010 to read as follows:

20.58.010 Filing of Appeal

Any person aggrieved by an action of the Planning Commission may file a notice of appeal with the Clerk of the Board of Supervisors and with the Secretary of the Planning Commission within ten working days of the action of the Planning Commission. Upon receipt of Planning Commission record of action, the Board of Supervisors shall notify the Planning Commission at least five days previous of the time the Board will consider the appeal. The appeal shall clearly state the grounds on which the appeal is being taken and the relief sought. 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.

5. Zoning Definitions - Allows Townhouse Style Duplex.

Amend Section 20.04.220 to read as follows:

20.04.220 Duplex

"Duplex" means a two family residence designed for or used exclusively for residence purposes by two families in separate housekeeping units.

6. Zoning Definitions - Allows one Operator Beauty and Barber Shops as a Home Occupation.

Amend Section 20.04.360 Home Occupations Item G. to read as follows:

20.04.360 G.

Clinics, hospitals, antique shops, tea rooms, eating establishments, speciality bakeries, barber shops (exceeding more than one operator), beauty shops (exceeding more than one operator), animal hospitals, and commercial wood working or repair shops, shall not be deemed to be home occupations.

7. Zoning Definitions - Clarification of Public Use Pursuant to Existing Policy.

Amend Section 20.04.670 to read as follows:

20.04.670 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.

8. D District - Combining - Allows use with all Subdivisions.

Amend Sections 20.45.010, 20.45.020 and 20.45.030 to read as follows:

20.45.010 Intent

The intent of this chapter is to create a district which when combined with a basic zoning district, will not allow further land division of lots created by a subdivision. This in turn will allow cluster-type developments, and/or varied lot sizes which would best utilize unique site situations yet remain consistent with density and use requirements of the County General plan or adopted specific plan.

20.45.020 Application

This D District may be combined with an A, RR, or R zoning districts. The regulations set forth in this chapter shall apply in lieu of the respective regulations specified for the subject district with regards to minimum lot sizes.

20.45.030 Restrictions

- A. The D Combining District may be utilized on subdivision projects when because of terrain, site characteristics or overall project design, varying lot sizes or cluster development with mitigating open areas are more desirable than standard, uniform lot sizes.
- B. The overall project density shall not exceed the General Plan density requirement for the project site.
- C. The building site area required for each lot shall be shown on the final subdivision map. No further land divisions shall be permitted unless a rezone is granted and the land division is consistent with the General Plan or adopted specific plan

density requirement for the total original project site.

- D. A resolution of intention to rezone to the D Combining District may be adopted at the time of approval of the tentative map, however, the rezone shall not be in effect until the final subdivision or parcels map has been recorded with the County Clerk.

9. General Provisions - Allows 4H and FFA Projects in Residential Areas.

Amend Section 20.48.110 to read as follows:

20.48.110 Household Pets

Household pets will be permitted in all districts provided they do not create a nuisance.

The keeping of any small livestock on parcels of less than an acre in size is prohibited unless the zoning district in which the subject parcel is located specifically permits small livestock farming; except where the occupant of a one-family residence wishes to participate in a 4-H, FFA or other recognized youth program. In such case they may do so regardless of zoning subject to the below listed conditions:

1. The project animal is registered with the sponsoring agency;
2. An emblem, sign, decal or other official insignia of the sponsoring organization is placed within clear view from the street or access road;
3. The animal is penned or caged and is located at least twenty feet from any dwelling; and
4. No health hazard or neighborhood nuisance is created.

In cases of a complaint of a neighborhood nuisance, a determination shall be made by the Planning Commission regarding the retention of the animal at the site. Where a parcel one acre or greater in size is located in a zoning district which does not specifically permit small livestock farming up to eleven chicken hens, pigeons or similar fowl or eleven rabbits or similar animals may be kept. However, no roosters, quacking ducks, geese or similar animals are permitted.

10. General Provision - Mandated Provision Pursuant to SB484.

Add Section 20.48.140 to read as follows:

20.48.140 Mobilehome Parks

Subject to the issuance of a use permit, mobilehome parks are permitted on all land designated by the General Plan and zoned for residential land use, providing that:

- A. Project density, including existing or non-mobilehome park residential development, does not exceed that designated by the zoning district which is in effect;
- B. Project development shall meet any mobilehome park standards in effect at the time of approval;
- C. Mobilehome units are subject to Section 20.48.130 of this code;
- D. No recreational vehicle spaces or occupancy shall be permitted; and
- E. All other policies of the County General Plan and Ordinances regarding development shall apply.

