

Staff Memo - Exhibit B

Ordinance No. _____
Page 372

ARTICLE 6 – ZONING ORDINANCE ADMINISTRATION

CHAPTER 130.60 – ADMINISTRATIVE RESPONSIBILITIES

Sections:

- 130.60.010 Planning Agency Established; Functions Defined
- 130.60.020 Director and Department
- 130.60.030 Zoning Administrator
- 130.60.040 Planning Commission
- 130.60.050 Board of Supervisors
- 130.60.060 Technical Advisory Committee
- 130.60.070 Design Review Committee
- 130.60.080 Floodplain Administrator

CHAPTER 130.61 – NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

- 130.61.010 Content; Applicability
- 130.61.020 Continuation, Transfer, or Sale
- 130.61.030 Legal Nonconforming Structures
- 130.61.040 Nonconforming Uses
- 130.61.050 Changes or Expansion of Legal Nonconforming Uses
- 130.61.060 Nonconforming Lots
- 130.61.070 Structures and Uses Under Construction
- 130.61.080 Determination of Abandoned Nonconforming Uses
- 130.61.090 Appeal of Determination of Abandoned Nonconforming Uses
- 130.61.100 Restoration of Abandoned Nonconforming Uses
- 130.61.110 Public or Private Nuisance

CHAPTER 130.63 – AMENDMENTS AND ZONE CHANGES

Sections:

- 130.63.010 Content
- 130.63.020 Ordinance Amendments and Zone Change Applications
- 130.63.030 General Plan and Specific Plan Amendments

Staff Memo - Exhibit B

Ordinance No. _____
Page 373

CHAPTER 130.65 – COVENANT OF EASEMENT

Sections:

130.65.010	Applicability
130.65.020	Form of Covenant
130.65.030	Effect of Covenant
130.65.040	Release of Covenant
130.65.050	Enforceability

CHAPTER 130.67 – CODE ENFORCEMENT

Sections:

130.67.010	Content
130.67.020	Conformance by County Officials
130.67.030	Administration and Enforcement
130.67.040	Abatement of Nuisance and Penalty for Violation
130.67.050	Subsequent Permits
130.67.060	Remedies Cumulative
130.67.070	Investigation Fee

CHAPTER 130.68 – POST-DISASTER REBUILDING

Sections:

130.68.010	Content
130.68.020	Exceptions
130.68.030	Applicability
130.68.040	General Provisions
130.68.050	Modifications of the Provisions of this Title
130.68.060	CEQA Exemption
130.68.070	Appeals

Staff Memo - Exhibit B

Ordinance No. _____
Page 374

CHAPTER 130.60 – ADMINISTRATIVE RESPONSIBILITIES

Sections:

- 130.60.010 Planning Agency Established; Functions Defined
- 130.60.020 Director and Department
- 130.60.030 Zoning Administrator
- 130.60.040 Planning Commission
- 130.60.050 Board of Supervisors
- 130.60.060 Technical Advisory Committee
- 130.60.070 Design Review Committee
- 130.60.080 Floodplain Administrator

130.60.010 Planning Agency Established; Functions Defined

This Chapter establishes a planning agency as provided by California Government Code Section 65100, comprised of the Board, the Commission, the Zoning Administrator, the Director and the Department. The planning agency shall perform all of the following functions:

- A. Prepare, periodically review, and revise, as necessary, the General Plan.
- B. Implement the General Plan through actions including but not limited to the administration of adopted community design standards, specific plans, and ordinances.
- C. Annually review the capital improvement program of the Ceounty and the public works projects of other local agencies for their consistency with the General Plan.
- D. Promote public interest, understanding, and comment on the general plan and regulations relating to it.
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the General Plan.
- F. Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- G. Perform other functions as provided by the Board, including conducting studies and preparing plans other than those required or authorized by California Government Code Title 7, Sections 65100, et seq.
- H. Determine the adequacy of Environmental Impact Reports and other special reports in compliance with the California Environmental Quality Act (CEQA) and Section 130.51.030 (Application Filing and Processing - Environmental Review) in Article 5 (Planning Permit Processing) of this Title.

