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W17b

MEMORANDUM

Date: October 6, 2009

To: Commissioners and Interested Parties

From: Peter M. Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District
James R. Baskin AICP, Coastal Program Analyst – North Coast District

Subject: **Addendum to Commission Meeting for Wednesday, October 7, 2009
North Coast District Item W17b, Local Coastal Program Amendment No.
DNC-MAJ-2-03 (LCP Update)**

This addendum provides certain additional findings and reference materials, discusses changes to the proposed findings in the staff recommendation, corrects various errors within the September 24, 2009 staff recommendation report, and includes correspondence on the LCP amendment received since publication of the staff report.

1. Additional Findings

Attached to this addendum are additional findings for the proposed suggested modifications to the Land Use Plan and Implementation Plan amendments which were not included in the September 24, 2009 staff recommendation report. These findings include supplemental findings addressing Suggested Modification No. 4 regarding tsunami and sea level rise hazards which are to be added to findings sub-section 5, *Natural and Man-made Hazards*, at the top of page 73. Additional findings for the LUP amendment suggested modifications comprise Attachment 1, and may be inserted at the bottom of page 73 of the staff recommendation report. The findings for the suggested modifications to the proposed updated Implementation Measures, comprising Part Four, commences on page 96, directly following the preceding LUP suggested modifications. Part Five, the findings addressing CEQA conformance, are republished on page 109.

2. Reference Materials

Staff will distribute at the hearing, certain reference materials that will facilitate the Commission's review of the LCP amendment. Printed copies of certain documents provided in digital form only with the August 27, 2009 staff report will be distributed to Commissioners at the hearing. These printed documents will include: bound copies of the submitted *Del Norte County General Plan Coastal Policies* document and land use maps sets containing the proposed updates to the LCP, as well as printed copies of staff report Exhibit Nos. 1 and 2, the staff recommended suggested modifications to the Land Use Plan and zoning code.

3. Revisions to Staff Recommendation Notes, Suggested Modifications and Findings

Staff is making the following revisions to the staff recommendation notes and to Suggested Modification Nos. 2b, 4, and 7. The Suggested Modifications and associated findings language originally recommended by the staff are shown in regular single-underlined text while revisional additions suggested by the staff appear in **bold double-underlined text** and suggested deletions are shown in ~~**bold double-strikethrough text**~~.

- **Insert a new Staff Note No.5 at the bottom of page 7 of the September 24, 2009 staff recommendation report, reading as follows:**

5. Relationship of LCP Amendment to Categorical Exclusion Order No. E-86-05

At the behest of Del Norte County, on November 12, 1986, the Commission adopted Categorical Exclusion Order No. E-86-5, excluding certain types of development within certain limited geographic areas from the Coastal Act's development permitting requirements. The order excludes the "principally permitted uses" enumerated for all zoning districts except Agricultural Exclusive, from coastal development permit requirements. Condition H of the order binds all development excluded from coastal development procedural requirements as follows:

H. Amendment of LCP. In the event an amendment of the Del Norte County LCP is certified by the Coastal Commission pursuant to Section 30514 of the Coastal Act, development under this Categorical Exclusion Order shall comply with the amended LCP except where the terms and conditions of this Categorical Exclusion Order specify more restrictive development criteria. In those instances the terms and conditions of the Categorical Exclusion shall control. An amendment to the Del Norte LCP shall not authorize the exclusion of any category of development not excluded in this Categorical Exclusion Order, nor shall such amendment alter the geographic areas of this Categorical Exclusion Order.

Thus, if the Commission certifies the subject LCP amendment based upon the acceptance by the County of the suggested modifications recommended by staff, including Suggested Modification No. 19 which suggests that numerous heretofore “principal permitted uses” be reclassified as appealable “principally permitted uses” and conditionally permitted uses, the scope of Categorical Exclusion Order No. E-86-5 will be limited by this more protective LCP provisions. Suggested Modification No. 19 is recommended to conform the IP to Coastal Act requirements that only one development be identified as the principally permitted use for purposes of appeal and to limit non-agricultural development on agricultural lands consistent with Sections 30241 and 30242 of the Coastal Act. As a result, the provisions excluding development from coastal development permit requirements would apply to only the remaining single “principal permitted use” identified in the sub-set of non-AE zoning districts within the specified geographic areas, with all other reclassified “principally permitted uses” becoming subject to coastal development permit requirements.

RATIONALE FOR REVISION(S)

- To provide constructive notice of the interactions and effects on the existing categorical exclusion order so that it may be properly administered following certification of the LCP update amendment.

- Insert the following discussion within the findings for Suggested Modification Nos. 3 through 9, sub-section 5, Natural and Mad-made Hazards, commencing at the top of page 73 just before the discussion regarding the Noise sub-element:

Tsunami Inundation

In the past 60 years, from 1959 to 2009, Del Norte County, and the City of Crescent City in particular, has experienced three significant, damaging tsunamis — in 1960, 1964, and 2006. Eleven people were killed by the 1964 tsunami and there was significant property damage from all three events. When the next major earthquake on the Cascadia Subduction Zone occurs, a tsunami is likely to be generated and it is very likely that the area would experience a tsunami event similar to or larger than these recent historic events. Crescent City was one of the first communities in California to become a NOAA certified, TsunamiReady Community.

The Del Norte County coastal planning area includes a number of oceanfront lots, either improved with or slated for residential development along its western shoreline. These as well as other river and lagoon shoreline areas, could be exposed to tsunami waves either from a locally generated tsunami or a far-field, nonlocally generated event. Despite the many public information, warning system, and emergency response coordination initiatives undertaken by the Crescent City

toward securing “tsunami ready” status, the current LUP, initially certified in 1983 and last amended in 2006, does not contain any specific policies concerning this sub-category of geologic hazard. Nor does the proposed updated LCP contain more than a passing reference to including the risks in geologic hazards assessments. These omissions are undoubtedly due to the fact that scientific reassessments of the maximum intensity of seismic events along the northern California coast and the potential height of tsunami waves did not begin to be released until the mid-1990s and were not widely distributed in public information campaigns until the last several years.

Most notable among this information are the evaluations of seismic and tsunami hazards that were prepared in the aftermath of the April 25-26, 1992 series of earthquakes that occurred in the Petrolia area of Humboldt County near Cape Mendocino. Of particular relevance is the National Oceanic and Atmospheric Administration’s (NOAA) 1994 release of its “Tsunami Inundation Model Study for Eureka and Crescent City, California” (NOAA Technical Memorandum ERL PMEL-103; Bernard, E.N., C. Mader, G. Curtis, and K. Satake (1994)) (see Exhibit No. 14). Although intended primarily for emergency evacuation purposes, the NOAA study’s wave runup data represent the most currently available information regarding tsunami inundation in the Crescent City area and provide a scientifically defensible zone of potential tsunami inundation for project planning purposes.² In addition, the study currently serves as the basis for tsunami hazard area mapping and public educational materials subsequently developed and distributed by others for the Humboldt Bay and Crescent City areas.⁶

Using historical wave propagation and coastal flooding data collected from a variety of tsunami events across the Northern Pacific Ocean basin, this study presents the

⁶ The Commission notes that other scenario-based model tsunami inundation research has been conducted for the Crescent City area since the 1994 NOAA study, notably *Tsunami Inundation at Crescent City, California Generated by Earthquakes Along the Cascadia Subduction Zone*, Uslu, B., J. C. Borrero, L. A. Dengler, and C. E. Synolakis (2007), *Geophysical Research Letters*, Volume 34, L20601 (see Exhibit No. 15). The paper presented the results modeled from modeling six different near-source earthquakes on the San Juan de Fuca and Gorda CSZ plates, with and without combined offsets on the Little Salmon thrust fault. Using the City tide gauge as a comparative benchmark, located within the harbor approximately 1¼ miles from the medical clinic site, inundation levels of 6 to 7 meters (±20-23 feet) above mean sea level were projected at that locale. The results of this study as well as other model-based and observational inundation and run-up data from both near- and distant-source seismic events are currently being compiled collaboratively by the California Emergency Management Agency (CalEMA), the California Geological Survey (CGS) and the University of Southern California’s Tsunami Research Center, onto a new set of tsunami hazard maps. Release of these new maps is scheduled for 2009. See Redwood Coast Tsunami Work Group website: (<http://www.humboldt.edu/~geology/earthquakes/rctwg/>)

areas of inundation that could result from various possible tsunami events. A near-source 8.4 moment-magnitude (Mw- 8.4) seismic event on the Cascadia Subduction Zone region was determined to be a credible source for generating a 10 meter (33 feet), 33.3-minute period incident wave in 50-meter water depth. Based on modeling of the tsunami's onshore propagation, all land below four meters elevation would be flooded, with inundation levels in the harbor reaching six meters in some locations. The area of inundation could extend inland 1.3 kilometers, or approximately one mile from the harbor and ocean shorelines.

As cited above, Coastal Act Section 30253 requires that risks to life and property in areas of high geologic and flood hazards be minimized. In addition, new development must assure stability and structural integrity from geologic instability or destruction of the site and its surroundings and not contribute significantly to erosion, or in any way contribute to the need for protective devices that would substantially alter landforms. In their present wording LUP Chapter 2 – Safety and Noise do not detail flooding from tsunami inundation in its coverage of applicable risk types to be minimized. As noted above, the area affected by the proposed LCP amendment lies partially within mapped tsunami wave run up inundation areas. By accommodating future residential and commercial development that is currently allowed at certain sites under the currently certified LCP, the proposed amendment would facilitate development exposing greater numbers of people to flood hazard risks.

Protection of Permanent Residences

Over the last half-decade in the aftermath of catastrophic natural disasters around the world (e.g., Hurricane Katrina, Indonesian Tsunami, Cyclone Nargis, the recent tsunami in Samoa), large-scale displacements of persons and homelessness resulting from flooding, especially in low-lying coastal areas, have come to be recognized by governing bodies and international aid agencies alike as a form of socio-economic disruption on a scale with that of pandemics, famines, and warfare. Such disturbances can significantly destabilize the security and well-being of whole populations and regions. Of particular consequence is the loss of one's personal home and residence. Generally representing the primary and most significant financial investment for most persons, and often a substantial portion of their intended retirement income from the return realized from its accrued equity, the loss of a personal residence, as contrasted with other, less substantially valued real property, such as a second home or timeshare vacation unit, can have profound negative impacts on its owners' livelihood as well as the whole community in terms of added social service costs. In addition, such homelessness can have profound psychological impacts on the resident-owners, in terms of an increased sense of physical vulnerability and social isolation which can hamper efforts to recover from their domestic crisis.

The proposed amendments to the LUP include no modifications to the LCP to address the recently acknowledged implications to public health and safety from the potentially extreme seismic and flooding hazards associated with the County's geologic setting, particularly with regard to exacerbating potential loss of primary domiciles.

To ensure that flood hazards associated with tsunami inundation are considered in the review of future development along shoreline areas under the LUP as amended in a manner consistent with Section 30253, the Commission includes within Suggested Modification No. 4 new Policies 2.C.8. through 2.C.10., which require: (1) the utilization of tsunami inundation mapping, as may be developed from time to time; (2) setting the floor elevation of all new permanent residences created through land divisions to design their floor heights to be one foot above predicted runup depths; (3) designing such permanent residential structural to have resilient designs to withstand wave-strike by tsunamis; and (4) the approval of tsunami safety and evacuation plans in the approval of new development within historic or mapped inundation areas.

Thus, as submitted, the LUP amendment would fail to protect life and property from the risk of flooding from tsunami wave run up in a manner inconsistent with the Coastal Act policies concerning geologic and flooding hazards and must be denied. The Commission finds, however, that if modified by Suggested Modification No. 4 to: (a) clarify that risks to both geologic and flooding hazards are to be minimized; (b) establish design standards affording protection to permanent residential units from tsunami inundation; and (c) require new development involving human-occupied structures in tsunami hazard areas to prepare and distribute or otherwise post constructive notice of risks of tsunamis and information relating to evacuation to safe ground, the LUP amendment would be consistent with Section 30253 of the Coastal Act in that minimizing risks to life and property in areas of high geologic and flooding hazard would be ensured and the development would not create or contribute to geologic-related instability or destruction for new projects in the coastal zone portions of the County.

Sea Level Rise

Sea level rise is an important consideration for the planning and design of projects in coastal settings. Such changes in sea level will exacerbate the frequency and intensity of wave energy received at shoreline sites, including both storm surge and tsunamis, resulting in accelerated coastal erosion and flooding in such locales. There are many useful records of historic sea level change, but little certainty about how these trends will change with possible large increases in atmospheric greenhouse gas emissions and air temperatures. Notwithstanding the controversy and uncertainties about future global or local sea levels, guidance on how to address sea level rise in planning and permitting process is evolving as new information on climate change and related oceanic responses become available.

The Commission, like many others permitting agencies, have undertaken past assessments of sea level rise effects using the principal of “uniformitarianism” as guidance — that natural processes such as erosion, deposition, and sea level changes occur at relatively uniform rates over time rather than in episodic or sudden catastrophic events. As a result, future ocean surface elevations have been extrapolated from current levels using historical rates of sea level rise measured over the last century. For much of the California coast, this equates to a rate of about eight inches per 100 years. Rates of up to one foot per century have typically been used to account for regional variation and to provide for some degree of uncertainty in the form of a safety factor. This rate of rise is then further adjusted upward or downward as needed depending upon other factors, such as localized subsidence or tectonic uplift. In the review of past development projects on Del Norte County coastline areas in the Crescent City area, the roughly 2.6 millimeters-per-year (mm/yr) rate of localized tectonic lift has been found to be exceeding that of projected sea level rise by approximately - 0.21 feet/century (-0.65 +/- 0.36 mm/yr), for the tide record spanning 1933 to 2006, resulting in a relative drop in local sea level.

Most climate models now project that the historic trends for sea level rise, or even a 50% increase over historic trends, will be at the very low end of possible future sea level rise by 2100. Satellite observations of global sea level have shown sea level changes since 1993 to be almost twice as large as the changes observed by tide gauge records over the past century. Recent observations from the polar regions show rapid loss of some large ice sheets and increases in the discharge of glacial melt. The 2007 Fourth Assessment Report by the Intergovernmental Panel on Climate Change (IPCC)⁷ notes that sea level could rise by 7 to 23 inches from 1990 to 2100, provided there is no accelerated loss of ice from Greenland and West Antarctica. Sea level rise could be even higher if there is a rapid loss of ice in these two key regions.

The IPCC’s findings were based on a 2007 report prepared by Dr. Stefan Rahmstorf of the Potsdam Institute for Climate Impact Research (hereinafter “Rahmstorf Report”). This report has become the central reference point for much of recent sea level rise planning. The Rahmstorf Report projects that by 2100, sea level could be between 20 to 55 inches higher than 1990 levels. The Rahmstorf Report developed a quasi-empirical relationship between historic temperature and sea level change. Using the temperature changes projected for the various IPCC

⁷ The IPCC is a scientific intergovernmental body established by the World Meteorological Organization (WMO) and the United Nations Environmental Programme to provide the decisionmakers and others interested in climate change with an objective source of information about climate change; <http://www.ipcc.ch/ipccreports/assessments-reports.htm> 5 Independent Science Board, 2007. Sea Level Rise and Delta Planning, Letter Report from Jeffrey Mount to Michael Healey, September 6, 2007, CALFED Bay-Delta Program: http://deltavision.ca.gov/BlueRibbonTaskForce/Sept2007/Handouts/Item_9.pdf

scenarios, and assuming that the historic relationship between temperature and sea level would continue into the future, he projected that by 2100 sea level could be between 20 inches and 55 inches (0.5 to 1.4 meters) higher than the 1990 levels (for a rate of 0.18 to 0.5 inches/year). These projections for future sea level rise anticipate that the increase in sea level from 1990 to 2050 will be from about 8 inches to 17 inches (for a rate of 0.13 to 0.28 inches/year); from 1990 to 2075, the increase in sea level would be from about 13 inches to 31 inches (for a rate of 0.15 to 0.36 inches/year) and that the most rapid change in sea level will occur toward the end of the 21st century. Most recent sea level rise projections show the same trend as the projections by Rahmstorf — that as the time period increases the rate of rise increases and that the second half of the 21st century can be expected to have a more rapid rise in sea level than the first half.

Several recent studies have projected future sea level to rise as much as 4.6 feet from 1990 to 2100. For example, in California, the Independent Science Board (ISB) for the Delta Vision Plan has used the Rahmstorf Report projections in recommending that for projects in the San Francisco Delta, a rise of 0.8 to 1.3 feet by 2050 and 1.7 to 4.6 feet by 2100 be used for planning purposes. This report also recommends that major projects use the higher values to be conservative, and that some projects might even consider sea level projections beyond the year 2100 time period. The ISB also recommends “developing a system that can not only withstand a design sea level rise, but also minimizes damages and loss of life for low-probability events or unforeseen circumstances that exceed design standards. Finally the board recommends the specific incorporation of the potential for higher-than-expected sea level rise rates into long term infrastructure planning and design.”

The Rahmstorf Report was also used in the California Climate Action Team's Climate Change Scenarios for estimating the likely changes range for sea level rise by 2100. Another recent draft report, prepared by Philip Williams and Associates and the Pacific Institute for the Ocean Protection Council, the California Energy Commission's Public Interest Energy Research (PIER) Climate Change Research Program, and other agencies also identifies impacts from rising sea level, especially as relate to areas vulnerable to future coastal erosion and flooding. This report used the Rahmstorf Report as the basis to examine the flooding consequences of both a 40-inch and a 55-inch centurial rise in sea level, and the erosion consequences of a 55-inch rise in sea level.

On November 14, 2008, Governor Schwarzenegger issued Executive Order S-13-08, directing various state agencies to undertake various studies and assessments toward developing strategies and promulgating development review guidelines for addressing the effects of sea level rise and other climate change impacts along the California coastline.⁸ Consistent with the executive order, the governing board of

⁸ Office of the Governor of the State of California, 2008. Executive Order S-13-08; <http://gov.ca.gov/index.php?/print-version/executive-order/11036/>

the Coastal Conservancy adopted interim sea level rise rates: (a) 16 inches (40 cm) by 2050; and (b) 55 inches (140 cm) by 2100 for use in reviewing the vulnerability of projects it funds. These rates are based on the PEIR climate scenarios. If adopted, these criteria would be utilized until the study being conducted by the National Academy of Sciences regarding sea level rise, requested by a consortium of state resource and coastal management agencies pursuant to the executive order, is completed.

Concurrently, in the Netherlands, where flooding and rising sea level have been national concerns for many years, the Dutch Cabinet-appointed Deltacommissie has recommended that all flood protection projects consider a regional sea level rise (including local subsidence) of 2.1 to 4.2 ft by 2100 and of 6.6 to 13 ft. by 2200.9 Again, the Rahmstorf Report was used by the Delta Committee as a basis in developing their findings and recommendations. Given the general convergence of agreement over the observed and measured geodetic changes world wide in ocean elevations over the last several decades, most of the scientific community has ceased debating the question of whether sea level will rise several feet higher than it is today, but is instead only questioning the time period over which this rise will occur. However, as the conditions causing sea level rise continue to change rapidly, prognostications of sea level rise are similarly in flux. As a result of this dynamism, anticipated amounts and rates of sea level rise used in project reviews today may be either lower or higher than those that will be utilized ten years from now. This degree of uncertainty will continue until sufficient feedback data inputs are obtained to allow for a clear trend to be discerned from what is now only a complex and highly variable set of model outputs. Accordingly, in the interest of moving forward from the debate over specific rates and amounts of rise to a point where the effects of sea level rise greater than those previously assumed in the past may be considered, one approach is to undertake a sensitivity analysis on the development project and site to ascertain the point when significant changes to project stability would result based on a series of sea level rise rates. The analysis would be structured to use a variety of sea level rise projections, ranging from the relatively gradual rates of rise indicated by the IPCC and Rahmstorf models, to scenarios involving far more rapid rates of sea level rise based upon accelerated glacial and polar sea and shelf inputs.

For example, for the most typical development projects along the coast (i.e., residential or commercial), consideration of a two to three foot rise in level rise over 100 years could be assumed to represent the minimum rate of change for design purposes. However, in the interest of investigating adaptive, flexible design options, sensitivity testing should also include assessing the consequences of sea level rise at three to five times greater rates, namely five to six feet per century, and even 10 to 20 feet per 100 years. The purpose of this exercise is to determine, if there is some "tipping point" at which a given design would rapidly become less stable, and to evaluate what would be the consequences of crossing such a threshold. This type of

analysis would make the property owner aware of the limitations, if any, of the initial project design early in the planning process. Depending upon the design life of the development, the economic and technical feasibility of incorporating more protective features, and levels of risk acceptance, the project proponent could propose, or the permitting agency may require, that greater flexibility be provided in the design and siting of the development, or other mitigation be identified, to accommodate the higher rates of sea level rise.

The sensitivity analysis approach would allow accelerated rates of sea level rise to be considered in the analysis of projects. Such evaluations provide some flexibility with regard to the uncertainty concerning sea level rise, providing an approach to analyze project in the face of uncertainty that would not involve the imposition of mandatory design standards based upon future sea level elevations that may not actually be realized. Given the nonobligatory and adaptive nature of this approach to hazards avoidance and minimization, as necessitated by such scientific uncertainty, it will remain important to include new information on sea level trends and climate change as iterative data is developed and vetted by the scientific community. Accordingly, any adopted design or siting standards that may be applied to development projects should be re-examined periodically to ensure the standard is consistent with current estimates in the literature before being reapplied to a subsequent project.

Regardless of its particular rate, over time elevated sea level will have a significant influence on the frequency and intensity of coastal flooding and erosion. Accordingly, rising sea level needs to be considered to assure that full consistency with Section 30253 can be attained in the review and approval of new development in shoreline areas.

The LUP as proposed to be amended contains no provisions for the consideration of sea level rise in the review of new development at shoreline proximate localities where instability and exposure to flooding risks could be intensified at higher ocean surface elevations. Without such provisions, the LUP as proposed for amendment would be inconsistent with the policies of Chapter 3 of the Coastal Act, specifically Section 30253 and must be denied. The Commission thus includes within Suggested Modification No. 4, new policy 2.C.11 to ensure that, to the greatest degree feasible given current scientific uncertainties relating to the variable projected rates of sea level rise, new projects in the County's coastal zone area will minimize risks to life and property in areas of high geologic and flooding hazard and not create or contribute to geologic-related instability or destruction by requiring that the effects of sea level rise be quantitatively considered in geologic and other engineering technical evaluations of new development.

If modified as suggested above, the proposed amendment could be found consistent with Coastal Act policies concerning the avoidance and minimization of geologic and flooding hazards.

RATIONALE FOR REVISION(S)

- To state the background and basis for the inclusion of new policy language regarding mitigating risks to persons and property associated with tsunami and sea level rise hazards.

- **Revise the suggested modified wording of Policy 1.B.6 of Suggested Modification No. 3 (Exhibit No. 1, page 2-15) to read as follows:**

1.B.6. The primary tool to reduce impacts to all types of ESHAs shall be the establishment of a spatial buffer between proposed development and the ESHA. The buffer shall be a minimum of one hundred feet in width except when the buffer is established between proposed development and bald eagle nesting ~~areas~~ **sites**, in which case the buffer shall be a minimum of 300 feet. A buffer of less than the minimum width may be utilized where it can be determined that there is no adverse impact on the ESHA, based on biological habitat and geophysical assessments taking into account: (1) the extent type, and sensitivity to disturbance of the subject environmentally sensitive area and/or other inter-connected sensitive resource areas; (2) the intensity of the development and its potential direct and cumulative impacts on the adjacent ESHA; and (3) mitigation measures necessary to reduce any significant impacts to less than significant levels, such as the incorporation of vegetative screening, runoff interceptor berming, and other protective features into the reduced buffer. **A determination that a reduced buffer meets the criteria and is appropriate will generally only be made in rare instances.** A determination to utilize a buffer area of less than the minimum width shall be made in cooperation with the California Department of Fish and Game and the County's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource.

RATIONALE FOR REVISION(S)

- To replace overly broad terminology (i.e., "areas") to assure that the buffer policy is appropriately applied to environmentally sensitive wildlife habitat locations ("sites") where actual nesting use has been substantiated, rather than probabilistically across a general region where nesting might or has occurred.
- To emphasize that demonstrating the protective adequacy of any proposed reduced-width buffer: (1) entails a significant undertaking involving the collection of substantive factual evidence developed from biological assessment data; (2) may only be approved in those cases where a compelling argument has been made

that reducing an ESHA buffer width below 100 feet is appropriate based on development-, resource-, and site-specific factors; and (3) is not merely an academic exercise to be rotely undertaken to secure an exemption to the default 100-foot width standard.

- **Revise the wording of Policy 1.B.25. of Suggested Modification No. 3 (Exhibit No. 1, page 2-19) to read as follows:**

1.B.25. The ~~portions of the~~ maintenance opening of the sandbar at Lake Talawa ~~within the County's coastal development permitting jurisdiction~~ may be permitted consistent with agreements negotiated between the County and the California Department of Fish and Game if consistent with the provisions of this chapter regarding development within and adjacent to ESHA.

RATIONALE FOR REVISION(S)

- The Lake Earl/Talawa breaching site is located wholly within the Coastal Commission's retained permitting jurisdiction. No "portion" of the breaching site is currently within the County's jurisdictional area.

- **Revise the wording of Policy 1.C.5. of Suggested Modification No. 3 (Exhibit No. 1, page 2-24) to read as follows:**

1.C.5. ~~Proposals to create new parcels, either by lot line adjustment or other land division, shall be required to include Land divisions, including subdivisions, lot splits, and lot line adjustments involving lots containing or within proximity to ESHA for which protective buffers are required, may only be approved if the resulting parcels contain~~ adequate space to place all improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures) outside of areas required for watercourse and/or other ESHA buffer protection.

RATIONALE FOR REVISION(S)

- To state more clearly the types of development for which the policy would apply, and to remove verbiage suggesting that lots are "created" by lot line adjustments.

- **Revise the fourth sentence of the suggested modified wording of the description of the General Commercial land use designation in Suggested Modification No. 3 (Exhibit No. 1, page 5-96) to read as follows:**

The maximum floor area ratio (FAR) for commercial development is 0.75. Residential development density is to be limited to one unit per acre where on-site water and sewage disposal are utilized, two units per acre where public water is utilized, and up to ~~12~~ **15** dwelling units per acre where community water and sewer are utilized.

RATIONALE FOR REVISION(S)

- Policy inadvertently retained incorrect adopted maximum residential development for the CG designation. This correction was one of the “friendly modifications” consented to be County and Commission staff.

- **Revise the wording of Goal 3.C.2. of Suggested Modification No. 4 (Exhibit No. 1, page 5-108) to read as follows:**

Goal 3.C.2. To ~~encourage appropriate~~ **discourage** public land acquisition that ~~would not may~~ adversely affect agricultural production activities, ~~adversely cumulatively~~ reduce the County’s tax base, and/or result in ~~additional commitment and~~ **unnecessary** expenditure of public funds to acquire, maintain, and develop additional land for public use.

RATIONALE FOR REVISION(S)

- At the request of the County, the revision returns the goal’s wording to that as originally proposed by the County, consistent with their “no net loss” resolution regarding acquisition of private lands for public purposes.

Note: As defined in the suggested modified definitions of land use plan terminology, “goals” do not govern the issuance of coastal development permits, nor represent a valid basis for appeal.

- **Delete suggested modified Policy 3.I.3 Suggested Modification (Exhibit No. 1, page 5-129) in its entirety as follows:**

~~**3.I.3.** The County shall require the provision of a 300-foot structure setback from Lake Earl, as measured from the eight-foot lake estuary elevation to be applied to new parcels created by land divisions and on existing parcels lying in proximity to mature trees suitable for raptor nesting, as determined in technical assistance consultations with the~~

~~California Department of Fish and Game and U.S. Fish and Wildlife Service~~

RATIONALE FOR REVISION(S)

- The policy was a draft proposal that was never adopted by the County nor formally submitted to the Commission for certification review (the policy was inadvertently retained in a earlier digital copy of the LUP update provided to Commission staff which was utilized in developing the “book” form of suggested modifications.)
- The matter of affording buffer protection to eagle nests is addressed elsewhere in the updated LUP in suggested-to-be-modified Policy 1.B.6.

- **Revise the wording of Policy 5.D.5. of Suggested Modification No. 6 (Exhibit No. 1, page 152) to read as follows:**

5.D.5. Visitor serving and commercial-recreational facilities on ocean-front parcels shall be protected and encouraged when such development provides an increased opportunity for shoreline access and coastal recreation and enhances scenic and environmental values of the area.

RATIONALE FOR REVISION(S)

- Omitted verb phrase.

- **Revise the wording of Chapter 21.00 of Suggested Modification No. 13 (Exhibit No. 2, pages 1-4) to read as follows:**

Chapter 21.00

RESIDENTIAL SECOND UNITS

Sections:

- 21.00.010 General.**
 - 21.00.020 Application.**
 - 21.00.030 Second single-family unit.**
 - 21.00.040 Senior second units -- Temporary second dwelling uses with kitchen facilities in existing residences or additions to existing residences.**
 - 21.00.050 Invalid family care -- Temporary occupancy of a manufactured home for invalid family care.**
- 21.00.010 General.**

- A. Intent. The purpose of this chapter is to authorize second units and to establish a procedure for reviewing and approving their development in order to ensure and maintain healthy and safe residential living environments.
- B. Findings. The county of Del Norte finds as follows:
1. The county acknowledges that this chapter may limit housing opportunities within the county by establishing standards and designating areas where second units may be permitted; and
 2. The land use densities of the general plan and its implementing ordinance are based on the use of on-site sewage systems and on-site wells. This classification is based on land use, soil types, water availability, sewage failure history, and other information which attempts to provide for reasonable expectations for development while protecting the environment; and
 3. The sewage collection system within the urban area of the county was developed based on existing density and land use. The increased use of second units would accelerate the consumption of design capacity thereby excluding areas intended to be served by the collection system; and
 4. The local street and mad system and development standards are based on existing density and land use. The increased use of second units would result in substandard street and road systems which will increase traffic hazards, lower response time for emergency vehicles and increase maintenance costs of public and private streets and roads; and
 5. Adoption of this chapter is necessary to avoid adverse impacts on coastal resources, and the public health, safety and welfare that would result from allowing the indiscriminate use of second units. (Ord. 95-03 (part), 1995.)

21.00.020 Application.

A second unit proposed for approval shall require submission of a ~~use~~ **coastal development** permit application and payment of applicable fees. (Ord. 95-03 (part), 1995.)

21.00.030 Second single-family unit.

A second single-family unit may be a permitted use subject to the issuance of both a building permit and a coastal development permit and only if consistent with all of the following:

- A. The subject parcel is within an R, RR, FR, CR, A or AE zone district.
- B. The second unit is consistent with the allowable density of the applicable General Plan designation and Zoning designation. That is the subject parcel consists of a minimum of twice the minimum parcel size required by the general plan and zoning.
- C. The second unit must be situated on the subject parcel so that the parcel could be subdivided, under standards applicable at the time of application, without resulting in two dwellings on one parcel.
- D. The second unit shall comply with height, setback, lot coverage,

architectural standards, site plan review, fees, charges and other zoning requirements generally applicable to residential placement in the zone in which the property is located at the time for application of the building permit.

- E. Each dwelling shall be provided with separate utility connections. A shared well may be approved by the health department if it will not have an adverse effect on coastal resources.
- F. Second residential units shall not obstruct public access to and along the coast, or public trails.
- G. Second residential units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and shall be compatible with the character of the area.
- H. All development associated with second residential units shall provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.
- I. The means of accommodating the Second Unit: (1) will not have an adverse effect on coastal resources (2) will ensure adequate services will be provided to serve the proposed development; and (3) will not displace Coastal Act priority uses.
- J. If the means for accommodating a second unit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace priority uses, the second unit shall be denied.
- K. The development is consistent with the otherwise applicable policies and standards of the certified LCP. (Ord. 20 - § , 20 ; Ord. 2003-009 § 2, 2003; Ord. 95-03 (part), 1995.)**

21.00.040 Senior second units -- Temporary second dwelling uses with kitchen facilities in existing residences or additions to existing residences.

A ~~use~~ **coastal development** permit for a temporary second dwelling use with cooking facilities may be considered by the planning commission in a portion of, or an addition to, any legally existing single-family residence subject to all of the following:

- A. The second dwelling shall be used for the sole occupancy of one to two adult persons who are sixty-two years of age or over and am immediate family members of the principal residents of the parcel.
- B. The total designated floor area for the second dwelling use shall not exceed thirty percent of the floor area of the entire structure, including any proposed addition. However, under no circumstances shall the floor area of the second unit exceed seven hundred square feet.
- C. The habitable floor area of the second dwelling shall maintain direct, internal access to the habitable floor area of the primary residence, and a direct exit outside. For purposes of this section, habitable floor area shall include hallways.
- D. Any structural additions or alterations shall comply with all applicable

- building, zoning, health and fire code requirements.
- E. Utilities for the second dwelling area (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence as much as is feasible.
 - F. When the specified occupant(s) of the second dwelling no longer reside in the unit or no longer qualify for the use permitted under these provisions, the kitchen facilities and any duplicate utilities shall be removed, and the area no longer used for second dwelling purposes.
 - G. Notice of noncompliance, stating the conditions of the ~~use~~ **coastal development** permit, shall be recorded at the time of issuance of a building permit for the structural addition or alteration to the existing residence.
 - H. The ~~use~~ **coastal development** permit shall be subject to annual review and verification of compliance by the planning department and/or planning commission. A fee, in an amount determined by the board of supervisors, may be charged for the annual review.
 - ~~I. Use permit approval does not replace, supersede or modify the independent requirement for a CDP approved pursuant to the otherwise applicable policies and standards of the certified LCP.~~
 - I. Second residential units shall not obstruct public access to and along the coast, or public trails.
 - J. Second residential units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and shall be compatible with the character of the area.
 - K. All development associated with second residential units shall provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.
 - L. The means of accommodating the Second Unit: (1) will not have an adverse effect on coastal resources (2) will ensure adequate services will be provided to serve the proposed development; and (3) will not displace Coastal Act priority uses.
 - M. If the means for accommodating a second unit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace priority uses, the second unit shall be denied.
 - N. The development is consistent with the otherwise applicable policies and standards of the certified LCP. (Ord. 95-03 (part), 1995.)

21.00.050 Invalid family care -- Temporary occupancy of a manufactured home for invalid family care.

A ~~use~~ **coastal development** permit for the temporary establishment and use of a manufactured home may be considered by the planning commission as a second dwelling unit in any R, RR, FR, A or AE zone district for invalid family care purposes, subject to all of the following:

- A. The permit shall be issued to the owner-occupant of a parcel of property,

- based upon the physical condition of a specific person or persons as an invalid, and such permit shall be non transferable.
- B. The occupant of the subject unit shall be a member of the immediate family of the principal resident(s) who is the owner-occupant of the subject parcel or the occupant of the subject unit shall be a court appointed guardian to the owner-occupant of the subject parcel.
 - C. Application for persons under the age of seventy years shall include a written statement, on a form provided by the county, completed by a practicing physician certifying the need for and purpose of the requested invalid care. Verification of need shall be submitted with each annual renewal and shall be signed by the attending physician.
 - D. The unit placement shall comply with all applicable building, zoning, engineering, health and fire code requirements, and must comply with any applicable architectural standards which apply to the parent zoning district; except that density requirements and the requirement for a permanent foundation shall not apply due to the temporary nature of the placement.
 - E. Utilities for the second dwelling unit (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence.
 - F. When the specified occupant(s) of the second dwelling no longer reside in the unit or no longer qualify for the use permitted under these provisions, the unit shall be removed within ninety days, and the area no longer used for second dwelling purposes.
 - G. A bond, or other security, in the amount of five thousand dollars, payable to the county of Del Norte, shall be posted by the applicant prior to the issuance of a building permit for the placement/installation of the subject unit. Any bond posted as security pursuant to this section shall comply with the provisions of the California Bond and Underwriting Law which commences with Section 995.010 of the California Code of Civil Procedure. This performance bond is to be held by the county and may be called at any time by the county to enforce removal of the unit.
 - H. A notice of conditional approval, stating the conditions of the **use coastal development** permit and requiring the removal of the manufactured home upon cessation of need, shall be recorded at the time of issuance of the building permit for the placement (installation) of the unit. A notarized acknowledgement statement by the property owner shall be included on the notice of conditional approval.
 - I. The **use coastal development** permit shall be subject to annual review and verification of compliance by the planning department and/or planning commission. A fee, in an amount determined by the board of supervisors, may be charged for the annual review.
 - ~~J. Use permit approval does not replace, supersede or modify the independent requirement for a CDP approved pursuant to the~~

- ~~otherwise applicable policies and standards of the certified LCP.~~
- J. Second residential units shall not obstruct public access to and along the coast, or public trails.**
- K. Second residential units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and shall be compatible with the character of the area.**
- L. All development associated with second residential units shall provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.**
- M. The means of accommodating the Second Unit: (1) will not have an adverse effect on coastal resources (2) will ensure adequate services will be provided to serve the proposed development; and (3) will not displace Coastal Act priority uses.**
- N. If the means for accommodating a second unit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace priory uses, the second unit shall be denied.**
- O. The development is consistent with the otherwise applicable policies and standards of the certified LCP.** (Ord. 95-17 § 1, 1995; Ord. 95-03 (part), 1995.)

RATIONALE FOR REVISION(S)

- The bring the provisions for second dwelling units into conformance with the amendments made to California Government Code Section 65852.5.