11. Surface Mining and Quarries (SMQ) - Clarification, Existing Policy.

Amend Section 7.36.070 Item F. to read as follows:

7.36.070 F.

Filing fees shall be paid to the Planning Department and shall be as prescribed in the current fee schedule resolution of the Board of Supervisors.

12. SMQ - Deletion of Unnecessary Section, Duplication of Section 7.36.070 Item F. Above.

Section 7.36.090 is hereby repealed in its entirety.

13. SMQ - Clarification, Title Change to Reflect Purpose of Section.

Amend Section 7.36.130 (title only) to read as follows (Items A. and B. remain unchanged).

7.76.130 Gravel Extractions, Drainage Within Stream Channels.

14. SMQ - Clarification, Correct Title Change in Public Works Department.

Amend Section 7.36.140 Item A. to read as follows:

7.36.140 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 flood water shall meet with the approval of the County Engineer.

15. Environmental Guidelines and Procedures - Correct Title Change in Public Works Department.

Amend Section 19.04.030 Item K.2. to read as follows:

19.04.030 K.2.

The County Engineer;

16. Environmental Guidelines and Procedures - Add an Alternate to the Environmental Review Committee to Provide Additional Input on Agricultural Issues.

Amend Section 19.04.030 Item K.5. to read as follows:

19.04.030 K.5.

The Agricultural Commissioner or the County Farm Advisor;

17. Environmental Guidelines and Procedures - Adds Consistency Clause Pursuant to Section 15050 of State Guidelines.

Amend Section 19.04.140 (Compliance with Laws.) to be retitled and to read as follows:

19.04.140 Compliance with State CEQA Guidelines

This chapter is intended to prescribe local objectives, criteria, and procedures which are necessary to tailor the general provisions of the State CEQA Guidelines to specify local procedures of the County. In adopting local procedures to implement CEQA, the County hereby adopts by reference the State CEQA Guidelines. Any section or portion of any section of this chapter which may be in conflict with any current provision of CEQA or the State CEQA Guidelines is hereby repealed.

18. Subdivisions - Adds Consistency Clause.

Amend Section 16.04.010 (Purpose) to be amended to read as follows:

16.04.010 Purpose

It is the intention of the Board of Supervisors in enacting this title to adopt, implement and supplement the State Subdivision Map Act. This title may be cited as the "Land Division Ordinance of

Del Norte County". Any section or portion of any section of this chapter which may be in conflict with any current provision of the Subdivision Map Act is hereby repealed.

19. Subdivisions - Correct Title Change in the Public Works Department.

Amend Section 16.04.020 Item C.2. to read as follows:

16.04.020 C.2.

The County Engineer.

20. Subdivisions - Adds an Alternate to the Environmental Review Committee to Provide Additional Input on Agricultural Issues.

Amend Section 16.04.020 Item C.5. to read as follows:

16.04.020 C.5.

The agricultural Commissioner or the County Farm Advisor.

21. Subdivision - Adds Review Period as Mandated by Subdivision Map Act.

Amend Section 16.04.020 Item C. beginning after the listing of the ERC members to read as follows:

16.04.020 C.8.

A member of the general public appointed by the Board of Supervisors and paid an amount equivalent to a Planning Commissioner.

The ERC shall meet at the time and place designated by either the Chairman, the Planning Commission, or the Board of Supervisors. A quorum is five voting members. The ERC shall make a determination of whether an application for land division is complete within 30 days of its initial receipt and shall advise the applicant of such. Subsequent to a determination of completeness an applicant may request that an application before ERC be forwarded to the Planning Commission at its next regular meeting without delay.

22. Subdivisions - Adds Stock Cooperatives Pursuant to the Subdivision Map Act.

Amend the fourth sentence of Section 16.04.020 (Definitions) Item H. to read as follows:

16.04.020 Definitions

"Subdivision" includes a condominium project as defined in Section 1350 of the Civil Code, or a community apartment project as

defined in Section 11004 of the Business and Professions Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code.

