



County of Del Norte Board of Supervisors

Board Report

AGENDA DATE: August 26, 2025

TO: Del Norte County Board of Supervisors

FROM: Jonathan Olson, County Engineer
Community Development
981 H Street, Suite 110
Crescent City, CA 95531

SUBJECT: An Ordinance Amending Portions of the County Buildings and Construction Ordinance related to grading permits

RECOMMENDATION FOR BOARD ACTION:

1) Introduce by title only "An Ordinance Amending Portions of the County Buildings and Construction Ordinance" related to grading permits; 2) Waive further reading; 3) Set a public hearing to adopt the Ordinance on September 9, 2025; 4) Approve and Adopt Resolution 2025-xx rescinding Resolution 2017-057 which designated the Community Development Director as reviewer of applications for CAL FIRE's less than 3 acre Conversion exemptions; and 5) Designate the Clerk of the Board to prepare a summary of the Ordinance for publication as requested by the County Engineer.**

DISCUSSION/SUMMARY:

Grading is defined in County Code as "...the movement, removal or placement of any earth and/or *vegetation* materials..." (Italics added for emphasis). By the current definition, vegetation removal is covered under the County's grading ordinance. While there are exceptions to the grading permit requirements, permit exemptions issued by other agencies are not included in the County's exceptions. The recommended Board actions would allow staff greater flexibility to exempt some grading activities, vegetation removal, while still fulfilling the original purpose of the Code which is to "promote and protect the public safety, convenience, comfort, prosperity, general welfare and Del Norte County's natural resources..."(Section 14.05.10).

The impetus for the requested change is that the County is requiring a duplicative permit or permit exemption which falls within other agencies' purview. At the 23 January 2024 Board of Supervisors Meeting, the Community Development Department (CDD) was directed to return to the Board with an amendment to the County's Building and Construction Ordinance as it relates to grading permits for vegetation removal for land located **outside** the California Coastal Zone.

Community Development Department staff met with County Counsel and have prepared a proposed modification to County Code Section 14.05.50 D. which is a portion of Exceptions From Permit Requirement for grading permits. Below is Del Norte County Code Section 14.05.50 Exceptions From Permit Requirement as it is currently written:

"14.05.50 Exceptions From Permit Requirement

All grading shall require the issuance of a building and grading permit pursuant to this title except that such permit shall not be required for the following:

- A. Cultivation for the production of agricultural products including the rearing and management of livestock and the maintenance and repair of existing dikes, levees, drainage ditches and similar agricultural drainage systems pursuant to Title 20 and 21, DNCC.
- B. The maintenance opening of the sandbar at Lake Talawa when consistent with agreements negotiated between the county and the California Department of Fish and Game.
- C. Subsurface geologic exploration by a civil engineer, soil engineer, engineering geologist, or archaeologist required as part of an application for a permit such as a soils analysis or as a condition of approval of a project.
- D. **Activities involving grading and/or vegetation removal which is undertaken pursuant to a valid permit to engage in that activity issued by a public agency other than the county charged with control or regulation of the activity and related grading, such as timber (sic) harvesting and coastal zone permits issued pursuant to Section 21.50.40 DNCC.**
- E. Grading and/or filling for cemetery graves where the cemetery exists prior to the adoption of this section or where a grading plan has been reviewed as part of a use permit.
- F. Operation of refuse disposal sites for which permits have been issued.
- G. Grading conducted during a civil emergency or natural disaster to relieve or correct conditions caused by such emergency or disaster or to make emergency firebreaks. Within the California Coastal Zone, the provisions of Section 21.50.50 DNCC shall apply.
- H. Within the California Coastal Zone, grading subordinate to a use established prior to 1976 or by a coastal permit (or equivalent) such as gardens, yards, landscaping, native wooded habitat maintenance and driveways where:
 - 1. Cuts and/or fills do not exceed five and/or three feet respectively; and
 - 2. The subordinate use area does not conflict with the requirements of any RCA, W or C zoning district,
- I. Outside of the California Coastal Zone, grading where:
 - 1. Less than five hundred cubic yards of material is involved; and
 - 2. Cuts which do not exceed five feet and are no steeper than two horizontal to one vertical; and

3. Fill less than one foot deep placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures and which does not obstruct a drainage course.
- J. Outside of the California Coastal Zone, temporary excavation for installation of underground storage tanks when no permanent change is made in the existing terrain and the excavation is refilled and temporary trench or pit excavations for the purpose of installing underground or overhead utilities.

No exemption shall apply to any grading that significantly effects any off-site drainage or that significantly effects the lateral support of or increases the stresses in or pressure upon any adjacent or contiguous property not owned by the owner of the land upon which such grading is performed.