Staff Memo - Exhibit B

Ordinance No. _____
Page 375

130.60.020 Director and Department

The Director shall have the responsibility and authority to direct the performance and responsibilities assigned by the Board in compliance with ~~Chapter 2.30~~Title 2 (Administration and Personnel) of the County Code of Ordinances, which includes the administration and enforcement of the provisions of this Title. Except where otherwise provided by this Title, the aforementioned responsibilities of the Director may also be carried out by Department staff under the supervision of the Director, to include but not be limited to the following:

- A. Perform staff-level project review, with or without notice. For other discretionary applications, make recommendations of approval, conditional approval, or denial to the proper review authority under Table 130.50.030.A (Review Authority) in Article 5 (Planning Permit Procedures) of this Title.
- B. Make investigations and reports on the design and improvements of proposed subdivisions and other discretionary applications affecting the development of real property, and make or recommend imposition of requirements or conditions on these applications.
- C. Prepare documents for the implementation of State Planning and Land Use Law (California Government Code Section 65000 et seq.) and other miscellaneous planning related laws. These documents shall include administrative policies, procedures, ordinances, resolutions, and project application filing forms, information, and requirements, and other public information documents.
- D. Act as or appoint the Zoning Administrator for purposes of complying with California Government Code Section 65900 et seq.

130.60.030 Zoning Administrator

The Director or a designee shall serve as the Zoning Administrator in compliance with Subsection 130.60.020.D (Director and Department) above in this Chapter, as follows:

- A. The Zoning Administrator shall serve as the hearing officer and is assigned the review authority of original jurisdiction to consider and approve or deny applications for development applications in compliance with Table 130.50.030.A (Review Authority) in Article 5 (Planning Permit Procedures) of this Title, parcel map applications under Title 120 (Subdivisions) of the County Code of Ordinances, and any other matter specifically provided by this Title. When the Zoning Administrator is a designee of the Director, that person shall also perform his/her other duties appropriate to the personnel title of the designee. The designee shall be subordinate and directly responsible to the Director and/or any intermediate supervisory staff in the performance of all duties except those of the Zoning Administrator. However, the designee shall not be subordinate to, nor under the direction or control of the Director when performing the duties of the Zoning Administrator.

Staff Memo - Exhibit B

Ordinance No. _____
Page 376

- B. The Zoning Administrator may transfer original hearing jurisdiction to the Commission at his/her discretion when it is deemed necessary because of policy implications, unique or unusual circumstances, or the magnitude of a project.

130.60.040 Planning Commission

The Commission, in compliance with ~~Chapter 2.27~~ Title 2 (Administration and Personnel) of the County Code of Ordinances, shall serve as the hearing body assigned to consider and approve or deny development applications under this Title and Title 120 (Subdivisions) of the County Code of Ordinances as either the review authority of original jurisdiction or on appeal, in compliance with Table 130.50.030.A (Review Authority) in Article 5 (Planning Permit Procedures) of this Title. The Commission shall serve as an advisory agency to the Board on legislative actions including zone changes and general plan amendments, and any other matter specifically provided by this Title.

130.60.050 Board of Supervisors

The Board shall act as the review authority for land use applications that require a public hearing and legislative action, and for those that are referred or appealed to the Board in compliance with Table 130.50.030.A (Review Authority) in Article 5 (Planning Permit Procedures) of this Title.

130.60.060 Technical Advisory Committee

A Technical Advisory Committee (TAC), as defined in Article 8 (Glossary: see “Technical Advisory Committee”) of this Title, shall review all applications for discretionary permits and, within the scope of their regulatory authority, provide comments and requirements to the Department that are recommended for the development of the project. The Department shall schedule a meeting to review said comments and requirements with the applicant, in compliance with the following procedures:

- A. The TAC shall meet as soon as possible after the application has been deemed complete, in compliance with Subsection 130.51.020.F (Application Forms, Submittal Process, and Fees) in Article 5 (Planning Permit Procedures) of this Title. In more complex projects, the Department may determine that a meeting date is required prior to the application being deemed complete in order to provide more immediate direction to the applicant.
- B. Meetings shall be noticed concurrently with the initial consultation letter sent by the Department to those agencies having jurisdiction or interest in the project for their review and comments.

Staff Memo - Exhibit B

Ordinance No. _____
Page 377

- C. The TAC meeting, as an advisory part of the permit process, is not open to the general public. The TAC meeting shall be open to the applicant and/or the applicant's agent and, at their discretion, anyone else involved in the project, such as project managers, civil engineers, or environmental consultants.