- Delete the provisions for division of Agricultural Exclusive lands to less than the stated minimum parcel size from purposes of separating an existing farmhouse from the ranch or farm lands for the purposes of sale, lease, or financing of within Section 21.08.050.B of Suggested Modification No. 15 (Exhibit No. 1, page 25) in its entirety as follows:

~~B. Within the California Coastal Zone the division of agricultural lands in order to separate the existing farmhouse from the ranch or farm lands for the purposes of sale, lease, financing of the lands or the farmhouse may be approved by the planning commission for parcels less than the minimum parcel size. This action is subject to the following:~~

- ~~1. The minimum lot for the farmhouse shall be one acre,~~
- ~~2. The subject residence must have existed prior to the county's zoning of the lands to AE,~~
- ~~3. The subject lands are designated agricultural prime in the General Plan Coastal Element.~~

RATIONALE FOR REVISION(S)

- Deletion of the provision is necessary to ensure consistency with LUP (Policy 1.E.12. regarding the protection of prime agricultural lands and other agricultural lands from undue conversion to non-agricultural uses.

- **Delete the enumeration of “billboards: as a conditional use permissible in Agricultural General zoning districts as stated in Section 21.09.030H of Suggested Modification No. 16 (Exhibit No. 2, page 30), and renumber all subsequent enumerated conditional uses as follows:**

~~**H. Billboards not appurtenant to a permitted use only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12;**~~

~~**H.**~~ **H.** Guest lodging and guest ranches whose intensity and location does not detract from the primary agricultural production intent of the district, only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12;

~~**I.**~~ **I.** Commercial enclosed kennels for dogs and cats, only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12;

~~**J.**~~ **J.** Home enterprises which are not agricultural in nature, only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12;

~~**K.**~~ **K.** Timber production only when the development site meets the criteria for conversion from an agricultural use to a non-agricultural use pursuant to Land Use Policy 1.E.12.

RATIONALE FOR REVISION(S)

- The provision for permitting billboards in AG zoning district is in conflict with the provisions of the sign ordinance regarding off-premises signs in agricultural zones (“Friendly modification”).

- **Revise the wording provisions for guest lodging as a conditional use in Residential One Family zoning districts as set forth in Section 21.19.030.D of Suggested Modification No. 24 (Exhibit No. 2, pages 58-59) to read as follows:**

D. Guest lodging where it is an integral part of the principal one-family residential use.

RATIONALE FOR REVISION(S)

➤ The addition of the modifying phrase brings the provision for guest houses in R-1 zones consistent with that for Rural Residential Agricultural zoning districts, requiring that such use be integrated into an existing home and to not take the form of a separate structural improvement (“Friendly modification.”)

- **Delete the reference to the Mobilehome zoning districts in the provisions for residential uses as a conditional use permissible in Planned Community zoning districts as stated in Section 21.23.040.A of Suggested Modification No. 24 (Exhibit No. 2, page 66), as follows:**

A. All residential uses permitted in R-1, R-2, R-3, ~~and MH1 and 2~~ districts and commercial uses as in the C-1 district;

RATIONALE FOR REVISION(S)

➤ Concurrent with the adoption and Commission certification in 1995 of the IP provisions for manufactured housing in Chapter 21.40, the MFH combining zoning overlay, the precursor MH1 and MH2 zoning designations were eliminated (“Friendly modification”.)

- **Revise the prefacing wording of Section 21.55D.030.B in Suggested Modification No. 24 (Exhibit No. 2, page 172) to read as follows:**

B. Agricultural lands conversion. For all conversions of agricultural lands and lands suitable for agriculture to non-agricultural uses pursuant to Land Use Policy 1.E.12 a conversion/continued viability study containing the analysis required by Section 30241.5 of the Coastal Act, shall be submitted consisting of the following information and analyses, as determined to be necessary by the director of community development in consultation with the executive director of the Coastal Commission:

RATIONALE FOR REVISION(S)

➤ The policy as presently worded would require the preparation of a lengthy analysis for all forms of non-agricultural development regardless of its size, intensity, or location, and/or whether the property has ever or is currently involved in active agricultural uses. The inserted phrases would grant the director of community development, in consultation with the Commission’s executive director, the ability to determine the precise scope of the analysis required for the specific development given historic and site-specific conditions at the project site.

- **Revise the prefacing wording of Section 21.55D.030.C in Suggested Modification No. 24 (Exhibit No. 2, page 175) to read as follows:**

C. Divisions of agricultural land. All land divisions of agricultural lands and lands suitable for agriculture shall submit a continued viability analysis and agricultural management plan **containing the analysis required by Section 30241.5 of the Coastal Act**, detailing how the land will remain in active agricultural production once subdivided. The viability analysis and management plan shall consist of the following information, **as determined to be necessary by the director of community development in consultation with the executive director of the Coastal Commission**:

RATIONALE FOR REVISION(S)

- The policy as presently worded would require the preparation of a lengthy analysis for all subdivisions of agricultural lands regardless of its size, intensity, or location, and/or whether the property has ever or is currently involved in active agricultural uses. The inserted phrases would grant the director of community development, in consultation with the Commission's executive director, the ability to determine the precise scope of the analysis required for the specific development given historic and site-specific conditions at the project site.

- **Revise the wording of Section 21.55G.050(B)(4) [within the sub-section on development standards for blufftop and shoreline sites] in Suggested Modification No. 4 (Exhibit No. 2, page 189) to read as follows:**

4. Rights to future construction of a sea wall, cliff retaining wall, or other protective devices that would substantially alter natural landforms along bluffs and cliffs are ~~conveyed~~ **waived** by recorded deed restriction.

RATIONALE FOR REVISION(S)

- The wording changes make it clearer that, as a condition of permit approval, an applicant for a new blufftop development subject to bluff retreat hazards must give up any rights to construct a future shoreline protective device to protect any approved development.

Attachments:

- 1: Findings for Land Use Plan and Implementation Plan Suggested Modification Nos. 3 through 9 – Parts 6 through 10, and Suggested Modification Nos. 10 through 29.

divisions, to ensure that development would minimize risks to life and property in areas of high tsunami hazard consistent with Coastal Act Section 30253.

Noise Sub-element: The *Noise* sub-element of the County's proposed LUP Section 2 establishes noise standards to protect the health and welfare of the community by reducing exposure to excessive noise levels generated by sources such as traffic and industrial development. The noise policies do not raise any issues or conflicts with Coastal Act policies and the noise standards are clearly labeled as not intended for being a part of the standard of review for coastal development permits. The *Noise* sub-element would appear in the County's LUP so that the reader is aware of the County's noise standards that may apply to required County approvals other than coastal development permits. Therefore, the *Noise* sub-element proposed by the County remains unchanged with the exception of Suggested Modification No. 4 which involves adding a statement at the beginning of the Noise Element and at the beginning of Section F., Goals, Policies and Programs, as follows:

The policies of the Noise Element are not part of the County of Del Norte certified Local Coastal Program and do not govern the review and approval of coastal development permits.

The Commission finds that as modified, the proposed LUP is consistent with Coastal Act Section 30235 and Section 30253.

6. In-water, Shoreline, and Wetlands Development

a. Relevant Coastal Act Chapter 3 Provisions

Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, 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 the following:

- (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 open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) Restoration purposes.*

- (7) *Nature study, aquaculture, or similar resource dependent activities.*
- (b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*
- (c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study... if otherwise in accordance with this division...*
- (d) *Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Section 30235 Construction altering natural shoreline

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30236 Water supply and flood control

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

b. **Synopsis of Currently-Certified In-water, Shoreline, and Wetland Development LUP Provisions**

The *Marine and Water Resources*, *Hazard Areas*, and *Land Use* chapters of the currently-certified LUP contain policies and standards for authorizing certain provisional developments in coastal waters, along shorelines, and within wetlands (see "Currently-Certified Policies" of Table One, Column 1 of Exhibit No. 8). The emphasis of this chapter is to establish guidance for the County's development of a regulatory program with respect to providing for certain classes of crucially necessary and/or highly desirable development within environmentally sensitive or

coastal localities while identifying measures for the protection of coastal resources therein consistent with Sections 30233, 30235, and 30236 of the Coastal Act. These provisions enumerate specific development types or situations where such uses or structures may be permitted within wetlands and specify design and siting requirements, including but not limited to, demonstration of no less environmentally damaging feasible alternative for wetlands development and the inclusion of all feasible or best mitigation measures.

c. Summary of Proposed Amendments

The portions of the proposed updated LUP addressing conditional development in aquatic-dominant environments primarily: (1) convert currently certified LUP prefacing discussions into firm policies; (2) add specific provisions identifying certain highly productive ESHAs where supplemental review of development is to be undertaken; and (3) enumerate specific mitigation priorities.

d. Summary of, and Rationale for, Suggested Modifications to Proposed Updated In-water, Shoreline, and Wetland Development Policies

Notwithstanding the clarifications and supplemental coverage being added as part of the LUP update, the proposed list of specific uses for which development in wetlands, estuaries, open coastal waters, and in rivers, lakes, and streams may be authorized omitted certain details necessary for consistency with Section 30233 of the Coastal Act. In addition, several proposed policies contain wording which is inconsistent with Coastal Act Sections 30233, 30235, or 30236 and must be revised or struck. As shown is Exhibit 10, these suggested modifications:

- List out the seven classes of uses involving the filling, dredging, or diking of coastal waters, wetlands, estuaries, and lakes which may be authorized pursuant to Section 30233 and the three classes of uses for which channelization, damming, or other substantial alterations of rivers and streams may be undertaken.
- Clarify the expressly permissible developments or uses allowed within different types of environmentally sensitive habitat areas.
- Limit the instances when shoreline protective devices may be authorized to those instances where such devices are necessary to protect existing structures and coastal dependent uses.
- Require the design and siting of new development in shoreline proximate localities in a manner that precludes the need for shoreline protective devices.

Thus, the Commission finds that, as submitted, the provisions within the updated LUP regarding permissible development or uses within coastal waters, wetlands, and estuaries, along shorelines, and within rivers, lakes, streams do not fully conform with the Coastal Act policies 30233, 30235, and 30236, and, unless appropriately revised as indicated in the portions of Suggested Modification Nos. 3, 4, and 5 addressing development in certain ESHAs and in areas exposed to coastal erosion and other hazards, must be denied. If modified as suggested, the Commission

finds the subject updated provisions would be consistent with the Coastal Act policies regarding conditional in-water, shoreline, and wetland development.

7. Location of New Development

a. Relevant Coastal Act Chapter 3 Provisions

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

b. Synopsis of Currently-Certified New Development LUP Provisions

The currently-certified LUP policies and standards regulating new development, with respect to siting development within areas with existing community services and public utility capacities, subdividing rural lands, and maximizing resource use efficiency, by reducing vehicular transit dependency through establishing a compact development pattern, are located throughout the LUP's *New Development*, *Public Works*, and *Land Use* chapters. These provisions appear in such a dispersed pattern throughout the LUP because they are organized thematically around infrastructure development policies directed toward particular community service provider

entities, or have been relegated to sundry land use “other provisions” topic headings as “Urban/Rural Boundary” and “Division of Rural Lands,” (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). The emphasis of the policies and standards is to establish guidance for the County’s development regulatory program with respect to: (a) authorizing development only when adequate public service have been demonstrated to exist or in other areas where the development would not significantly adversely affect coastal resources; (b) regulating the timing and size of land divisions outside of established community serviced areas to prevent premature, “leapfrog” development and to protect rural character; and (c) facilitating public transit and other from of non-vehicular circulation, encouraging self-dependent mixed-use development, and preventing over-crowding of coastal recreational amenities through establishing a balance between development creating demand for such facilities and provision thereof, consistent with Sections 30250 and 30252 of the Coastal Act.

c. Summary of Proposed Amendments

The *Land Use and Community Development* and *Public Services and Facilities* sections of the proposed updated LUP address aspects of the conditional approval of new development and the related extension of public services, primarily in the context of the managing the location of the “urban services boundary,” represents the delimited geographic extent to which centralized public services, such as domestic water supply and wastewater treatment facilities, are provided to development sites. In addition, several of the prefacing, non-enumerated text provisions within the currently certified LUP are converted to formal policies, addressing such subjects as establishing criteria for the subdivision of rural lands, reducing vehicle miles traveled through supporting mixed-use development, and establishing standards for allowing limited extension of services beyond the urban services boundary to serve existing development, including established visitor-serving facilities. It is noted that one of the proposed policies stipulates that development within the urban boundary may only be approved only after the adequacy of services, including water, wastewater, and road infrastructural capacities, have been demonstrated.

d. Summary of, and Rationale for, Suggested Modifications to Proposed Updated New Development Policies

The suggested modifications to the updated and new Location of New Development policies are primarily required to ensure that certain key provisions of the Coastal Act are addressed in the LUP, especially the requirements of Section 30250 and 30252. These suggested modifications entail:

- Reiterating the requirements of Coastal Act Section 30250 as newly appended Policy 7.A.1.
- Restating the requirements of Coastal Act Section 30252 as newly appended Policy 7.A.9.

- Modifying the language of proposed Policy 3.B.5. to reflect current case law interpretations⁶ as to how the 50% development threshold and average parcel size rural land division requirements of Section 30250 are to be derived.
- Setting specific criteria for how the adequacy of public services, including water, sewer, and road infrastructural capacities, is to be demonstrated, and establishing that failure to substantiate such adequacy provides valid grounds for appeal of the coastal development permit (newly appended Policy 7.A.10).

As presently proposed, the Location of New Development provisions within *Land Use and Community Development* and *Public Services and Facilities* sections of the updated LUP must be denied as the provisions would not be consistent with the applicable policies of Chapter 3 of the Coastal Act, insofar as the overarching provisions of Sections 30250 and 30252 would not be included, and the stated criteria for rural land divisions does not reflect current legal interpretations. However, as modified by Suggested Modification Nos. 5 and 7 to insert new Policies 7.A.1, 7.A.9., and 7.A.10., and to modify the proposed wording of Policy 3.B.5., and other Section 3 and 7 provisions to include coverage of these Coastal Act directives, the proposed updated LUP would be consistent with the Location of New Development policies of the Coastal Act.

8. Coastal-Dependent and Other Priority Uses⁷

a. Relevant Coastal Act Chapter 3 Provisions

Section 30222.5 *Oceanfront lands; aquaculture facilities; priority*

Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Section 30234 *Commercial fishing and recreational boating facilities*

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30234.5 *Economic, commercial, and recreational importance of fishing*

⁶ See *Billings v. California Coastal Commission* (1988) 103. Cal.App.3d at 729).

⁷ The findings of this sub-section relate to functionally coastal-dependent and coastal-related priority uses such as port and harbor and/or other shoreline situated industrial, commercial fishing, aquaculture, and energy production, processing, and receiving facilities. Refer to findings sub-section 1, above, for a discussion of Coastal Act consistency for priority visitor-serving facilities proposed in the LUP update amendment.

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Section 30255 Priority of coastal-dependent developments

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Section 30260 Location or expansion

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

b. **Synopsis of Currently-Certified Coastal-Dependent/Priority LUP Provisions**

The *Housing/New Development*, *Industrial*, and *Land Use* chapters of the currently-certified LUP set forth policies and standards addressing certain classes of priority development recognized in the Coastal Act, including coastal-dependent and coastal-related commercial-industrial, aquaculture, commercial fishing, and harbor-related uses. In addition, reservation of sites for certain forms of heavy industrial and energy production, processing, and storage uses are identified (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 12). The chapter establishes policies with respect to the protection, reservation, and development of sites for uses which require location on, or adjacent to, the sea to be able to function at all, are related and dependent upon a coastal-dependent development or use, or are otherwise identified as highly-valued priority uses for siting at shoreline proximate localities, consistent with Section 30222.5, 30234, 30234.5, 30255, and 30260. It is noted that neither the currently-certified LUP nor the proposed updates LCP contain any provisions relating to reservation, protection, or development of sites for oils and gas tanker facilities, refineries, bulk terminal storage, or energy production facilities addressed by Coastal Act Sections 30261 through 30264, as Del Norte County has not historically been, or is anticipated to become a center for such uses.

c. **Summary of Proposed Amendments**

The *Land Use and Community Development* and *Public Services and Facilities* sections of the proposed updated LUP address the reservation, protection, and authorization of sites for development of a variety of coastal-dependent and coastal-related priority uses, primarily in the context of the provisions for land and water areas within the unincorporated portions of Crescent City Harbor. In addition, several policies within the currently certified LUP are brought forward in revised form setting hierarchies between these various highly valued uses, and among other

more generic uses, for the reservation and extension of limited-capacity public services, such that development of the more essential priority uses are not precluded (see “Proposed Amended Policies” of Table One, Column 2 of Exhibit No. 12).

d. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Coastal-Dependent/Priority Policies

Notwithstanding the revised and new policies within the updated LUP that more fully articulate the priorities for coastal-dependent and coastal-related land uses and limits the allowable uses within the harbor land use designations, certain fundamental provisions of the Coastal Act relating to these priority uses are not addressed or understated in the LUP, especially with respect to the requirements of Sections 30255 and 30260. These suggested modifications entail:

- Reiteration of the requirements of Coastal Act Section 30255 as within the revised wording of Policy 3.D.4.
- Applying the requirements of Coastal Act Section 30255 within the revised wording of Policy 3.D.3., as relates to provisional development of uses independent and/or unrelated to needing coastal location siting, provided an adequate inventory of sites for coastal-dependent and related uses is demonstrated, and the use is consistent with all other LUP resource protective measures.
- Including cross-references to the additional prescriptive development standards, and appeal and hearing requirements for principal and conditional uses within the Harbor Dependent, Harbor Dependent Commercial, Harbor Dependent Recreation, Harbor Related, and Greenery land use designation descriptions.

As currently proposed, the policies within the updated LUP regarding priority coastal-dependent and coastal-related uses omit key provisions of the Coastal Act regarding these development types. As such, the LUP amendment is inconsistent with the Chapter 3 policies of the Coastal Act and must be denied. However, the Commission finds that with the changes to the wording of certain proposed policies within the *Land Use and Community Development* and *Public Services and Facilities* sections of the updated LUP, as set forth in Suggested Modification Nos. 3 and 8, the amendments to the LUP regarding priority coastal-dependent and coastal-related uses can be found consistent with Sections 30222.5, 30234.5, and 30255.

9. Public Works Facilities and Services

a. Relevant Coastal Act Chapter 3 Provisions

Section 30114 Public works

“Public works” means the following:

- (a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(d) All community college facilities.

Section 30254 Public works facilities

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30254.5 Terms or conditions on sewage treatment plant development; prohibition

Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.

Section 30412 State Water Resources Control Board & Regional Water Quality Control Boards

(a) *In addition to Section 13142.5 of the Water Code, this section shall apply to the commission and the State Water Resources Control Board and the California regional water quality control boards.*

(b) *The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. **The commission shall assure that proposed development and local coastal programs shall not frustrate this section.** The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.*

Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port

governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.

(c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:

(1) The siting and visual appearance of treatment works within the coastal zone.

(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.

(3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.

The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.

(d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division.

(e) Nothing in this section shall require the State Water Resources Control Board to fund or certify for funding, any specific treatment works within the coastal zone or to prohibit the State Water Resources Control Board or any California regional water quality control board from requiring a higher degree of treatment at any existing treatment works.

b. Synopsis of Currently-Certified Public Works Facilities and Services LUP Provisions

The *Public Works, Housing/New Development, and Land Use* chapters of the currently-certified LUP set forth policies and standards for timely and appropriate extension, provision, and planned capacities of community services and utilities, including domestic water supply, wastewater treatment, surface, air, and marine transportation, telecommunications, and other forms of public and quasi-public infrastructure within its *Community Service Districts, Solid Waste Management, Road Systems, and Airport* sub-chapters (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 13). The emphasis of these provisions is to establish guidance for the County’s development regulatory program to safeguard coastal resources from inappropriate patterns or intensities of growth facilitated or induced by unplanned for and/or uncoordinated expansion of public works facilities, consistent with Section 30254, 30254.5, and 30412.

c. Summary of Proposed Amendments

As previously discussed in part in the interrelated findings for the certification of, and suggested modifications to, the proposed *Location of New Development* policies in sub-section 7, above, the *Public Services and Facilities* and *Transportation and Circulation* sections of the updated LUP set forth numerous policies addressing the reservation for, and the extension and provision of, public services, including water supply, wastewater treatment, and road infrastructure, to

support new development in specified urbanized and rural locations. These LUP sections also contain policies directed more at the public works facilities and infrastructure themselves, particularly as relates to limitations on such public works to capacities needed to serve anticipated planned-for growth such that growth inducement does not result from prematurely “over-building” the facilities. As the majority of the providers of these public services comprise independent special district, public utility, or state agency entities, many of these provisions are phrased in terms of the County “encouraging,” and “coordinating with,” the provider entities. Notwithstanding this deference to the service provider organizations, the updated LUP does contain an assortment of policies, either brought forward in revised form from their currently certified counterparts, or as new policies, setting requirements and allocations for the extension of services in areas with known service limitations or to certain non-contiguous areas to serve priority uses.

d. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Public Works Facilities and Services Policies

Although the updated LUP addresses the need to conserve and limit extensions of public services and development of related infrastructure in cases of limited capacity or to areas beyond established service boundaries, the policies are largely silent with respect to the requirements of the Coastal Act to actively limit the capacity of public works facilities to that needed only to serve foreseeable planned development and the specific preemptions regarding certain forms of regulation of publicly owned wastewater treatment works, as set forth in Sections 30254, 30254.5, and 30412. To address these omissions, the Commission attaches the following suggested modifications:

- Appending a new Policy 7.B.1., addressing limitations on the capacities of water supply and delivery public works facilities to serve development or uses planned for and permitted consistent with the provisions of the Coastal Land Use Plan.
- Appending a new Policy 7.C.1., addressing limitations on the capacities of wastewater collection, treatment, and disposal public works facilities to serve development or uses planned for and permitted consistent with the provisions of the Coastal Land Use Plan.
- Appending a new Policy 7.D.1., addressing limitations on the capacities of solid waste collection and disposal public works facilities to serve development or uses planned for and permitted consistent with the provisions of the Coastal Land Use Plan.
- Appending a new Policy 7.I.1., addressing limitations on the capacities of regulated public utility facilities to serve development or uses planned for and permitted consistent with the provisions of the Coastal Land Use Plan.
- Appending a new Policy 7.J.1., addressing limitations on the capacities of stormwater and drainage collection, treatment, and conveyance public works facilities to serve development or uses planned for and permitted consistent with the provisions of the Coastal Land Use Plan.

As currently proposed, the policies within the updated LUP regarding public works services and facilities omit key provisions of the Coastal Act regarding these infrastructural types. As such, the LUP amendment is inconsistent with the Chapter 3 policies of the Coastal Act and must be denied. However, the Commission finds that with the changes to the wording of certain proposed policies within the *Public Services and Facilities* and *Transportation and Circulation* sections of the updated LUP, as set forth in Suggested Modification Nos. 8 and 9, the amendments to the LUP regarding priority coastal-dependent and coastal-related uses can be found consistent with Sections 30254, 30254.5, and 30412.

10. Visual Resources

a. Relevant Coastal Act Chapter 3 Provisions

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

b. Synopsis of Currently-Certified Visual Resources LUP Provisions

The *Scenic Resources* chapter of the currently-certified LUP contains policies and standards for assuring that coastal visual resources are considered and protected in the authorization of new development (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 14). The emphasis of this chapter is to establish guidance for the County’s development regulatory program with respect to reviewing development as to its potential to obstruct views to and along the ocean and scenic areas, minimize landform alteration, and ensure visual compatibility with the character of the surrounding area, consistent with Section 30251 of the Coastal Act.

c. Summary of Proposed Amendments

The *Scenic Resources* section of the proposed updated LUP addresses the protection of visual resources in the review of development. The majority of the policies within the similarly named chapter of the currently certified LUP are brought forward either verbatim or in revised form setting requirements for ensuring that visual resources are protected by siting and designing new development to avoid obstruction of views to and along the coast and scenic areas, significant alterations of landforms, or improvements disharmonious with the surrounding visual character (see “Proposed Amended Policies” of Table One, Column 2 of Exhibit No. 14). In addition, several new policies are proposed addressing restrictions on exterior lighting or outdoor advertising and signage aimed toward avoiding potential direct and cumulative impacts these

improvements could have on visual resources in terms of light and glare, view obstruction, and area visual character.

d. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Visual Resources Policies

As currently proposed, the policies within the *Scenic Resources* section of the updated LUP, while setting detailed measures regarding the protection of visual resources, omit inclusion of the basic provisions within Coastal Act Section 30251. As such, since only an indirect inference can be drawn from the retained, revised and newly proposed policies, the LUP amendment is inconsistent with the Chapter 3 policies of the Coastal Act and must be denied. However, the Commission finds that with verbatim inclusion of Section 30251 within the *Scenic Resources* section of the updated LUP, as set forth as new Policy 6.A.1. in Suggested Modification No. 7, the amendments to the LUP regarding the protection of visual resources can be found consistent with Section 30251.

SUGGESTED MODIFICATION – 10: *Definitions Appendix*

a. Synopsis of Currently-Certified Definitions

The currently-certified LUP contains no overall definitions chapter or appendix. Glossaries for selected terminology used in the Marhoffer and Elk Creek special study area provisions appear as end appendices to those chapters.

b. Summary of Proposed Amendments

The proposed *Definitions* appendix explains the meanings of the vocabulary of the LUP with the intent of facilitating its comprehension. Several of these terms are familiar in common usage, but have statutorially based, specific meanings which, within the context of determining the breadth and applicability of the LUP's policies and standards, warrant precise parsing. Other terms are technical in nature, for which their explanation is helpful to lay readers.

c. Summary of Suggested Modification No. 10: (Definitions)

Suggested Modification No. 10 proposes that several new terms be included in the definitions appendix. The inclusion of these additional definitions is being recommended to:

- Assure that the usage of certain statutorially defined Coastal Act terms are consistently defined in the LUP (i.e., “environmentally sensitive habitat area,” “wetland”).
- Establish distinctions between classes of “principal permitted,” “principally permitted,” and “conditionally permitted” uses, for purposes of appeal, public hearing, noticing, and categorical exclusion from coastal development permitting requirements.
- Introduce heretofore undefined new terminology relating to new policy initiatives (i.e., “maximum extent practicable”).

d. Discussion of Bases for Suggested Modifications

The *Definitions* appendix to the LUP either omits, understates, or paraphrases certain key terms which, if applied as written in the interpretation and administration of the LUP's policies and standards, could result in actions being taken by the County inconsistent with the requirements of the Coastal Act regarding the protection of environmentally sensitive habitat areas, wetlands, water quality, and its programmatic requirements regarding the permitting of coastal development. Thus, to ensure that the policies of the LUP are applied consistent with Coastal Act Sections 30230, 30231, 30233, 30240, and the development controls provisions of Chapter 7, the Commission recommends the appending of several new terms within the Definitions appendix as set forth in Suggested Modification No. 10.

SUGGESTED MODIFICATION – 11: LUP Maps

a. Synopsis of Currently-Certified LUP Maps

The County of Del Norte's land use plan diagram consists of three 1:24,000 "Land Use" maps diagrammatically indicating the general location and extent of the various land use designations, together with a delineation of the Urban Service Boundary around areas where water supply delivery, wastewater collection and treatment, and other similar public services are either provided to serve existing development or are planned to be provided to future growth. The spatial arrangement of these land use designations and the service boundary were reviewed for consistency with the text policies of the LUP and the Coastal Act and initially certified in 1983. As shown on Table II-1, the land use plan maps have only been amended twice, in 1988 (an Urban Services Boundary expansion) and in 1996 (Soares).

b. Summary of Proposed Map Amendments

The County proposes to replace the current LUP mapping with a set of land use maps varying in scale from 1:12,000 to 1:24,000, corresponding to a north-south division of its coastal zone portions into "Fort Dick/Lake Earl Area," Crescent City Surrounding Areas," and Klamath Area" planning sub-regions (see Exhibit No. 3, pages 178 through 180).

The County is also proposing to change the land use designations over approximately 400 acres of land within the coastal zone in six locations: (1) Stateline, (2) Old Mill Road/Charm Lane, (3) Washington Park West/Amador Street, (4) Point Saint George Geographic Segment, (5) McNamara Field, and (6) Crescent City Harbor.

The first three of the proposed land use designation changes affect the allowable density of residential development within the County. The Stateline amendment redesignate nine parcels totaling 36.75 acres situated on the inland side of Highway 101 just south of California-Oregon border from Rural Residential 1 unit per 2 acres (RR 1/2) to Rural Residential 1 unit per 1 acre (RR 1/1) and Rural Residential-Agriculture 1 acre (RRA-1) which would allow for one additional unit per acre resulting in a potential increase of approximately 18 residential units. These lots, although located in an existing large-lot residentially-developed area currently served

by existing community water system infrastructure, are nonetheless very rural in character, comprising forested hillside and flats predominantly visible from Highway 101.

The Old Mill Road/Charm Lane and Washington Park West/Amador Street amendments are contiguous neighborhood areas comprising 51 lots totaling 105 acres within the Urban Services Boundary on the unincorporated exurban northern fringe of the City of Crescent City. These amendments involve increases to residential density for the currently certified 0-2 dwellings per acre to 2 to 6 dwelling units per acre and establish two Multi-Family Residential designated areas totaling 26.5 acres with a residential density range of 6 to 15 dwellings per acre. Portions of the site proposed for the latter designation, in its southwestern quadrant, appear to contain wetlands.

The last three plan and zoning designation changes involve public facility lands, comprising: (a) the 340-acre Point Saint George geographic segment, now in County ownership and proposed for public parklands and habitat conservation uses; (b) a 72-acre portion of McNamara Field, the County's sole commercial aviation airport, involving redesignation of certain runway periphery areas and surrounding clear zones from Public Facility (PF) to Light Industrial (LI) (3 acres), from Light Industrial (LI) to Public Facility (PF) (19 acres) and Resource Conservation Area (RCA) (50 acres) with corresponding zoning district changes from Public Facility (PF) to General Commercial (C-4) and from General Commercial (C-4) to General Resource Conservation Area (RCA1); and (c) amending the land use designations over land and water areas within the Crescent City Harbor from Harbor Dependent Commercial and Harbor Dependent Recreation to the more restrictive Harbor Dependent designation.

c. Summary of Suggested Modification No. 10 (LUP Maps):

The Commission finds that two of the six redesignation sites, Old Mill Road / Charm Lane and Crescent City Harbor to be consistent with the Coastal Act as proposed. The former area is located approximately one mile inland from the ocean shoreline and does not contain any known environmentally sensitive habitat. The proposed changes in residential land use density in the Old Mill Road Charm Lane area would involve properties on the exurban fringes of the City of Crescent City within the currently certified LCP's Urban Services Boundary, an area where eventual development to higher densities and the extension of services have been planned for since the 1980s. The proposed redesignation to UR2/6 would match that of lands situated immediately to the south within the Washington Park Subdivision. Similarly, the latter proposed redesignation of the shoreline and water portions of the Crescent City Harbor to Coastal Dependent from harbor-dependent commercial and recreational counterparts, will provide clearer protection of, and reservation for, coastal dependent uses at shoreline proximate sites more so than is currently afforded under the currently certified land use diagram configurations.

The Commission finds that the proposed redesignations of the remaining four sites, Stateline, Washington Park West, Point Saint George, and McNamara Field, are not consistent with the Coastal Act for a variety of reasons as discussed further below, and the redesignations must be modified to be found consistent with the Chapter 3 policies.

Stateline Rural Residential – One Dwelling per Two Acres (RR 1/2) to Rural Residential – One Dwelling per One Acre (RR 1/1): As mentioned above, the Stateline area represents a gently to moderately sloped forested hillside “gateway” area, comprising woodlot parcels, developed low-density rural residences, and small acreage agricultural uses, spanning the first half-mile south into California from the Oregon border on the east side of Highway 101. To the west, the neighborhood area along Crissey Road is designated RR 1/1. Further to the east and southeast of the proposed redesignation site, the land increases in steepness, transitioning from RR 1/2 to Rural Residential – One Dwelling per Three Acres (RR 1/3) to Timberland (TBR) and Rural Residential – One Dwelling per Five Acres (RR 1/5). Adjoining lands to the south, situated immediately inland from Pelican State Beach, are designated for Visitor Serving Commercial development and low-density rural residential (RR 1/3) uses. The subject area, as well as those lands immediately to the west in the Crissey Road neighborhood, are situated within the Smith River Community Services District (SRCSD), which provides domestic water supplies to the parcels, and has indicated that it has adequate reserve capacity to serve the area built out to its maximum density under the proposed land use diagram amendment, including the additional 18 parcels that potentially could be developed under the RR 1/1 designation being sought.

Washington Park West Urban Residential Two to Six Dwelling Units per Acre to Multi-family 12 to 15 Dwellings per Acre: The currently undeveloped western half of the Washington Park subdivision is situated along the northern side of Washington Boulevard, a major east-west collector street, co-terminus with the northern municipal corporation limits of the City of Crescent City. Given its location within the Urban Services Boundary and the presence of existing water and sewer infrastructure within the adjoining streets, the area has been identified as one of the principal locations for accommodating future residential growth within the Crescent City Market area. The County has proposed the area be reclassified from a medium density single- and two-family residential area to a multi-family designation allowing for a maximum potential residential density area of 15 dwellings per acre, primarily in the form of multi-story apartment residential complexes.

Point Saint George Geographic Segment – Area of Deferred Certification to Agriculture General - Five Acres Minimum Parcel Size: Due to a number of unresolved issues regarding coastal access, environmentally sensitive areas, coastal hazards, and archaeological resources, the Point Saint George area, along with other holdings of Reservation Ranch, Inc. in the Lopez Creek area and the *Pacific Shores Subdivision*, was segmented out from the bulk of the County’s coastal zone portions during the 1983 certification review of the initially submitted LCP. As of 2001, when the County was developing the revisions to the land use plan portion of the updated LCP, the land remained in private ownership, and was, as was initially proposed in 2003, again slated to be designated as Agricultural General - Five Acre Minimum Parcel Size (A5) to allow for large lot hobby farm residential development of up as many as 68 parcels. Subsequent to development of the LUP revisions, the area was acquired by the County in 2003, with funding provided by the Coastal Conservancy. In 2004, a management plan was adopted, with the area to be envisioned for use as a combination of natural and cultural resources conservation area, and public access and coastal recreational facility. This change in circumstances was reflected in the proposed zoning of the area as “Public Facility with Coastal Access and Hazards Combining Zone” (PF-C(A)(H)).

McNamara Field – Public Facility (PF) to Light Industrial (LI); Light Industrial (LI) to Public Facility (PF) and Resource Conservation Area: As part of use projections detailed in revisions to its master plan, and as required by federal aviation and national security agencies, the land designations over portions of McNamara Field, the County's sole commercial airport facility, as proposed to amended towards meeting projected demands and mandated requirements for public facility and commercial aviation related commercial uses. A 72-acre portion of McNamara Field, involving certain runway periphery areas and surrounding clear zones would be redesignated from Public Facility (PF) to Light Industrial (LI) (3 acres), and from Light Industrial (LI) to Public Facility (PF) (19 acres) and Resource Conservation Area (RCA) (50 acres).

d. Discussion of Bases for Suggested Modifications

Stateline: The proposed land use diagram amendment seeks to apply the same RR 1/1 designation as that existing on the parcels to the west in the Crissey Road neighborhood to the lands abutting the east side of Highway 101, extending easterly for a width of approximately 700 feet. Notwithstanding the SRCSD statements regarding adequacy of water service capacities, the Commission finds that the proposed redesignation would have significant adverse effects, either individually or cumulatively, on coastal resources, particularly with respect to the visual character of the surrounding area and the timberlands further to the east.

With regard to visual resources, the northerly 1/3 of the site proposed for redesignation consists of forest-covered woodlot, similar to the tree-lined road frontage on the west side of the highway, which provides a visual buffer from the homes further off the highway along Elias Lane and Crissey Road. The proposed designation would facilitate seven to eight housing sites, access driveways, and cleared front yard areas being developed on roughly 100-foot-wide parcels meeting the minimum standards of the similarly sought Rural Residential Agriculture – One Acre Minimum Parcel Size zoning district designation. Thus, unless additional requirements are imposed, this development pattern and the associated removal of significant portions of the forested cover would significantly alter the visual character of the Stateline area.

With respect to the protection of timberland resources, both currently certified Land Resources – Forestry Policy 9 and proposed Timberlands Resources Policy 1.H.5 (proposed to be modified and renumbered as Policy 1.F.6.) require that the placement of timberlands uses and adjacent uses be arranged so that, in general, lower intensity uses are adjacent to their commercial timberlands with higher intensity uses placed in a logical transition away from those timberlands. The proposed redesignation of a 700-foot depth of land extending easterly from Highway 101 would disrupt the established RR1/1→RR1/2→RR1/3→RR1/5→TBR higher to lower transitional density pattern in the eastern portion of the Stateline area, resulting in an abrupt density change from one dwelling per acre being placed directly adjacent to a one dwelling per three acres designation.

Thus, despite being located in an area with adequate public services, the Commission finds that the proposed redesignation in the Stateline area would have significant adverse effects, either individually or cumulatively, on coastal resources, namely visual resources. Furthermore, the Commission finds the proposed redesignation would not conform to the policies of the LUP,

either as currently certified or as proposed to be amended, regarding the placement of timberlands and other non-resource lands uses in a logical transition from each other in terms of decreasing development density. Accordingly, the Commission has included within Suggested Modification No. 10, a recommendation that the currently-certified Rural Residential One Dwelling per Two Acres land use designation be retained over the eastern 400-foot width of the area bounded on the north by the California-Oregon state boundary, on the west by Highway 101, and on the south by the quarter-section line of Section 32, T19N, R1W, HB&M. In this manner, a logical transition in development would be maintained between the commercial timberlands located to the east and the suburban development pattern along Highway 101.