23. Subdivisions - Clarifies Application of Subdivision Map Act Regarding Violations.

Amend Section 16.04.040 (Violation - Penalties) to read as follows:

16.04.040 Violation - Penalties

Any offer to sell or lease, contract to sell or lease, sale or lease or financing or deed of conveyance made contrary to the provisions of this title and/or the Subdivision Map Act, for a subdivision creating five parcels or more, and any sale, lease or financing or deed of conveyance made contrary to the provisions of this title for a subdivision creating four parcels or less, shall be a misdemeanor; and any person, firm, corporation, partnership or copartnership, upon conviction thereof, shall be punishable by a fine of not less than twenty-five dollars and more than five hundred dollars or by imprisonment in the County jail for a period of not more than six months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal equitable or summary remedy to which the County or other political subdivision, or any person, firm, corporation, partnership or copartnership may file a suit in the Superior Court of the County to restrain or enjoin any attempted or proposed subdivision or sale in violation of this title.

24. Subdivision - Adds Review Period as Mandated by the Subdivision Map Act.

Amend Section 16.08.040 Item B. to read as follows:

16.08.040 B.

If the committee believes that the tentative map or information furnished is insufficient to allow the preparation of recommendations, it shall, at the earliest opportunity but no later than thirty days from the receipt of the application, advise the applicant or his representative of the additional information necessary. Until the additional information has been submitted, the application shall be considered incomplete. This additional information shall include, but not be limited to, environmental documents, soils analysis, depth to groundwater tests, topographical data, drainage data, etc. Unless a request in writing is made by the applicant to the County Planner to forward a tentative map to the Planning Commission pursuant to Section 16.12.050 of this title, the ERC shall consider there to be implied mutual consent to a waiver of the time limitations prescribed under Government Code Sections 66452.1 and 66452.4.

25. Subdivisions - Corrects Title Reference.

Amend Section 16.10.020 Item C. to read as follows:

16.10.020 C.

Public hearings on environmental documents for tentative maps shall be conducted in the manner described in Title 19 of this code.

26. Subdivisions - Amend Appeals Procedure to Comply with Map Act Requirements.

Amend Section 16.10.040 Item A., second sentence deleting reference to 66452.5(a) to entire section. Section 16.10.040 Item A. is amended to read as follows:

16.10.040 A.

The subdivider, any County department or any affected person, may appeal any action of the Planning Commission, with respect to a tentative map, to the Board of Supervisors. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Section 66451.3 and 66452.5.

27. Subdivisions - Clarify to Reflect Existing Policy, and Personnel Changes.

Amend Section 16.12.020 to read as follows:

16.12.020 Subdivision Improvements

- A. No improvements on major subdivisions, other than clearing shall be begun until the estimated cost of county inspection services, as such cost is estimated by the County Engineer, has been deposited with the Department of Public Works and construction plans in a form as required herein have been approved in writing by the County Engineer and water potability and quantity has been certified by the health officer; such plans shall be prepared by or under the direction of a registered civil engineer, licensed by the State, and shall show the complete plans, profiles and details for all street work, drainage channels and embankments, including sedimentation and erosion controls, bridges, the location of underground utilities which may control the location and elevation of storm drains and culverts, the location of fire hydrants, street monuments, curbs, gutters and sidewalks, fences required by this title, gates, driveways if constructed in conjunction with subdivision improvements, and other improvements which may be required to complete the work. If the plans include five or more sheets, a key map showing plans shall be included on the first sheet of the plans.

- B. Fees for construction plan checking for all subdivisions and fees for County inspection services for minor subdivisions, shall be as prescribed in the current fee schedule resolution of the Board of Supervisors. All fees shall be paid prior to the County incurring any costs for providing these services.
- C. If the improvements include sanitary sewers, storm drains or water systems to be accepted by a public agency other than the County, the plans shall be reviewed and approved by the accepting jurisdiction prior to the approval of the remainder of the plans by the Department of Public Works.
- D. The plans and profiles shall be submitted on uniform size sheets, twenty-four inches by thirty-six inches overall dimension. A border shall be provided with a suitable title block in the lower right-hand corner. The scales for various portions of the drawings, and the north arrow where applicable, shall be shown on all sheets. Reference may be made to applicable County standard details in lieu of duplicating the drawings thereon.
- E. Prior to approval of the construction plans for major subdivisions, unless waived in writing by the Department of Public Works, a true statement shall be given to the County Engineer indicating the maximum fill used, or proposed to be used, on each lot; and a true statement indicating the soil has been or will be prepared in accordance with the recommendations of a qualified, registered civil engineer.

The fact that the report has been made shall be noted on the final map, together with the date of the report and the name and registration number of the engineer who prepared the report. Approval of the final map does not constitute approval of the soil investigation, the preliminary soil report, or the engineer's statement on soil geologic conditions.