130.60.070 Design Review Committee

The Board may establish by resolution a design review committee to review and comment upon discretionary development applications within the boundaries of the design review district. The terms and arrangements for the committee shall be as follows:

- A. **Composition.** A design review committee shall consist of no fewer than three and not more than five members. County officials shall not be included. The members shall be selected and appointed by the Board, as follows:
1. At least three members shall be residents and owners of property located within the district boundaries.
 2. When more than three members comprise the committee, up to two additional members may be owners of commercial property located within the district boundaries.
- B. **Compensation.** The appointed members of the design review committee shall serve without compensation and shall not be entitled to reimbursement of mileage or necessary expenses by the County.
- C. **Appointment.** The term of office of each member shall be four years or until the first appointment and qualification of their successor. The first members shall classify themselves by lot so that the term of office of two members is two years, and remaining members is three years. Members otherwise serve until the appointment and qualification of their successor. Any member, even though they serve for a term, may be removed by the Board at any time without cause. A vacancy may be filled only for the unexpired term. All vacancies on the committee shall be immediately reported to the Board.
- D. **Officers.** At the first meeting of the design review committee, and thereafter at the first meeting of each calendar year, the committee shall elect from its membership a chairman, vice chairman, and secretary, who shall hold office for a term of one year and until the election of their successors.
- E. **Meetings.** Meetings may be held on the call of the chairman or any two members when matters are referred for committee review in compliance with Subsection H (Powers and Duties of the Design Review Committee) below in this Section, by mailing notice of the time, place, and purpose of the meeting to each member at least seven days prior to the meeting. The meetings, including public notice of such

Staff Memo - Exhibit B

Ordinance No. _____
Page 378

meetings, shall conform to the requirements of California Government Code Section 54950 et seq.

- F. **Quorum.** The majority of the appointed committee members shall constitute a quorum for the transaction of business, which translates to two out of three sitting members, or three out of four or five sitting members.
- G. **Lapse of Membership.** For reasons including, but not limited to continued absence, a member of the design review committee may be removed from office without cause, by an order adopted by a majority vote of the Board declaring that office vacant.
- H. **Powers and Duties of the Design Review Committee.** The design review committee shall have the following duties and powers:
1. Act in an advisory capacity to the Director, Commission, or Board with regard to providing review and comment on discretionary development applications for multi-unit residential, commercial, mixed-use, and industrial applications within their district boundaries.
 2. Provide recommendations to the Board and the Director regarding the adoption, improvement, or modification of design review procedures and standards.
 3. Review projects for consistency with any related adopted design guidelines, standards, and ordinances.

130.60.080 Floodplain Administrator

The Director or a designee is appointed to administer, implement, and enforce the provisions of Chapter 130.32 (Flood Damage Prevention Ordinance) in Article 3 (Site Planning and Project Design Standards) of this Title by performing the duties and responsibilities under Section 130.32.040 (Administration) in Article 3 (Site Planning and Project Design Standards) of this Title.

Staff Memo - Exhibit B

Ordinance No. _____
Page 379

CHAPTER 130.61 – NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

- 130.61.010 Content; Applicability
- 130.61.020 Continuation, Transfer, or Sale
- 130.61.030 Legal Nonconforming Structures
- 130.61.040 Legal Nonconforming Uses
- 130.61.050 Changes or Expansion of Legal Nonconforming Uses
- 130.61.060 Nonconforming Lots
- 130.61.070 Structures and Uses Under Construction.
- 130.61.080 Determination of Abandoned Nonconforming Uses
- 130.61.090 Appeal of Determination of Abandoned Nonconforming Uses
- 130.61.100 Restoration of Abandoned Nonconforming Uses
- 130.61.110 Public or Private Nuisance

130.61.010 Content; Applicability

Within the Ceounty there exist uses and structures that were lawfully established before the adoption of this Title, but which may be prohibited, regulated or restricted differently under the terms of this Title, as amended.

This Chapter specifies the manner in which these legal nonconforming uses and structures may be continued, and may be expanded under certain circumstances. It also establishes criteria by which such uses or structures may be abated or removed in an equitable, reasonable, and timely manner without infringing on the constitutional rights of property owners.