With respect to ensuring conformance with both Coastal Act and LUP policies for the protection of visual resources, as discussed in the findings for Suggested Modification Nos. 20 and 25a, a Coastal Areas – Special Development Pattern Area Combining Zone overlay is recommended to be applied over the westerly 300-foot width of the subject area proposed for rezoning to Rural Residential Agriculture One Unit per One Acre (RRA-1) zoning district designation, requiring that future development utilize visual retention buffers, lot and/or building site clustering, and consolidated driveway accesses, with no more than two points of ingress/egress onto Highway 101. Under such supplemental development regulations, the provision of a tree-covered visual buffer between the highway and the resulting building sites, the restricting of the redesignation/rezoning to a 300-foot depth, reducing the maximum number of potential one-acre subdivided properties along the immediate roadway frontage from seven to eight one-hundred-foot-wide lots to five, roughly 150-foot-wide parcels, and the consolidation of the roadway entries, would serve to retain the existing developed medium low-density rural residential forested character of the surrounding area.

Washington Park West: Based upon a review of the U.S. Fish and Wildlife Service National Wetland Inventory's mapping and aerial photography of the area, portions of the Washington Park Subdivision within its southwestern quadrant appear to contain wetlands. Following discussions between Commission and County staff regarding the presence of wetlands in this southwest area, the County has indicated that they are agreeable to the southwestern area in question being redacted from the proposed MF redesignation of the area. Accordingly, Suggested Modification No. 11 includes a recommendation that the eleven parcels within the Washington Park West subdivision, bounded by Hermosa Road, Adams Street, Joaquin Street, and Washington Boulevard, retain their UR2/6 land use designation.

Point Saint George: Given its acquisition by the County with Coastal Conservancy funding and its current use as a natural and cultural resources conservation area, and as indicated by the proposed public facility zoning, the County no longer intends for the Point Saint George area to be designated for private large lot residential / casual agricultural uses. Thus, with County staff's concurrence as a "friendly modification," the Commission includes within the recommendations of Suggested Modification No. 11 that the land use designation for the previously uncertified Point Saint George area be categorized as Public Facility to match that of the proposed zoning.

McNamara Field: No information has been provided with the proposed updated LUP as to the presence and extent of wetlands or other environmentally sensitive habitat within the forested

area situated between southern legs of Runways 11/29 and 17/35. Accordingly, the Commission includes within the recommendations of Suggested Modification No. 11 that the area between the southern half of the airport's runways be retained in its current land use designations until site-specific biological information has been developed and submitted to the Commission as part of a separate LCP amendment for the area.

The Commission finds that aspects of four of the proposed six site-specific land use redesignations would not be consistent with the policies of Chapter 3 of the Coastal Act and/or policies within either the LUP as proposed to be updated, and must be denied. However, if the revisions to the redesignations recommended within Suggested Modification No. 11 were included within the proposed redesignations to the land use diagram, the Commission finds the land use map amendments to be consistent with the policies and standards of the Coastal Act.

SUGGESTED MODIFICATION – 12: *Reorganization*

a. Synopsis of Currently-Certified LUP Structure

The currently certified LUP provides general goals and policies governing development throughout those portions of the city within the coastal zone. The plan document follows a structure set out in the State's *Local Coastal Program Manual*, and is based on "policy groups" drawn from the California Coastal Act (e.g., "Public Access," "Marine and Water Resources," "Visual Resources"). The plan contains ten policy group chapters and chapter-end appendices providing salient inventory tables, maps, or technical report entries associated with the foregoing policy text. In addition, the currently-certified LUP sets forth policies unique to five planning sub-areas and two biological resource special study areas.

b. Summary of Proposed LUP Structure

The proposed LCP update involves an entirely new Land Use Plan format. The document is structured in two parts, with the first part entailing an introductory discussion of the General Plan process and the organization and contents of the General Plan. This introduction chapter is followed by the second part of the document, commencing with a preface containing an explanation of the differences between "goals," "policies," and "programs," and the symbology used to distinguish policies intended for application in the coastal zone, those intended solely for non-coastal portions of the County, and County-wide provisions not intended for the governance of coastal development permit authorizations. This preface is followed by a series of plan element "sections," which include: (1) Natural Resources / Conservation; (2) Safety and Noise; (3) Land Use and Community Development; (5) Recreational and Cultural Resources; (6) Scenic Resources; (7) Public Facilities and Services; and (8) Transportation and Circulation. The LUP also includes a Definitions appendix. In addition, as submitted to the Commission, the proposed LUP also includes as a second appendix a synopsis of the various proposed IP text and map amendments. This latter item is noted as intended to be removed from the published finalized LUP once certified by the Commission.

c. Summary of, and Rationale for, Suggested Modification No. 12 (LUP Organization):

Suggested Modification No. 12 recommends that the proposed updated LUP be significantly reorganized as follows:

- Delete all “wave” (☪) and “tree” (■) symbols and originative citations to currently-certified LUP (e.g., “MWR VIII.a.4”) from all Elements of the Coastal Land Use Plan.
- Number all policies and table entries in appropriate sequential order and correct all policy cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.
- List all policies that constitute the LCP in subsection 1 of the Coastal Land Use Plan Policy Document section of Part I – General Plan Summary chapter of the LUP following the numbering corrections as required by the preceding revision.
- Retain the “County outline” symbol (□) next to all policies in the LUP text intended for regulating certain aspects of development but not intended to govern the issuance of coastal development permits and enumerate these provisions in subsection 2 of the of the Coastal Land Use Plan Policy Document section of Part I – General Plan Summary chapter of the LUP as being excluded from the certified LCP, following the renumbering revisions.
- Revise all descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added or revised through suggested modifications.
- Change all references to “General Plan” to “Coastal Land Use Plan” throughout the LUP and the Coastal Zoning and Coastal Subdivision titles.
- Publish the updated Coastal Land Use Plan incorporating all of the above suggested modifications under separate cover from that of the updated non-coastal Del Norte General Plan.

The thrust of these suggested changes, as well as to those recommended for the IP as described in Suggested Modification No. 29, is to reformat the LUP into an internally consistent document that can be administered independently of the County’s other general plan and land use regulatory provisions. As noted in the discussion within Section I of the Staff Recommendation Summary, the amendments to the General Plan (LUP) were submitted by the County for certification in a combined document format that would apply to both inland and coastal portions of the County. Certain policies throughout the General Plan elements or sections with a “wave” symbol (☪) intended to distinguish those policies meant to apply solely in the coastal zone. Moreover, to aid Commission staff in reviewing the policy updates, the County included parenthetical notations as to whether a given policy was new (“*New*”) or carried over from the currently-certified LUP, either verbatim with revisions (“*Revised*”), acronymically citing the existing policy LUP chapter and section (e.g., “*MWR VIII.E.4a*” = “Marine and Water Resources Chapter, Section VIII. E., Policy 4a”). In addition, as submitted, the General Plan contains policies applying in both the coastal zone and throughout the inland portions as well, designated with both “wave” and “tree” symbols (☪■).

Following several discussions between Commission staff and County staff during the course of review of the LCP Amendment, tentative agreement was reached that developing a separate coastal general plan element (to be referred to as the “Coastal Land Use Plan”) to apply specifically to the geographic portion of the County located within the coastal zone would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The County would continue to apply the existing General Plan and the other portions of its County Code to the geographic areas of the County that are outside the coastal zone. Given this decision to maintain separate General Plans and Land Use and Development Codes for portions of the County inside and outside of the coastal zone, Commission staff and County staff agreed to do away with the ☞ symbols and LUP citation notations, and reorganized the coastal zone-specific of the updated General Plan into a separate document. This reorganization makes it clear that development in the coastal zone must be consistent with all applicable policies contained within the Coastal Land Use Plan (LUP) and not just those denoted with a ☞ symbol. Moreover, separate coastal and non-coastal plan and development regulation titles would allow the County to amend portions of their code pertaining to inland development outside of the coastal zone without first seeking certification of the amendment as would be necessitated under a county-wide regulatory format.

Furthermore, there are some policies in the General Plan relating to the regulation of other aspects of land use and development not directly associated with coastal resources that are not intended as part of the LCP for consistency with the Coastal Act. These include the noise and emergency preparedness provisions of the Safety and Noise section, policies regarding federal park lands and integrated, inter-agency planning within the Land Use and Community Development section, provisions relating to the operation of various county functions, such as the courts, schools, libraries, and public safety agencies in the Public Facilities and Services section, and procedures for transportation management in the Transportation and Circulation section. Such policies do not govern the review and approval of coastal development permits, but remain in the documents because they constitute standards that apply to other required County approvals and processes, and their inclusion provide context, and in some cases inform the user of requirements other than coastal development permits, that may apply to land use decisions within the County. Commission staff and County staff worked together to identify these policy areas that are not intended to be part of the certified LCP. The County intends to demarcate these policies with “county outline” symbol (☞) and they are identified as such through suggested modification language.

Although Commission and County staff agree to the above-referenced organization revisions early on in the review process, following publication of the staff recommendation report in late August, concerns have been raised regarding the work load implications of reformatting and publishing the LUP as a separate stand-alone document from that of the County’s other general plan provisions for the bulk of its non-coastal portions. While the Commission acknowledges that the undertaking would require some investment of staff resources, as much of the County’s documents are becoming available in digital format or accessible through the Internet, these physical publication and reproduction costs are likely to be much reduced compared to those that would be entailed in the past when “hard copy” versions of the land use plan documents were the only form available. In addition, the Commission notes that, given their digital format and the

ready availability of text processing and desktop publishing software, many of the changes recommended under Suggested Modification No. 12 may be rapidly and efficiently accomplished using global search and replace and “cut and paste” editing functions typically available as stock features in these computer utilities.

Therefore, the Commission finds that the benefits of more clear and accurate administration of the policies and standards of the LUP that could be attained through formatting and publishing the land use plan as a discrete document separate from the inland general plan provisions, outweigh the relatively minor additional work required to reorganize the document. Accordingly, the Commission recommends Suggested Modification No. 12 in the interest of bringing the document into overall consistency with the policies of the Coastal Act from the perspective of increasing its ease of use and efficiency of administration.

PART FOUR: AMENDMENTS TO THE IMPLEMENTATION PLAN

I. FINDINGS FOR DENIAL OF THE COUNTY OF DEL NORTE’S IMPLEMENTATION PLAN AMENDMENT, AND APPROVAL WITH MODIFICATIONS

A. Amendment Description

As compared to the major changes to the Land Use Plan, the proposed amendment to the Implementation Plan portion of the County’s LCP are relatively minor, consisting of:

- Adding “golf courses” as a conditionally permissible use to the “Planned Community” zoning district standards (LCPZEO §21.23.040)
- Removing golf courses from the list of conditional uses and adding provisions for timeshare hotel-condominium development with “Commercial-Recreation zoning districts
- Deleting firewood removal and commercial timber harvesting from principally permitted uses in wetland buffer, estuary, and riparian areas, and adding certain qualifiers to other principal permissible uses within “Designated Resources Conservation Area” zoning districts (LCPZEO §21.11A.030)
- Adding a conservation density bonus provision to the “Designated Resource Conservation Area” zoning district standards (LCPZEO §21.11A.055)
- Renaming the “Commercial Neighborhood” zoning district from “C-1” to “NC” (LCPZEO Chapter 21.25)
- Establishing new “Harbor Dependent” zoning district standards (ZEO Chapter 20.11)
- Adding provisions for clustered development of less than 20-acre parcels in Coastal Timber zoning districts contingent upon the use of clustered development patterns ((LCPZEO §21.14.040.A)
- Establishing new “Public Facility with Coastal Areas Access and Hazards Combing Zone” designation over the heretofore uncertified Point Saint George Geographic Segment
- Revising the zoning on the five-acre former tank farm site inland of South Beach from “Manufacturing with Coastal Areas – Hazards Combining Zone” to “Commercial-Recreation with Coastal Areas – Hazards Combining Zone”
- Revising the zoning over land and/or water portions of the Crescent City Harbor, McNamara Airfield and the “Stateline” neighborhood area, to implement associated land use diagram amendments (see Part III findings for Suggested Modification No. 11)

B. Findings

SUGGESTED MODIFICATION – 13: (Title 21 – Coastal Zoning, Chapter 21.00: Residential Second Units)

a. Synopsis of Currently-Certified Provisions

Chapter 21.00 of the currently-certified IP, the “Local Coastal Program Zoning Enabling Ordinance,” adopted in 1995, sets forth the standards and procedures for the approval of secondary dwelling units, senior second units and temporary invalid family care units, as mandated by state housing law. In all cases, a use permit is required to be secured prior to the placement or construction of the second residential units.

b. Summary of Proposed Amendments

No amendments to currently certified text of the IP’s *Definitions* chapter are proposed.

d. Discussion of, and Rationale for, Suggested Modification No. 13 (Second Dwelling Units)

Signed by former Governor Davis on September 29, 2002, Assembly Bill 1866 added three new provisions to Section 65852.2 of the Government Code that are particularly significant for the purposes of reviewing proposed second units in residential zones within the coastal zone. The law now:

- 1) Requires local governments that adopt second unit ordinances to consider second unit applications received on or after July 1, 2003 “ministerially without discretionary review or a hearing.” (Government Code Section 65852.2(a)(3))
- 2) Requires local governments that have not adopted second unit ordinances to “approve or disapprove the [second unit] application ministerially without discretionary review.” (Government Code Section 65852.2(b)(1))
- 3) Specifies that “*nothing in [Section 65852.2] shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act ... except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.*” (Government Code Section 65852.2(j))

Thus, AB 1866 significantly changes one component of local government procedures regarding coastal development permits for second units in residential zones (public hearings), but does not change the substantive standards that apply to coastal development permits for such second units.

Pursuant to AB 1866, local governments can no longer hold public hearings regarding second units in residential zones. This prohibition applies both to initial local review and any subsequent local appeals that may be allowed by the LCP. The restriction on public hearings, however, does not apply to the Coastal Commission itself. The Commission can continue to conduct public hearings on proposed second units located in areas where the Commission retains permitting jurisdiction and when locally approved coastal development permits are appealed to the Commission.

AB 1866 does not change any other procedures or the development standards that apply to second units in residential zones located within the coastal zone. Rather, it clarifies that all requirements of the Coastal Act apply to second units, aside from requirements to conduct public hearings. Thus, for example, public notice must be provided when second unit applications are filed and members of the public must be given an opportunity to submit comments regarding the proposed development. When a second unit application is appealable, local governments must still file a final local action notice with the Commission and inform interested persons of the procedures for appealing the final local action to the Commission. In addition, all development standards specified in the certified LCP and, where applicable, Chapter 3 of the Coastal Act apply to such second units.

Therefore, to ensure that the second unit design standards set forth in Chapter 21.00 are comprehensive and specific to carry out the coastal resource protection policies of the County's LUP, Suggested Modification No. 13 includes the addition of several design standards requiring that second units (1) have adequate services including water supply and sewage disposal, (2) not obstruct public access to and along the coast, or public trails, (3) not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and be compatible with the character of the area, and (4) provide adequate buffers from environmentally sensitive habitat areas consistent with all LCP requirements. Additionally, Suggested Modification No. 13 includes the requirement that the County shall only grant approval of a second unit if the County determines that the means of accommodating the second unit (1) will not have an adverse effect on coastal resources, (2) will ensure adequate services will be provided to serve the proposed development, and (3) will not displace Coastal Act priority uses.

For the reasons discussed above, the Commission finds that the proposed IP amendments regarding second units are not consistent with or adequate to carryout the provisions of the LUP policies with respect to the protection of coastal resources, including services, visual resources, public access, and environmentally sensitive habitat areas unless modified as suggested above.

SUGGESTED MODIFICATION – 14: (Title 21 – Coastal Zoning, Chapter 21.04: Definitions)

a. Synopsis of Currently-Certified Provisions

The currently-certified IP contains definitions within Chapter 21.04 addressing a variety of technical terms used throughout the coastal zoning code.

b. Summary of Proposed Amendments

No amendments to currently certified text of the IP's *Definitions* chapter are proposed.

c. Summary of Suggested Modification No. 1: (Definitions)

Suggested Modification No. 14 proposes that several new terms be included in the definitions chapter. The inclusion of these additional definitions is being recommended to:

- Assure that the usage of certain statutorially defined Coastal Act terms are consistently defined in the IP (i.e., “environmentally sensitive habitat area,” “wetland”).
- Establish distinctions between classes of “principal permitted,” “principally permitted,” and “conditionally permitted” uses, for purposes of appeal, public hearing, noticing, and categorical exclusion from coastal development permitting requirements.
- Introduce heretofore undefined new terminology relating to new policy initiatives (i.e., “maximum extent practicable”).

d. Discussion of Bases for Suggested Modifications

The *Definitions* chapter to the LUP either omits, understates, or paraphrases certain key terms which, if applied as written in the interpretation and administration of the IP's standards, could result in actions being taken by the County inconsistent with the requirements of the Coastal Act regarding the protection of environmentally sensitive habitat areas, wetlands, water quality, and its programmatic requirements regarding the permitting of coastal development. Thus, to ensure that the standards of the IP are applied consistent with Coastal Act Sections 30230, 30231, 30233, 30240, and the development controls LUP policies of Chapter 7, the Commission recommends the appending of several new terms within the Definitions chapter as set forth in Suggested Modification No. 14.

SUGGESTED MODIFICATION – 15: (Title 21 – Coastal Zoning, Chapter 21.08: AE Agricultural Exclusive District)

a. Synopsis of Currently-Certified Provisions

LCPZEO Chapter 21.08 sets forth regulations for the Agricultural Exclusive zoning district in terms of principally and conditionally uses, and prescriptive standards for development occurring therein, in terms of maximum building height, minimum lot area, required yards areas, building to building setbacks, and other special requirements, namely general criteria for conversion of such lands to non-agricultural uses.

b. Summary of Proposed Amendments

No amendments to currently certified text of the IP regarding the Agricultural Exclusive Zoning District are proposed.

c. Summary of Suggested Modification No. 15: (Agricultural General Zoning District)

In addition to the changes recommended to the language regarding “principal permitted,” “principally permitted,” and “Conditionally permitted” uses discussed below in the findings for Suggested Modification No. 19, two additional sets of modifications are proposed to the AE zoning standards:

- Deletion of a currently-certified provision calling for the division of agricultural lands to less than the districts stated minimum parcel size in order to separate an existing farmhouse from the ranch or farm land.
- Insertion of a reference to the supplemental coastal development permit application, processing, findings, and development standards within the new Land Resources chapter of the IP (see Suggested Modification No. 24)

d. Discussion of Bases for Suggested Modifications

The modifications to the Agricultural Exclusive zoning district standards are being recommended to ensure consistency with, and adequacy to carry out, the LUP policies relating to: (a) the location of new development in areas with limited public services which require that such development be approved only when it will not have significant adverse effects, either individually or cumulatively, on coastal resources (Policy 7.A.1.), and (b) the protection of prime and other agricultural lands from undue conversion to non-agricultural uses (Policy 1.E.12). The Commission finds that the proposed IP amendment would not be consistent with or adequate to carry out the policies and standards of the LUP as modified, particularly Policies 7.A.1. and 1.E.12., and must be denied. However, provided the changes recommended in Suggested Modification No. 15 are included in the updated IP, the Commission finds the amended IP to be consistent with, and adequate to carry out the policies of the LUP.

SUGGESTED MODIFICATION – 16: (Title 21 – Coastal Zoning, Chapter 21.09: A Agricultural General District)

a. Synopsis of Currently-Certified Provisions

LCPZEO Chapter 21.09 sets forth regulations for the Agricultural General zoning district in terms of principally and conditionally uses, and prescriptive standards for development occurring therein, in terms of maximum building height, minimum lot area, required yards areas, building to building setbacks, and other special requirements, namely general criteria for conversion of such lands to non-agricultural uses.

b. Summary of Proposed Amendments

No amendments to currently certified text of the IP regarding the Agricultural General Zoning District are proposed.

c. Summary of Suggested Modification No. 16: (General Agriculture Zoning District)

In addition to the changes recommended to the language regarding “principal permitted,” “principally permitted,” and “Conditionally permitted” uses discussed below in the findings for Suggested Modification No. 19, one additional set of modifications is proposed to the AG zoning standards:

- Deletion of a currently-certified provision calling for the division of agricultural lands to less than the district’s minimum parcel size in order to separate the existing farmhouse from the ranch or farm lands.
- Insertion of a reference to the supplemental coastal development permit application, processing, findings, and development standards within the new Land Resources chapter of the IP (see Suggested Modification No. 24)

d. Discussion of Bases for Suggested Modifications

The modifications to the Agricultural General zoning district standards are being recommended to ensure consistency with, and adequacy to carry out, the LUP policies relating to the protection of prime and other agricultural lands from undue conversion to non-agricultural uses (Policy 1.E.12). The Commission finds that the proposed IP amendment would not be consistent with or adequate to carry out the policies and standards of the LUP as modified, particularly Policy 1.E.12., and must be denied. However, provided the changes recommended in Suggested Modification No. 16 are included in the updated IP, the Commission finds the amended IP to be consistent with, and adequate to carry out the policies of the LUP.

SUGGESTED MODIFICATION – 17: (Title 21 – Coastal Zoning, Chapter 21.11: RCAL General Resource Conservation Area District)

a. Synopsis of Currently-Certified Provisions

LCPZEO Chapter 21.11 sets forth regulations for the General Resource Conservation Area zoning district in terms of principally and conditionally uses, and prescriptive standards for development occurring therein, in terms of maximum building height, minimum lot area, required yards areas, and other special rezoning requirements, namely criteria for reclassifying such lands to specific environmentally sensitive resource area or non-ESHA designations.

b. Summary of Proposed Amendments

No amendments to currently certified text of the IP regarding the General Resource Conservation Area Zoning District are proposed.

c. Summary of Suggested Modification No. 17: (General Resource Conservation Area Zoning District)

In addition to the changes recommended to the language regarding “principal permitted,” “principally permitted,” and “Conditionally permitted” uses discussed below in the findings for Suggested Modification No. 19, three additional sets of modifications are proposed to the RCA1 zoning standards:

- Clarification that the extent to which pre-existing, nonconforming development must either rezone to an adjoining zoning designation or secure a use permit for further expansions or alteration to the non-conforming use or structure.
- Clarification that the buffer requirements of the zoning district apply to all types of environmentally sensitive habitat areas, and not just to wetlands.
- Insertion of a reference to the supplemental coastal development permit application, processing, findings, and development standards within the new Biological Resources chapter of the IP (see Suggested Modification No. 24)

d. Discussion of Bases for Suggested Modifications

The modifications to the General Resource Conservation Area zoning district standards are being recommended to ensure consistency with, and adequacy to carry out, the LUP policies relating to the protection of environmentally sensitive habitat areas and other coastal biological resources from development both within and adjacent to such areas (Policies 1.A.1 through 1.B.31). The Commission finds that the proposed IP amendment would not be consistent with or adequate to carry out the policies and standards of the LUP, particularly the biological resources and environmentally sensitive habitat policies, and must be denied. However, provided the changes recommended in Suggested Modification No. 17 are included in the updated IP, the Commission finds the amended IP to be consistent with, and adequate to carry out the policies of the LUP.

SUGGESTED MODIFICATION – 18: (Title 21 – Coastal Zoning, Chapter 21.11A: RCA2 Designated Resource Conservation Area District)

a. Synopsis of Currently-Certified Provisions

LCPZEO Chapter 21.11A sets forth regulations for the Designated Resource Conservation Area zoning district in terms of principally and conditionally uses, and prescriptive standards for development occurring therein, in terms of maximum building height, minimum lot area, required yards areas, and other special development requirements, namely guidelines for wetland restoration projects.

b. Summary of Proposed Amendments

The County proposes three sets of changes to the standards of the Designated Resources Conservation Area zoning district standards, as follows:

- Amending the enumerated principally permitted uses in wetlands, wetland buffers, farmed wetlands, estuaries, riparian vegetation, and sand dunes ESHA to qualify that only certain hand-constructed improvements may be developed;
 - Appending a new provision into the RCA2 conditionally permitted uses to allow for mineral extraction on unvegetated gravel bars within areas diagrammatically indicated as riparian vegetation ESHA, consistent with the County’s mining ordinance; and
 - Appending a conservation density bonus for development in non-resource, non-buffer areas to encourage the dedication of open space/conservation easements.
- c. Summary of Suggested Modification No. 1: (Designated Resource Conservation Area Zoning District)

In addition to the changes recommended to the language regarding “principal permitted,” “principally permitted,” and “Conditionally permitted” uses discussed below in the findings for Suggested Modification No. 19, two additional sets of modifications are proposed to the RCA2 zoning standards:

- Clarification that the requirements of the zoning district apply to all types of environmentally sensitive habitat areas, and not just to wetlands.
 - Consolidation of the various detailed principally and conditionally permitted uses into broader categories of resource-dependent and resource-compatible use types.
 - Insertion of a reference to the supplemental coastal development permit application, processing, findings , and development standards within the new Biological Resources chapter of the IP, including detailed criteria for wetland and other types of ESHA restoration projects (see Suggested Modification No. 24).
 - Striking the proposed conservation incentive density bonus.
- d. Discussion of Bases for Suggested Modifications

The modifications to the Designated Resource Conservation Area zoning district standards are being recommended to ensure consistency with, and adequacy to carry out, the LUP policies relating to the protection of environmentally sensitive habitat areas and other coastal biological resources from development both within and adjacent to such areas (Policies 1.A.1 through 1.B.31). Of particular concern is the proposed density bonus to be applied to development undertaken beyond any ESHA or buffer areas established through the RCA1 to RCA2 rezoning process. The Commission finds that, while encouraging the granting of conservation easement is in keeping with the policies of the Coastal Act and the LUP, the granting of density bonuses in areas in relatively close proximity to environmentally sensitive areas as presently proposed in the

absence of detailed criteria as to the amount of bonus to be awarded is problematic. Without such criteria to establish the linkage between the intensity of the authorized intensified development and its effects on the nearby ESHA, the adequacy of the intervening buffer area would be difficult to ascertain, potentially resulting in development inconsistent with the LUP's ESHA policies.

Therefore, the Commission finds that the proposed IP amendment would not be consistent with or adequate to carry out the policies and standards of the LUP, particularly the biological resources and environmentally sensitive habitat policies, and must be denied. However, provided the changes recommended in Suggested Modification No. 17 are included in the updated IP, the Commission finds the amended IP to be consistent with, and adequate to carry out the policies of the LUP.

SUGGESTED MODIFICATION – 19: (Title 20 – Zoning, Chapters 20.21A through 20.21E, and Title 21 – Coastal Zoning, Chapters 21.13 through 21.33, sub-sections 21.xx.020 and appending subsections 21.xx.025: HDR, HDC, HR, G, HD, AI, TPZ, CT, RR-1, RRA, R-1, MHP, R-2, R-3, PC, C-1, C-2, C-3, C-R, C-4, M, MP, and PF Zoning District “Principal” and “Principally” Permitted Uses)

a. Synopsis of Currently-Certified Provisions

Subsection 20 within each of the coastal zoning district chapters sets forth the “principally permitted use” allowable in the subject district without the need for securement of a conditional use permit. This “use” is typically stated as a development type or use category, followed by a series of multiple specific examples and variations on the central type or category. These numerous, more specific examples are often further broadened through the inclusion of the phrase “including, but not limited to” in the recitation of the zones’ permissible physical improvements or activities.

b. Summary of Proposed Amendments

With the exception of the changes to the principally permitted uses within the Designated Resources Conservation Area zoning district discussed above, no amendments to the currently certified text of the IP regarding the coastal zoning districts’ principally and conditionally permitted uses are proposed.

c. Summary of Suggested Modification No. 1: (General Plan Summary)

Suggested Modification No. 19 proposes that several changes be made to the coastal zoning code’s principally and conditionally permitted uses provisions as follows:

- Identifying a singular “principal permitted use” within sub-section 020 which is not the subject of appeal pursuant to subject to Section 30603(a)(4) of the Coastal Act.

- Identifying “other principally permitted uses,” within a newly appended sub-section .025 which may be appealed pursuant to Coastal Act Section 30603(a)(4), but do not require securing of a conditional use permit subject to LCPZEO Chapter 21.50C.
- Reclassifying several heretofore “principally permitted” uses to uses requiring a use permit due to their character or intensity being only tangential to the purpose and intent of the zoning district or potentially problematic with regard to adverse impacts on coastal resources.

d. Discussion of Bases for Suggested Modifications

Coastal Act Section 30603(a) at sub-section (4) identifies, in applicable part “*Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map...*” [Emphasis added] as one of the classes of development for which an action taken by a local government on a coastal development permit application may be appealed to the commission after certification of the local government’s local coastal program.

The Commission finds that, while encouraging some flexibility within the identity of a single principal permitted use by citing examples of the central intended use or improvement type may be appropriate, the identification of a diverse set of development types and uses is not in keeping with the intent of the Coastal Act to narrowly limit the instances in which the public may appeal local government actions on development permits. Accordingly, Suggested Modification No. 19, recommends that the relevant sections of each zoning district’s regulations be revised to reflect a single, primary “principal” use with all other uses being identified as being appealable.

The Commission finds that the proposed IP amendment would not be consistent with or adequate to carry out the policies and standards of the LUP, particularly with respect to implementing the principally and conditionally permissible uses identified in each land use category, and must be denied. However, provided the changes recommended in Suggested Modification No. 19 are included in the updated IP, the Commission finds the amended IP to be consistent with, and adequate to carry out the policies of the LUP.

SUGGESTED MODIFICATION – 20: (Title 21 – Coastal Zoning, Chapter 21.35: C Coastal Areas Combining District)

a. Synopsis of Currently-Certified Provisions

LCPZEO Chapter 21.35 sets forth provisions for applying an overlay “Coastal” combining zone designation to select properties for the purpose of identifying that the properties are subject to special requirements regarding the presence of public access, hazardous areas, highly scenic visual resources, and/or supplemental development standards because of their unique site characteristics or location. The Coastal combining zone designates these requirements and supplemental standards through an abbreviation suffix appended to the base zone designation (e.g., “-C(A)(H)(V)(S)). Sub-section 21.35.060 consists of a narrative of the site-specific supplemental development regulations applicable to the properties so designated.

b. Summary of Proposed Amendments

No amendments to currently certified text of the IP regarding the Coastal Areas Combining Zoning District are proposed.

c. Summary of Suggested Modification No. 20: (Coastal Combining Zoning District)

Suggested Modification No. 20 proposes that several changes be made to the coastal combining zoning district's provisions, as follows:

- Deleting a dated reference to the “area of demonstration” in which geologic stability analyses were required to be prepared.
- Insertion of a reference to the supplemental coastal development permit application, processing, findings, and development standards within the new *Natural and Man-Made Hazards Avoidance* chapter of the IP (see Suggested Modification No. 24)
- Appending site-specific special development area requirements for the “Stateline” area – requiring that the westerly 300-foot width of the area along Highway 101 frontage utilize visual retention buffers, lot and/or building site clustering, and consolidated driveway accesses with no more than two points of ingress/egress onto Highway 101, to implement the associated amendment to the area's land use and zoning designations consistent with LUP policies for the protection of timberland and visual resources.

d. Discussion of Bases for Suggested Modifications

The modifications to the Coastal combining zoning district standards are being recommended to ensure consistency with, and adequacy to carry out, the LUP policies on a site-specific basis where warranted. Of particular note is the need to ensure that policies regarding the protection of timberland and visual resources are implemented for the proposed “Stateline plan and zoning amendment. The Commission finds that the –C combining zone process rather than a text policy within the LUP, to be the most appropriate mechanism for assuring that specific development requirements are applied to the area. Without such development criteria being imposed through the site's zoning, inclusion of the measures necessary to protect coastal timberland and visual resources during the review and consideration of ministerial coastal building and grading permits for future development thereupon cannot be fully assured, potentially resulting in development inconsistent with the LUP's land and visual resources policies.

Therefore, the Commission finds that the proposed IP amendment would not be consistent with or adequate to carry out the policies and standards of the LUP, particularly the timberland and visual resources policies, and must be denied. However, provided the changes recommended in Suggested Modification No. 20 are included in the updated IP, the Commission finds the amended IP to be consistent with, and adequate to carry out the policies of the LUP.

SUGGESTED MODIFICATIONS 21 through 29: *Local Coastal Program Entitlement, Appeal, Procedures, Coastal Development Permit Application Submittal, Review, and Processing Requirements, Uncertified Provisions, Notice of Coastal Act Requirements, and IP Reorganization/Recodification*

a. Synopsis of Currently-Certified Provisions

Chapters 21.50 through 21.60 together with portions of the County Code within Titles 14, 16, 18, and 20 comprise the remaining portions of the certified IP. The latter chapters of Title 21 set forth procedures for the review, noticing, hearing, and action on proposed development within the coastal zone portions of the County, through the issuance of coastal development permits, use permits, and variances, procedures for rezonings or land use plan amendments, and provisions for code enforcement. The remaining portions of the IP chartered in other titles address the regulation of building and grading, signage, land divisions, and contain the zoning district standards for areas within the Crescent City Harbor.

b. Summary of Proposed Amendments

No amendments to currently certified text of the IP regarding coastal development permitting entitlements, appeal provisions, are proposed.

c. Summary of Suggested Modification No. 1: (General Plan Summary)

As detailed within the respective portions of Exhibit No. 2, Suggested Modifications identify numerous changes recommended to be made to the IP as proposed for amendment. These changes include:

- Revising the coastal development permit, use permit, and variance procedures in Chapters 21.50, 21.50C, and 21.50D for consistency with applicable sections of the Chapter 7 of the Coastal Act and its administrative regulations (Title 14, California Code of Regulations, Section 30001 et seq.) as applicable.
- Revising the land use plan and zoning amendment procedures in Chapters 21.50A, and 21.50B for consistency with applicable sections of the Chapter 6 of the Coastal Act and its administrative regulations as applicable.
- Revising the appeal and public hearing procedures in Chapters 21.51, and 21.52 for consistency with applicable sections of the Chapter 7 of the Coastal Act and its administrative regulations as applicable.
- Appending new Chapters 21.55A through 21.55G to identify detailed permit application, review, and approval requirements and procedures for ensuring that a basis is developed on which findings can factually substantiate that approved development is consistent with the LCP.

- Requiring that certain heretofore uncertified and/or identified but not transmitted for certification implementation measures are certified to ensure that related LUP policies they were intended to address are adequately implemented.
 - Suggesting that the IP be formatted into a stand-alone document, separate and apart from other non-coastal land use regulatory and zoning provisions, to ensure that the policies of the LUP are consistently and adequately implemented, notwithstanding changes to the non-coastal portions of the code.
- d. Discussion of Bases for Suggested Modifications

The Commission finds that, while encouraging some flexibility within the administration of a local coastal program may be appropriate, the often vague and decentralized form and content of the currently certified IP have given rise to several significant problems in the implementation of the LCP over the years, leading to numerous appeals which might have been avoided had more precise provisions been in place. Accordingly, Suggested Modification Nos. 21 through 29, recommend that the significant detail be added to the latter chapters of the IP to ensure that the review and issuance of coastal development permits and other similar entitlements, and appeals thereto, are undertaken in a manner more consistent with the requirements for local coastal programs set forth in the Coastal Act. In addition, to correct a series of instances in which IP provisions have either been locally adopted or identified but not submitted for certification, the Commission recommends that several past program amendments be certified with some suggested minor changes in their wording. Finally, as was discussed above in the findings for Suggested Modification No. 12, the Commission recommends that the whole of the IP be reformatted and published as a separate document from that containing the regulations for the other non-coastal portions of the County, so that the provisions intended for both the coastal zone and non-coastal portions of the County can be clearly administered (and amended from time to time as needed) without additional problematic oversights occurring as have in the past.

The Commission finds that the proposed IP amendment would not be consistent with or adequate to carry out the policies and standards of the LUP, particularly with respect to implementing Coastal Act requirements for local government coastal permitting programs, and must be denied. However, provided the changes recommended in Suggested Modification Nos. 21 through 29 are included in the updated IP, the Commission finds the amended IP to be consistent with, and adequate to carry out the policies of the LUP.

PART FIVE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the LCP or LCPA does conform with the provisions of CEQA including the requirement in CEQA section 21080.5(d)(2)(A) that the LCPA will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (14 C.C.R. §§ 13542(a), 13540(f), and 13555(b)).

The County of Del Norte's LCPA consists of a Land Use Plan amendment and an Implementation Plan Amendment. The Land Use Plan amendment as originally submitted raises a number of concerns regarding the Chapter 3 policies of the Coastal Act and thus cannot be found to be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The Commission, therefore, has suggested modifications to bring the Land Use Plan amendment into full conformance with the requirements of the Coastal Act. As modified, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Further, the Commission finds that approval of the Implementation Program Amendment with the incorporation of the suggested modifications to implement the Land Use Plan would not result in significant adverse environmental impacts under the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Therefore, the Commission finds that approval of the LCP amendment conforms to the applicable provisions of CEQA as there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

CALIFORNIA COASTAL COMMISSION

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W17b

TO: Commissioners and Interested Parties

DATE: September 24 2009

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District
James R. Baskin AICP, Coastal Program Analyst – North Coast District

SUBJECT: **County of Del Norte LCP Amendment No. DNC-MAJ-2-03 (LCP Update)
(Meeting of October 7, 2009)**

TIMELINE SYNOPSIS

The proposed LCP Amendment was submitted on October 20, 2003 and filed on July 17, 2008. A one-year time extension was granted by the Commission on September 12, 2008. As such, the last date for Commission action on this item is October 15, 2009. Del Norte County staff requested that the Commission open the hearing at the September 9, 2009 meeting and then continue the matter to the October meeting to allow more time for County review of the staff report and suggested modifications and for discussion with Commission staff. At the September 9, 2009 meeting, the Commission opened the hearing and then continued the matter to the October 7-9, 2009 meeting.