No exemption provided in this section shall apply to any activity for which a permit or other entitlement for use is required to be issued by Del Norte County unless the application for that permit includes a grading plan for any grading related to the activity which has been found to be in conformance with the grading standards or an engineered alternative has been approved."

Proposed modifications to the Ordinance are shown in ***bold italics*** below:

"14.05.50 Exceptions From Permit Requirement

D. Activities involving grading and/or vegetation removal which is undertaken pursuant to a valid permit to engage in that activity issued by a public agency other than the county charged with control or regulation of the activity and related grading, such as timber harvesting and coastal zone permits issued pursuant to Section 21.50.40 DNCC. ***Where a non-County public agency with control or regulation of an activity has determined that an exemption from an otherwise required permit for activities involving grading and/or vegetation removal can be issued outside the California Coastal Zone, such as an exemption from timber harvesting, the County Engineer, or designee, may deem the activity exempt after consultation and review of the site with the County Planner after consideration of potential impacts from the activity upon natural resources or environmentally sensitive habitat areas.***"

Staff are of the opinion that this would help to streamline processes such as CAL FIRE *exemptions*, not permits, for:

Conversions (i.e. timberland to another land use)

Less than 3 Acre Conversion Exemption

Dead Tree Removal & Fuel Reduction

10% Dead, Dying, Diseased

Exemption Structure Protection 0-150 Fire Safe

Exemption Structure Protection 150-300 Fire Safe Exemption

In order to streamline the process further, staff recommend rescinding resolution 2017-057 which was approved in 2017. The resolution designated the Director of Community

Development to review CAL FIRE exemption forms. A copy of the Board Report is attached to this memo. The primary reason for bringing the resolution forward to the Board was the perceived threat caused by timber conversions for non-permitted cannabis-growing operations. The perceived cannabis threat appears to have self-corrected from a market perspective and no longer seems relevant. Staff propose rescinding the 2017 resolution by adopting the attached Resolution, which would place all exemption review processes under one process if the proposed Ordinance is passed as written. Staff recommendation is to rescind the Resolution even if the Ordinance is not passed as written.

Staff are of the opinion that CAL FIRE's intentions are clear and that local jurisdiction should have the opportunity to review exemption forms for consistency with local land use regulations. The mechanism for that review has been, to date, the grading permit which allows staff the opportunity to review the application for consistency with local regulations.

CDD's nexus with CAL FIRE exemptions comes from a place of consumer protection. "CAL FIRE serves as Responsible Agency for the limited Proposals of permitting the cutting and removal of timber for timberland conversion through the timber harvesting plan and timberland conversion permit..."¹ and various exemptions. Those permits and exemptions do not necessarily consider the County's general plan or the County's requirement to follow environmental and other laws, rules, and regulations. "Local permits usually apply to the ongoing use of a property, as opposed to the permits from CAL FIRE that are simply approving the cutting and removal of timber for the new use of the property (Conversion)..."¹The County's grading ordinance covers grading and removal of vegetation/trees associated with allowable development and ongoing use of the property.

1. Letter from CAL FIRE 2 October 2024,

The proposed Code modifications would require CDD to look at proposed exemptions (hopefully prior to approval by other agencies) in order to make sure that there was not anything going on that would negatively impact the environment, anticipated future development, and that the project would be in accordance with planning and zoning.

Staff anticipate that these actions will be generally beneficial to property owners while still providing reasonable review of activities that can be exempted from the grading permit process.

ALTERNATIVES:

Do not introduce the ordinance or rescind the previous resolution and take no other actions.

FINANCING:

Some minor loss of revenue due to a lower volume of grading permits. Minor impact on the general fund.

OTHER AGENCY INVOLVEMENT:

CAL FIRE and potentially other State agencies.

STRATEGIC PLAN ALIGNMENT:

This Board of Supervisors' adopted Strategic Plan contains the following Focus Areas and Goals.

- Focus Area 1: County Staffing and Capacity (CSC)
- Focus Area 2: Infrastructure and Economic Development (IED)
- Focus Area 3: Law, Justice, and Homelessness (LJH)
- Focus Area 4: General Governance and Budget (GGB)

This item addresses the following Goals:

- IED-2: Support Countywide Economic Development
- GGB-1: Maintain Core Service Levels
- GGB-2: Practice Fiscal Responsibility
- GGB-3: Improve Oversight of County Programs and Services

ATTACHMENTS:

1. Ordinance 2025-xx Amending Grading Code
2. Resolution to Rescind Resolution 2017-057
3. Board Report Appointing Authorized Designee to review less than 3 acre Timber Conversion Applications 2017
4. RES 2017-057

APPROVALS:

Heidi Kunstal, Director
Kylie Goughnour, Deputy Clerk of the Board

Approved - 8/19/2025
Final Approval - 8/21/2025