130.61.020 Continuation, Transfer, or Sale

Change of ownership, tenancy or management of a legal nonconforming use, structure or lot shall not affect its legal nonconforming status, provided the specific use and intensity of use do not change, except as allowed in this Chapter.

130.61.030 Legal Nonconforming Structures

A legal nonconforming structure may be continued and maintained as follows:

- A. A legal nonconforming structure may be restored if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, up to its pre-damage size and placement. Construction shall be completed within three years if located within a Community Region or five years if located in the remaining unincorporated area of the Ceounty.

Staff Memo - Exhibit B

Ordinance No. _____
Page 380

- B. A legal nonconforming structure or any part of it that is voluntarily destroyed or removed, may be rebuilt within the same footprint within three years if located within a Community Region or five years if located in the remaining unincorporated area of the County, or shall lose all nonconforming status for any part or parts affected and may not be reconstructed.
- C. A legal nonconforming structure may be repaired or altered, including structural alterations to bearing walls, columns, beams and girders, or may be increased in area or volume if the addition complies with this Title and the most recent County adopted Building Code.
- D. A legal nonconforming structure or accessory structure may be used or converted to any use that conforms to the zone district in which it is located and complies with the most recent County adopted Building Code. Such structure or accessory structure will not lose its nonconforming status if it has been vacant for any time.
- E. A structure considered non-conforming because it does not observe the required setbacks of the zone, may be increased in area or volume, provided that the addition does not encroach further into the required setback.

130.61.040 Legal Nonconforming Uses

A legal nonconforming use may be continued and maintained as follows:

- A. No increase in intensity or of the area, space, or volume occupied or devoted to a legal nonconforming use, except as allowed in this Chapter shall be allowed.
- B. A legal nonconforming use that has ceased or been abandoned for a continuous period of more than twelve consecutive months or more shall lose its nonconforming status, and the continued use of that property or structure shall conform to the regulations of the zone district in which it is located, except as allowed.

If the legal nonconforming use is cultivated agricultural land, the use shall not be considered abandoned if it is part of a managed agricultural operation where such land is planned for continued cultivation.

- C. If a legal nonconforming use involves the keeping of animals, then the number of animals, types of animals, minimum lot area for animals, or other standards for the keeping of animals not in conformance with the zone district in which they are located, may be continued until the owner or occupant removes them for a continuous period of more than twelve consecutive months or more.
- D. Additional uses are allowed on property that contains a legal nonconforming use provided those uses meet all requirements and regulations of the zone district in which

Staff Memo - Exhibit B

Ordinance No. _____
Page 381

- they are located, and do not result in the nonconforming use expanding as restricted in this Chapter.
- E. If a legal nonconforming use is converted to a conforming use, no previous nonconforming use may be resumed.
 - F. Repairs and alterations may be made to structures containing legal nonconforming uses, including structural alterations to bearing walls, columns, beams and girders, or an increase in area or volume. All work shall meet the requirements of the most recent Ceounty adopted Building Code.
 - G. A structure containing a legal nonconforming use may be restored up to its pre-damaged size and density if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. Reconstruction of the structure shall be allowed if the use is to be reestablished.
 - H. A structure occupied by a legal non-conforming use that has ceased or been abandoned according to this Chapter may be allowed to be used for the same or less intensive use if the structure or structures cannot feasibly be used for any use consistent with the zone district in which it is located.
 - I. A legal nonconforming use where no structure is involved may be restored up to its pre-damaged size and intensity if it is involuntarily damaged or destroyed. The use shall be reestablished within five years of the date of the damage.

130.61.050 Changes or Expansion of Legal Nonconforming Uses

The Commission may allow changes or expansions to legal non-conforming uses as set forth by a Conditional Use Permit. Procedures adopted for Conditional Use Permits shall be consistent with Article 5 (Planning Permit Procedures) of this Title, and the findings in Subsection D below in this Section shall be made by the Commission prior to approval.

- A. A legal nonconforming use may be changed to another nonconforming use of the same or less intensive nature.
- B. A legal nonconforming use may be enlarged, expanded, or extended when such use is necessary due to economic market demands for the goods, products, or services provided.
- C. The time limits specified in this Chapter may be extended.
- D. The Commission shall make one or more of the following findings regarding changes or expansions to legal nonconforming uses:
 - 1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare.