STAFF NOTES

1. Exhibits to the Staff Report

Exhibit No. 1 and Exhibit No. 2 of the staff report are key components of the staff recommendation, as all of the recommended suggested modifications are shown merged into the text of the County's proposed updated Land Use Plan (Exhibit No. 1), and the County's proposed updates to various sections of its County Code (Exhibit No. 2). The full text versions of the County's proposed LCP Amendment, with suggested modifications, show how the suggested modifications fit into the context of the County's proposed LCP documents. Exhibits 3 (Proposed Amended General Plan - LUP) and 4 (Proposed Amended Zoning Code - IP) contain

the proposed LCP amendment as submitted by the County without the staff's suggested modifications. Due to the size of Exhibit Nos. 1-4, these exhibits are provided digitally to reduce paper consumption, reproduction, and mailing costs. The Commission will receive Exhibits 1-4 on the e-packet compact disc containing the agenda packet. Some other recipients are being mailed a disc containing Exhibits 1-4 along with the hard copy of this staff report. The exhibits are also available for review on-line at the Commission's website by following the links under "Exhibits" on the on-line version of the staff report. Commission staff will also provide several hard copies of the exhibits at the October 7, 2009 meeting. Exhibits 5-14 comprise a set of ten policy comparison matrices, organized by Coastal Act Chapter 3 issues area, showing the currently existing Land Use Plan policies alongside their updated counterparts, and Commission staff's suggested modifications. Exhibits 15-19 contain location maps of the Del Norte County coastal zone, and existing and proposed land use and zoning maps for the various redesignations sought as party of this LCP update amendment. Exhibits 20 through 22 contain copies of the County resolutions and ordinance adopting the updates to the LCP and transmitting the LCP amendment to the Commission for certification review.

2. Changes to the Staff Recommendation and Suggested Modifications since the September 9, 2009 Commission Meeting

This revised staff report contains changes and additions made to the findings and to the suggested modifications contained in Exhibit Nos. 1 and 2 since the original staff report was mailed on August 27, 2009 and includes: (1) all of the changes included in the Addendum prepared for the September 9, 2009 Commission meeting; (2) additional changes resulting from further discussions between Commission staff and County staff since the September 9, 2009 Commission meeting, and (3) findings for the LUP portion of the LCP amendment that were not included in the original staff report. These changes are further specified below:

The following changes that were detailed in the addendum prepared for the September 9, 2009 Commission meeting have been merged into the findings and/or exhibits contained in this staff report:

- Minor additions, clarifications, and/or corrections to the recommended suggested modifications to the LUP and IP to address concerns raised by the County;
- Conforming natural hazards policies to state a consistent 100-year economic design life, and referencing more contemporary references with respect to discerning areas of potential geologic instability and risk exposure;
- Revisions to the licensure requirements for preparers of geologic, geotechnical, hydrologic, and engineering evaluations;
- Updating various site-specific development recommendations and requirements; and
- Clarifying terminology regarding certain principal, principally, and conditional permitted uses, especially with respect to visitor-serving accommodations

Since the Commission's September 9, 2009 meeting, staff has had additional meetings with County representatives to discuss the suggested modifications contained in the staff recommendation. As a result of those further discussions and review, staff is making additional

clarifications, and/or corrections to the recommended suggested modifications to the LUP and IP to address concerns raised by the County. Changes of particular note involve:

- Deleting the requirement within Section 21.55C of the IP that the County both consult and agree with the California Department of Fish and Game with regard to the adequacy of ESHA buffers (see Suggested Modification No. 24);
- Revising suggested modification language within IP Section 21.55B defining the “wet season” in which grading and other ground-disturbing activities are generally prohibited from November through March to October 1 to April 15, for consistency with other County development regulations (see Suggested Modification No. 24);
- Revising and/or inserting additional suggested modification language regarding: (a) criteria for rural land divisions; (b) measures for protecting, reserving sites for, and prioritizing development of, public access, recreational opportunities, and visitor-serving facilities; (c) the Washington Park West site-specific land use plan redesignation; and (d) further clarifications of hearing, notice, and appeal provisions for coastal development permits (see Suggested Modification Nos. 5, 7, 11, and 21, respectively); and
- Revisions to the Coastal Combining Zone special development area standards with respect to the County’s agreement for a “friendly” suggested modification to delete a portion of the Washington Park West land use redesignation regarding requisite preparation of a wetland delineation and the use of a clustered development pattern on certain specified parcels.

Lastly, this staff report adds findings for the LUP portion of the LCP amendment that were not included in the original staff report mailed on August 27, 2009. The LUP findings are contained in Part III, Sections 1 through 3 of this report and include, in particular, findings supporting recommended suggested modifications to the text of the LUP’s summary, preface sections, and the policies and standards addressing public access, recreation, visitor-serving facilities, water quality, biological resources and environmentally sensitive habitat areas, agricultural, soils/timberland, and archaeological/paleontological resources, and natural and man-made hazards.

Staff further notes that comparative policy matrices have been included as Exhibit Nos. 5-14 that will hopefully serve as a guide for reviewing how the majority of the proposed policies, as proposed and modified have or would be changed, compared to the County’s existing certified LCP language.

3. Areas of Known Controversy

The majority of the concerns expressed by the County to date about particular suggested modifications have been resolved by making revisions, additions, and/or corrections to the suggested modifications detailed herein. However, there are several remaining areas of known controversy at this time regarding: (i) requirements for reviewing conversions of agricultural lands and lands suitable for agriculture to non-agricultural uses; (ii) requirements for reviewing land divisions of agricultural lands; (iii) evaluations and design and siting requirements for minimizing flooding hazards from tsunami and global sea level rise; and (iv), the work load implications of recodifying the LCP implementation measures into stand-alone coastal land use

regulatory and land division titles. Commission staff will continue to work with County staff to resolve these issues to the extent possible prior to the October hearing on the LCP amendment. These issues are described in further detail below:

Additional Requirements for Conversions of Agricultural Lands to Non- Agricultural Uses.

Both the currently certified and proposed amended LCP include two land use designations and zoning districts, Agricultural Exclusive and Agricultural General. The Agricultural Exclusive designation/district is applied to prime agricultural lands and other lands of high agricultural value. The Agricultural General is applied to general agriculture lands which are used for or are adjacent to agriculturally used lands and which are comprised of five or more contiguous acres where small scale agriculture provides or can provide food, fiber or animal management for enjoyment or economic benefit.

Coastal Act Sections 30241 and 30242 limit the conversion of agricultural lands to nonagricultural uses and development, generally only allowing such conversions on lands located on the periphery of urban areas or in locations where continued or renewed agricultural use is no feasible. The currently certified LCP contains similar policies that incorporate these conversion provisions of Coastal Act Sections 30241 and 30242. However, the Agricultural Exclusive and General Agricultural designations/districts in both the currently certified and proposed amended LCP list single-family residences (whether farm dwellings or not) as principally permitted uses. In addition, the General Agricultural designations/district lists other non-agricultural uses as conditionally permitted uses, such as second dwellings on parcels having twice the minimum acreage required by the zoning district, veterinary clinics and hospitals, commercial kennels, billboards, guest lodging, guest ranching, and home enterprises which are not agricultural in nature. Commission staff is recommending suggested modifications to the Agricultural Exclusive and Agricultural General designations/district to clarify that the only uses allowed are agricultural uses or non-agricultural uses on lands where conversions of agricultural lands to non-agricultural uses would be consistent with the requirements of Coastal Act Sections 30241 and 30242 that limit such conversions to lands located on the periphery of urban areas or in locations where continued or renewed agricultural use is not feasible. The recommended suggested modifications would limit principally permitted residences in the agricultural designations/districts to farm dwellings and would only allow the conditional non-agricultural uses in the Agricultural General designation/district in cases where an agricultural conversion analysis is provided that demonstrates the conversion to a non-agricultural use is consistent with the conversion criteria of Sections 30241 and 30242 of the Coastal Act. Concerns have been raised that implementing the restrictions of these suggested modifications would unduly restrict the development of non-agricultural uses on the affected lands and implementing these restrictions would represent a significant departure from existing practice in the County. Commission staff believes that Sections 30241 and 30242 do not allow for nonagricultural uses on agricultural lands unless the locations where non-agricultural uses are proposed comply with the agricultural conversion criteria. Staff also notes that the both the currently certified and proposed LCP contain policies that incorporate the conversion provisions of Coastal Act Sections 30241 and 30242.

Additional Requirements for Division of Agricultural Lands. Land divisions can greatly affect the agricultural viability of agricultural lands. If not carefully planned, land divisions can

reduce the size of agricultural parcels to a point where the parcels can no longer function as an economic unit, constrain planting and harvesting areas, create access problems, and isolate agricultural lands from essential infrastructure. Such adverse impacts to agricultural productivity can increase the pressure to convert divided agricultural lands to non-agricultural uses, contrary to the requirements of Sections 30241 and 30242 of the Coastal Act. Commission staff is recommending suggested modifications to the agricultural resources policies of Section 1 of the LUP and Zoning Code Chapter 21.55D that would require applicants for permits for land divisions to submit a continued viability analysis and agricultural management plan detailing how the agricultural land would remain in active agricultural production once subdivided. Concerns have been raised that the requirements of the recommended suggested modifications would be unduly burdensome to owners of agricultural lands who wish to divide their property and implementing these restrictions would represent a significant departure from existing practice in the County. Commission staff believes that the required viability analysis and management plan is necessary to implement both existing and proposed LUP policies and would provide essential information to demonstrate that the proposed land division would not have significant adverse affects on the agricultural viability of the land that would convert the land to non-agricultural uses inconsistent with Sections 30241 and 30242 of the Coastal Act.

Addressing Risks Associated with Tsunami Inundation and Sea Level Rise. In response to relatively recent heightened recognition of tsunami and global sea level rise inundation hazards along the Cascadia Subduction Zone coastline, suggested modifications have been made to include new policies in the *Safety and Noise* section of the land use plan and new development permit application review standards within the coastal zoning regulations. These measures require that potential risks associated with these flooding related hazards be evaluated for new development involving the construction of structures for human occupancy within historic, modeled, or mapped tsunami hazard areas assess the project's particular site-specific risks from runup inundation. Such assessments, as well as those for geologic stability, hydrologic, geotechnical, and engineering applications, must consider the best available and most recent projected rates of sea level rise. Moreover, subdivisions entailing the development of new permanent residential units must design the floor elevation of such residences to be one foot above the projected maximum credible height of tsunami runup at the site, factoring in rates of projected sea level rise over its economic life. In addition, such structures are required to be designed to be resilient to wave strike such that a catastrophic collapse is precluded. In addition, human occupied developments are subject to approval of a tsunami safety plan, and no new residential subdivisions may be approved in areas where evacuation to high ground cannot be attained within a reasonable timeframe.

Concerns have been raised that both the hazards evaluation requirements, and building design and siting standards are too onerous given the relatively low probability of such a catastrophic event occurring during a project's design life, or that designing residential structures to withstand such damage is neither economically feasible given the scope of the development, and that the requirements would render large areas of the County's shoreline effectively undevelopable. Commission staff believes that Coastal Act Section 30253(a) clearly states that risks to life and property from geologic, flooding, and fire hazards are to be minimized. To this end the required risk analysis, building resiliency and safety plans would provide essential information towards

devising mitigation for reducing losses of life and property from flooding necessary to implement both Section 30253 of the Coastal Act and existing LUP policies.

Recodification of LCP into Stand-Alone Coastal Land Use Plan and Coastal Zoning Ordinance. The amendments to the General Plan (LUP) and Local Coastal Program Zoning Enabling Ordinance (IP) submitted by the County for certification were originally prepared to apply to both inland and coastal portions of the County. As submitted, the County has designated certain policies throughout the General Plan elements or sections with a “wave” symbol (☞) intended to distinguish those policies meant to apply solely in the coastal zone. Policies applying in both the coastal zone and throughout the inland portions are designated with both “wave” and “tree” symbols (☞). With regard to the requested amendments to the IP, the County submitted only portions of Title 21, its coastal zone-specific Local Coastal Program Zoning Enabling Ordinance, for certification for implementing the General Plan. No significant restructuring of the IP was proposed.

Commission staff is recommending in Suggested Modification Nos. 1 and 2 the development of a separate coastal general plan element (herein referred to as the Coastal Land Use Plan) and consolidating the various zoning and development regulations appearing throughout the County Code into a unified coastal land use and development code (Title 21 “Local Coastal Program Zoning Enabling Ordinance” and a new Title 22 “Coastal Subdivisions”), to apply specifically to the geographic portion of the County located within the coastal zone. Staff believes this organization would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The County would continue to apply the existing General Plan and the other portions of its County Code to the geographic areas of the County that are outside the coastal zone. Staff believes that this reorganization would make it clear that development in the coastal zone must be consistent with all applicable policies contained within the Coastal Land Use Plan (LUP). In addition, separate coastal and non-coastal plan and development regulation titles would allow the County to amend portions of their code pertaining to inland development outside of the coastal zone without first seeking certification of the amendment as would be necessitated in many cases under a county-wide regulatory format. Furthermore, the organization would reduce confusion over which amendments to portions of the County’s Coastal Zoning Code would require certification by the Commission. The LCP’s implementation measures are chaptered throughout the County Code, under seven different statute titles. On occasion since certification of the LCP, the County has amended one of the “outlier” LCP sections, often to address a situational change originating outside of the coastal zone, without submittal of the amendment to the Commission for certification. Consolidating the parts of the zoning code that comprise the LCP Implementation Plan into one document would reduce confusion and the chances that needed certification by the Commission would be overlooked.

Although Commission staff and County staff agreed to the above-referenced organizational revisions early on in the review process, subsequent concerns have been raised about the work load implications to the County of recodifying the LCP implementation measures into stand-alone coastal land use regulatory and land division titles. Staff acknowledges that the recommended reorganization would require greater effort than not reorganizing the proposed LCP, but believes the reorganization would ultimately reduce County staff workload by reducing

time spent interpreting and explaining to the public the applicable provisions of the LCP and submitting LCP amendments for certification by the Commission that otherwise would not be needed.

3. Background

The County of Del Norte has put forth a considerable effort over the past several years to prepare and submit the proposed amendment to the County's LCP, which constitutes the first comprehensive update since the LCP was originally certified in 1983. Although the Commission has certified several LCP amendments since the time of original certification, the County has used this LCP Amendment as a significant opportunity to bring the LCP up to date with current planning and development standards, particularly with regard to the protection of the County's coastal resources. Overall, the LCP Amendment as proposed by the County constitutes a far more comprehensive, detailed, and improved LCP than the County's currently certified Land Use Plan and zoning ordinance.

Commission staff notes that despite the significant improvements to the County's LCP as part of the proposed amendment, the changes included in the Suggested Modifications are numerous. However, it is important to note that many of the changes are largely due to a reorganization of the County's proposed LUP and IP that evolved from discussions between Commission staff and County staff during the review of the amendment submittal. As explained in greater detail below, the Land Use Plan (LUP) and Implementation Plan (IP), consisting of various zoning and development regulations appearing under numerous titles of the County Code, as submitted by the County for certification were originally prepared to apply to both inland and coastal portions of the County. Commission staff and County staff agreed that developing a separate *Coastal* Land Use Plan, to apply specifically to the geographic portion of the County located within the coastal zone, would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The County would continue to apply the existing General Plan to the geographic areas of the County that are outside the coastal zone. Given this decision to maintain separate general plans for portions of the County inside and outside of the coastal zone, many of the suggested modifications reflect necessary changes that stem from this reorganization.

Additionally, several of the changes included in the Suggested Modifications reflect "friendly modifications" requested by the County. Lastly, many changes included in the Suggested Modifications are a result of the LUP having been prepared several years prior to the preparation of the IP, thus necessitating the addition or deletion of various policies, programs, text, and other references to ensure consistency between the LUP and IP.

SUMMARY OF AMENDMENT REQUEST

The proposed LCP amendment consists of a comprehensive update of the County's currently certified Land Use Plan (LUP) and Implementation Program (IP), originally certified in 1983. The County adopted a new General Plan in January 2003 to replace the currently certified LUP. The County also adopted amendments to its currently certified coastal zoning ordinance in

January 2003, entitled the “Local Coastal Program Zoning Enabling Ordinance,” to replace the (Title 28 of the County’s Code). Both the General Plan Coastal Policies (LUP), formatted in entirely different organizational format than the currently certified LUP, and the amendments to various chapters of the Local Coastal Program Zoning Enabling Ordinance (IP) have been submitted to the Commission for certification. These documents constitute an update of the majority of the County’s land use regulatory policies and programs.

1. LUP Amendments

As mentioned above, the proposed updated LUP document has a significantly changed format from the currently certified LUP and is organized in a two part format: Part I includes an introductory discussion of the General Plan process and a summary of the organization and contents of the General Plan. This introduction is followed by a Part II containing several “sections,” which include: 1. Natural Resources / Conservation, (2) Safety and Noise, (3) Land Use and Community Development, (5) Recreational and Cultural Resources, (6) Scenic Resources, (7) Public Facilities and Services, and (8) Transportation and Circulation. The LUP also includes two appendices consisting on a glossary and a compendium of the various coastal zoning text and map amendments being concurrently proposed. In addition, the proposed LUP includes a set of three land use designation maps for the Smith River/Fort Dick, unincorporated Crescent City peripheral area, and the Klamath sub-regions.

For the most part, many of the provisions of the currently certified LUP are being retained and brought forward under the updated LUP with only minor revisions. The majority of these revisions involve provisions which have become dated outdated overtime due to changing conditions or have been implemented and no longer need to appear as directives controlling future events or situations, and are being updated or deleted outright from the updated plan. Numerous other new policies are being proposed to reflect changes in land use law and environmental protection that have evolved since the original LUP was penned a quarter-century ago. These include measures relating specifically to air and water quality, habitat for identified threatened and endangered fish and wildlife species, especially salmonids, and policies addressing land use issues which reflect the general trend in the area’s change from a resource extraction based economy to one more centered on regional services and public parkland-based tourism. For the most part, the major new provisions within the LUP reflect the objective to consolidate all of the County’s general plan policies in one document to apply County-wide, including coverage of many subject areas that do not bear directly on coastal resources, but are directed on growth in general, such as, regulating building scale and mass through floor-area ratios, establishing minimum residential density standards and site design requirements in certain urban areas with adequate services to ensure that initial low-density development of these sites does not preclude eventual full build-out of the areas, and identifying transportation control measures for maximizing the efficiency of existing road infrastructure. However, there are a several new area-specific initiatives that reflect significant programmatic changes with respect to the County’s coastal resources. These entail:

- Proposed public facility land use and zoning designations for the currently uncertified Point Saint George Geographic Segment;

- Discontinuance of LUP “special study area” sub-chapter policies developed uniquely for the Marhoffer Creek and Elk Creek drainages and application of the more comprehensive resources protections proposed coastal zone-wide under the updated LCP; and
- The creation of a new “Harbor Dependent” zoning district to be applied to certain land and water areas within the Crescent City Harbor District.

2. IP Amendments

The County’s proposed amended IP document, the Local Coastal Program Zoning Enabling Ordinance (LCPZEO) is more modest in comparative scope to the LUP amendments and does not involve a changed format from the currently certified zoning ordinance. The zoning amendments include new or expanded provisions regarding: (1) the recognition of golf courses and associated facilities as conditionally permitted uses in the Planned Community zoning district; (2) changes to the enumerated principal permitted use in Designated Resource Conservation Area zoning districts to limit duck blinds, lookouts, and unimproved trails to those constructed by hand without mechanized equipment; (3) changes to the enumerated conditional permitted use in Designated Resource Conservation Area zoning districts to allow for mineral extraction on unvegetated gravel bars situated outside of riparian vegetation corridors; (4) minor diversions of water pursued under established riparian water rights for onsite use; (5) maintenance of flood control and drainage channels in riparian areas; (6) establishing conservation incentive density bonus provisions for development within Designated Resource Conservation Area zoning districts; (7) establishing prescriptive standards for a Harbor Dependent zoning district; and (8) modifying the minimum parcel size in Coastal Timber zoning districts to allow for parcel sizes less than 20 acres provided overall density does not exceed 20 acres per parcel.

3. Site-specific Land Use and/or Zoning Designation Amendments

The County is also proposing to change the land use and/or zoning designations over approximately 405 acres of land within the coastal zone in seven locations: (1) Stateline, (2) Old Mill Road/Charm Lane, (3) Washington Park West/Amador Street, (4) South Beach Tank Farm, (5) Point Saint George Geographic Segment, (6) McNamara Field, and (7) Crescent City Harbor.

The first three proposed land use and zoning designation changes affect the allowable density of residential development within the County. The Stateline amendment redesignate and rezone nine parcels totaling 36.75 acres situated on the inland side of Highway 101 just south of California-Oregon border from Rural Residential 1 unit per 2 acres (RR 1/2) and Rural Residential-Agriculture 2 acre (RRA-2) to Rural Residential 1 unit per 1 acre (RR 1/1) and Rural Residential-Agriculture 1 acre (RRA-1), respectively, which would allow for one additional unit per acre resulting in a potential increase of approximately 18 residential units. These lots, although are located in an existing large-lot residentially developed area currently served by existing community water system infrastructure, are nonetheless very rural in character, comprising forested hillside and flats predominantly visible from Highway 101. The Old Mill Road/Charm Lane and Washington Park West/Amador Street amendments are contiguous neighborhood areas comprising 51 lots totaling 105 acres within the Urban Services Boundary

on the unincorporated exurban northern fringe of the City of Crescent City. These amendments involve increases to residential density for the currently certified 0-2 dwellings per acre to 2 to 6 dwelling units per acre and establish two Multi-Family Residential designated areas totaling 26.5 acres with a residential density range of 6 to 15 dwellings per acre. Portions of the site proposed for the latter designation appear to contain wetlands.

The fourth proposed zoning change would apply a Commercial Recreation with Coastal Area – Hazards Combining Zone designation onto a five-acre portion of the former petroleum tank farm situated just south of the Crescent City Harbor area between Highway 101 and privately held wetland areas fringing the adjacent California Department of Fish and Game-managed Crescent City Marsh Wildlife Area. The rezoning is sought to bring the area into conformance with its existing Visitor-Serving Commercial land use designation. A change from the currently-certified Manufacturing and Industrial with Coastal Area – Hazards Combining Zone designation would restrict the range of permissible development primarily to one of several classes of priority visitor-serving uses, such as overnight and short-stay accommodations, commercial tourism support enterprises.

The latter three plan and zoning designation changes involve public facility lands, comprising: (a) the 340-acre Point Saint George geographic segment, now in County ownership and proposed for public parklands and habitat conservation uses; (b) a 72-acre portion of McNamara Field, the County's sole commercial aviation airport, involving redesignation of certain runway periphery areas and surrounding clear zones from Public Facility (PF) to Light Industrial (LI) (3 acres), from Light Industrial (LI) to Public Facility (PF) (19 acres) and Resource Conservation Area (RCA) (50 acres) with corresponding zoning district changes from Public Facility (PF) to General Commercial (C-4) and from General Commercial (C-4) to General Resource Conservation Area (RCA1); and (c) amending the land use and zoning designations over land and water areas within the Crescent City Harbor from Harbor Dependent Commercial and Harbor Dependent Recreation to the more coastal-dependent Harbor Dependent designation.

SUMMARY OF STAFF RECOMMENDATION

1. Commission Action

Staff recommends that the Commission **DENY** both the Land Use Plan (LUP) and Implementation Plan (IP) portions of the amendment as submitted, and then **APPROVE** both portions of the amendment if modified to incorporate the Suggested Modifications listed below. The motions to accomplish this are found on pages 21- 23.

The County's LCP was certified in 1983. Although there have been numerous amendments, the LCP has never been comprehensively updated until now. Most of the staff recommended suggested modifications are intended to supplement and enhance the proposed policies and standards to reflect current policy and standard language that has been applied in more recently certified LCPs and LCP amendments throughout the coastal zone. These updated policies and standards reflect current practices of the Commission in implementing Chapter 3 policies of the Coastal Act in the Commission's review of coastal development permit applications. For

example, many of the staff recommended suggested modifications would modify the proposed LCP policies and standards in this amendment dealing with the protection of water quality, environmentally sensitive habitat areas, and geologic hazards to reflect the considerable refinement in the Commission's program over the last 25 years in these areas.

2. Suggested Modifications for Policy Changes and Implementation Measures Necessary for Compliance with the Coastal Act

Numerous suggested modifications are being recommended to bring the proposed updated LCP into consistency with the policy mandated and requisite implementation standards and procedures set forth in the Coastal Act and its administrative regulations. These modifications range from major revisions, such as the inclusion of requisite Coastal Act policy coverage and the insertion of detailed public notice, hearing and appeal procedures, heretofore missing from the LUP and IP, respectively, to minor changes, such as rephrasing advisory wording ("should" "may") into mandatory terms ("shall" "must") consistent with the compulsory nature of a given policy. Examples of these significant suggested modifications include:

- Insertion of policies within LUP Section 1: Natural Resources / Conservation to address the protection of biological resources; delineation of, use restrictions in and near, and safeguarding of, environmentally sensitive habitat areas; protection of coastal water quality; and the conservation and/or preservation of coastal agricultural lands, as directed by Coastal Act 30230, 30231, 30233, 30236, 20340, 30241, 30241.5, and 30242.
- Insertion of policies within LUP Section 2: Safety and Noise to comprehensively address avoidance and minimization of risks to persons and property of all classes of natural and anthropogenic hazards per Coastal Act Section 30253.
- Insertion of policies within LUP Section 2: Safety and Noise to comprehensively address avoidance and minimization of risks to persons and property of all classes of natural and anthropogenic hazards per Coastal Act Section 30253.
- Revisions to the land use designation descriptions and policies within LUP Section 3: Land Use and Community Development to establish recognized and permissible land uses within each category or planning area in conformance with specific protections for public access facilities, recreational and coastal-dependent development, and other priority uses at shoreline proximate sites, ESHA protection, conservation of agricultural lands, protection of rural areas with limited service capacities, hazard prone areas, and sites with significant visual resources, as directed by Chapter 3 of the Coastal Act.
- Insertion of policies and standards within LUP Section 6: Scenic Resources to ensure consistency with the protection of visual resources per Coastal Act Section 30251.
- Insertion of expanded procedures and criteria within the implementation measures comprising the coastal zoning title of the County Code to establish minimum public notice and hearing standards for the issuance and appeals of coastal development permits

as required by Coastal Act Sections 30620, and detailed in Title 14, Sections 13560 through 13577, California Code of Regulations.

3. Summary of Reasons for Numerous Suggested Modifications Other Than Policy Changes Necessary for Compliance with the Coastal Act

The changes included in the Suggested Modifications recommended by staff are numerous for several reasons. In addition to policy changes necessary for compliance with the Coastal Act described above, many of the changes included in the Suggested Modifications are recommended for reasons generally described below:

A. Distinguishing “Policies” Governing Coastal Development Permit Issuance from “Other Initiatives”

Many changes included in the Suggested Modifications involve moving proposed text and/or policy language from one sub-section to another, namely “policies” that are not intended to directly govern the issuance of coastal development permits through the setting of development limitations, requirements, or prohibitions, or to used as a basis for reviewing plan consistency of a land use plan or zoning amendment. In contrast, these provisions state County-adopted positions on various issues, give endorsements to other parties’ efforts, make pledges of support for certain outcomes or endeavors, or commit the County to continued or future actions and/or practices. To better highlight the specifications and qualifications which bear more directly on development from the remaining provisions, staff is recommending that a new sub-section be added to each policy suite of the LUP, titled “Other Initiatives,” and that all such permit non-governing provisions be relocated thereunder, and parenthetically annotated as having been “[Moved to *Other Initiatives*].”

B. Emphasizing Development as the Subject of Regulations

Stylistically, the majority of the proposed updated LUP policies are written with “the County” identified as the grammatical subject (e.g., “*The County* shall require site-specific investigations prior to the construction of all high intensity and/or public use structures.”) Such phrasing can result in confusion as to the breadth of the policy’s applicability. For example, questions have been raised as to whether the policy is limited solely to County-initiated development projects or, whether another hearing body other than the County, such as the Coastal Commission in considering an appeal of a locally issued coastal development permit, may apply the policy. Accordingly, staff recommends that these policies be rewritten into passive voice, with the development or regulatory article being the subject rather than the County (i.e., “*Site-specific investigations of seismic hazards* shall be required prior to the construction of all high intensity and/or public use structures.”)

C. Collating Thematic Policies

Several of the Suggested Modifications are proposed purely for organizational purposes, primarily to relocate LUP policies which tangentially relate to the subject heading to a section or sub-section where they would be more directly in context. These changes are identified with an endnote indicating where the section or sub-section into which the policy has been moved (e.g., [Relocated to *SECTION 1B ESHA – Policies*]).

D. Identifying the “Principal Permitted Use”

Coastal Act Section 30603(a) directs, in applicable part, that, “After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments: ... (4) Any development approved by a coastal county that is not designated as *the* principal permitted use under the zoning ordinance or zoning district map...” [Emphasis added.] However, the recognized permissible land uses within the zoning district standards of the County’s IP lists numerous types of development and activities which are not functionally related to one another in some functional way as to be viewed as multiple examples of effectively one use type or group, such as a main use together with customarily accompanying accessory and ancillary uses (e.g., single-family residence, attached or detached garage, fences, and storage sheds). To more clearly establish which of the identified uses would not and which would be appealable to the Commission, staff has included Suggested Modifications in each zoning district chapter of the IP retaining one solitary use, or set of functionally related uses, under the principal permitted use heading and assigning all other uses and activities to a new appended sub-section titled “other principally permitted uses.” Appropriate prefacing wording is also included in under each sub-section explaining which category of uses could and could not be appealed to the Commission pursuant to Coastal Act Section 30603(a)(4).

E. Resolving Land Use Plan and Zoning Designation Discrepancies

Changed circumstances during the multi-year lag between the County’s efforts on the updated General Plan and subsequent action on the IP amendments led to a major discrepancy between the land use and zoning designations proposed for the Point Saint George Geographic Segment. As part of the adoption of the general plan update, a General Agriculture – Five Acre Minimum Parcel Size (AG5) land use designation was proposed for the majority of the privately-held former Westbrook Ranch, envisioned to be implemented through an Agricultural General – Five Acre Minimum (A-5) zoning designation. In 2002, with assistance from the Coastal Conservancy, the County of Del Norte acquired about 340 acres of land at Point Saint George. The following year, the County, together with a consortium of state and federal resource and land management agencies, Native American representatives, interest groups, and other organizational and general public stakeholders, embarked on developing a management plan in the interest of balancing coastal access and recreational uses of the area with the protection of its significant sensitive biological and cultural resources. As a result of the acquisition and this planning effort, the previously considered proposed A-5 zoning designation was modified to Public Facility with Coastal Access and Hazards Combining Zone (PF-C(a)(h)) designation. Unfortunately, the submitted Crescent City Area Land Use Map

designates the area as AG5. Accordingly, staff is recommending that the land use designation over Point Saint George be modified to Public Facility (PF) to match the proposed zoning.

F. “Friendly Modifications”

Changes included in the Suggested Modifications recommended by staff include some “friendly modifications” that are changes that have either: (1) been requested by the County following submittal of the LCP Amendment to provide further clarification, delete outdated provisions, and/or make typographic and other corrections to proposed language; or (2) represent entirely new language proposed by Commission staff with the concurrence of the County to augment development application review procedures to establish a factual basis by which findings can be adopted for permitting actions. In cases where the changes proposed by the County are more than just minor edits and corrections, they are identified at the end of the text as [COUNTY REQUESTED MODIFICATION] as an informational note for purposes of review. Significant new language modifications suggested by Commission staff and agreed to by County staff counterparts are parenthetically identified with a [COMMISSION-COUNTY NEGOTIATED MODIFICATION] endnote. These latter modifications primarily take the form of suggested new zoning code development review chapters 21.55A through 21.55G.

G. Past Amendments Lacking Certification

During the course of reviewing the LCP amendment, Commission staff encountered several instances where amendments to sections of the LCP had been adopted locally by the County but not submitted to the Commission for certification. In addition, an LCP amendment was also discovered that had been approved with suggested modifications by the Commission but the County did not act to accept the modifications within the required time frame. These locally adopted but uncertified amendments consist of: (a) the 1984 amendments to Section 16.10.040 of Chapter 16.10 – “Planning Commission – Action and Findings” of the Land Division Ordinance; (b) the 1986 appending of Chapter 16.16 – “Vesting Tentative Maps” to the Land Division Ordinance; (c) the 1986 amendments to Sections 14.05.050 of Chapter 14.05 – “Grading, Excavation, and Filling” and Section 14.06.020 of Chapter 14.06 – “California Coastal Zone Entitlement Procedures – Building and Grading Permits;” (d) the 1987 amendments to Section 16.04.020 of Chapter 16.04 – “General Provisions,” Section 16.08.050 of Chapter 16.08 – “Tentative Maps,” and Section 16.12.025 of Chapter 16.12 – “Action Following Final Approval of Tentative Map” of the Land Division Ordinance; (e) the 1991 amendments to Sections 16.04.028 and 16.04.032 of Chapter 16.04 – “General Provisions,” and Sections 16.12.020 and 16.12.045 of Chapter 16.12 – “Action Following Final Approval of Tentative Map” of the Land Division Ordinance; (f) the 1999 amendments to Section 21.09.030 of Chapter 21.09 – “A Agricultural General District,” and Section 14.04.020 of Chapter 14.04 “Building Codes;” and (g) the 2003 amendments to Section 21.00.030 of Chapter 20.00 – “Residential Second Units.” Furthermore, acknowledgement and acceptance of the Commission’s October 9, 1997 certification-with-suggested

modifications of the County's amendments to various sections of its Surface Mining and Quarries Ordinance was never undertaken by the County and the amendment subsequently expired on April 9, 1998 without being effectively certified (see LCP Amendment File No. 1-97 (Major) – County of Del Norte).

Commission and County staff have discussed these problematic section and, given the scope and type of amendments involved, and their general orientation toward being more protective of coastal resources compared to currently-certified LCP provisions, agreed that belated certification of these past amendments —with minor additional modified language suggested in some cases— be included in with the “friendly modifications” described above. Commission staff notes that the suggested reordering of the County's general plan and development regulations into non-coastal and coastal titles discussed in the preceding “LCP Reorganization” section will hopefully prevent such oversights from occurring in the future.

H. Implementation Measures Identified in Land Use Plan Amendment But Not Included in IP Amendment

The County's amendments to its Local Coastal Program Zoning Enabling Ordinance (IP) were prepared several years after preparation of the General Plan update (LUP). The proposed LUP update includes several “New Implementation Programs” that direct the County to undertake various code amendments to implement certain LUP policy changes in the IP update that had not yet been undertaken at the time of County adoption of the General Plan. The identified new programs include: (a) adopting a road maintenance and drainage systems practices manual; (b) developing regulations for limiting motorized vehicles on unvegetated dunes; and (c) adopting a right-to-farm ordinance. These Suggested Modifications entail directives that the County submit the implementation measures that have been locally adopted but never forwarded to the Commission, specifically the restricted driving areas ordinance, the road maintenance and drainage practices manual, and the right-to-farm ordinance, as part of the effective certification of this updated LCP amendment.

I. Reorganization / Recodification

The amendments to the General Plan (LUP) and Local Coastal Program Zoning Enabling Ordinance (IP) submitted by the County for certification were originally prepared to apply to both inland and coastal portions of the County. As submitted, the County had designated certain policies throughout the General Plan elements or sections with a “wave” symbol (☩) intended to distinguish those policies meant to apply solely in the coastal zone. Moreover, to aid Commission staff in reviewing the policy updates, the County included parenthetical notations as to whether a given policy was new (“New”) or carried over from the currently-certified LUP, either verbatim with revisions (“Revised”), acronymically citing the existing policy LUP chapter and section (e.g., “MWR VIII.E.4a” = “Marine and Water Resources Chapter, Section VIII. E., Policy 4a”). In addition, as submitted, the General Plan contains policies applying in both the coastal zone and throughout the inland portions as well, designated with both “wave” and “tree” symbols

(☞). With regard to the requested amendments to the IP, the County submitted only portions of Title 21, its coastal zone-specific Local Coastal Program Zoning Enabling Ordinance, for certification for implementing the General Plan. No significant restructuring of the IP was proposed.

Following several discussions between Commission staff and County staff during the course of review of the LCP Amendment, it was decided that developing a separate coastal general plan element (herein referred to as the Coastal Land Use Plan) and consolidating the various zoning and development regulations appearing throughout the County Code into a unified coastal land use and development code (Title 21 “Local Coastal Program Zoning Enabling Ordinance” and a new Title 22 “Coastal Subdivisions”), to apply specifically to the geographic portion of the County located within the coastal zone would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The County would continue to apply the existing General Plan and the other portions of its County Code to the geographic areas of the County that are outside the coastal zone. Given this decision to maintain separate General Plans and Land Use and Development Codes for portions of the County inside and outside of the coastal zone, Commission staff and County staff agreed to do away with the ☞ symbols and LUP citation notations, and reorganized the coastal zone-specific of the updated General Plan into a separate document. This reorganization makes it clear that development in the coastal zone must be consistent with all applicable policies contained within the Coastal Land Use Plan (LUP) and not just those denoted with a ☞ symbol. Moreover, separate coastal and non-coastal plan and development regulation titles would allow the County to amend portions of their code pertaining to inland development outside of the coastal zone without first seeking certification of the amendment as would be necessitated under a county-wide regulatory format.