- F. Unless extended by mutual agreement, the Department of Public Works shall report to the subdivider within thirty days after submission of plans, either approving said plans or specifying corrections necessary. The approval of the improvement plans by the County Engineer, when improvements are required, shall be a condition precedent to the approval of the final map by the Board of Supervisors.
- G. Agreement in lieu of construction:
1. In lieu of constructing the facilities prior to recording of the final map or to the filing of a parcel map, the subdivider may enter into an agreement to construct the improvements within one year pursuant to Section 66462 of the Government Code, or, with the consent of the Board of Supervisors, to construct improvements from time to time as

provided by law;

2. The subdivider shall furnish good and sufficient improvement security for such improvements as defined in Section 66499 of the Subdivision Map Act, in an amount not less than one hundred percent of the total estimated cost of the improvement or the act to be performed, conditioned or faithful performance of the act or the agreement, and fifty percent of the total estimated cost of the improvement or act to be performed securing payment to the contractor, his subcontractors, and to persons furnishing labor and materials or equipment to them for the improvement or the performance of the required act; and
 3. The agreement for improvements for a subdivision creating five or more parcels may be extended for a maximum period not exceeding two years.
- H. All improvements shall be done under the inspection of the Department of Public Works.
- I. Following the approval of the construction of the facilities to be dedicated to the County, the subdivider shall enter into an agreement to maintain the work for a period of one year following the completion and acceptance by the Board of Supervisors against any defective work or labor done or defective materials furnished in the construction. The County may, in lieu of a one-year guarantee by the subdivider, accept the guarantee of a reputable contractor who did the work.
- J. The subdivider or contractor, as provided in subsection I. of this section, shall furnish good and sufficient security as defined above, guaranteeing the maintenance of the improvements.
- K. The Board of Supervisors, when the agreements and bonds are received from the subdivider and the facilities are constructed to their satisfaction, shall, within thirty days of receiving the request of the subdivider, accept the facilities.
- L. Following the completion of improvements to be accepted by the County and prior to the filing of the final map the County Engineer, upon request of the subdivider, shall determine the actual cost of County inspection services, and advise the subdivider thereof. If said amount exceeds the estimate deposited with the Director under subsection A., the subdivider shall pay the remaining amount due to the County Engineer, and if said amount is less than said estimate, the County shall promptly refund the overpayment to the subdivider.
28. Subdivisions - Reflect Personnel Changes in the Public Works Department.

Amend Section 16.12.040 Item C. to read as follows:

16.12.040 C.

The County Engineer and County Planner or their designates shall approve the parcel map if it conforms to all the requirements of the Subdivision Map Act and the County Code applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder or, if it does not so conform, disapprove the parcel map. The subdivider may appeal the decision in writing within thirty days to the Board of Supervisors.

29. Subdivisions - Reflect Personnel Changes in the Public Works Department.

Amend Section 16.12.040 Items D. and E. to read as follows:

16.12.040 D.

If, at the time of approval of the parcel map by the County Engineer and County Planner, any improvements required by the Planning Commission have not been completed, the Director of Public Works may allow the subdivider to enter into one of the following agreements;

1. An agreement with the Department of Public Works upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense;
2. An agreement with the Department of Public Works to thereafter:
 - a) Initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of of all such improvements; or
 - b) If not completed under such special assessment act, to complete such improvements at the subdivider's expense.

16.12.040 E.

The County Engineer or his designate may accept or reject dedications and offers of dedication that are made by certificate on the parcel map.

30. Subdivision - Change Extension Period Pursuant to AB 612.

Amend Section 16.12.050 to read as follows:

16.12.050 Time Limitations - Expirations

- A. An approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditional approval. The expiration of the approval of a conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed without first processing a new tentative map.
- B. Upon request of the subdivider, filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Planning Commission for a maximum additional twelve months. If the Planning Commission denies a subdivider's application for extension, the subdivider may appeal to the Board of Supervisors within fifteen days after the Planning Commission has denied the extension.
31. Subdivisions - Reflect Personnel Changes of the Department of Public Works.

Amend Section 16.14.010 Item A. to read as follows:

16.14.010 A.

After approval by the Board of Supervisors of a final map or the County Engineer and County Planner of a parcel map, within unincorporated territory, the map shall be transmitted ultimately to the County Recorder.