Staff Memo - Exhibit B

Ordinance No. _____
Page 382

2. The change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and the area overall.
3. Other property where the use would be conforming is unavailable, either physically or economically, within the limits of the nearest similarly developed area(s).
4. No other appropriate remedies are available to bring the use into conformance, including amending the zone or zoning ordinance text.

130.61.060 Legal Nonconforming Lots

Nonconforming lots are those lots legally created in compliance with Chapter ~~16~~20.76 (Certificate of Compliance) of Title 120 (Subdivisions) of the County Code of Ordinances that do not conform to the lot area and dimension standards for the zones in which they are located. Nonconforming lots shall be subject to the following:

- A. The uses allowed in the zone shall be allowed on a nonconforming lot.
- B. Development standards for the zone in which the lot is located, including setbacks, shall be applied to all development on the lot.

130.61.070 Structures and Uses Under Construction.

Any structure for which the Ceounty has issued a building permit that is still in effect, or any conforming use or building which was legally under construction before the effective date of any ordinance rendering the structure or use nonconforming, may be completed and used according to approved plans, specifications or permits as follows:

- A. For nonconforming uses, the use shall be commenced within two years of the effective date of the ordinance rendering such use nonconforming.
- B. For nonconforming structures, the construction shall be commenced within two years and completed within three years of the effective date of the ordinance rendering such structure nonconforming.

130.61.080 Determination of Abandonment – Nonconforming Use

Any nonconforming use that is deemed by the Director to be discontinued or abandoned for a period in excess of twelve consecutive months shall cease, subject to the provisions in this chapter and the property owner shall have the burden of proof.

Staff Memo - Exhibit B

Ordinance No. _____
Page 383

For purposes of calculating the twelve-month period, a use may be deemed discontinued or abandoned upon the occurrence of any of the following events:

1. On the date when the use of the land is physically vacated or the date that existing structure(s) or facilities cease to be actively maintained, whichever comes first;
2. On the date of termination of any lease or contract under which the nonconforming use has occupied the land;
3. On the date a request for final reading of utility meters is made to the applicable utility districts.

If the nonconforming use is discontinued or abandoned for a period of more than twelve consecutive months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Title for the Zone District in which such land is located.

130.61.090 Appeal of Determination of Abandoned Nonconforming Uses

A determination of an abandoned nonconforming use may be appealed to the Commission. All appeal requests shall be submitted in writing on the approved appeal form within ~~twenty~~20 business days from the date of notification by the County. All appeals shall be submitted with the then current processing fee, as established by resolution of the Board.

All appeal requests shall include at minimum a detailed description of all positive action(s) taken to maintain the nonconforming use during the time when the use was deemed by the Director to be discontinued or abandoned. During review of the appeal, the Commission shall:

1. Find that the nonconforming use may continue subject to the provisions of this ~~C~~Chapter; or
2. Find that the nonconforming use has been abandoned pursuant to this ~~C~~Chapter.

130.61.100 Restoration of Abandoned Nonconforming Uses

Restoration of an abandoned nonconforming uses may be allowed by Administrative Permit pursuant to standards for approval in Article 5; ~~(Planning Permit Processing)~~ (Planning Permit Processing) of this Title. In addition to standard requirements, the Director shall also make the following five additional findings:

1. Positive action(s) will be taken to resume the nonconforming use within a reasonable period;
2. The nature and character of proposed structure(s) are substantially the same as that for which the structure(s) were originally designed;

Staff Memo - Exhibit B

Ordinance No. _____
Page 384

3. There is no material difference in the quality, character or degree of use;
4. The proposed use will not adversely affect the other uses allowed by right in the Zone Districts of adjacent parcels; and
5. The nonconforming use will not be detrimental to the public health, safety or welfare or be injurious to the neighborhood.

If in the opinion of the Director, restoration of the abandoned nonconforming use could contain potentially significant environmental impacts subject to CEQA or if the above findings cannot be made, a Conditional Use Permit (CUP) shall be required from the Commission pursuant to Article 5, (Planning Permit Processing) of this Title to consider restoration of the nonconforming use.

130.61.110 Public or Private Nuisance

Nothing contained within this Chapter shall be construed to allow a legal nonconforming use to be conducted in such a way as to constitute a public or private nuisance, or a danger to the public health, safety and welfare.