Furthermore, there are some policies in the General Plan relating to the regulation of other aspects of land use and development not directly associated with coastal resources that are not intended as part of the LCP for consistency with the Coastal Act. These include the noise and emergency preparedness provisions of the Safety and Noise section, policies regarding federal park lands and integrated, inter-agency planning within the Land Use and Community Development section, provisions relating to the operation of various county functions, such as the courts, schools, libraries, and public safety agencies in the Public Facilities and Services section, and procedures for transportation management in the Transportation and Circulation section. Such policies do not govern the review and approval of coastal development permits, but remain in the documents because they constitute standards that apply to other required County approvals and processes, and their inclusion provide context, and in some cases inform the user of requirements other than coastal development permits, that may apply to land use decisions within the County. Commission staff and County staff worked together to identify these policy areas that are not intended to be part of the certified LCP. The County intends to demarcate these policies with “county outline” symbol (☞) and they are identified as such through suggested modification language.

These features of the reorganization are specifically reflected in the changes included as Suggested Modification Nos. 1 and 2, which involve organization-related directive modifications and text changes to the Summary, and applicability sections of the LUP.

As discussed above, the LCP's implementation measures are chaptered throughout the County Code, under seven different statute titles. Some of these provisions, namely those comprising Title 21 – "Coastal Zoning," and the four chapters of zoning district standards for the Crescent City Harbor, inexplicably enrolled within Title 20 – "Zoning," a collection of regulations otherwise applying to inland development, are specific to land use and development in the coastal zone. Several other sets of regulations specifically those dealing with surface mining, building and construction, subdivisions, and signs, are written as county-wide provisions, applying in both coastal and inland areas, and were included as part of the County's 1983 original LCP submittal for certification along with the coastal-specific code sections.

Suggested Modifications sub-group No. 5 above, notes numerous instances where, over time, the County has amended one of these "outlier" LCP sections, most commonly arising from some request or situational change originating outside of the coastal zone, eschewing submittal of the amendment to the Commission for certification. Then, at some future time afterwards, having apparently overlooked the need to first seek certification for the locally adopted amendment, the County began applying the changed provisions to development within the coastal zone as if the amendment had been certified. To hopefully prevent such incidents from occurring again, staff is recommending a Suggested Modification that the totality of the LCP implementation actions be collated into discrete County Code titles, separate and apart from other regulations applying solely to development outside the coastal zone. To accomplish this, the various measures regarding surface mining, building and construction, and signs would be copied into Title 21 – "Coastal Zoning," with the provisions within the land division ordinance applicable in the coastal zone similarly copied into a new Title 22 – "Coastal Subdivisions."

A summary table indicating the above-described reason(s) for each suggested modification grouped by LUP policy or IP chapter appears at the start of Exhibit Nos. 1 and 2, respectively.

4. Conclusion of Staff Recommendation Summary

Staff believes that with the suggested modifications recommended by staff, the LUP amendment is consistent with the Chapter 3 policies of the Coastal Act and the IP amendment conforms with, and is adequate to carry out, the LUP as modified.

FORMAT OF SUGGESTED MODIFICATIONS

Staff has prepared Exhibit Nos. 1 and 2 showing in "book format" all of the Suggested Modifications merged into the text of the County's proposed General Plan (Exhibit No. 1) and the County's zoning titles (Exhibit No. 2). This full text version of the County's proposed LCP

Amendment with suggested modifications shows how the suggested modifications fit into the context of the County's proposed documents.

With regard to the text amendments to the LUP, staff has also included the suggested modifications in a "comparative matrix form," wherein currently-certified provisions are shown alongside the proposed updated wording, and as suggested by staff to be revised through the suggested modifications. The matrices provide a quick reference as to how the existing policies are being proposed to be changed by the County as submitted and the specific revisions suggested by staff to bring the updated text into consistency with the Coastal Act. The charts are attached to this staff report as Exhibit Nos. 3-12 and include policies grouped by the following Chapter 3 topics: (1) Public Access, Recreational Opportunities, and Visitor-Serving Facilities; (2) Water Quality, (3) Biological Resources and Environmentally Sensitive Habitat Areas; (4) In-water, Shoreline, and Wetlands Development; (5) Land Resources (Agricultural, Timberland, and Archaeological/Paleontological); (6) New Development, Division of Rural Lands, Reduction of Vehicular Miles Traveled; (7) Natural and Man-made Hazards; (8) Coastal-Dependent and Other Priority Uses; (9) Public Works Facilities and Services; and (10) Visual Resources. In this format, the County's proposed amendments can be prepared side-by-side with the certified LCP provisions and the modified wording being suggested by the staff.

KEY TO SUGGESTED MODIFICATIONS

1. Organization

The Suggested Modifications are numbered to correspond with the compilation of changes made to each particular section of the General Plan (LUP) and to each particular chapter of the Local Coastal Program Zoning Enabling Ordinance (IP). In addition, suggested modifications involving directives to the County are numbered and grouped by topic (e.g., "Organization", "LUP Maps," etc.).

2. Typography

The County's proposed LUP language is shown in regular text while the suggested modifications are shown in **bold double-underline** (text to be added) and ~~**bold double-underline**~~ (text to be deleted). The proposed County textual changes to the currently-certified IP are shown in single-underline (text to be added) and ~~single-underline~~, with staff's recommended suggested modifications shown in **bold double-underline** and ~~**bold double-underline**~~, respectively.

3. Numeration

The addition of new policies and the deletion or relocation of proposed policies will affect the numbering of policies and standards throughout the LUP and IP. The numbering has been changed as necessary as part of the suggested modifications. Where suggested modifications involve adding entirely new policies to the LUP, relocating LUP policies to other sections or sub-sections, or appending new chapters or sub-sections to the IP, staff has either renumbered all subsequent policies, or in the case of wholly new IP chapters used intervening numeration in

keeping with preceding and subsequent chapters. Moreover, Suggested Modification Nos. 12 (Organization) and 29 (Recodification) directs the County to correct all sequential numbering, nomenclature, and cross-referencing, and consolidate all IP provisions into two discrete coastal zoning and land division titles when it prepares the final LCP documents for submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the Commission's administrative regulations (Title 14, California Code of Regulations, Section 13001 et seq.)

ADDITIONAL INFORMATION

1. **Availability of LCP Amendment Materials**

To save duplication resources, the text of the County's entire currently certified LCP is not included in its entirety as an exhibit to the staff report. However, the County's existing certified LCP is available for review on-line at the Commission's website at <http://www.documents.coastal.ca.gov/reports/2009/10/W17b-10-2009.pdf> or by contacting the North Coast District office. Copies of the County's entire currently certified LCP will also be available at the Commission hearings on this LCP Amendment. The staff report available on-line at the Commission's website contains color versions of the existing and proposed sub-area Land Use Plan maps and site-specific amendment Zoning maps included as Exhibit Nos. 16 through 19, respectively.

2. **Point of Contact**

For further information please contact James R. Baskin at the North Coast District Office (707) 445-7833. Correspondence should be sent to the North Coast District Office at 710 E Street, Suite 200, Eureka, CA, 95501. All LCP Amendment documents are also available for review at the North Coast District office located at the same address.

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PART ONE: MOTIONS, RESOLUTIONS AND SUGGESTED MODIFICATIONS

I. COMMISSION RESOLUTIONS ON COUNTY OF DEL NORTE LAND USE PLAN AMENDMENT DNC-MAJ-2-03

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

A. Denial of LUP Amendment No. DNC-MAJ-2-03 As Submitted

Motion #1

I move that the Commission **CERTIFY** County of Del Norte Land Use Plan Amendment DNC-MAJ-2-03 as submitted.

Staff Recommendation for Denial

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolutions and findings. The motion to certify as submitted passes only upon affirmative vote of a majority of the appointed Commissioners.

Resolution for Denial of Certification of the Land Use Plan Amendment, As Submitted

The Commission hereby **DENIES** certification of County of Del Norte Land Use Plan Amendment DNC-MAJ-2-03 as submitted and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and is not in conformity with the policies of Chapter 3 of the California Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act as there are feasible mitigation measures and alternatives that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment as submitted.

B. Certification of LUP Amendment No. DNC-MAJ-2-03 with Suggested Modifications

Motion #2

I move that the Commission **CERTIFY** County of Del Norte Land Use Plan Amendment DNC-MAJ-2-03 if modified as suggested in this staff report.

Staff Recommendation for Certification

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the land use plan with suggested modification and adoption of the following resolution

and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution for Certification of the Land Use Plan Amendment with Suggested Modifications

The Commission hereby certifies the Land Use Plan Amendment DNC-MAJ-2-03 for the County of Del Norte if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

II. **COMMISSION RESOLUTIONS ON COUNTY OF DEL NORTE IMPLEMENTATION PLAN AMENDMENT DNC-MAJ-2-03**

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

C. **Denial of Implementation Plan Amendment No. DNC-MAJ-2-03, As Submitted**

Motion #3

I move that the Commission reject Implementation Program Amendment No. DNC-MAJ-2-03 for the County of Del Norte as submitted.

Staff Recommendation of Rejection

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution for Denial of the Implementation Plan Amendment, As Submitted

The Commission hereby denies certification of the Implementation Program Amendment No. DNC-MAJ-2-03 as submitted for the County of Del Norte and adopts the findings set forth below on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible

alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

D. **Approval of Implementation Plan Amendment No. DNC-MAJ-2-03 with Suggested Modifications**

Motion #4

I move that the Commission certify Implementation Plan Amendment No. DNC-MAJ-2-03 for the County of Del Norte if it is modified as suggested in this staff report.

Staff Recommendation for Certification

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution for Certification of the Implementation Plan Amendment with Suggested Modifications

The Commission hereby certifies the Implementation Plan Amendment for the County of Del Norte if modified as suggested and adopts the findings set forth below on grounds that the implementation plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment if modified as suggested complies with the California Environmental Quality Act, because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation plan amendment on the environment; or (2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. **LAND USE PLAN SUGGESTED MODIFICATIONS**

Staff recommends the following suggested modifications to the proposed LUP amendment be adopted. Suggested Modification Nos. 1-10 each modify a separate prefacing discussion, element, and the glossary of the General Plan. The suggested modifications are included in Exhibit No. 1 showing the suggested modifications as they apply directly to the entire text of the County's proposed Coastal General Plan. Because of the length of each suggested modification, Suggested Modification Nos. 1-13 are not reproduced herein. The language in Exhibit Nos. 1 through 10 shown in **bold double underline** represents language that the Commission suggests be added and the language shown in ~~**bold double underline**~~ represents language that the Commission suggests be deleted from the language as originally submitted. Suggested modifications that do not involve direct text changes, but are directives to the County (i.e.,

mapping and document formatting Suggested Modification Nos. 11 and 12) are shown in *bold italics*.

1. **Suggested Modification No. 1: (General Plan Summary)**
All changes to *Part I: General Plan Summary* shown in the Part I Introduction Chapter of Exhibit No. 1.
2. **Suggested Modification No. 2: (Goals, Policies, and Programs Definitions)**
All changes to the *PART II: Goals, Policies, and Programs* prefacing definitions shown in the Part II Preface of Exhibit No. 1.
3. **Suggested Modification No. 3: (Natural Resources/Conservation Element)**
All changes to the Natural Resources/Conservation Element shown in Part II, Section 1 of Exhibit No. 1. Portions of Suggested Modification No. 3 concerning biological resources, environmentally sensitive habitat areas, in-water and wetlands development, water quality and agricultural resources are also shown in the comparative policy matrices included as Exhibit Nos. 6, 7, 8, 5, and 9, respectively.
4. **Suggested Modification No. 4: (Safety and Noise Element)**
All changes to the *Safety and Noise* Element shown in Part II, Section 2 of Exhibit No. 1. Portions of Suggested Modification No. 4 concerning seismic, geologic, flood, fire hazards, and hazardous materials are also shown in the comparative policy matrices included as Exhibit Nos. 11 and 8, respectively.

The following language shall be added to the beginning of the Noise Element:

The policies of the Disaster Planning and Noise sub-elements are not part of the County of Del Norte certified Local Coastal Program and do not govern the review and approval of coastal development permits.

5. **Suggested Modification No. 5: (Land Use and Community Development Element)**
All changes to the *Land Use and Community Development* Element shown in Part II, Section 3 of Exhibit No. 1. Portions of Suggested Modification No. 5 concerning the protection of environmentally sensitive and/or highly productive resource lands, the location of new development, rural land divisions, priority coastal uses, such as visitor-serving facilities and coastal dependent development are also shown in the comparative policy matrices included as Exhibit Nos. 7, 9, 10, and 13, respectively.
6. **Suggested Modification No. 6: (Recreation and Cultural Resources Element)**
All changes to the *Recreation and Cultural Resources* Element shown in Part II, Section 5 of Exhibit No. 1. Portions of Suggested Modification No. 6 concerning recreational facilities, coastal access, private recreational facilities and opportunities, and archaeological resources protection are also shown in the comparative policy matrices included as Exhibit Nos. 4, 3, 13, and 12, respectively.

7. **Suggested Modification No. 7: (Scenic Resources Element)**

All changes to the *Scenic Resources* Element shown in Part II, Section 6 of Exhibit No. 1. Portions of Suggested Modification No. 7 concerning visual resources protection are also shown in the comparative policy matrix included as Exhibit No. 15.

8. **Suggested Modification No. 8: (Public Facilities and Services Element)**

All changes to the *Public Facilities and Services* Element shown in Part II, Section 7 of Exhibit No. 1. Portions of Suggested Modification No. 8 concerning adequacy of community services and public utilities to serve new development, and the protection of water quality are also shown in the comparative policy matrices included as Exhibit Nos. 10 and 5, respectively.

9. **Suggested Modification No. 9: (Transportation and Circulation Element)**

All changes to the *Transportation and Circulation* Element shown in Part II, Section 8 of Exhibit No. 1. Portions of Suggested Modification No. 9 concerning public transit and non-motorized transportation are also shown in the comparative policy matrix included as Exhibit No. 10.

10. **Suggested Modification No. 10 (Definitions Appendix)**

All changes to the *Policy Document Definitions* shown in Appendix A of Exhibit No. 1.

11. **Suggested Modification No. 11 (LUP Maps)**

All changes to the LUP Maps as follows:

- a. *Smith River / Fort Dick Land Use Map: (1) Insert “match line” on southern portion of map denoting where areas illustrated in larger scale on Crescent City Area Land Use Map commence; (2) Revise map identify all sovereign tribal lands held in trust by Bureau of Indian Affairs (see Exhibit No. 3, page 178); and (3) Retain the currently-certified Rural Residential One Dwelling per Two Acres land use designation over the eastern 400-foot width of the area bounded on the north by the California-Oregon state boundary, on the west by Highway 101, and on the south by the quarter-section line of Section 32, T19N, R1W, HB&M (Stateline/Highway 101 (Barth) LUP map amendment) (see Exhibit No. 16, page 5, and Exhibit No. 17, page 5).*
- b. *Crescent City Land Use Map: (1) Insert “match line” on northern and southern portions of map denoting where areas illustrated on Smith River / Fort Dick and Klamath Land Use Maps commence; (2) Delete land use designations over lands outside of coastal zone on southern side of Elk Valley Road east of intersection with Howland Hill Road; (3) Delete land use designations over lands within the incorporated boundaries of the City of Crescent City along northeastern side of Highway 101 southeast of Vance Avenue; (4) Revise map to identify all sovereign tribal lands held in trust by Bureau of Indian Affairs (see Exhibit No. 3, page 179); (5) Redesignate the County-owned lands at Point Saint George from Agriculture General – Five Acre Parcel Size (A5) to Public Facility (PF) designation (see Exhibit No. 16, page 4, and Exhibit No. 17, page*

4); (6) *Correct erroneous VSC designation on APN 110-010-07 (Mavris)* (see Exhibit No. 3, page 179) [COUNTY REQUESTED MODIFICATION]; (7) *Retain existing configurations of currently-certified Public Facility and Light Industrial land use designation boundaries on the portion of McNamara Field situated between the southern legs of Runways 11-29 and 17-35 (McNamara Field LUP map amendment)* (see Exhibit No. 16, page 2, and Exhibit No. 17, page 2); and (8) *Retain the existing Urban Residential land use designation over the portion of the Washington Park West subdivision bounded by Hermosa Road, Adams Street, Joaquin Street, and Washington Boulevard, comprising APNs 116-131-01, -02, -03, -04, & -05; and 116-132-01, 08, 19, 20, 21 & 22 (Washington Park West / Amador Street LUP map amendment)* (see Exhibit No. 16, page 2, and Exhibit No. 17, page 2).

- c. *Klamath Land Use Map: (1) Insert “match line” on northern portion of map denoting where areas illustrated in larger scale on Crescent City Area Land Use Map commence; and (2) revise map to identify all sovereign tribal lands held in trust by Bureau of Indian Affairs* (see Exhibit No. 3, page 180).

12. Suggested Modification No. 12 (Organization)

All changes to the organization of the LUP as follows:

- a. *Delete “wave” (☪) and “tree” (■) symbols and originative citations to currently-certified LUP (“MWR VIII.a.4”) from all Elements of the Coastal Land Use Plan.*
- b. *Number all policies and table entries in appropriate sequential order and correct all policy cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.*
- c. *List all policies that constitute the LCP in subsection 1 of the Coastal Land Use Plan Policy Document section of Part I – General Plan Summary chapter of the LUP following the numbering corrections required by (b) above.*
- d. *Retain the “County outline” symbol (⏏) next to all polices in the LUP text intended for regulating certain aspects of development but not intended to govern the issuance of coastal development permits and enumerate these provisions in subsection 2 of the of the Coastal Land Use Plan Policy Document section of Part I – General Plan Summary chapter of the LUP as being excluded from the certified LCP, following the numbering corrections required by (b) above.*
- e. *Revise descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added or revised through suggested modifications.*

- f. *Change all references to “General Plan” to “Coastal Land Use Plan” throughout the LUP and the Coastal Zoning and Coastal Subdivision titles.*
- g. *Publish the updated Coastal Land Use Plan incorporating all of the above suggested modifications under separate cover from that of the updated non-coastal Del Norte General Plan.*

IV. IMPLEMENTATION PLAN SUGGESTED MODIFICATIONS

Staff recommends the following suggested modifications to the proposed IP amendment be adopted. Suggested Modification Nos. 13-71 each modify a separate chapter of the Local Coastal Program Zoning Enabling Ordinance (“LCPZEO”) (Title 21, Del Norte County Code), and other provisions applicable to development within the coastal chaptered under other titles of the county code (i.e., surface mining, private rural road standards, building and grading, subdivision, signage, and harbor development). The suggested modifications are included in Exhibit No. 2 showing the suggested modifications as they apply directly to the County’s proposed amendments to the LCPZEO. Because of the length of each suggested modification, Suggested Modification Nos. 13-73 are not reproduced here. The language in Exhibit No. 2 shown in **bold double underline** represents language that the Commission suggests be added and the language shown in ~~strikethrough~~ represents language that the Commission suggests be deleted from the language as originally submitted. Suggested modifications that do not involve direct text changes, but are directives to the County (i.e., organizational changes and statute recodification Suggested Modification No. 73) are shown in ***bold italics***.

COASTAL ZONING REGULATIONS

- 13. **Suggested Modification No. 13: (Title 21 – Coastal Zoning, Chapter 21.00: Residential Second Units)**
All changes to Title 21 – Coastal Zoning, Chapter 21.00 shown in Chapter 21.00 of Exhibit No. 2.
- 14. **Suggested Modification No. 14: (Title 21 – Coastal Zoning, Chapter 21.04: Definitions)**
All changes to Title 21 – Coastal Zoning, Chapter 21.04 shown in Chapter 21.04 of Exhibit No. 2.
- 15. **Suggested Modification No. 15: (Title 21 – Coastal Zoning, Chapter 21.08:AE Agricultural Exclusive District)**
All changes to Title 21 – Coastal Zoning, Chapter 21.08. shown in Chapter 21.08 of Exhibit No. 2.
- 16. **Suggested Modification No. 16: (Title 21 – Coastal Zoning, Chapter 21.09: A Agricultural General District)**
All changes to Title 21 – Coastal Zoning, Chapter 21.09 shown in Chapter 21.09 of Exhibit No. 2.

17. **Suggested Modification No. 17: (Title 21 – Coastal Zoning, Chapter 21.11: RCA1 General Rsource Conservation Area District)**
All changes to Title 21 – Coastal Zoning, Chapter 21.11 shown in Chapter 21.11 of Exhibit No. 2.
18. **Suggested Modification No. 18: (Title 21 – Coastal Zoning, Chapter 21.11A: RCA2 Designated Resource Conservation Area District)**
All changes to Title 21 – Coastal Zoning, Chapter 21.11A shown in Chapter 21.11A of Exhibit No. 2.
19. **Suggested Modification No. 19: (Title 20 – Zoning, Chapters 20.21A through 20.21E, and Title 21 – Coastal Zoning, Chapters 21.13 through 21.33, sub-sections 21.xx.020 and appending subsections 21.xx.025: HDR, HDC, HR, G, HD, AI, TPZ, CT, RR-1, RRA, R-1, MHP, R-2, R-3, PC, C-1, C-2, C-3, C-R, C-4, M, MP, and PF Zoning District “Principal” and “Principally” Permitted Uses)**
All changes to the Principal Permitted Use and establishment of an “Other Principally Permitted Use” sub-section, shown in Chapters 21.13 through 21.33 of Exhibit No. 2.
20. **Suggested Modification No. 20: (Title 21 – Coastal Zoning, Chapter 21.35: C Coastal Areas Combining District)**
All changes to Title 21 – Coastal Zoning, Chapter 21.35 shown in Chapter 21.35 of Exhibit No. 2.
21. **Suggested Modification No. 21: (Title 21 – Coastal Zoning, Chapter 21.50: California Coastal Zone Entitlement Procedures – General Provisions)**
All changes to Title 21 – Coastal Zoning, Chapter 21.50 shown in Chapter 21.50 of Exhibit No. 2.
22. **Suggested Modification No. 22: (Title 21 – Coastal Zoning, Chapter 21.50D: California Coastal Zone Entitlement Procedures – Variances)**
All changes to Title 21 – Coastal Zoning, Chapter 21.50D shown in Chapter 21.50D of Exhibit No. 2.
23. **Suggested Modification No. 23: (Title 21 – Coastal Zoning, Chapter 21.51: California Coastal Zone Entitlement Procedures – Local Appeals and Chapter 21.52: California Coastal Zone Entitlement Procedures – California Coastal Commission Appeals)**
All changes to Title 21 – Coastal Zoning, Chapters 21.51 and 21.52 shown in Chapters 21.51 and 21.52 of Exhibit No. 2.
24. **Suggested Modification No. 24: (New Title 21 – Coastal Zoning, Chapters 21.55A through 21.55F: California Coastal Zone Entitlement Procedures – Coastal Resource Protection Application Review, Findings, and Development Standards)**
Append six new sub-chapters shown in Chapters 21.55A through 21.55F of Exhibit No. 2.

ZONING MAPS

25. Suggested Modification No. 25 (Zoning Maps)

All changes to the Zoning Maps (Title 21, Section 21.06.050) as follows:

- a. *Revise Zoning Map B-1 to: (1) retain the currently-certified Rural Residential Agriculture One Unit per Two Acres zoning district designation over the easterly 400-foot width of the area bounded on the north by the California-Oregon state boundary, on the west by Highway 101, and on the south by the quarter-section line of Section 32, T19N, R1W, HB&M, and (2) apply a Coastal Areas – Special Development Pattern Area Combining Zone overlay over the westerly 300-foot width of the subject area proposed for rezoning to Rural Residential Agriculture One Unit per One Acre zoning district designation (Stateline/Highway 101 (Barth) zoning map amendment) (see Exhibit No. 16, page 4, and Exhibit No. 18, page 4).*
- b. *Revise Zoning Map B-9 to: (1) Retain existing configurations of currently-certified Public Facility and Manufacturing Performance zoning designation boundaries on the portion of McNamara Field situated between the southern legs of Runways 11-29 and 17-35 (McNamara Field zoning map amendment); and (2) Redesignate the campus of Mary Peacock Elementary School from One-Family Residence (R-1) to Public Facility (PF) (see Exhibit No. 16, page 3, and Exhibit No. 18, page 3).*
- c. *Revise Zoning Map C-10 to conform the boundaries of the proposed Commercial Recreation with Coastal Area – Hazards Combining Zone district to match boundaries of Visitor-Serving Commercial land use designation area on Crescent City Area Land Use Plan Map over the approximate five acre area within SW¼, SW¼, Section 2, T16N, R1W, HB&M (South Beach Tank Farm zoning map amendment) (see Exhibit No. 16, page 1, and Exhibit No. 18, page 1).*

LOCALLY ADOPTED BUT UNCERTIFIED IP PROVISIONS

26. Suggested Modification No. 26: (Deferred LCP Amendment Effective Certification Clean-up)

All changes to various non-Title 21, County Code Chapters comprising the Implementation Plan locally adopted but not submitted for certification as follows:

- a. **Title 7 – Health and Welfare, Chapter 7.36: Surface Mining and Quarries Ordinance, Sections 7.36.040, 7.36.045, 7.36.050, 7.36.065, 7.36.070, 7.36.080, 7.36.085, 7.36.100, 7.36.110, 7.36.120, 7.36.130, and 7.36.150 - 7.36.240**
- b. **Title 14 – Buildings and Construction, Chapter 14.04: Building Codes, Section 14.04.020**
- c. **Title 14 – Buildings and Construction, Chapter 14.05: Grading, Excavating, and Filling, Section 14.05.050 and 14.05.075**
- d. **Title 16 – Subdivisions, Chapter 16.04: General Provisions, Section 16.04.020, 16.04.028, and 16.04.032**

- e. Title 16 – Subdivisions, Chapter 16.08: Tentative maps, Section 16.08.050
- f. Title 16 – Subdivisions, Chapter 16.10: Planning Commission-Action and Findings, Section 16.10.040
- g. Title 16 – Subdivisions, Chapter 16.12: Action Following Final Approval of Tentative Map, Section 16.12.020, 16.12.025, and 16.12.045
- h. Title 16 – Subdivisions, Chapter 16.16: Vesting Tentative Maps, Section 16.16.010 through 16.16.090
- i. Title 18 – Signs, Chapters 18.02 through 18.38
- j. Title 20 – Zoning, Chapter 20.21B: HDC Harbor Dependent Commercial/Industrial District, Section 20.21B.010
- k. Title 21, – Coastal Zoning, Chapter 21.00: Secondary Dwelling Units

IMPLEMENTATION MEASURES IDENTIFIED IN THE LUP UPDATE BUT NOT INCLUDED IN THE IP UPDATE

27. Suggested Modification No. 27: (Uncertified Identified Implementation Measures)
Incorporation of various County Code Chapters or other adopted County procedures and standards identified in the Coastal Land Use plan for carrying out specific policies but not included in the Implementation Plan amendments, as follows:
- a. Title 10 – Vehicles and Traffic, Chapter 10.16: Restricted Driving Areas
 - b. Ordinance 2008-_____ : Right to Farm
 - c. Road Systems and Drainage Systems Practice Manual

NOTICE OF APPLICABILITY OF COASTAL ACT PERMITTING, APPEAL, AND LCP AMENDMENT REQUIREMENTS IN OTHER PERMIT AUTHORIZATIONS

28. Suggested Modification No. 28: (Notice of Coastal Act Requirements)
All changes to various non-Title 21, County Code Chapters comprising the Implementation Plan which set forth provisions for other authorizations to serve concurrently as a coastal development permit authorization (or proposing automatic amendment if overarching state statute is amended), shown in the respective cited chapters and sections as follows:
- a. Title 7, Chapter 7.36 – Surface Mining and Quarries Ordinance, Sections 7.36.045, 7.36.050, 7.36.085, and 7.36.170
 - b. Title 14 – Buildings and Construction, Chapter 14.06 – California Coastal Zone Entitlement Procedures – Building and Grading Permits, Section 14.06.020
 - c. Title 16 – Subdivisions, Chapter 16.04: General Provisions, Section 16.04.033
 - d. Title 18 – Signs, Chapter 18.22: Permits Required, Section 18.22.010
 - e. Title 21 – Coastal Zoning, Chapter 21.50: California Coastal Zone Entitlement Procedures, Section 21.50.020 – General Provisions
 - f. Title 21 – Coastal Zoning, Chapter 21.50C: California Coastal Zone Entitlement Procedures – Use Permits, Section 21.50C.030 – Application Review

- g. **Title 21 – Coastal Zoning, Chapter 21.50D: California Coastal Zone Entitlement Procedures – Variances, Section 21.50D.030 – Application Review**

REORGANIZATION

29. Suggested Modification No. 29 (Organization/Recodification)

All changes to the organization of the IP as follows:

- a. *Reiteratively codify Title 7, Chapter 7.36 – Surface Mining and Quarries Ordinance as coastal zone-exclusive Title 21, Chapter 21.57 – Surface Mining and Quarries Ordinance.*
- b. *Reiteratively codify Chapter 12.05 – Standards for Private Rural Roads as coastal zone-exclusive Title 21, Chapter 21.51 – Standards for Private Rural Roads.*
- c. *Reiteratively codify Chapter 14.04 – Building Codes as coastal zone-exclusive Title 21, Chapter 21.52 – Building Codes.*
- d. *Reiteratively codify Chapter 14.05 – Grading, Excavating, and Filling as coastal zone-exclusive Title 21, Chapter 21.53 – Grading, Excavating, and Filling.*
- e. *Reiteratively codify Chapter 14.06 – California Coastal Zone Entitlement Procedures-Building and Grading Permits as coastal zone-exclusive Title 21, Chapter 21.54 – California Coastal Zone Entitlement Procedures-Building and Grading Permits.*
- f. *Reiteratively codify Chapter 14.16 – Uniform Fire Code as coastal zone-exclusive Title 21, Chapter 21.55 – Uniform Fire Code.*
- g. *Reiteratively codify (1) Title 16 – Land Divisions, Chapter 16.04 General Provisions, Sections 16.04.010 through 16.04.032, and 16.04.040, and Chapters 16.08 Tentative maps, 16.10 Planning Commission-Action and Findings, 16.12 Action Following Final Approval of Tentative Map, 16.14 Action Following Approval of Final Map or Parcel Map, and 16.16 Vesting Tentative Maps, and (2) recodify Chapter 16.04 General Provisions, Sections 16.04.033 and 16.04.037 as (1) new coastal zone-exclusive Title 22 – Coastal Land Divisions, Chapters 22.04 General Provisions, Sections 22.04.010 through 22.04.032, and 22.04.040, and Chapters 22.08 Tentative maps, 22.10 Planning Commission-Action and Findings, 22.12 Action Following Final Approval of Tentative Map, 22.14 Action Following Approval of Final Map or Parcel Map, and 22.16 Vesting Tentative Maps, and (2) coastal zone-exclusive Title 21- Coastal Zoning, Chapter 21.64.010 through 21.64.030, and Title 22 – Coastal Land Divisions, Chapter 22.04, Sections 22.04.033 and 22.04.037, respectively.*

- h. *Reiteratively codify Title 18 – Signs as coastal zone-exclusive, consolidated Title 21, Chapter 21.55, Sections 21.55.010 through 21.55.510.*
- i. *Recodify Title 20 – Zoning, Chapter 20.21A, HDR Harbor Dependent Recreational District as Title 21, Chapter 21.34B HDR Harbor Dependent Recreational District.*
- j. *Recodify Title 20 – Zoning, Chapter 20.21B, HDC Harbor Dependent Commercial / Industrial District as Title 21, Chapter 21.34C HDC Harbor Dependent Commercial / Industrial District.*
- k. *Recodify Title 20 – Zoning, Chapter 20.21C, HDR Harbor Dependent Commercial / Light Industrial District as Title 21, Chapter 21.34D HDR Harbor Dependent Commercial / Light Industrial District.*
- l. *Recodify Title 20 – Zoning, Chapter 20.21D, G Greenery Areas District as Title 21, Chapter 21.34E G Greenery Areas District.*
- m. *Recodify Title 20 – Zoning, Chapter 20.21E, HD Harbor Dependent District as Title 21, Chapter 21.34A HD Harbor Dependent District.*
- n. *Revise descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added, revised, or rechaptered through suggested modifications.*
- o. *Number all chapters and sections, including table entries, in appropriate sequential order and correct all policy and standards cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.*
- p. *Change all references to “General Plan” to “Coastal Land Use Plan” throughout the Coastal Zoning and Coastal Subdivision titles.*
- q. *Publish the updated Local Coastal Program Zoning Enabling Ordinance and Land Division Ordinance implementation measures as Title 21 – Coastal Zoning and Title 22 – Coastal Subdivisions, respectively, incorporating all of the above suggested modifications.*

V. REASONS FOR MODIFICATIONS

Table 1, below, summarizes the various categorical reasons for the above-listed suggested modifications as discussed in the Summary of Staff Recommendation. Additional detailed discussion of the reasons for the modifications to the LUP and IP is located in the findings sections of Part Three and Part Four, respectively.

Table 1: Reasons for Suggested Modifications

Suggested Modification	Rationale for Suggested Modifications										
	Coastal Act Consistency	“Friendly” Modification	Policy / Non-policy Distinction	Clarifying Regulatory Intent	Identifying Principal Permitted Use	Retroactive Certification	Resolve Land Use/Zoning Discrepancy	Inferred / Non-disclosed IP Measures	Grouping Related Policies	Reorganization / Recodification	
LUP Modifications											
1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
IP Modifications											
13.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
20.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
21.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
22.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
23.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
24.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
25.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
26.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
27.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
28.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
29.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

VI. PROCEDURAL PROCESS (LEGAL STANDARD FOR REVIEW)

The standard of review for land use plan amendments is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP amendment if it finds that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Specifically, Section 30512 states: “(c) *The Commission shall certify a land use plan, or any*

amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.”

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission must act by majority vote of the Commissioners present when making a decision on the implementing portion of a local coastal program.

VII. BACKGROUND

Setting

The County of Del Norte is located along the northernmost coastline of California spanning from the state border with Oregon to the Humboldt County line some 37 miles of coastline to the south. Del Norte covers approximately 1,008 square miles, with an overall population of 29,419.¹ Crescent City, the county seat, is the sole incorporated coastal city, with a population of more than 7,300 people. Several other unincorporated towns lie within the coastal zone portion of the County, namely the communities of Smith River, Fort Dick, and Klamath. The primary urbanized commercial and residential areas within the coastal zone are clustered around the City of Crescent City within an established Urban Services Boundary in which domestic and process water supplies and and/or wastewater disposal are provided by a variety of community service special districts. Highway commercial oriented land uses in unincorporated County areas are located at a number of locations along the Highway 101 corridor and within the aforementioned established township areas. Several distinct rural residential neighborhoods are located east of the commercial core areas along the eastern shore of Lake Earl, along Parkway Drive, Elk Valley Road, and Humboldt Road to the north, east and southeast of the Crescent City municipality.

Del Norte County is also home to Redwood National Park and co-managed Del Norte Redwoods and Prairie Creek State Parks, where some of the world's tallest coastal redwood trees are found. In addition, the County's rugged, relatively pristine ocean coast provides miles of uncrowded shoreline for exploring. Several other federal and state park, beach, and wildlife refuge units, and County-owned and maintained parks and recreational facilities are also located within the coastal zone, including, from north to south, Pelican State Beach, Clifford Kamph Memorial Park, Mouth of Smith River Access, Smith River Boat Ramp, Tolowa Dunes State Park, Kellogg Beach County Park, Lake Earl Wildlife Area, Point Saint George Access, Pebble Beach Access Points, Castle Rock National Wildlife Refuge, Battery Point Lighthouse, Elk Creek Wildlife Area, Crescent City Marsh Wildlife Area, and the Klamath River Boat Access. In addition, several tribal entities have begun a series of tourism and outdoor recreational initiatives, including the development of the a recreational vehicle park and hotel at the Smith River Rancheria, and the Requa Resort, a full-service campground and boat launch near the mouth of Klamath River on the Yurok Reservation. Together, with other natural attractions, such as the

¹ California Department of Finance, 2008.

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Aleutian Goose Festival events and so-called “Wild Rivers Coast” destinations, nature-based tourism is steadily becoming a significant industry in the county, attracting visitors from around the globe.

As has been the experience with many other rural areas where the economic foundation was concentrated on natural resource extraction activities, Del Norte County has been undergoing a transition from these enterprises to more general commercial, and technical and professional services sector modes. As a result, many of the timber products processing concerns that once dotted the landscape are now shuttered. One significant exception is the Hambro Group, Inc. industrial complex along Elk Valley Road east of Crescent City, where a combination of engineered wood decking products and composted soil amendment products processing is being conducted. Similarly, many of the once active in-stream gravel mining operations lay dormant due to decreased regional demand for aggregate products.

The Crescent City Harbor, located just south of the City of Crescent City, is the locus of a once large commercial and recreational fishing port, most of which is outside the city limits in unincorporated County areas. The harbor area encompasses all of the formally designated coastal-dependent and coastal related industrial, commercial, and recreational land within the coastal zone. Primary resident uses include shipbuilding and repair facilities, commercial and recreational fishing support services, commercial vessel moorage, and short- and long-term private boat slip rentals.

With respect to coastal agriculture, Del Norte County has managed to preserve significant acreages of productive lands, primarily comprising the lower Smith River floodplain and adjoining coastal creek drainages. Secondary areas committed to agricultural production include: (a) lands east of Highway 101 in the Pelican Beach area between Highway 101 and Ocean View Drive; (b) fields on the eastern side of Lake Earl, along Northcrest / Lake Earl Drive; (c) the northern third of Elk Valley; (d) the remainder parcel of the Zamarippa Subdivision, together with the former Martin Ranch, southeast of Crescent City off of Humboldt Road to the west and south of the Bercht Tract subdivision; and (e) the hillsides above the north bank of the Klamath River north of Requa Road, including bottomlands in lower Hunter and Minot Creek drainages. These areas support a wide variety of crops and products from general range cattle grazing and forage production to dairy, floriculture, and greenhouse-based horticulture operations.