Staff Memo - Exhibit B

Ordinance No. _____
Page 385

CHAPTER 130.63 – AMENDMENTS AND ZONE CHANGES

Sections:

- 130.63.010 Content
- 130.63.020 Ordinance Amendments and Zone Change Applications
- 130.63.030 General Plan and Specific Plan Amendments

130.63.010 Content

This Chapter provides for amendments to this Title by changing either its provisions or the zone designation applicable to a parcel(s) through the respective text amendment or zone change application process.

130.63.020 Ordinance Amendments and Zone Change Applications

- A. The text amendment process may be initiated by one of the following:
 - 1. By application of the owner(s) of the property for which the text change is sought;
 - 2. Resolution of intention of the Board; or
 - 3. Resolution of intention of the Commission.
- B. A zone change application may be initiated by one of the following:
 - 1. The owner(s) of the property for which the zone change is sought;
 - 2. Resolution of intention of the Board; or
 - 3. Resolution of intention of the Commission.
- C. Following the filing of an application, or adoption of a resolution of intention of the Board or Commission as provided for in Subsections A or B above in this Section, and the completion of the application requirements, environmental review, and noticing procedures as provided for in Chapter 130.51 (General Application Procedures) in Article 5 (Planning Permit Procedures) of this Title, the Commission shall hold a public hearing on the request. The Commission shall make a report of its findings and a recommendation to the Board on the proposed text or zone change amendment.
- D. Where a zone change amendment to a higher density or intensity zone is being proposed, the Commission and the Board shall consider the criteria identified in General Plan Policy 2.2.5.3, including, but not limited to, consistency with the General

Staff Memo - Exhibit B

Ordinance No. _____
Page 386

Plan as to minimum parcel size or maximum density, availability of adequate infrastructure and support services for the increased land use demands, and compatibility with surrounding land uses.

- E. Following the hearing by the Commission, the Board shall hold a public hearing on the request. The Board may approve, modify, or disapprove the recommendation of the Commission, in part or in whole, provided the Board finds that the proposed text or zone change amendment is consistent with the General Plan. Any substantial modification to the proposed request made by the Board that was not previously considered by the Commission shall be referred back to the Commission for further findings and recommendation on that specific modification.
- F. A text or zone change amendment shall become effective on the 30th day following the adoption of an ordinance by the Board.

130.63.030 General Plan and Specific Plan Amendments

Amendments to the General Plan or any adopted specific plan, hereinafter referred to as “Plan amendments”, shall be processed in the same manner as amendments to this Title in compliance with California Government Code Section 65358, except that the Plan amendments, if approved by the Board, shall be adopted by resolution rather than ordinance. A Plan amendment shall become effective on the 30th day following the adoption of a resolution by the Board.

Staff Memo - Exhibit B

Ordinance No. _____
Page 387

CHAPTER 130.65 – COVENANT OF EASEMENT

Sections:

130.65.010	Applicability
130.65.020	Form of Covenant
130.65.030	Effect of Covenant
130.65.040	Release of Covenant
130.65.050	Enforceability

130.65.010 Applicability

In compliance with California Government Code Section 65870 et seq., a Covenant of Easement in favor of the Ceounty, may be required to achieve the use goals of the Ceounty as a condition of approval by the review authority to provide for open space, emergency access, ingress and egress, landscaping, parking, or light and air access to provide for solar and wind energy generation.

130.65.020 Form of Covenant

The form of the Covenant shall include the following, where applicable, subject to approval by County Counsel:

- A. A description of the real property that is subject to the easement and the real property to be benefited by the easement;
- B. The approval, permit, or designation granted, which relied upon or required the Covenant; and
- C. The purpose(s) of the easement.

130.65.030 Effect of the Covenant

A Covenant of Easement shall become effective upon recordation in the County Recorder's Office, as executed by the owner(s) of the real property. Upon recordation:

- A. The Covenant shall act as an easement in compliance with Civil Code Section 801 et seq., except that it shall not merge into any other interest in the real property.
- B. The Covenant shall be enforceable by all successors-in-interest to the real property benefited by the Covenant in compliance with Civil Code Section 1104.

Staff Memo - Exhibit B

Ordinance No. _____
Page 388

- C. Notice of the Covenant shall be imparted to all persons to the extent afforded by the recording laws of the State.