Format of Currently-Certified LCP

The currently certified LCP consists of the original LUP and IP certified by the Commission as the LCP on July 14, 1983, maps, and various LCP amendments submitted by the County and certified by the Commission over the years since 1983.

Del Norte General Plan – Coastal Element: The currently certified LUP provides general goals and policies governing development throughout those portions of the city within the coastal zone. The plan document follows a structure set out in the State’s *Local Coastal Program Manual*, and is based on “policy groups” drawn from the California Coastal Act (e.g., “Public Access,” Marine and Water Resources,” Visual Resources”). The plan contains ten policy group

chapters and chapter-end appendices providing salient inventory tables, maps, or technical report entries associated with the foregoing policy text. In addition, the currently-certified LUP sets forth policies unique to five planning sub-areas and two biological resource special study areas. As described in detail in the findings below in Part Three, Del Norte County's proposed LCP update involves an entirely new Land Use Plan format.

Local Coastal Program Zoning Enabling Ordinance, et al: The currently certified Del Norte LCP Implementation Program (IP), is primarily chartered as Del Norte County Code Title 21 – *Coastal Zoning* (also known as the “Local Coastal Program Zoning Enabling Ordinance”), consisting of Chapters 21.00 “Secondary Dwelling Units” through 21.60 – “Enforcement.” These regulations provide definitions for the numerous land use and development terminology, prescribes use and development standards applied coastal zone-wide, in specified sub-areas, and in the various zoning districts, and identifies the processes by which proposed development is reviewed and permitted, In addition, procedures are set for appeals, variances, and permit and development regulation exceptions, and amendments to zoning and land use plan designations.

In addition, the currently-certified IP includes several County-wide development regulations applicable in both coastal and inland areas, consisting of the following: (1) Title 7 – *Health and Welfare*, Chapter 7.36 “Surface Mining and Quarries;” (2) Title 12 – *Roads, Parks, and Waterways*, Chapter 12.05 “Standards for Private Rural Roads;”² (3) Title 14 – *Building and Construction*, Chapter 14.04 “Building Codes;”³ Chapter 14.05 “Grading, Excavating, and Filling,” Chapter 14.06 “California Coastal Zone Entitlement Procedures-Building and Grading Permits,” and Chapter 14.16 “Uniform Fire Code;”⁴ (4) Title 16 – *Subdivisions*, inclusive; (5) Title 18 – *Signs*, inclusive;⁵ and (6) Title 20 – *Zoning*, Chapter 20.21A “HDR Harbor Dependent Recreational District,” Chapter 20.21B “HDC Harbor Dependent Commercial/Industrial District,” Chapter 20.21C “HR Harbor Related Commercial/Light Industrial District,” and Chapter 20.21D “G Greenery Areas District.” As part of this LCP update amendment, the County proposes to add new zoning district standards for portions of the Crescent City Harbor, proposed to be chartered as Chapter 2021.E “HD Harbor Dependent District.”

Unique Features

The currently-certified IP has two noteworthy unique features that have been both facilitory and problematic with respect to Coastal-Act consistent administration of the County's local Coastal Program. The features involve: (a) provisions for certain discretionary permit authorization to serve concurrently as coastal development permit approvals; and (b) mechanisms for rezoning lands generally designated as containing or being in proximity to environmentally sensitive habitat areas to more precisely delineated specific resource and non-resource area designations.

² Incorporated-by-reference into the IP at Title 14 – *Buildings and Construction*, Chapter 14.06 “California Coastal Zone Entitlement Procedures-Building and Grading Permits,” Section 14.06.010 – “Definitions and General Requirements.”

³ *Ibid.*

⁴ *Ibid.*

⁵ Incorporated-by-reference into the IP at Title 21 – *Coastal Zoning*, Chapter 21.46 “General Provisions,” Section 21.46.040 – “Signs and Nameplates,” sub-section (c).

Permit Authorization Concurrency: Unlike many coastal cities and counties where securing a coastal development permit would be required along with any other type of discretionary or ministerial authorization, the Del Norte County IP provides for three types of approvals to also serve as a coastal development permit: (1) building and grading permits; (2) conditional use permits; (3) variances; and (4) tentative subdivision map approvals. While consolidated authorizations may arguably bring some benefits, such as “streamlining” application processing and record keeping, problems arise when the review and issuance criteria of one class of authorization is allowed to obviate the criteria of the other. For example, many types of building permit authorizations would be categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA). As a result, the focus of the development authorization can shift to an focused analysis of whether the physical components of the project are in conformance with the various building, plumbing, and fire codes, with little or no consideration being given to the ramifications of the development qualitatively to coastal resources, such as nearby environmentally sensitive areas or the visual aesthetics of the area. To resolve this predicament, staff recommends Suggested Modifications No. 28 where specific wording to be inserted into the provisions regarding concurrent approvals stating that the combined authorizations do not obviate the need to make all requisite findings for the issuance of a coastal development permit, including, foremost, that the development is fully consistent with all policies and standards of the LCP.

General to Designated Resource Conservation Area Rezoning Process: Due to technical assistance/planning funding limitations at the time of the development of the original LCP submittal, only a very cursory, non-exhaustive inventory of the most prominent and sizable environmentally sensitive habitat areas was collated for the LUP. This inventory took the form of three 1:24,000 “Land Use Constraints” maps diagrammatically indicating the general location and extent of such sensitive areas as wetlands, sand dune areas, and riparian vegetation, as derived from fish and wildlife resource agency mapping, aerial photograph interpretation, or other environmental studies. These areas were subsequently transferred onto the coastal zoning maps as “General Resource Conservation Area” (RCA1) districts.

Within the standards for the RCA1 zoning districts are procedures for rezoning such areas to “Designated Resource Conservation Area” (RCA2) upon a proposal for development within such areas being brought forward. Prior to approval of any such development, biological resource studies, including a wetland delineation as applicable, are to be prepared detailing the presence and extent of the environmentally sensitive area(s), the potential impacts the proposed development could have on the resources, and identifying mitigation, including the establishment of non-development buffers, for reducing the impacts to less than significant levels. From these evaluations, all identified resource areas and their buffers are to be rezoned to RCA2 with all remaining lands beyond the resources and their buffers designate to an appropriate adjacent zoning designation.

This system has generally been quiet efficient in assuring that adequate and early review for the protection of environmentally sensitive resources is conducted. However, on numerous occasions, Commission staff has found such IP amendments incomplete for filing as they were lacking crucial or appropriate analysis within the biological resource evaluations. To provide development applicants and the County with clear and precise standards as to the requisite

coverage needed in a biological assessment to be found acceptable for filing by the Commission, staff has included among its suggested modifications (i.e., Nos. 17, 18, and 24) recommended language to be inserted into the RCA1-to-RCA2 rezoning standards as well as within the coastal development permit application materials for any developments in or in proximity to sensitive resources.

LCP Certification History

The Land Use Plan (LUP) was partially approved with suggested modifications by the North Coast Regional Commission on April 8, 1981. The State-wide Commission approved the LUP with suggested modifications on June 3, 1981. The Board of Supervisors preliminarily accepted the approval with suggested modifications on December 14, 1981. The Commission subsequently certified the County's zoning (Implementation Program) phase with suggested modifications on July 14, 1983. The County accepted the Commission's actions on its LCP on August 15, 1983. The total LCP for the balance of the County was effectively certified by the Commission on October 12, 1983, and the County assumed permit-issuing authority on February 1, 1984.

As noted elsewhere, the Commission did not certify four distinct geographic areas known as the (1) "Reservation Ranch" — later further separates into the "Lopez Creek" and "Point Saint George" sub-units; (2) the unincorporated lands within the Crescent City Harbor District; and (3) the 800-acre area known as the *Pacific Shores Subdivision*, an antiquated subdivision comprising over 1,500 roughly ½-acre lots on the northern shore of Lakes Earl and Talawa. The Point Saint George, Lopez Creek, and Crescent City Harbor areas were designated as "geographic segments" for which LCP policies were to be developed separate and apart from those for the bulk of the County. The *Pacific Shores Subdivision* area was designated as "Special Study / Area of Deferred Certification" due to the host of unresolved issues associated with a host of coastal resources issues, including the feasibility of developing public infrastructure to serve the area and the protection of environmentally sensitive areas. The area was intended to maintain this status until such time as technical evaluations are prepared addressing the feasibility of water supply and wastewater disposal and how the subdivision could be built-out consistent with habitat protection statutes.

Subsequently, on August 27, 1987, a resubmitted LCP was certified-as-submitted for the Lopez Creek geographic segment, and the County assumed permit-issuing authority over the area on December 8, 1987. Similarly, on August 13, 1980, the North Coast Regional Commission certified the Land Use Plan with suggested modifications for the Crescent City Harbor geographic segment, and it was subsequently certified-with-suggested-modifications by the State-wide Commission on September 2, 1980. A revised LCP incorporating the suggested modifications was submitted to the Commission in November 1986, certified without suggested modifications on April 22, 1987, and effectively certified on August 27, 1987, with the County assuming permit-issuing authority on September 10, 1987. The zoning district standards portion of the implementation program was certified by the Commission on April 22, 1987, and effectively certified on August 27, 1987. LCP certification for the *Pacific Shores Subdivision* Special Study Area of Deferred Certification remained unresolved.

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Point Saint George Geographic Segment Reunification

However, the subject LCP update proposes to now resolve the uncertified LCP status of the 339-acre Point St. George geographic segment. This area was originally separated from the bulk of the County’s coastal zone due to unresolved concerns regarding protecting public access, environmentally sensitive habitat areas, and cultural resources, and addressing various coastal erosion related hazards. On April 25, 2002, the Coastal Conservancy awarded a grant of \$1.5 million to Del Norte County to help acquire a site and to prepare a property management plan. The Del Norte County Board of Supervisors adopted the Point Saint George Management Plan on January 27, 2004. Preceding and concurrently with these efforts was the County’s LCP update workshops and hearings which resulted, pre-acquisition, in the area being proposed for agricultural general five-acre land use category designation in the updated LUP. Later, after the area has been acquired by the County, the adopted zoning for the area proposed a combination of Public Facility designation, with appropriate public access and hazards combining zone overlays, and a resource conservation area zoning district assignment over the wetland portions of the site. Resolving this land use / zoning designation inconsistency is the subject of Suggested Modification No. 11.b.

Schedule of LCP Amendments

Numerous other amendments have been approved as well over the last 25 years. The Commission has certified a total of 81 LCP amendments since certification of the original LCP in 1983. Table II-1, below, summarizes the status of the various LCP amendments submitted by the County to the Commission:

Table II-1: COUNTY OF DEL NORTE – SUMMARY OF LOCAL COASTAL PROGRAM AMENDMENTS 1983 TO PRESENT

LCPA File No.	Local Gov’t Adoption Res. / Ord. No.	Local Gov’t Resolution of Transmittal No.	Subject of Amendment	Action(s) Taken	
				LUP/LCPZEO Map Change	LUP/LCPZEO Text Change
1-84 (Minor)	Ord. 84-05	84-49	RCA1 → RCA2 (Tyron)	Approved as submitted	N/A
2-84 (Minor)	---	84-63	RCA1-RCA2 (Freeman)	Approved as submitted	N/A
1-85 (Major)	---	85-81	UR→PC (Spann)	Approved as submitted	N/A
1-85 (Minor)	---	85-07, 85-08	RCA1→RCA1/AG20/RRA-1-MH (Grinnell, et al)	Approved as submitted	N/A
2-85 (Minor)	---	85-21	RRA-1-MH1 → RRA-1-MH1-D (James)	Approved as submitted	N/A
3-85 (Minor)	---	85-30	RRA-1-MH1 →RRA-1-MH1-D(Grinnell)	Approved as submitted	N/A
4-85 (Minor)	Ord. 85-10	85-41	LCPZEO §21.46.130.D.8 (MH Design Standards)	N/A	Approved as submitted
5-85 (Minor)	---	85-53	RCA2 & R2 → RCA2 & R2 (Butler)	Approved as submitted	N/A
6-85 (Minor)	---	85-73 85-92	(A) RCA1/RRCA-1-MH1→RCA2/RRA-1-MH1 (Gray) (B) RCA1/RR1 → RCA2/C-1 (Joy)	Approved as submitted	N/A
7-85 (Minor)	---	85-102	RCA1/C-2 → C-2 (O’Dell)	Approved as submitted	N/A
1-86 (Minor)	---	86-06	CT/RCA1 → CT-d/RCA1-D (Brown)	Approved as submitted	N/A
2-86 (Major)	Ord. 86-3	86-30	“Cleanup Amendment” (A1-3, B1, C1, D1-6, E1)	Approved as submitted	Approved w / SM

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LCPA File No.	Local Gov't Adoption Res. / Ord. No.	Local Gov't Resolution of Transmittal No.	Subject of Amendment	Action(s) Taken	
				LUP/LCPZEO Map Change	LUP/LCPZEO Text Change
2-86 (Minor)	Ord. 86-04	86-30	Cleanup Amendment" (62 of 74 deemed "minor")	Approved as submitted	Approved as submitted
3-86 (Minor)	Ord. 86-04	86-30	"Cleanup Amendment" (LCPZEO §21.50.030.D.5)	Approved as submitted	N/A
4-86 (Minor)	---	86-116	RCA1 → RCA2/A5/RR-2-MH1 (Gorseth)	Approved as submitted	N/A
5-86 (Minor)	---	86-104	PC → R-1 (Spann)	Approved as submitted	N/A
1-87 (Major)	---	87-38	RCA1/C-2 → RCA2/C-2 (Moen)	Approved as submitted	N/A
1-87 (Minor)	---	87-60, 87-61	RCA1/R-1-B20/R-3 → RCA1/PC (Miller)	Approved as submitted	N/A
2-87 (Minor)	---	87-51	RCA1/A5/A20/R-1-B20 → RCA2/A5-D/A20-D/R-1-B20-D (Zamarrippa)	Approved as submitted	N/A
3-87 (Minor)	---	87-74	RCA1 → RCA2 (Boyer)	Approved as submitted	N/A
4-87 (Minor)	---	87-114, 87-115, 87-116	LCPZEO §21.46.130.D.8 (Moen); RCA1 → RCA2 (McMurray & Sons, DNC, Burr)	Approved as submitted	N/A
1-88 (Minor)	---	88-06	RCA1 → RCA2/RR-2 (Martin)	Approved as submitted	N/A
1-88 (Major)	N/A; --- --- --- Ord. 88-31 (AcceptSMS)	88-58 88-58 88-38 88-58	(A) USB; RCA1 → RCA2/RR-1/R-1-B20-D (BCD) (B) CT → RRA-1/RR-1 (DeVol) (C) C-M → M (Wilson) (D) LUP-LU-AP (Bonus Density Clarifications Text Changes)	Approved as submitted	(D) Approved w/SM to LUP & IP; Accepted by Res. 88-82 & 88-86
2-88 (Major)	---	88-88	TPZ → R-1-B6/RCA2 (Wood)	Approved as submitted Acknowledged by Res. 89-15	N/A
2-88 (Minor)	---	88-49	RCA1/AE → RCA2/AE (Stanhurst/Hastings)	Approved as submitted Acknowledged by Res. 88-71	N/A
3-88 (Minor)	---	88-58	RCA1/R-1-B20-MH → RCA2/R-1-B20-MH (Young)	Approved as submitted	N/A
4-88 (Minor)	---	88-58	RCA1/AE → RCA2/AE (Bliss)	Approved as submitted	N/A
5-88 (Minor)	---	88-73	RCA1/A20/A5 → RCA2/A5 (Zeidler)	Approved as submitted Acknowledged by Res. 88-98	N/A
6-88 (Minor)	---	88-87	LCPZEO §21.46.130.D.8 (Moen)	Approved as submitted Acknowledged by Res. 89-14	N/A
1-89 (Major)	N/A	89-103	LUP-LU-SAP-OVD-9(a) (Walters)	N/A	Approved as submitted; Acknowledged by Res. 90-05
1-89 (Minor)	---	89-21	RCA1/PC → RCA2/PC (Miller)	Approved as submitted	N/A
2-89 (Minor)	---	89-62	RCA1 → RCA2 (Lower Smith River)	Approved as submitted	N/A
3-89 (Minor)	---	89-66	RCA1 → RCA2 (CDFG)	Approved as submitted	N/A
4-89 (Minor)	---	89-87	RCA1/C-R → RCA2/C-R (Greenburg Trust)	Approved as submitted	N/A
5-89 (Minor)	---	89-101	(A) RCA1/A20 → RCA2/A5 (Cory) (B) RCA1 → RCA2/A5 (Woodward) (C) A20 → RCA2/A20 (Stary)	Approved as submitted	N/A
1-90 (Minor)	---	90-12	AE → AE-D (Mello)	Approved as submitted	N/A
1-90 (Major)	---	90-36	LUP-LU-SAP-LE-6 (Reed)	(B) & (C)	(A) SM to LUP

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LCPA File No.	Local Gov't Adoption Res. / Ord. No.	Local Gov't Resolution of Transmittal No.	Subject of Amendment	Action(s) Taken	
				LUP/LCPZEO Map Change	LUP/LCPZEO Text Change
	--- ---	90-29 90-49	RCA1 → RCA2/RRA-1-MH (Maki) RCA1/C-R → RCA2/C-R (Tweedy/Elder)	Approved as submitted	Accepted by Res. 90-76
2-90 (Minor)	---	90-29	RCA1/RRA-1/MH1 → RCA2/RRA-1/MH1 (Leither)	Approved as submitted	N/A
3-90 (Minor)	Ord. 90-12 Ord. 90-11	90-58 90-61	RCA1/RRA-1-MH-1/RRA-2 → RCA2/RRA-1-MH-1/RRA-2 (Tedsen/Silva) RCA1/RRA-1-MH-1 → RCA2/RRA-1-MH-1 (Mills)	Approved as submitted	N/A
1-91 (Major)	---	91-18	R-1/R-2 → PC (Crescent Bay Development)	Approved as submitted	N/A
1-91 (Minor)	---	91-17	RCA1 → RCA2/C-4 (Agnes Enterprises)	Approved as submitted	N/A
2-91 (Minor)	---	91-30	RCA1/A20 → RCA2/A20 (Brown)	Approved as submitted	N/A
2-91 (Major)	---	91-53	RCA1 → RCA2/RRA-1-MH (Day)	Approved w / SM SM Accepted by Res. 91-74	N/A
3-91 (Major)	Ord. 91-24 Ord. 91-22	1 91-70 2. 91-51	(1) RCA1/RRA-1 → RCA2/RR-B20-D (2) LCPZEO §§ 21.46.170.B <u>21.46.125</u> (Reservation Ranch)	Approved as submitted	N/A
3-91 (Minor)	Ord. 91-21	91-50	RCA1 → RCA2/R-1-B6-MH (Ramirez)	Approved as submitted	N/A
4-91 (Minor)	--- ---	91-90 91-91	(A) RCA1/RRA-1-MH → RCA2/RRA-1-MH (Graves0) (B) RCA1/RRA-1-MH → RCA2/RRA-1-MH (Smith)	Approved as submitted	N/A
1-92 (Major)	Ord. 92-04 Ord. 92-06	92-22 92-31	(A) AE/AI → AI/AE (Reservation Ranch) (B) TPZ → CT (McMillan)	Approved as submitted	N/A
1-92 (Minor)	Ord. 92-12	92-52	RCA1 → RRA-1-MH (Dantzman)	Approved as submitted	N/A
2-92 (Minor)	Ord. 92-17	92-79	RRA-1-MH-C(h) → RRA-1-MH-C(h)-D (Block)	Approved as submitted	N/A
3-92 (Minor)	Ord. 92-20	92-94	RCA1/RRA-1 → RCA2/A20 (Sonnenberg)	Approved as submitted	N/A
4-92 (Minor)	Ord. 92-23 Ord. 92-22	92-100 92-99	(A) RRA-2 → RRA-2-D (McMain) (B) RCA1 → AE (Bliss)	Approved as submitted	N/A
1-93 (Major)	Ord. 93-02	93-02	(1) CG → UR (2) CG → RRA-1 (Ausiello/Brown)	Approved as submitted	Approved as submitted
1-93 (Minor)	Res. 93-56	93-54	LUP-PW-OSS-CRC-2 LUP-PW-GPW-1 (City of Crescent City)	N/A	Approved as submitted
2-93 (Major)	Res. 93-111 Ord. 93-17	93-112	(1) LUP-LU-SAP-OVD-7 (2) LCPZEO §21.35.060.B.1 ; RRA-10C(a)(h)(s) → RRA-10C(a)(h) (Streubing)	Approved as submitted	Approved as submitted
2-93 (Minor)	Ord. 93-14	93-90	RCA1 → RCA2/RRA-1-MH-1 (Fugate)	Approved as submitted	N/A
1-94 (Minor)	Ord. 94-01	94-5	RCA1/R-1-B20-MH1 → RCA2/R-1-B20-MH1 (Schauerman)	Approved as submitted	N/A
2-94 (Minor)	Ord. 94-05	94-28	RCA1/ R-1-B20-MH1 -> RCA2/ R-1-B20-MH1 (Hudson, et al)	Approved as submitted	N/A
1-95 (Major)	Ord. 95-03 Ord. 95-06 Res. 95-41	95-29 95-41	LCPZEO §§21.46.120, 21.46.125, -> Chap. 21.00 LCPZEO §§ 21.04.249, 21.04.540, 21.04.550, 21.04.525, Chap 21.40, Etc. (Second Units and Manufactured Homes)	Approved as submitted	Approved as submitted
1-95 (Minor)	Ord. 95-12	95-102	(A) RRA-2/RRA-2 -> RRA-2-D/RRA-3-D (Weaver) (B) RCA1/CT/RRA-2-MFH -> RCA2/CT/RRA-2-MFH (Tromble/Bower)	Approved as submitted	N/A
2-95 (Major)	Res.95-103 Ord.95-12	95-102	A20 -> A5 (Hanson/Bartley/Dajas)	Approved as submitted	N/A
2-95 (Minor)	Ord. 95-15	95-121	<u>LCPZEO Chap. 21.45</u> (Flood Hazard Prevention Ord.)	Approved as submitted	N/A
1-96 (Minor)	Ord 96-11	95-58	A5 -> RRA-1 (Soares)	Approved as submitted	N/A
1-96 (Major)	Ord. 96-03	96-19	RCA1 -> RCA2/R-1-B20-MFH (Fruits, et al.)	Approved as submitted	N/A
2-96 (Minor)	Ord. 96-07	96-53	RRA-2/RRA-3 -> RRA-2-D/RRA-3-D (Weaver II)	Approved as	N/A

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LCPA File No.	Local Gov't Adoption Res. / Ord. No.	Local Gov't Resolution of Transmittal No.	Subject of Amendment	Action(s) Taken	
				LUP/LCPZEO Map Change	LUP/LCPZEO Text Change
				submitted	
3-96 (Minor)	Ord. 96-18	96-71	RCA1/RRA-1 -> RCA2/RRA-1 (Currie)	Approved as submitted	N/A
4-96 (Minor)	Ord. 97-001	97-023	RCA1 -> RCA2/RRA-1 (Day)	Approved as submitted	N/A
1-97 (Minor)	Ord 97-006	97-046	RCA1/A5 -> RCA2/A5 (Martin)	Approved as submitted	N/A
1-97 (Major)	Ord. 97-005	97-033	ZEO Chap 7-36 (Revised Surface Mining & Quarries Ordinance)	N/A	Approved w / SM; No Accepting Res. found
2-97 (Major)			RCA1/ -> RCA2/ (Martin)	Approved as submitted	N/A
3-97 (Major)	Ord. 97-015	97-099	CT -> TPZ (Swisher)	Approved as submitted	N/A
1-98 (Major)	Ord. 98-001	98-013	RCA1/RRA-2-MFH -> RCA2/RRA-2-MFH (Fugate)	Approved as submitted	N/A
1-98 (Minor)	Ord. 98-002	98-041	RCA1 -> RCA2/RRA-2 (Morgan)	Approved as submitted	N/A
2-98 (Major)	Ord. 97-009	97-067	RCA1/A5/RRA-1 -> RCA2/A5/R-1-B13 (McNamara)	Approved as submitted	N/A
1-99 (Major)	Ord. 99-002	99-007	LCPZEO Chap 21.04, 21.08, 21.09, 21.17, 21.19 (Home Occupations, Guest Lodging, Residential Care Facilities)	N/A	Approved w / SM (correcting error in Ord.)
DNC-MAJ-1-00	Ord.2000-003	2000-030	LCPZEO §21.25.020 (SFR/MFH/MH in C-1)	N/A	Approved as submitted
DNC-MAJ-2-00	Ord.2000-012	2000-119	RCA1 -> RCA2/RRA-2 (Fernandes)	Approved w / SM, Accepted by Res. 2006-044	N/A
DNC-MIN-1-01	Ord.2001-011	2001-077	CT -> TPZ (Kelly)	Approved as submitted	N/A
DNC-MAJ-1-03	Ord.2003-001	2003-005	RR-1 -> RR-1-D (Redland)	Withdrawn 3/9/04	N/A
DNC-MAJ-2-03	Res.2003-009 Ord.2003-002, 2003-05	2005-23	Comprehensive LCP Update	Pending	Pending
DNC-MAJ-1-04	—	2004-47	RCA1 -> RCA2/RRA-5-D-C(s) (Walters)	Approved w / SM; SM Acceptance Extension granted; Expired 4/15/2006	N/A
DNC-MAJ-2-04	Ord.2004-004	2004-033-B	(A) Rural Land Division/D Combining Zone Revisions (B) RR-1 -> RR-1-D (Redland)	(B) Approved as submitted	(A) Approved w / SM, accepted by Res. 2004-49
DNC-MAJ-1-05	Ord. 2005-06	2005-24	RCA1 -> RCA2/RRA-2-MFH (Henderson)	Approved w / SM, accepted by Res. 2006-044	N/A
DNC-MAJ-2-05	(A)Res.2005-72;Ord.2005-21 (B)Ord.2005-22 (C)Res.2005-75; Ord.2005-23 (D)Ord.2005-25	(A) 2005-73 (B) 2005-74 (C) 2005-76 (D) 2005-77	(A) RR1/2; RRA-2-MFH -> RR 1/1; RRA-1-MFH (Hogberg) (B) RCA1 -> RCA2/AE (Alexandre) (C) RR 1/1; RRA-1-MFH -> CG; C-2 (Conner) (D) RCA1 -> AE (Wetherell)	Withdrawn by Res. 2006-36	N/A
DNC-MAJ-1-06	(A) Ord. 2005-22 (B) Ord. 2005-25	2006-37	(A) RCA1 -> RCA2/AE (Alexandre) (B) RCA1 -> AE (Wetherell)	Approved as submitted	N/A
DNC-MAJ-2-06	Res.2005-72; Ord.2005-21	2006-38	RR1/2; RRA-2-MFH -> RR 1/1; RRA-1-MFH (Hogberg)	Denied	N/A
DNC-DM-1-08	Ord.2008-003	2008-015	R-1-B6(1) -> R-1-B6(2) (Hooshnam)	Approved as submitted	N/A
DNC-MAJ-1-09	Ord.2009-009	2009-033	(A) LCPZEO Chap. 21.45 (Flood Damage Prevention) (B) LCPZEO Chap. 21.46 (Height Limits) (C) RR1/2; RRA-2-MFH -> RR 1/1; RRA-1-MFH (Hogberg)	Pending	Pending

Development-Initiated, Programmatic, and Uncertified Amendments

As Table II-1 indicates, the majority of LCP amendments submitted by the County of Del Norte were those associated with a particular private development proposal or the land use and/or zoning of the development site. Most of the latter involved rezoning General Resources Conservation Area zoned lands to Designated Resources Conservation Area district classifications. Only 10 of the 81 amendments certified to date were programmatic in nature, most being driven by changes in other bodies of federal or state law, such as the National Flood Insurance Program, the Surface Mining and Reclamation Act (SMARA), the Subdivision Map Act, or state housing law. In one such instance, back on October 9, 1997, the Commission approved with suggested modifications LCP Amendment No. 1-97 which entailed changes to the Surface Mining and Quarries Ordinance to enact recent amendment to SMARA. However, the changes approved under this LCP Amendment never took effect because the Commission's adopted suggested modifications were not accepted by the County within the required six-month period following Commission action. Two of the suggested modifications being recommended by staff (i.e., Nos. 26 and 27) involve submittal or resubmittal of these lapsed or never-submitted-for-certification LCP provisions.

VIII. SUMMARY OF PUBLIC PARTICIPATION

The County initially decided to update its overall General Plan, including the coastal element, in 1995. An extensive public participation process took place to ensure that the revised Plan reflects the concerns and views of the community.

Key milestones of the public participation process undertaken by the County include the following:

- The retained consultancy of J. Laurence Mintier & Associates, in coordination with the Community Development Department holds a series of townhall meetings throughout the County in January and February 1996 to orient community members on the general plan revision process and to solicit initial input as to priority "Phase I" resource/conservation, land use, and transportation/circulation development issues deemed crucial to be addressed in the updated general plan.
- From the input provided at the initial meetings, the Draft General Plan Background Report and Policy Issues Report are prepared and presented in a series of follow-up public meetings on October 21-24, 1996.
- Following the preparation of administrative drafts of a revised consolidated General Plan and Coastal Element policy document based on the comments provided on the background and policy issues reports, in September 1997 a townhall meeting was held for the purpose of further refining the direction of the Phase I policy initiatives and to shift to addressing "Phase II" issues, including public access, scenic resources, noise, and public facilities and services.

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- A revised Administrative Draft General Plan with more comprehensive coastal policies was prepared in October 2001.
- Public workshops were held by the Planning Commission and the County Council during late 2001.
- Public hearings were held by the Planning Commission and the County Council in August through December 2002 to review the Draft General Plan and the Environmental Impact Report.

Following numerous special meetings and public hearings, the County of Del Norte adopted an updated General Plan and certified an Environmental Impact Report for the General Plan on January 28, 2003. Concurrently, the County adopted various changes to the Local Coastal Program Zoning Enabling Ordinance.

On October 20, 2003, the County submitted LCP Amendment Application No. DNC-MAJ-2-03 that involved comprehensive changes to the County's Land Use Plan (LUP) pursuant to the County's adopted 2003 General Plan update. In response to this application, Commission staff sent a letter to the County dated January 22, 2004 requesting additional information. Included in this correspondence was a request that the County submit a revised resolution that would clearly state that the adopted LCP update amendment was being transmitted to the Commission for its certification. This revised resolution was submitted by the County along with the other requested informational items over 2004-2008, with the LCP amendment application being deemed complete for filing on July 17, 2008. The 90-day time limit for the Commission to act on the proposed LCPA was October 15, 2008.

A one-year time extension was granted by the Commission on September 12, 2008. As such, the last date for Commission action on this item is October 15, 2009.

PART THREE: AMENDMENTS TO THE LAND USE PLAN

I. FINDINGS FOR DENIAL OF THE COUNTY OF DEL NORTE’S LAND USE PLAN AMENDMENT, AND APPROVAL WITH MODIFICATIONS

A. Amendment Description

The proposed updated LUP document has a significantly changed format from the currently certified LUP and is organized by General Plan “coastal element.” The document is structured in two parts, with the first part entailing an introductory discussion of the General Plan process and the organization and contents of the General Plan. This introduction chapter is followed the second part of the document, commencing with a preface containing an explanation of the differences between “goals,” “policies,” and “programs,” and the symbology used to distinguish policies intended for application in the coastal zone, those intended solely for non-coastal portions of the County, and County-wide provisions not intended for the governance of coastal development permit authorizations. This preface is followed by a series of plan element “sections,” which include: (1) Natural Resources / Conservation; (2) Safety and Noise; (3) Land Use and Community Development; (5) Recreational and Cultural Resources;(6) Scenic Resources; (7) Public Facilities and Services; and (8) Transportation and Circulation. The LUP also includes a Definitions appendix In addition, as submitted to the Commission, the proposed LUP also includes as a second appendix a synopsis of the various proposed IP text and map amendments. This latter item is noted as intended to be removed from the published finalized LUP once certified by the Commission.

B. Findings

[Organizational Note: The following findings sections are organized in the following manner: The findings addressing Suggested Modification Nos. 1 and 2, and 10 correspond with the organization of the County’s proposed updated General Plan (LUP), specifically its *Part 1 – Summary, Part 2 – Goals, Policies, and Programs Definitions, and Appendix A – Definitions*, respectively. The findings addressing Suggested Modifications 3 through 9, corresponding to the textual modifications made to the seven chapters of the LUP, are organized by Coastal Act policy suites (e.g., “*Public Access, Recreation, and Visitor-Serving Facilities,*” “*Biological Resources and Environmentally Sensitive Habitat Areas,*” *New Development, Rural Land Divisions, Reduction of Vehicular Miles Traveled,*” etc.), in roughly the same order as they appear within Coastal Act Chapter 3. The findings addressing Suggested Modification No. 11 and 12 follow, addressing suggested modifications to the organization and format of the LUP.]

SUGGESTED MODIFICATION – 1: Part I: General Plan Summary

a. Synopsis of Currently-Certified Provisions




Unlike the proposed updated LUP, the currently certified LUP contains no overall summary. Prefacing remarks are limited to a mention of the passage of Proposition 20 in

1972 as its impetus, and acknowledging that financial assistance had been provided through the NOAA Office of Coastal Zone Management to aid in its preparation. Instead, each chapter of the LUP contains prefacing sections, introducing the reader to the thematic subject area(s), followed by a detailed discussion of the information, resources inventories or studies, and/or methodology utilized in developing the policies, statements of “general policies” reflective of the thrust of the County Plan, a list of applicable Coastal Act policies, and finally, an enumerated list of specific “LCP Policies.” Each chapter closes with illustrative maps or diagrams detailing the locations of the various coastal resources areas addressed in the preceding chapter.

b. Summary of Proposed Amendments


The updated LUP would include a significantly detailed Part I summary introduction, providing a synopsis of the format and contents of the LUP set forth in Part II of the document. The summary states the reasons for why the LUP is being updated, relays a history of the County, its unique features, and demographics, and the local amendment process followed in developing the update.



c. Summary of Suggested Modification No. 1: (General Plan Summary)


- Clarifies the relationship and statutory differences between the General Plan and the LUP.
- Describes the portions of the General Plan that constitute the Land Use Plan.
- Introduces and defines the applicability icons (, , ) used throughout the Part II policy sections.=
- Specifically enumerates which policies are intended for CDP governance and which provisions are intended for use in the review and approval of non-coastal aspects of development.
- Clarifies procedural requirements and processes of the Coastal Land Use Plan.
- Identifies the components of the suggested-to-be consolidated and recodified Implementation Program which carry out the LUP’s policies.
- Strikes discussions that pertain solely to non-coastal portions of the County.

d. Discussion of Bases for Suggested Modifications

The summary chapter of the LUP explains the process, mission and vision, and organization and content of the General Plan.

The General Plan (LUP) submitted by the County for certification was originally prepared to apply to both inland and coastal portions of the County. As submitted, the County had designated certain policies throughout several of the General Plan Elements with a “wave” symbol () intended to distinguish those policies meant to apply to the coastal zone. The County submitted only minor

amendments to its Local Coastal Program Zoning Enabling Ordinance to the Commission for certification with the implication that, with these minor modifications, the LCPZEO would be adequate to implement the updated General Plan. Following several discussions between Commission staff and County staff during the course of review of the LCP Amendment, it was decided that developing a separate “Coastal Land Use Plan” and Coastal Zoning and “Coastal Land Division” titles to apply specifically to the geographic portion of the County located within the coastal zone would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The County would continue to apply the unmodified General Plan and the bulk of other titles of its County Code to the geographic areas of the County that are outside the coastal zone. Commission staff and County staff also agreed to do away with the  symbol and reorganize the General Plan to remove the policies originally intended for coastal zone application. This reorganization makes it clear that development in the coastal zone must be consistent with all applicable policies of the discrete Coastal Land Use Plan (LUP) and also avoids confusion over, or oversight of, applicable policies denoted with a  symbol.

Furthermore, there are some policies in the General Plan and the LUDC that are not necessary to be included as part of the LCP for consistency with the Coastal Act such as noise and emergency preparedness provisions of the Safety and Noise section, policies regarding federal park lands and integrated, inter-agency planning within the Land Use and Community Development section, provisions relating to the operation of various county functions, such as the courts, schools, libraries, and public safety agencies in the Public Facilities and Services section, and procedures for transportation management in the Transportation and Circulation section. Such policies do not govern the review and approval of coastal development permits, but remain in the document because they constitute standards that apply to other required County approvals and processes and their inclusion provide context and, in some cases, inform the user of requirements other than coastal development permits that may apply to land use decisions within the County. Commission staff and County staff worked together to identify these policy areas that are not intended to be part of the certified LCP and the County intends to demarcate these policies with the with “county outline” symbol () and they are further identified through suggested modification language.

These features of the reorganization and corrections and additions necessary to clarify procedural requirements and processes of the LCP are included as Suggested Modification No. 1, which make necessary text changes to the introductory chapter of the LUP.

Other suggested modification to the Part I Summary entail: (1) a discussion of which portions of the County Code, as recommended to be consolidated and

recodified under Suggested Modification No. 73, implement the policies of the LUP; and

The Commission finds that as modified, the Summary chapter, comprising the Part I “Summary” of the LUP *Policy Document*, meets the requirements of, and is in conformity with, the Coastal Act.

SUGGESTED MODIFICATION – 2: Part II: Goals, Policies, and Programs

a. Synopsis of Currently-Certified Provisions

Similar to the foregoing plan summary, the currently-certified LUP does not contain a section specifically defining “goals,” “policies,” “implementation programs,” and other plan components, nor, due to its coastal zone exclusivity, utilizes symbology to discern policies applying in the coastal zone, policies for outside of the coastal zone, and those applying countywide.

b. Summary of Proposed Amendments

The prefacing discussion to Part II of the County’s proposed LUP, as modified: (1) makes hierarchical and functional distinctions between “goals,” “policies,” and “programs;” (2) relocates several policies to a new “Other Initiatives” sub-category; and (3) identifies the portions of the County Code which implement the LUP policies.

c. Summary of Suggested Modification No. 2: (General Plan Goals, Policies, and Programs)

- Redefines the scope and intent of planning document nomenclature.
- Clarify the definitions of “Goal,” “Policy,” “Programs,” “Standards,” and “Objectives,” and introduce new “Other Initiatives” sub-section, to emphasize that “Policy” is clearly intended for governing the review and approval of coastal development permit applications.
- Redefines or eliminates applicability icons (☞, ■, □).=

d. Discussion of Bases for Suggested Modifications

The Part II preface restates the sectional structures of the overall LUP and the definitions to the applicability icons, and defines several new planning terms. Toward the goal of realizing a stand-alone set of land use plan policies and implementation program standards, independent of other inland provisions, certain revisions must be made to the definitions in the Part II preface.

Suggested Modification No. 2 includes directives to the County regarding the reorganization of the LUP. When incorporating the suggested modifications into the Coastal General Plan, inconsistencies may arise between the text of the narrative and the revised policies. Descriptive narrative no longer consistent with

the policies will need to be revised by the County to conform the narrative to any associated policy that has been revised through suggested modifications as part of the submission of the final document for certification pursuant to sections 13544 and 13544.5 of the California Code of Regulations. Narrative is intended only as background and shall not be considered policy. Language clearly labeled “Policy” within each Element shall control. Furthermore, the addition of new policies or the deletion of policies as submitted affects the numbering of subsequent policies.

The Commission finds that as modified, the prefacing chapter, comprising the Part II “Goals, Policies, and Programs” of the LUP *Policy Document*, meets the requirements of, and is in conformity with, the Coastal Act.

SUGGESTED MODIFICATIONS- 3 through -9: Part II: Sections 1, 2, 3, and 5 through 8 – Natural Resources / Conservation, Safety and Noise, Land Use and Community Development, Recreational and Cultural Resources, Scenic Resources, Public Facilities and Services, and Transportation and Circulation

1. Coastal Access, Recreational Opportunities and Visitor-Serving Facilities

a. Relevant Coastal Act Chapter 3 Provisions

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 New development projects

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
- (1) *It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
 - (2) *Adequate access exists nearby, or,*

- (3) *Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*
- (b) *For purposes of this section, "new development" does not include:*
 - (1) *Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*
 - (2) *The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*
 - (3) *Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*
 - (4) *The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.*
 - (5) *Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.*

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30214 Implementation of public access policies; legislative intent

(a) *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) *Topographic and geologic site characteristics.*
- (2) *The capacity of the site to sustain use and at what level of intensity.*
- (3) *The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

(4) *The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

(b) *It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*

(c) *In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

Section 30220 Protection of certain water-oriented activities

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 Oceanfront land; protection for recreational use and development

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 Private lands; priority of development purposes

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 Upland areas

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224 Recreational boating use; encouragement; facilities

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30250 Location; existing developed area ...

- (c) *Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

b. **Synopsis of Currently-Certified Public Access, Recreation and Visitor-Serving LUP Provisions**

The currently-certified LUP sets forth policies and standards for public coastal access, recreational opportunities, and protection and development of coastal visitor-serving facilities primarily within its *Public Access* and *Recreation* chapters. Other provisions appear through the other portions of the LUP, particularly in the “Visual Resources” and “Land Use” chapters, particularly as relate thematically to the scenic nature of the accessway or recreational or visitor-serving facility, or as location specific recommendations for these amenities (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). The emphasis of these provisions chapters is to establish guidance for the County’s development regulatory program with respect to identifying measures for the protection of, reservation for, and development of, shoreline proximate coastal access, recreational facilities, and visitor-serving facilities, including but not limited to overnight accommodations, consistent with Sections 30210 through 30222, 30224, 30250(c), and 30252 of the Coastal Act.

c. **Summary of Proposed Amendments**

Many of the currently-certified public access, recreational, and visitor-serving facilities policies are proposed to be brought forward in the updated LUP with only minor changes in their wording. Several outdated or fulfilled policies are proposed for deletion. Many of the new policies take the form of encouragements to and pledges of support for and coordination with the various state and federal parkland management agencies in developing and providing facilities for coastal visitors and recreationists.

d. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Public Access, Recreational Opportunities, and Visitor-Serving Facilities Policies

As modified, the *Recreational and Cultural Resources* element of the updated LUP would address issues related to public access, recreational opportunities, and visitor-serving facilities. Policy areas of particular concern are those involving the provision of maximum public access to the coast, the mechanisms for providing such access, and protecting access to areas of historic public use. Suggested Modification Nos. 5 and 6 include changes to the visitor-serving facilities, public access, and recreational policies of the LUP as shown in the *Land Use and Community Development* and *Recreational and Cultural Resources* sections of Exhibit No. 1.

Changes in Suggested Modification Nos. 5 and 6 regarding public access, recreational opportunities, and visitor-serving facilities development include:

- Adding omitted Coastal Act policy language regarding preferences for lower-cost visitor-serving accommodations and public-accessible facilities, and reservation and prioritization of shoreline sites appropriate for recreational development,
- Clarifying and strengthening policy language to require the provision of public access where development would have significant adverse impacts on public access.
- Adding procedural details regarding the preferred implementation of public access mitigation.
- Rephrasing certain site-specific policies to clarify that limitations on the use of accessway development are a more appropriate form of mitigation for protecting environmentally sensitive sites and reducing hazardous risks than outright prohibitions on public access use.
- Adding policy clarifying that public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations.
- Add a provision to trigger reassessment of the continued appropriateness of the development of new mixed condominium/hotel resort projects when the availability of existing lower-cost visitor-serving accommodations becomes more limited.

The County's public access policies and inventory in the LUP have been updated to reflect current public access and recreation opportunities and recently acquired parks and open space in the County, such as access improvements at the various local, state, and federal parks lining the coast, the recent opening of Tolowa Dunes State Park, and the County's recently acquisition of the 200-acre Point Saint George area on the bluffs northwest of Crescent City.

To eliminate or reduce potential impacts from development on public access and recreation, the Coastal Act identifies several strategies for ensuring that the overall availability and diversity of opportunities to visit and enjoy the coast are provided in the planning for and consideration of new development projects. These strategies include identification, protection, and reservation of existing or particularly suitable future accessways and recreational and visitor-serving facility development sites, and encouragement through preferential recognition of certain classes and types of development, such as for water-oriented recreation and lower-cost facilities, over more generic forms of development or more monetarily exclusive facilities.

Except in a very limited set of locales, the County's proposed public access, recreation, and visitor-serving policies do not stipulate that such measures should be readily employed in the interest of maximizing access and recreational opportunities. Without adequate policy mechanisms regulating potential impacts on existing accessways, such as measures to provide for appropriate levels of access and use in areas with environmental resources or hazards, or protecting sites suitable for public access, recreational, and visitor-serving facilities, either through formal reservations of specific properties through zoning and constraining the range of permissible development types to those which legitimately serve and support coastal visitation, or by policies stipulating that the availability of sites and the demand levels for such amenities be explored prior to authorizing development thereupon, the LUP is inconsistent with Coastal Act provisions 30210-30213 and 30220 through 30224.

Therefore, the Commission finds that the proposed LUP is inconsistent with the public access provisions of the Coastal Act and must be denied. However, if modified to add new language included in Suggested Modification Nos. 5 and 6 including, in part that: (1) the specific provisions of the Coastal Act for protecting, reserving, and prioritizing coastal access, recreation, and visitor-serving facilities within the Coastal Act be reiterated as LUP policies; (2) additional new policies requiring monitoring of the availability of lower-cost overnight accommodations so that the diversity of coastal visitation opportunities is not cumulatively impacted; (3) policies protecting specific access points through limitations on their use rather than full prohibitions, the LUP would be consistent with the public access provisions of the Coastal Act; and (4) certain general commercial development types be deleted from the list of permissible uses within the visitor-serving commercial land use designation.

Therefore, the Commission imposes the changes included in Suggested Modification Nos. 5 and 6 relating to public access. As modified, the Commission finds the proposed LUP public access provisions are consistent with the Coastal Act.

2. Water Quality

a. Relevant Coastal Act Chapter 3 Provisions

Section 30230 Marine resources; maintenance

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be

carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

b. **Synopsis of Currently-Certified Water Quality LUP Provisions**

The *Marine and Water Resources* chapter of the currently-certified LUP sets forth policies and standards for the protection coastal water quality chiefly within the *Water Resources* sub-chapter (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). The emphasis of this chapter is to establish guidance for the County’s development regulatory program with respect to identifying measures for the protection of water resources and aquatic-oriented biological habitat consistent with Sections 30230 and 30231, of the Coastal Act.

c. **Summary of Proposed Amendments**

The *Natural Resources / Conservation* element of the County’s proposed updated LUP addresses issues related to an assortment of marine, aquatic, and terrestrial biological resources, including the quality of coastal water. Policy areas of particular importance are those involving measures to protect coastal water quality, provisions for maximizing the productivity of aquatic-based resources, and policies relating to development of domestic water supplies.

d. **Summary of, and Rationale for, Suggested Modifications to Proposed Updated Water Quality Policies**

As modified, the water resources module of the *Natural Resources / Conservation* section of the LUP would address several specific issues related to water quality. Policy areas of particular concern are those involving the protection of the biological productivity and the quality of coastal waters through establishing comprehensive development standards and permitting review procedures. Suggested Modification No. 3 modifies the “Water Resources” subsection to revise proposed policies and include several new provisions addressing enhanced efforts to prevent and protect coastal water quality through the permit application and review processes. These new provisions include:

- Refining the structure and wording of the Water Resources polices to comport with PRC §§30230, and 30231, detailing various water quality best management practices to be utilized in the review and authorization of development projects.
- Adding policy coverage for minimizing the introduction of pollutants to coastal waters.
- Adding the specific provisions of Coastal Act Sections 30230 and 30231.
- Adding policies addressing the minimization of increases in stormwater runoff peak runoff rate by requiring:
 - All development: Minimizing increases in runoff to the extent feasible, and requisite demonstration of efforts to reduce projected peak runoff by 20% of the base 1985 10-year storm.
 - Developments of Special Water Quality Concern: Limiting post-development peak discharge rates so as not to exceed the pre-development rate, if increased discharge would result in increased potential for downstream erosion or other adverse habitat impacts.
- Adding construction-phase policies to require:
 - Construction-phase stormwater runoff plans for all development that requires a grading permit.
 - Eliminating and/or controlling discharges of sediment and other stormwater pollution from construction activities.
 - Minimizing construction site runoff and erosion,
 - Minimizing land disturbance and natural vegetation disturbance
- Adding post-construction policies to require:
 - A post-construction stormwater runoff plan for all development.
 - Emphasis on post-construction Site Design and Source Control BMPs.
- Adding BMP Guidance tables for selecting efficient BMPs for specific pollutants generated by given development types.
- Adding policies establishing categories of Developments of Special Water Quality Concern, based on development size, land use, impervious site coverage, or proximity to coastal waters. Categories of particular note include:
 - Developments that create or replace 10,000 ft² or more of impervious surface area
 - Developments that result in site coverage of 50% or more of the development site with impervious surfaces
 - Developments within 100 feet of the ocean or a coastal waterbody, that add or replace 2,500 ft² or more of impervious surface area
- Adding policies containing additional requirements for Developments of Special Water Quality Concern, including requirements for:
 - Hydrological studies to be prepared by a Certified Engineer.
 - Pre-selection of effective Treatment Control BMPs.
 - Inclusion of treatment control BMPs sized to meet the 85% storm design standard.
 - Maintaining pre-development peak runoff rate where necessary to protect against downstream erosion or other adverse habitat impacts.

As cited above, Coastal Act Sections 30230 and 30231 require the protection of the biological productivity and quality of coastal waters by, in part, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, and maintaining natural vegetation. As

proposed, the County's LUP includes several policies in Sections 1 and 7 relating to stormwater runoff, however, they are primarily focused on hydrologically managing the discharges rather than setting pollution elimination and treatment requirements. For example Policy 1.B.31 states that, "For drainage courses within the county flood control system (which are used for storm water runoff and are identified as streams which support anadromous fisheries), the County shall amend its maintenance practices *to the extent practicable*, (and) provide for retention of the riparian canopy." Similarly, Policies 1.C.9 and 7.J.2., which state the County's intent to continue to utilize natural drainage courses rather than channelizing streams for stormwater runoff, provides no limitations on such drainage utilization that could lead to deleterious impacts to water resources from pollution and sedimentation. These proposed policies are not strong enough, nor is the LUP adequately comprehensive in its scope of coverage of water quality protection measures, to ensure that the biological productivity and quality of coastal waters will be protected from adverse effects associated with development in the coastal zone as required by Coastal Act Sections 30230 and 30231. As submitted, the policies of the LUP are not sufficiently detailed to protect water quality in Del Norte County's coastal zone and must be denied.

Development has the potential to impact water quality and increase storm drainage requirements in a number of ways. New development often results in the creation of impermeable surfaces, which increase runoff by limiting the amount of water able to seep into the ground. Some water uses associated with development, such as landscape irrigation, also increase runoff by adding to the amount of artificial water sources potentially leaving the site. Development can also alter natural drainage courses and drainage patterns potentially resulting in result in increased erosion and siltation. New development also increases the amount of pollutants potentially entering waterways. Typical sources of pollutants potentially entrained in runoff as a result of new development from point and non-point sources include: grease and oils from roads and pavement; pesticides and fertilizers from horticultural runoff; sediments from erosion; and various other pollutants in runoff from industrial, commercial, and residential areas. Increased development also increases demands on the limited supply of water, potentially leading to an increased concentration of pollution in water supplies. These impacts reduce the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms and have adverse impacts on human health, inconsistent with Coastal Act Sections 30230 and 30231. Therefore, it is critical that the LUP establish a comprehensive framework of development standards, applicable to all phases of development, as well as detailed permit review and approval requirements.

The Commission shares responsibility for regulating nonpoint water pollution in the Coastal Zone of California with State Water Resources Control Board (SWRCB) and the coastal Regional Water Quality Control Boards (RWQCBs). The Commission and the SWRCB have been co-leads in developing and implementing the January 2000 Plan for California's Nonpoint source Pollution Control Program (Plan), which outlines a strategy to ensure that management measures and practices that reduce or prevent polluted runoff are implemented over a fifteen-year period. Some of these management measures are best implemented at the local County planning and permitting level, since they can be most cost effective during the design stage of development.

Commission staff worked with County staff during the development of the water quality policies included as part of Suggested Modification No. 3, which significantly expand and strengthen the County's water quality protection provisions, specifically, the portion of Suggested Modification No. 5 regarding water quality includes the addition of new policies that address stormwater runoff flows and pollution, including requirements to minimize both construction-phase and post-construction impacts to water quality and coastal waters. The policies require eliminating the discharge of sediment and other stormwater pollution resulting from construction activities and minimizing construction site runoff and erosion, land disturbance, and natural vegetation removal.

Suggested Modification No. 3 also includes the addition of several policies that emphasize the incorporation of post-construction Site Design and Source Control Best Management Practices (BMPs), which may reduce the need for structural Treatment Control BMPs to protect water quality and coastal waters. The Site Design policies include requirements for minimizing impervious surfaces, infiltrating stormwater runoff, and preserving natural drainage systems, as feasible, and for the continued maintenance of all post-construction BMPs. The added policies further require Treatment Control BMPs where the County Engineer determines they are necessary, and enable the County to require additional BMPs if the installed BMPs are not effective.

The policies added as part of Suggested Modification No. 3 also establish a second tier of development identified as "Developments of Special Water Quality Concern," which includes nine specific categories of development that have greater potential for significant adverse impacts to coastal water quality due to the development size, type of land use, impervious site coverage, and/or proximity to coastal waters. Additional development standards are added for identified Developments of Special Water Quality Concern, including a hydrological study, use of effective Treatment Control BMPs sized to meet the 85% storm design standard, and that the post-development peak runoff rate does not exceed the pre-development rate where necessary, to protect against downstream erosion and other adverse habitat impacts.

As submitted, the policies of the LUP are not sufficiently detailed to protect water quality in Del Norte's coastal zone and must be denied. However, if modified by the changes and additions included as part of Suggested Modification No. 5, the Commission finds that the proposed LUP, as modified, is consistent with Coastal Act Sections 30230 and 30231.

3. Biological Resources and Environmentally Sensitive Habitat Areas (ESHA)

a. Relevant Coastal Act Chapter 3 Provisions

Section 30107.5 Environmentally sensitive area

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30230 Marine resources; maintenance

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients

(a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, 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 the following:*

- (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 open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) *Restoration purposes.*
- (7) *Nature study, aquaculture, or similar resource dependent activities.*

(b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*

(c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of*

Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study... if otherwise in accordance with this division...

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30236 Water supply and flood control

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

b. Synopsis of Currently-Certified Biological Resources and ESHA LUP Provisions

The *Marine and Water Resources* chapter of the currently-certified LUP sets forth policies and standards for a variety of aquatic-oriented biological resources within its "*Marine Resources*," "*Sensitive Coastal Habitats*, (i.e., environmentally sensitive habitat areas), and "*Extractive Resources*" sub-chapters, the latter primarily regarding in-stream gravel mining operations (see "*Currently-Certified Policies*" of Table One, Column 1 of Exhibit No. 7). The emphasis of this chapter is to establish guidance for the County's development regulatory program with respect to identifying measures for the protection of biological sensitive resources and habitats consistent with Sections 30230, 30231, 30233, 30236, and 30240 of the Coastal Act.

c. Summary of Proposed Amendments

The *Natural Resources / Conservation* element of the County's proposed updated LUP addresses issues related to an assortment of marine, aquatic, and terrestrial biological resources, including those meeting the Coastal Act definition of "environmentally sensitive habitat areas (ESHA).

The section identifies measures to protect these environmentally sensitive areas and the quality of coastal water and land resources, including the conservation of soils, agricultural lands, timberlands, and mineral resources. Policy areas of particular importance are those involving the proper identification of areas containing sensitive habitat, the protection of ESHA by establishing adequate standards for development located within and adjacent to ESHA, measures to protect coastal water quality, provisions for maximizing the conservation and productivity of coastal agricultural lands, and policies relating to mineral extraction related development.

d. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Biological Resources and ESHA Policies

The suggested modifications to the LUP's *Natural Resources / Conservation* section propose numerous provisions bearing on a variety of significant coastal resources issues, including the protection of wetlands and estuaries, rivers and streams, and other non-wetland and non-riverine environmentally sensitive habitat areas (ESHA), the quality of coastal water, soil, agricultural, timberland, and extractive mineral resources. The proposed updated LUP would organize these policies by biological habitat or development category. The suggested modifications involve reordering and consolidating these policies around whether they address the policy addresses development in or near wetland, estuary, river, or stream ESHAs, or one of the other environmentally sensitive habitat areas with differing use constraints and operational conditions. The suggested modification include the insertion of several new policies that address heretofore omitted coverage of Coastal Act Chapter 3 subjects, especially with respect to the protection of the dynamic nature of ESHA identification over time, water quality best management practices, and conversions of agricultural land, either outright through redesignation to land use categories and zoning specifically providing for other non-agricultural uses, or incrementally, through constructing structural improvements or introducing new uses unrelated to the primary intended use of the land from the production of food, fodder, and fiber. Primary suggested modifications to LUP elements address biological resources and environmentally sensitive habitat areas entail:

- Adding policy language addressing heretofore omitted key policies crucial to consistency with Coastal Act Sections 30240, 30233, and 30236 biological resources, environmentally sensitive areas, water quality, and agricultural lands directives.
- Defining ESHA consistent with Coastal Act Section 30107.5 and describing the types of habitat that constitute ESHA.
- Restructuring the order of presentation of policies to that based on key Coastal Act Chapter 3 policies.
- Consolidating biological resource protection sub-sections into ESHA/non ESHA format.
- Clarifying that the determination of what constitutes ESHA is not limited by the categorical descriptions within the text of the LUP or what is mapped on the Land Use maps as Resource Conservation Area.
- Clarifying that only portions of the County's coastal bluffs may constitute ESHA (e.g., those portions of the bluffs that contain rare, threatened, or endangered plants or plant communities).
- Adding policies that enumerate permitted uses within ESHA and ESHA buffers consistent with the allowable use limitations of Coastal Act Sections 30240, 30233, and 30236.

- Expanding the criteria to be utilized when evaluating the adequacy of ESHA buffers.
- Deleting general biological resource protection policies that are superseded by more specific ESHA protection policies that apply in the County's coastal zone.
- Refining the structure and wording of the Soils, Agricultural, and Forestry Resources policies to comport with PRC §§30240, 30241, 30241.5, 30242, and 30243.

Distinguishing Specific Policies for ESHAs from General Biological Resources Policies: The Coastal Act requires environmentally sensitive habitat areas (ESHA) to be protected against significant disruption of habitat values and restricts development within ESHA to resource dependent uses. Development in areas adjacent to ESHA must be sited and designed to prevent impacts that would significantly degrade those areas and must be compatible with the continuance of those habitat and recreation areas. As proposed, the County's ESHA policies provide an important framework for the protection of ESHAs. However, the proposed policies are not organized in a format which clearly disguises which of the various types of biological resources are subject to the general ESHA protections of Coastal Act Section 30240, and which may be subject to other Coastal Act policies regarding specific types of ESHA or developments therein. Rather, these provisions are presented in the context of different habitat substrates, such as "marine resources," "onshore fisheries resources," and "wildlife habitat resources." Moreover, there is not sufficient detail and guidance provided in the various biological resource sub-sections with which to regulate permitting decisions regarding development within and adjacent to ESHA, inconsistent with the requirements of Section 30240.

As modified, the Natural Resources / Conservation element addresses issues related to environmentally sensitive habitat areas (ESHA). Policy areas of particular concern are those involving the identification of ESHA and ensuring that ESHA is protected against any significant disruption of habitat values by, in part, establishing limitations on allowable uses within and adjacent to ESHA. Suggested Modification No. 3 includes changes to the environmentally sensitive habitat policies of the LUP as shown in the Natural Resources / Conservation element of Exhibit No. 1.

Types of ESHA: The County of Del Norte has several types of environmentally sensitive habitat areas (ESHA) as identified in the LUP, including rocky intertidal areas, wetlands, and riparian areas. The existing certified LCP also identifies the County's coastal bluffs as ESHA. As part of the LUP amendment, the County requested to revise this designation to delete all coastal bluffs from the inventory of areas or habitat types which constitute ESHA, as defined by Section 30107.5 of the Coastal Act. While, the Commission agrees that, while the entirety of the bluffs themselves may not constitute ESHA, certain portions of the coastal bluffs, such as those providing habitat for rare plants or nesting sites for endangered or threatened bird species, may very well meet the definition of Coastal Act Section 30107.5, and the protections directed under Section 30240 should be applied accordingly. To ensure that the LUP provides sufficient guidance for the identification of ESHA, Suggested Modification No. 3 includes the addition of policies that: (1) incorporate the Coastal Act definition of ESHA cited above; (2) clarifies that *portions* of coastal bluffs within the County may indeed constitute ESHA, (3) includes rare, threatened, or endangered plants or plant communities in the list of examples of types of ESHA, and (4) emphasizes that the types of ESHA identified within the LUP text and maps are not all

inclusive, either spatially or temporally, in that ESHAs may be found in unmapped locations, or new types of ESHA may become recognized as such and formally designated in the future.

Assessment of ESHA Extent and Sensitivity to Impacts: As proposed by the County, the updated LUP would retain much of the County's ESHA review procedures and policies from the existing certified LCP. As proposed, no further elaboration, either within the LUP or within the coastal development regulations of the IP would be provided to guide when and how technical evaluations, such as biological assessments or wetland delineations, would be required to provide a factual basis for concluding that a given development project, either as proposed or with the attachment of conditions could be found consistent with the Coastal Act mandated ESHA protections. Suggested Modification No. 3 includes the addition of several policies to clarify that the determination of what constitutes ESHA is not limited by what is mapped or described within the LUP, but extends to any area not designated land use constraint mapping or textually described that meets the definition of ESHA, and that such area shall be subject to the ESHA protection policies of the LCP. The added policies also identify other areas that are to be considered ESHA including, for example, areas that: (a) contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law; (b) contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulations; and (c) contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.

These policies incorporate the provisions of Coastal Act 30240(a) regarding development within ESHA. Suggested Modification No. 3 also includes additional wording to several of the policies to incorporate the requirements of Coastal Act Section 30240(b), which provides criteria for development adjacent to environmentally sensitive habitat areas including requirements that ESHA be protected against any significant disruption of habitat values.

Limitations on Uses and Development In or Near ESHAs: With regard to limitations on development within ESHA, Coastal Act Section 30240(a) requires uses within ESHA to be limited to uses dependent on the habitat area. The proposed LUP policies do not clarify what can be considered uses which are "dependent on" the habitat area and therefore permissible within the ESHA. Therefore, Suggested Modification No. 3 includes the addition of policies that specifically enumerates permitted uses within ESHA, including wetland ESHA, rivers and streams, and other types of ESHA. These allowable uses are consistent with the use limitations of Section 30233 and 30236 of the Coastal Act.

ESHA Buffers: Coastal Act Section 30240(b) requires that development adjacent to ESHA shall be sited and designed to prevent impacts which would significantly degrade those areas and be compatible with the continuance of the habitat. To protect ESHA from adjacent developments, the practice has been to require stable buffer areas between the ESHA and the development. Generally, the Commission has considered 100 feet to be the standard buffer width to protect ESHA.

The County's currently certified LUP ESHA buffer policy exclusively specifies that a 100-foot buffer is required to be established around the upland periphery of wetlands ESHA, unless it is

demonstrated that such a width is not necessary to protect the resources of the habitat area. No similar buffer provisions are established for other types of non-wetland ESHA. The currently certified LUP contains criteria to evaluate the adequacy of reducing a buffer width to less than 100 feet, but does not provide an absolute minimum width to which a buffer can be reduced based on the criteria, thus theoretically allowing a buffer width to be reduced to zero. The proposed LUP amendment would amend the ESHA buffer policies in a manner that would maintain the currently certified methodology for protecting wetland ESHA from potential impacts from adjacent development through the establishment of buffers, based in part, on consultation with the California Department of Fish and Game, that 100 feet is not necessary to protect the resources of the particular habitat area. As proposed, Policy 1.E.21 would continue to require a minimum 100-foot wetland buffer width unless the applicant can demonstrate that a 100-foot buffer is not necessary. Suggested Modification No. 3 additional changes to the County's proposed buffer policy 1.E.21 (reformatted/renumbered as Policy 1.B.4 and 1.B.5.) to require that reduction of the 100-foot buffer width be based on biological habitat and geophysical assessments taking into account: (1) the extent type, and sensitivity to disturbance of the all environmentally sensitive areas potentially affected by development, whether wetlands or otherwise, and/or other inter-connected sensitive resource areas; (2) the intensity of the development and its potential direct and cumulative impacts on the adjacent ESHA; and (3) mitigation measures necessary to reduce any significant impacts to less than significant levels, such as the incorporation of vegetative screening, runoff interceptor berming, and other protective features into the reduced buffer.

As proposed, the submittal of biological reports is addressed very generally under Policy 1.E.13 (tentatively renumbered Policy 1.B.2.) in the LUP. The preparation and submittal of biological reports with applications for development located within or adjacent to ESHA is essential for informing development decisions to ensure the protection of ESHA consistent with the requirements of Coastal Act 30240. Therefore, as discussed further under Suggested Modification No. 24, a series of new coastal development permit application and review chapters are suggested to be added to the IP, one of which, Chapter 21.55C, contains a detailed list of required contents for biological reports.

Consolidating Thematic Policies: Lastly, Suggested Modification No. 3 includes the relocation, reiteration, or reclassification of numerous policies originally proposed in the Natural Resources / Conservation section either to other sections of the LUP more in keeping with their central theme, such as moving an erosion control policy to the water quality sub-section from under the "soils resources," or policies with no direct bearing on the issuance to coastal development permits to the "Other Initiatives" heading. In addition, several policies have been revised by more specific ESHA protection language more generally applicable to the County's coastal zone, consistent with the Coastal Act, and in keeping with the goal of developing a stand-alone coastal land use plan document.

Therefore, for all the reasons discussed above, the Commission finds that the proposed LUP amendment is inconsistent with Coastal Act Sections 30230, 30231, 30233, 30236, and 30240 in regards to proposed ESHA protection policies, and must be denied. However, if modified as suggested the LUP would be consistent with this suite of general and specific ESHA policies.

4. Land Resources (Coastal Agriculture, Soils & Timberlands, Archaeological/Paleontological)

a. Relevant Coastal Act Chapter 3 Provisions

Section 30241 Prime agricultural land; maintenance in agricultural production

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local

coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Section 30242 Lands suitable for agricultural use; conversion

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30243 Productivity of soils and timberlands; conversions

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Section 30244 Archaeological or paleontological resources

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

b. **Synopsis of Currently-Certified Land Resources LUP Provisions**

The *Land Resources* chapter of the currently-certified LUP sets forth policies and standards for the protection and conservation of coastal agriculture and timberlands within its *Agriculture* and *Forestry* sub-chapters (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 9). The emphasis of this chapter is to establish guidance for the County’s development regulatory program with respect to identifying measures for the protection of agricultural and timberland resources consistent with Sections 30241, 20341.5, 30242, and 30243 of the Coastal Act. These policies include definitions of “prime” and “general” agricultural lands, allowances for continued grazing and pasturage agricultural uses within seasonal “farmed” wetlands, and the enumeration of criteria for limiting conversions of agricultural lands, when conversions are permissible, and identifying other protective measures and restrictions on uses and development on both agricultural lands and in adjacent non-agricultural areas, such as the enactment of a “right-to-farm” ordinance.

The general thrust of the policies addressing soils and timberland resources involve setting distinctions in terms of minimum lot sizes and principal and conditional permissible uses, between those lands within formally designated “timber production zones” (TPZ), for which the full payment of ad valorem property tax is deferred to a post-harvest “yield tax,” from those more casual woodlot areas zoned as “coastal timberland” for which this conservation incentive is not applied. In addition, a transitional density policy between timber resource lands and non-

resource areas is identified, in which a pattern of lower to higher allowable development intensity is to be maintained radiating out from the timberlands toward non-timber, more suburban areas.

It is noted that the currently-certified LUP contains no specific enumerated policies or standards address the protection from, and mitigation for, impacts to archaeological and paleontological resources as mandated by Coastal Act 20344, subject areas addressed under Article 5 *Land Resources*, of Coastal Act Chapter 3. Discussion of this topic is limited to statements regarding the County's stated intent to coordinate with the State Historic Preservation Office with respect to the inclusion on mitigation measures identified by that agency in the authorization of development projects determined to potentially adversely impact archaeological resources.

c. Summary of Proposed Amendments

The agricultural resources sub-section of the *Natural Resources / Conservation* chapter of the currently-certified LUP sets forth policies and standards for the County's two chief terrestrial coastal resources, namely agricultural lands and timberlands. In addition, the sections sets out a series of new measures to be followed to protect cultural resources, including archaeological, paleontological, and historical resources, heretofore very limited in the currently-certified LUP. Many of the agricultural and timberland policies within the *Land Resources* section, with the exception of those calling for a right-to-farm ordinance, encouraging infill development in existing serviced areas, and identifying the reserving and post-development redistribution/reuse of prime agricultural top soils as a conversion mitigation measure, originate in either the currently certified LUP, as summarized above, or from the conservation/open space element of the County's non-coastal general plan, and are proposed to be brought forward with only minors changes to their wording.

d. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Land Resources Policies

The primary intent of the suggested modifications to the *Land Resources* section is to clarify and provide additional detail as to how existing certified provisions must be administered consistent with the Coastal Act agricultural and soils/timberland policies. These modifications include:

- Including recitations of the criteria for limiting and authorizing conversions of agricultural lands as set forth in Coastal Act Sections 30241, 30241.5, and 30242.
- Providing specific details as to the issues to be evaluated and factors considered in considering land divisions of agricultural lands and conversions of agricultural lands to non-agricultural uses.
- Setting limits or conditions on the development of uses and improvements not directly related to agricultural operations, such as non-farm secondary dwellings, the size and intensity of all residential improvements, conditionally permissible guest ranches or other farm-based accommodations, and other ancillary conditional uses such as gravel extraction.

Limitations on Conversions and Non-agricultural Development: Coastal Act Sections 30241 and 30242 limit the conversion of agricultural lands to nonagricultural uses and development, generally only allowing such conversions on lands located on the periphery of urban areas or in locations where continued or renewed agricultural use is no feasible. The currently certified LCP contains similar policies that incorporate these conversion provisions of Coastal Act Sections 30241 and 30242. However, the Agricultural Exclusive and General Agricultural designations/districts in both the currently certified and proposed amended LCP list single-family residences (whether farm dwellings or not) as principally permitted uses. In addition, the General Agricultural designations/district lists other non-agricultural uses as conditionally permitted uses, such as second dwellings on parcels having twice the minimum acreage required by the zoning district, veterinary clinics and hospitals, commercial kennels, billboards, guest lodging, guest ranching, and home enterprises which are not agricultural in nature. Suggested modifications to the Agricultural Exclusive and Agricultural General land use designations within the *Land Use and Community Development* and *Natural Resources / Conservation* sections are proposed to clarify that the only uses allowed are agricultural uses or non-agricultural uses on lands where conversions of agricultural lands to non-agricultural uses would be consistent with the requirements of Coastal Act Sections 30241 and 30242 that limit such conversions to lands located on the periphery of urban areas or in locations where continued or renewed agricultural use is not feasible. The recommended suggested modifications would limit principally permitted residences in the agricultural designations/districts to farm dwellings and would only allow the conditional non-agricultural uses in the Agricultural General designation/district in cases where an agricultural conversion analysis is provided that demonstrates the conversion to a non-agricultural use is consistent with the conversion criteria of Sections 30241 and 30242 of the Coastal Act. While the Commission acknowledges the concerns that have been raised that implementing the restrictions of these suggested modifications would unduly restrict the development of non-agricultural uses on the affected lands and that such restrictions would represent a significant departure from existing practice in the County, the Commission finds that Sections 30241 and 30242 do not allow for nonagricultural uses on agricultural lands unless the locations where non-agricultural uses are proposed comply with the agricultural conversion criteria. Staff also notes that the both the currently certified and proposed LCP contain policies that incorporate the conversion provisions of Coastal Act Sections 30241 and 30242.

Additional Requirements for Division of Agricultural Lands: Land divisions can greatly affect the agricultural viability of agricultural lands. If not carefully planned, land divisions can reduce the size of agricultural parcels to a point where the parcels can no longer function as an economic unit, constrain planting and harvesting areas, create access problems, and isolate agricultural lands from essential infrastructure. Such adverse impacts to agricultural productivity can increase the pressure to convert divided agricultural lands to non-agricultural uses, contrary to the requirements of Sections 30241 and 30242 of the Coastal Act. Therefore, the Commission finds that suggested modifications to the agricultural resources policies of the *Natural Resources / Conservation* section of the LUP that would require applicants for permits for land divisions to submit a continued viability analysis and agricultural management plan detailing how the agricultural land would remain in active agricultural production once subdivided. Concerns have been raised that the requirements of the recommended suggested modifications would be unduly burdensome to owners of agricultural lands who wish to divide their property or develop their

properties with improvements not directly related to agricultural pursuits, and implementing these restrictions would represent a significant departure from existing practice in the County. The Commission believes that the required viability analysis and management plan would provide essential information to demonstrate that the proposed land division would not have significant adverse affects on the agricultural viability of the land that would convert the land to non-agricultural uses inconsistent with Sections 30241 and 30242 of the Coastal Act.

As submitted, the policies of the LUP are not sufficiently detailed to protect prime and non-prime agricultural resources in Del Norte's coastal zone and must be denied. However, if modified by the changes and additions included as part of Suggested Modification Nos. 3 and 5, the Commission finds that the proposed LUP, as modified, is consistent with Coastal Act Sections 30241, 30241.5, and 30242.