130.65.040 Release of Covenant

A Covenant of Easement may be released by the Director acting as Zoning Administrator in compliance with ~~(Section 130.60.0340: (Zoning Administrator Administrative Responsibilities, Planning Commission) above in this Article,~~ at the request of any person, whether or not that person has title to the real property, by the following process:

- A. A noticed public hearing shall be conducted in compliance with Subsection 130.510.05140.C ~~(Notice Requirements and Procedure Public Hearing)~~ in Article 5 (Planning Permit Processing) of this Title.
- B. Prior to approving the request, findings shall be made that the Covenant on the property is no longer necessary to achieve the land use goals of the Ceounty.
- C. A notice of the release of the Covenant of Easement shall be recorded by the Director in the County Recorder's Office, in compliance with Section 130.54.020 (Effective Date of Permit Approvals) in Article 5 (Planning Permit Processing) of this Title.

130.65.050 Enforceability

Nothing in this Section creates standing in any person, other than the Ceounty and owner(s) of the real property burdened or benefited by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.

Staff Memo - Exhibit B

Ordinance No. _____
Page 389

CHAPTER 130.67 – CODE ENFORCEMENT

Sections:

130.67.010	Content
130.67.020	Conformance by County Officials.
130.67.030	Administration and Enforcement.
130.67.040	Abatement of Nuisance and Penalty for Violation.
130.67.050	Subsequent Permits
130.67.060	Remedies Cumulative
130.67.070	Investigation Fee

130.67.010 Content

This Chapter contains provisions to ensure compliance with the requirements of this Title and any conditions of permit approval.

130.67.020 Conformance by County Officials

All departments, officials, and employees of the Ceounty that are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title and all other ordinances and shall issue no permit or license for uses, buildings, or purposes where they would be in conflict with the provisions of this Title.

130.67.030 Administration and Enforcement

It shall be the duty of the Director to administer the provisions of this Title in compliance with ~~County Code~~ Chapter 9.02 ~~et seq.~~ (Code Enforcement) of Title 9 (Public Peace, Morals and Welfare) of the County Code of Ordinances. The Director shall be aided in this enforcement responsibility by the officers and authorized representatives of the Ceounty agencies, departments, and offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this Title.

130.67.040 Abatement of Nuisance and Penalty for Violation

Any structure erected, constructed, altered, enlarged, converted, moved, or maintained, or any land or structure that is used contrary to either the provisions of this Title or any condition of approval imposed through discretionary authorization, shall be declared unlawful and be subject to the provisions of Chapter 9.02 (Code Enforcement) of Title 9 (Public Peace, Morals and Welfare) of the County Code. Any act or omission made unlawful under this Title shall also include abetting, aiding, allowing, causing, or permitting the act or omission.

Staff Memo - Exhibit B

Ordinance No. _____
Page 390

130.67.050 Subsequent Permits

Where a structure or use of a lot is not in compliance with the provisions of this Title, no subsequent permit shall be issued by the Ceounty for any other structure or use on the same lot until such time as the illegal structure or use is brought into compliance or otherwise abated, except where such a permit would bring the illegal structure or use into compliance.

130.67.060 Remedies Cumulative

The remedies provided for in this Chapter shall be cumulative and not exclusive.

130.67.070 Investigation Fee

Upon determination that a violation of the provisions of this Title has occurred, the property owner shall be liable for the costs incurred by Ceounty staff for investigation and enforcement, as set forth in the adopted fee resolution, as may be amended from time to time.

Staff Memo - Exhibit B

Ordinance No. _____
Page 391

CHAPTER 130.68 – POST-DISASTER REBUILDING

Sections:

130.68.010	Content
130.68.020	Exceptions
130.68.030	Applicability
130.68.040	General Provisions
130.68.050	Modifications of the Provisions of this Title
130.68.060	CEQA Exemption
130.68.070	Appeals

130.68.010 Content

This Chapter contains regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board. This Chapter allows modifications to some sections of this Title but does not allow exemptions from any health and safety requirements.

130.68.020 Exceptions

The provisions of this Chapter, including the relaxation of development standards, are not applicable to structures located in a designated hazard area, such as special flood hazard, dam failure inundation, and avalanche hazard areas, or in any mapped area established by separate action of the Board or other authorized official, as a moratorium area due to hazards to health and safety caused by the disaster, which require in-depth study before allowing rebuilding of any kind.

130.68.030 Applicability

The provisions of this Chapter are applicable for a period of 180 days following each disaster for which a local emergency has been declared by the Board. The Board may extend the provisions as necessary.

130.68.040 General Provisions

- A. Structures illegally constructed or uses illegally established before the disaster shall not be reconstructed or reestablished.
- B. Nonconforming structures shall be subject to the requirements under Section 130.61.030 (Legal Nonconforming Structures) above in this Article.

Staff Memo - Exhibit B

Ordinance No. _____
Page 392

- C. Where the provisions of this Chapter do not conform to other provisions of this Title, the provisions of this Chapter shall prevail.

130.68.050 Modifications of the Provisions of this Title

Whether or not the processing of building permit applications (hereinafter referred to as “application”) is expedited based on either direction from the Board or Director’s determination, the following modifications to the provisions of this Title shall be allowed, as follows:

- A. **Application Requirements.** In order to be eligible for modifications of the provisions of this Title and expedited application processing, when allowed, an application shall meet all of the following criteria:

1. The application shall be for the reconstruction or repair of damage caused by the disaster;
2. The application shall have been filed after the occurrence of the disaster;
3. The application site is not within a designated hazard area; and
4. The application does not violate applicable county, state, or federal law.

- B. **Submittal Information Required.** The County may require evidence that the previous use or structure existed prior to the disaster, including but not limited to: aerial photos, copies of building permits, County Assessor’s records, original construction plans, photographs, property deeds, reports/studies, and surveys. Evidence that the damage to the structure was the result of the disaster may also be required.

- C. **Conforming Structures and Uses.**

1. Submittal of previously approved site and building plans shall be allowed for the in-kind reconstruction of conforming structures in all zones. Where no previously approved plans are available for review or when alteration or expansion of conforming structures are being proposed, reconstruction will be subject to the standard site and building plan requirements for an application.
2. Conforming structures occupied by conforming uses which are subject to a discretionary permit, to include but not be limited to a Conditional/Minor Use Permit, Variance, or Design Review Permit, may be reconstructed subject to previously approved site and building plans, with review by staff to ensure compliance with the discretionary permit. In the case where an approved site plan is not available for review, the property owner shall obtain issuance of an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this

Staff Memo - Exhibit B

Ordinance No. _____
Page 393

Title, to ensure compliance with the discretionary permit and all applicable development standards for the zone.

D. **Temporary Structures.** Temporary mobile homes or recreational vehicles may be placed on any site made uninhabitable by disaster until such time as permanent structures can be completed, in compliance with time limits under Section 130.68.030 (~~Post-Disaster Rebuilding~~, Applicability) above in this Chapter, as follows:

1. **Residential Housing.** Temporary residential use of mobile homes or recreational vehicles shall be allowed on the lot where a residential unit(s) is made uninhabitable by the disaster in compliance with Subsection 130.40.190.B.2 (Mobile/Manufactured Homes: Temporary While Constructing) in Article 4 (Specific Use Regulations) of this Title. One temporary mobile home or recreational vehicle for each unit previously located on the property may be installed after issuance of a temporary occupancy permit, which may be issued prior to issuance of the reconstruction permit(s).
2. **Non-residential Uses.** Temporary mobile homes or recreational vehicles for non-residential uses, either singly or in groups, shall be allowed in any zone except residential zones and on the same lot as the damaged or destroyed structure, subject to the issuance of a temporary occupancy permit in compliance with Section 130.40.190 (Mobile/Manufactured Homes) in Article 4 (Specific Use Regulations) of this Title.
3. **Exception to Development Standards.** Under a temporary occupancy permit, development standards for the zone, such as setbacks, may be modified so that placement of the temporary mobile home or recreational vehicle will allow for unobstructed reconstruction on the site, providing said placement does not have an adverse impact on public health and safety.

130.68.060 CEQA Exemption

All applications and permits approved under the provisions of this Chapter are exempt from the requirements of CEQA in compliance with Public Resources Code Sections 21080 (b)(2-3) and 21172, and Section 15269 of the CEQA Guidelines.

130.68.070 Appeals

All decisions provided for in this Chapter shall be appealable in compliance with Chapter 130.52.090 (Appeals) in Article 5 (Planning Permit Processing) of this Title.