5. Natural and Man-made Hazards

a. Relevant Coastal Act Chapter 3 Provisions

Section 30253 *Minimization of adverse impacts*

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30232 *Oil and hazardous substance spills*

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30250 *Location; existing developed area ...*

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

b. Synopsis of Currently-Certified Hazards LUP Provisions

The *Hazardous Areas* chapter of the currently-certified LUP sets forth policies and standards for the avoidance of, and minimization of exposure to risks from, a variety of natural hazards within its *Geologic Hazards*, *Seismic Hazards*, and *Flood Hazards* sub-chapters (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 11). The emphasis of this chapter is to establish guidance for the County’s development regulatory program with respect to identifying measures for the protection of persons and property from risks associated with exposure to geologically instability, flooding, or fire hazards, consistent with Section 30253 of the Coastal Act. It is noted that the currently-certified LUP contains no specific enumerated policies or standards address the protection from, and mitigation for: (a) impacts to coastal resources that may result from the spillage of crude oil, gas, petroleum products, or hazardous substances in relation to any development involving the use, manufacturing, or transportation of such materials, as mandated by Coastal Act 20332; or (b) locating, where feasible, new hazardous industrial development away from existing developed areas, as required by Section 30250(b).

c. Summary of Proposed Amendments

The *Safety and Noise* element of the County’s proposed updated LUP addresses hazards including seismic, geologic, flooding, tsunami, and wildfire hazards. Policy areas of particular concern are those involving evaluating and locating development in areas of geologic hazard, establishing adequate bluff development setback requirements, establishing limitations on the construction of shoreline protection structures, and minimizing development in floodplain and tsunami run-up areas.

d. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Hazards Policies

Suggested Modification No. 4 includes all changes to the proposed Safety and Noise section as shown in the Safety and Noise portion of Exhibit No. 1. Suggested modifications to the *Safety and Noise* element of the updated LUP primarily entail:

- Adding the specific provisions of Coastal Act Section 30253.
- Clarifying proposed policy language consistent with Coastal Act Sections 30235 and 30253.
- Adding policies requiring that all blufftop and shoreline proximate development be sited and designed to: (1) avoid the need for a shoreline protective structure during the life of the development; (2) address relative exposure and include mitigation measures to reduce risks of property damage and loss of life from tsunami inundation, particularly as relate to permanent residential development; and (3) stipulating that the effects of projected rises in global sea level be considered in the preparation of geotechnical and engineering analyses and the related identification of site and design recommendations, and mitigation measures.
- Clarifying limitations on development allowable on bluff faces and within bluff retreat setbacks.
- Clarifying requirements for geologic studies for development located in or near areas subject to geologic hazards.

- Adding standards for siting and the design of certain classes of development in areas subject to tsunami impacts.

The proposed LUP addresses the review of development relative to geologic hazards in very general terms and does not provide adequate standards or a sufficient level of detail to ensure consistency with the requirements of Coastal Act Sections 30235 and 30253. For example, proposed Policies 2.B.3., 2.C.2., and 2.C.4. set requirements for the preparation of geologic studies for certain classes of critical/high intensity development, in areas prone to coastal erosion hazards, and on areas with slopes over 10%, respectively. As required by Section 30253, new development must assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The preparation of geologic reports is an essential requirement to inform the appropriate siting and design of development in or adjacent to geologic hazard areas to ensure consistency with these development standards.

Therefore, the changes included in Suggested Modification No. 4, in part, incorporate the development standards of Coastal Act Sections 30235 and 30253 and require in new Policies 2.C.1. and 2.C.2. that applications for development located in or near areas subject to geologic hazard include a geologic/geotechnical study.

Furthermore, the LUP as proposed is silent with regard to the siting of blufftop development, particular with respect to specific methodologies for how setbacks are to be established. Suggested Modification No. 4 includes the addition of new Policy 2.C.3 requiring that all development located on a blufftop be setback from the bluff edge a sufficient distance to ensure that it will be stable for a projected 100-year economic life (consistent with the 100-year economic life proposed in the County's IP). Suggested Modification No. 4 also includes the addition of Policy 2.C.4. requiring that the siting and design of blufftop development take into account anticipated future changes in sea level.

Suggested Modification No. 4 further expands the breadth of policy coverage to address limitations on development that would intensify the risks of exposure of persons and property in blufftop and shoreline settings. New Policy 2.C.5 stipulates that land divisions, including subdivisions, lot splits, lot line adjustments, and conditional certificates of compliance which create new shoreline or blufftop lots, may not be permitted unless the land division can be shown to create lots which can be developed safe from geologic hazards and would not require a current or future bluff or shoreline protection structure. Moreover, no new lots may be created that could require shoreline protection or bluff stabilization structures at any time, consistent with the standards of Sections 30235 and 30253.

Suggested Modification No. 4 includes additional policy and program language to establish more comprehensive limitations and standards on certain classes of development, primarily residential structures, subject to tsunami hazards and to require provisions for approval of tsunami response and evacuation plans, demonstration of the feasibility of timely evacuation to safe high ground, and specific building siting and design standards for permanent residences created through land

divisions, to ensure that development would minimize risks to life and property in areas of high tsunami hazard consistent with Coastal Act Section 30253.

Noise Sub-element: The *Noise* sub-element of the County's proposed LUP Section 2 establishes noise standards to protect the health and welfare of the community by reducing exposure to excessive noise levels generated by sources such as traffic and industrial development. The noise policies do not raise any issues or conflicts with Coastal Act policies and the noise standards are clearly labeled as not intended for being a part of the standard of review for coastal development permits. The *Noise* sub-element would appear in the County's LUP so that the reader is aware of the County's noise standards that may apply to required County approvals other than coastal development permits. Therefore, the *Noise* sub-element proposed by the County remains unchanged with the exception of Suggested Modification No. 4 which involves adding a statement at the beginning of the Noise Element and at the beginning of Section F., Goals, Policies and Programs, as follows:

The policies of the Noise Element are not part of the County of Del Norte certified Local Coastal Program and do not govern the review and approval of coastal development permits.

The Commission finds that as modified, the proposed LUP is consistent with Coastal Act Section 30235 and Section 30253.

PART FIVE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

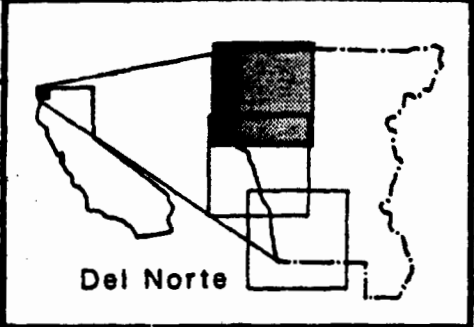
CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the LCP or LCPA does conform with the provisions of CEQA including the requirement in CEQA section 21080.5(d)(2)(A) that the LCPA will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (14 C.C.R. §§ 13542(a), 13540(f), and 13555(b)).

The County of Del Norte's LCPA consists of a Land Use Plan amendment and an Implementation Plan Amendment. The Land Use Plan amendment as originally submitted raises a number of concerns regarding the Chapter 3 policies of the Coastal Act and thus cannot be found to be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The Commission, therefore, has suggested modifications to bring the Land Use Plan amendment into full conformance with the requirements of the Coastal Act. As modified, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Further, the Commission finds that approval of the Implementation Program Amendment with the incorporation of the suggested modifications to implement the Land Use Plan would not result in significant adverse environmental impacts under the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Therefore, the Commission finds that approval of the LCP amendment conforms to the applicable provisions of CEQA as there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

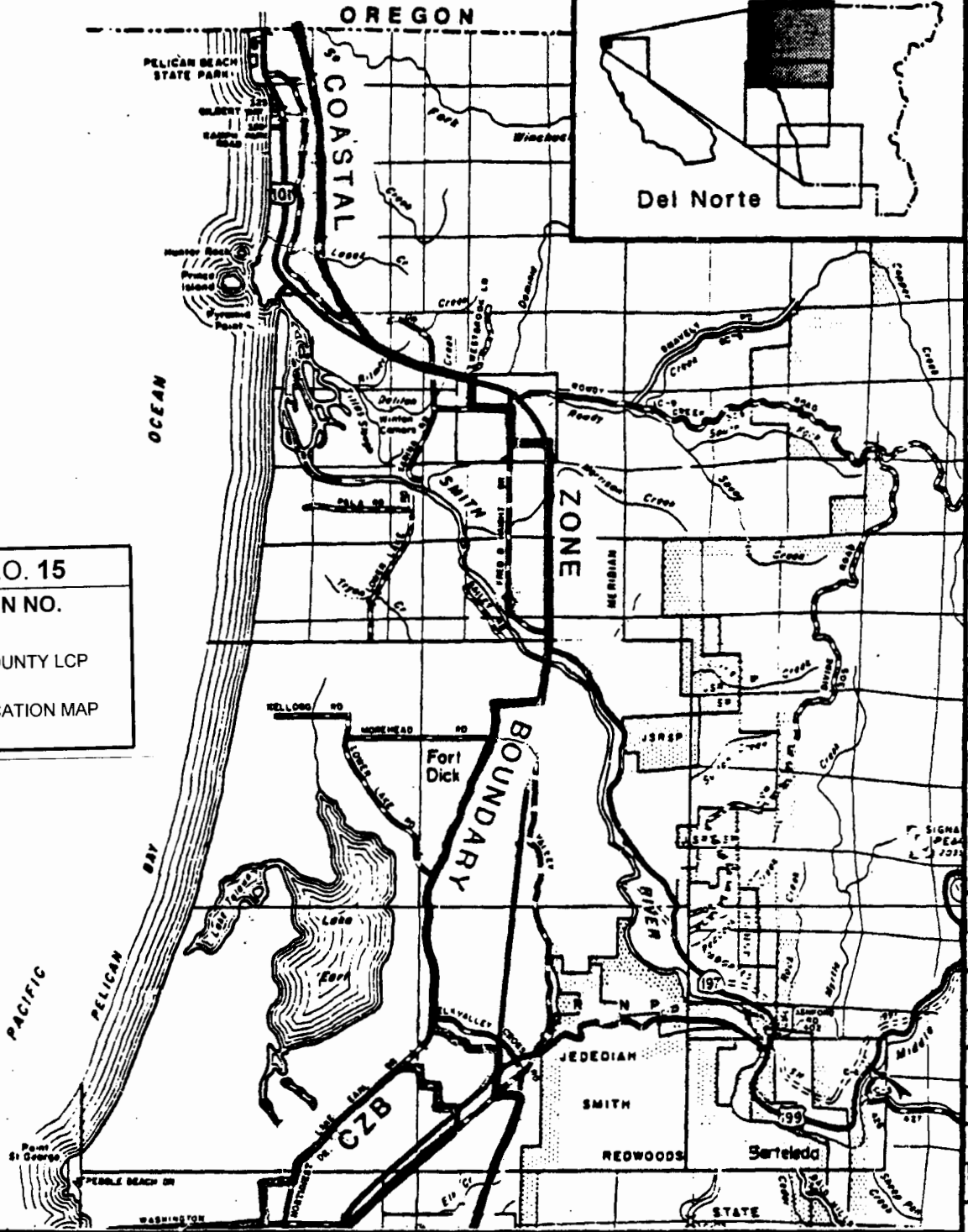
A B C D E F G H I J K L M N O



Del Norte

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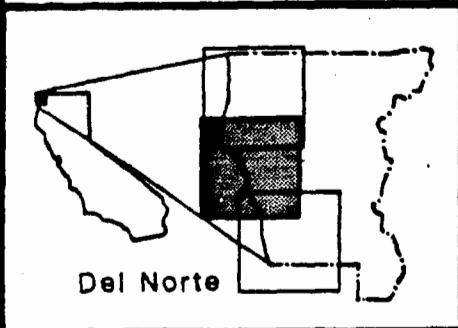
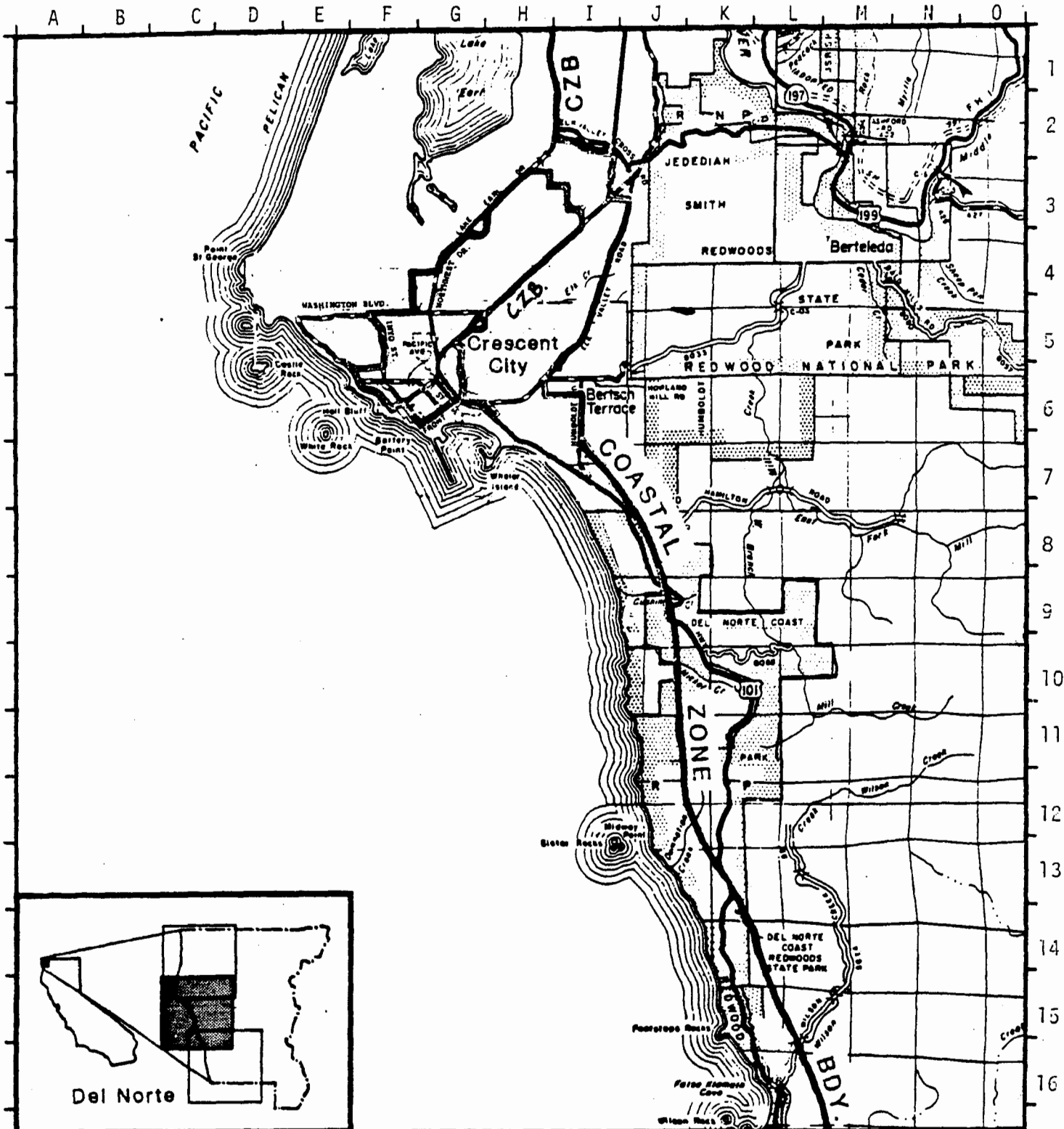
EXHIBIT NO. 15
APPLICATION NO.
DNC-MAJ-2-03
DEL NORTE COUNTY LCP
AMENDMENT
REGIONAL LOCATION MAP
(1 of 3)




LOCATION MAP



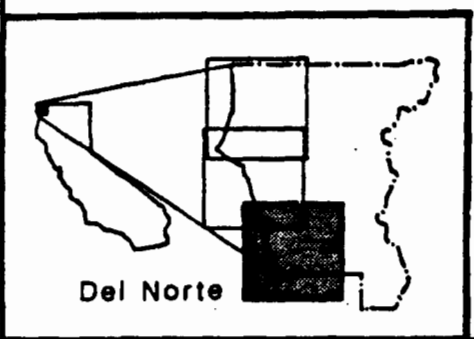
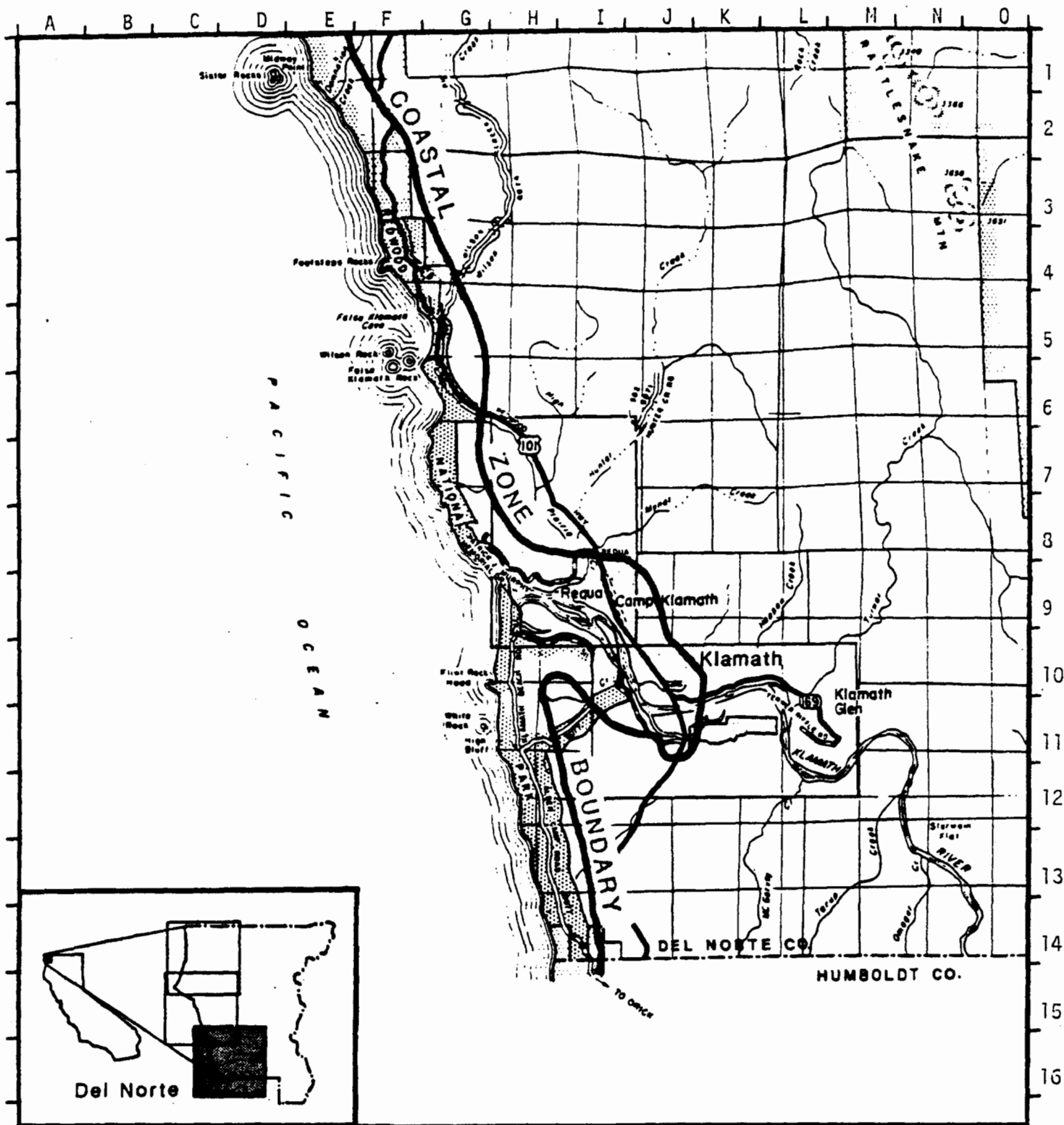
County of Del Norte



 California Coastal Commission

LOCATION MAP





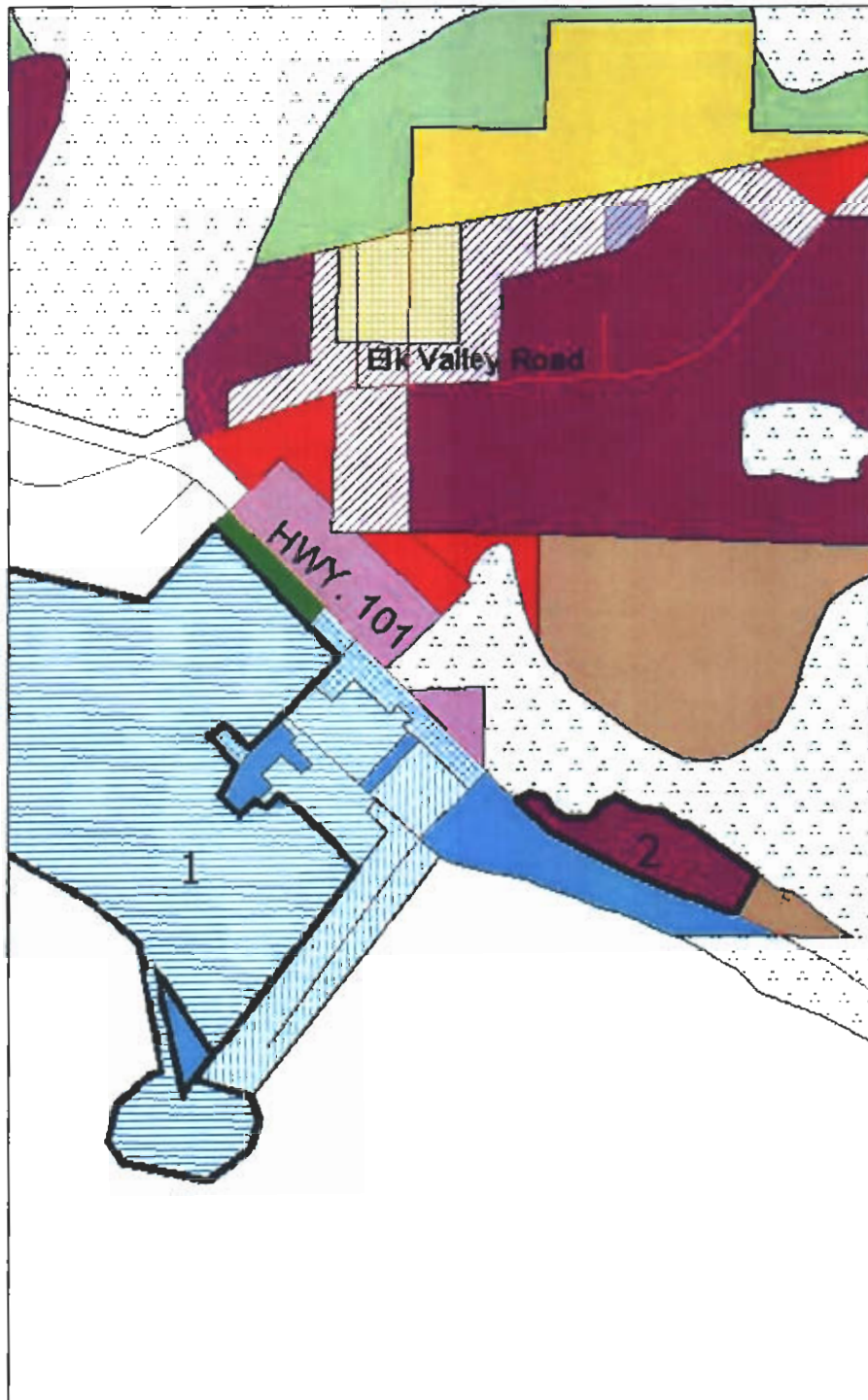
California Coastal Commission

LOCATION MAP



Legend

-  Agriculture Prime
-  Agriculture General (20 ac)
-  Agriculture General (5 ac)
-  Timberland
-  Rural Residential 1du/ac
-  Rural Residential 1du/2 ac
-  Rural Residential 1du/3 ac
-  Rural Residential 1du/5 ac
-  Rural Neighborhood with density
-  Visitor-Serving Commercial
-  General Commercial
-  General Industrial
-  Light Industrial
-  Suburban Residential
-  Urban Residential
-  Multi-Family
-  Urban Mobilehome Park
-  Harbor Dependent
-  Harbor Dependent Commercial
-  Harbor Dependent Recreation
-  Harbor Related
-  Natural Hazard
-  Greenery
-  Public Facility
-  Resource Conservation Area
-  Tribal Lands
-  State and Federal Lands



HARBOR AREA EXISTING LAND USE (LCP)

AFFECTED
PROPERTY OWNERSHIP
1. 117-020-16 - Crescent City Harbor Commission
2. 115-020-18 - Hambro Forest Products

EXHIBIT NO. 16
APPLICATION NO.
DNC-MAJ-2-03 - DEL NORTE
COUNTY LCP AMENDMENT
EXISTING CERTIFIED LAND
USE PLAN MAPS FOR
PROPOSED SITE-SPECIFIC
CHANGES (1 of 6)



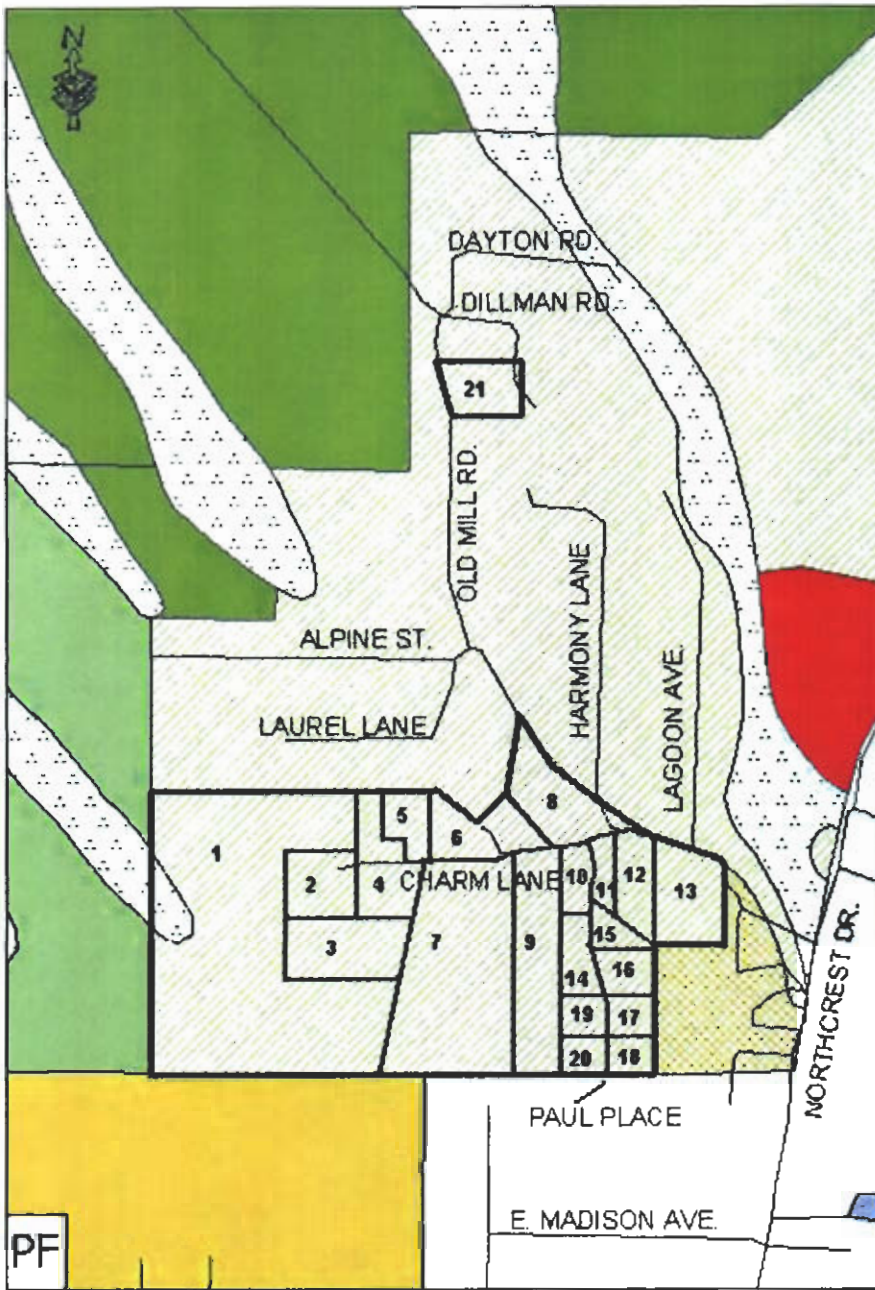
Legend

- Agriculture Prime
- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Resource Conservation Area

**MCNAMARA AIRFIELD
EXISTING LAND USE
(LCP)**

- AFFECTED**
Property Ownership
1. 110-010-11 - Pat Jaffer
 2. 110-010-12 - Darryl and Jean Lovaaas Trustees
 3. 110-010-02,03,10,13,15,17,22 - County of Del Norte
120-020-35,36,37 - County of Del Norte

2 of 6



Legend

- Agriculture Prime
- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Harbor Dependent
- Harbor Dependent Commercial
- Harbor Dependent Recreation
- Harbor Related
- Natural Hazard
- Greenery
- Public Facility
- Resource Conservation Area
- Tribal Lands
- State and Federal Lands

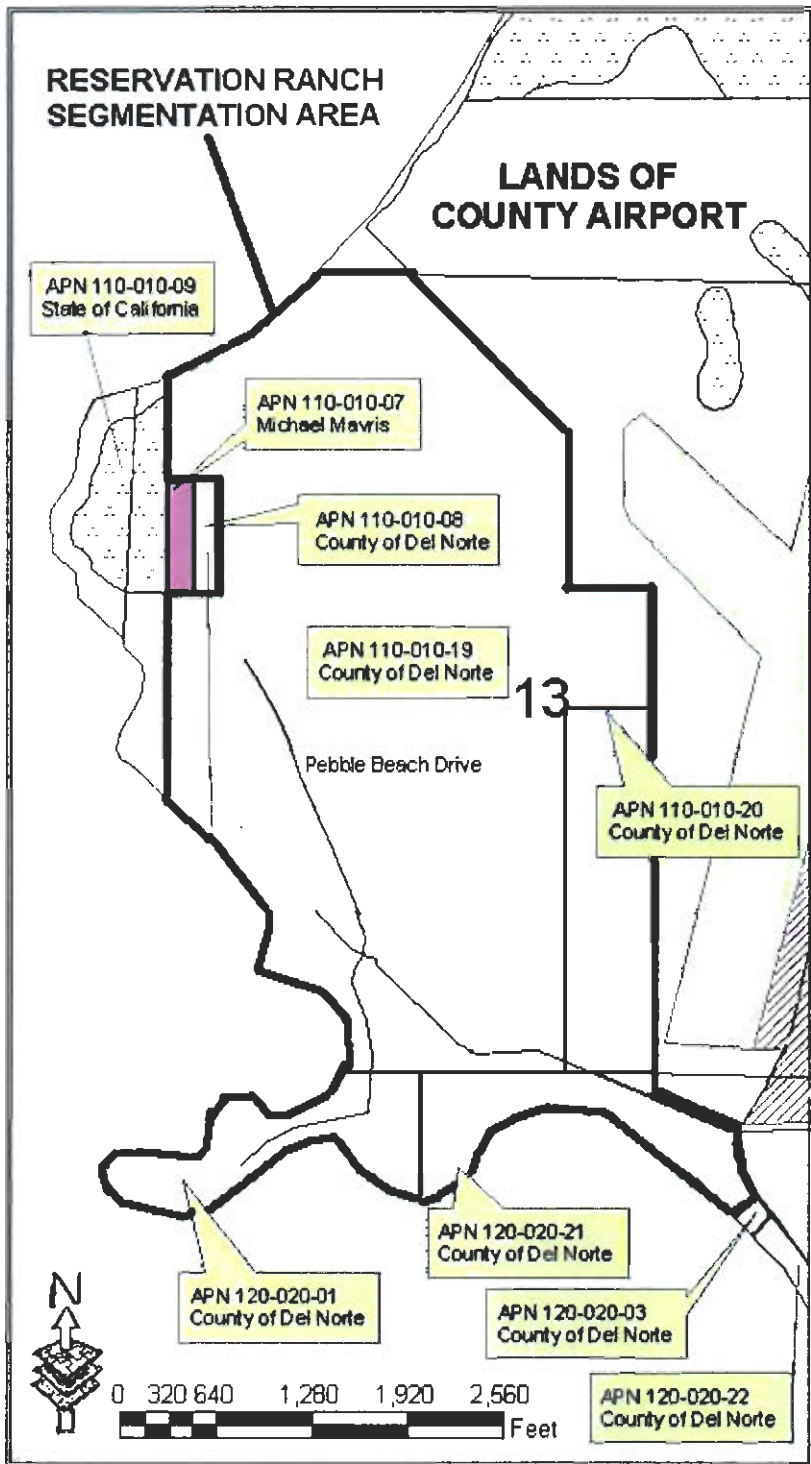
OLD MILL ROAD CHARM LANE AREA EXISTING LAND USE (LCP)

AFFECTED

PROPERTY OWNERSHIP

- | | |
|--|---|
| <p>1. 116-020-05 - Richard Wakefield
 2-3 116-040-17, 08 - Richard Wakefield
 4. 116-040-31 - Frederick & Paula Soares
 5. 116-040-31 - Sara Soares
 6. 116-040-14 - George Beyreis
 7. 116-040-11 - Richard Wakefield
 8. 116-040-06 - Betty Mendez
 9. 116-040-12 - Clayton Ward
 10. 116-040-27 - Brian Michetti
 11. 116-040-09 - Thomas & Linda Miles</p> | <p>12. 116-040-10 - Richard & Marjorie Mitchell
 13. 116-060-18 - Leon & Sandra Gavin
 14. 116-040-28 - Brent & Melonie Thomas
 15. 116-040-30 - Jorge & Maria Galindo
 16. 116-040-29 - Brian Michetti
 17. 116-040-24 - Ronald & Lihua Burns
 18. 116-040-22 - Donald & Brenda Wolf
 19. 116-040-23 - Brent & Melonie Thomas
 20. 116-040-21 Richard & April Mouser
 21. 116-700-01 - Phyllis Stockwood</p> |
|--|---|

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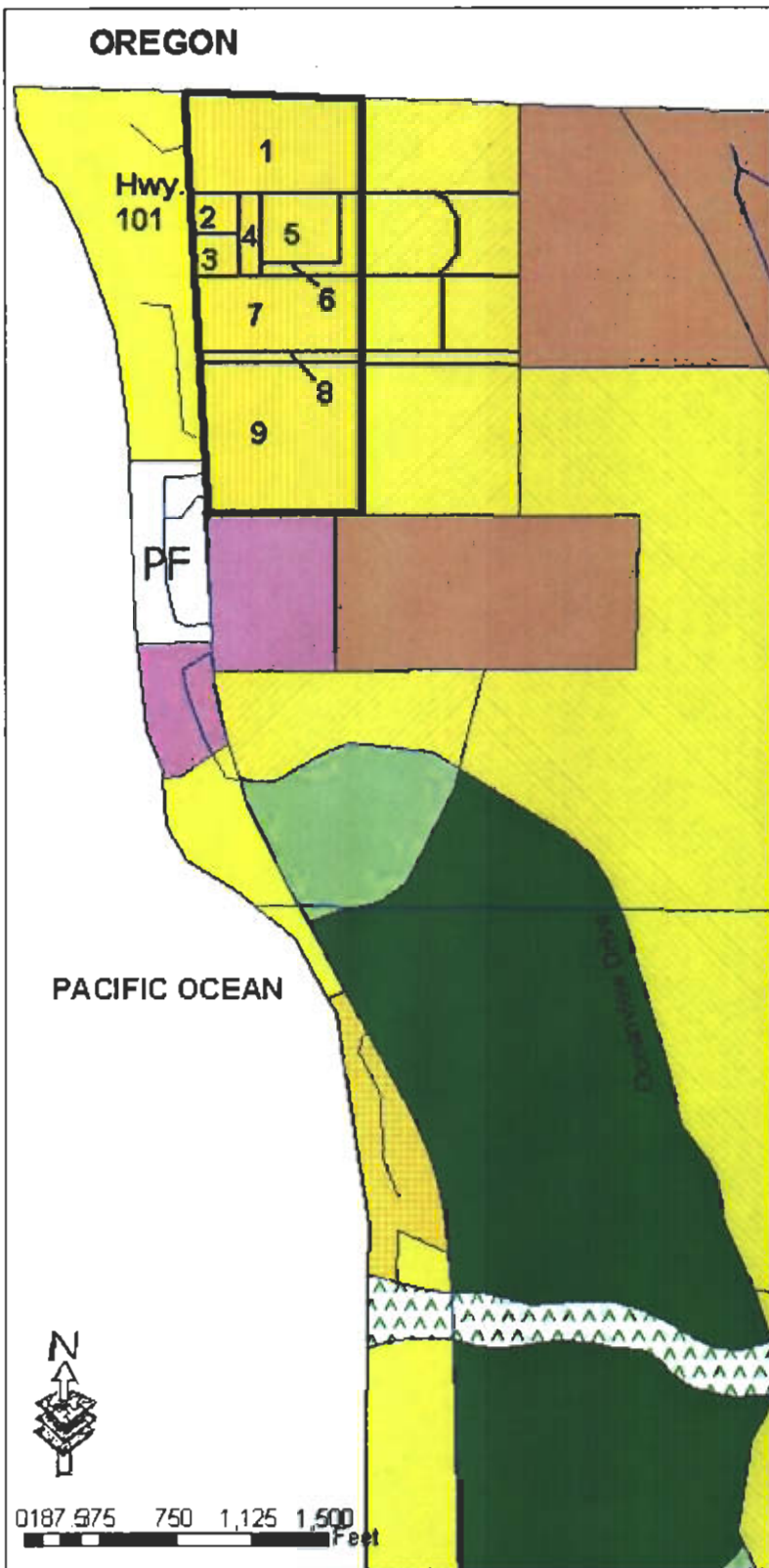


Legend

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- Rural Residential 1du/2 ac
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- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Harbor Dependent
- Harbor Dependent Commercial
- Harbor Dependent Recreation
- Harbor Related
- Greenery
- Public Facility
- Resource Conservation Area
- Tribal Lands
- State and Federal Lands

**POINT SAINT GEORGE
EXISTING LAND USE
(LCP)**

496



Legend

- Agriculture Prime
- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Rural Mobilehome Park
- Golf Course
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Agriculture Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Harbor Dependent
- Harbor Dependent Commercial
- Harbor Dependent Recreation
- Harbor Related
- Natural Hazard
- Riparian Corridor
- Greenery
- Public Facility
- Resource Conservation Area
- Tribal Lands
- State and Federal Lands

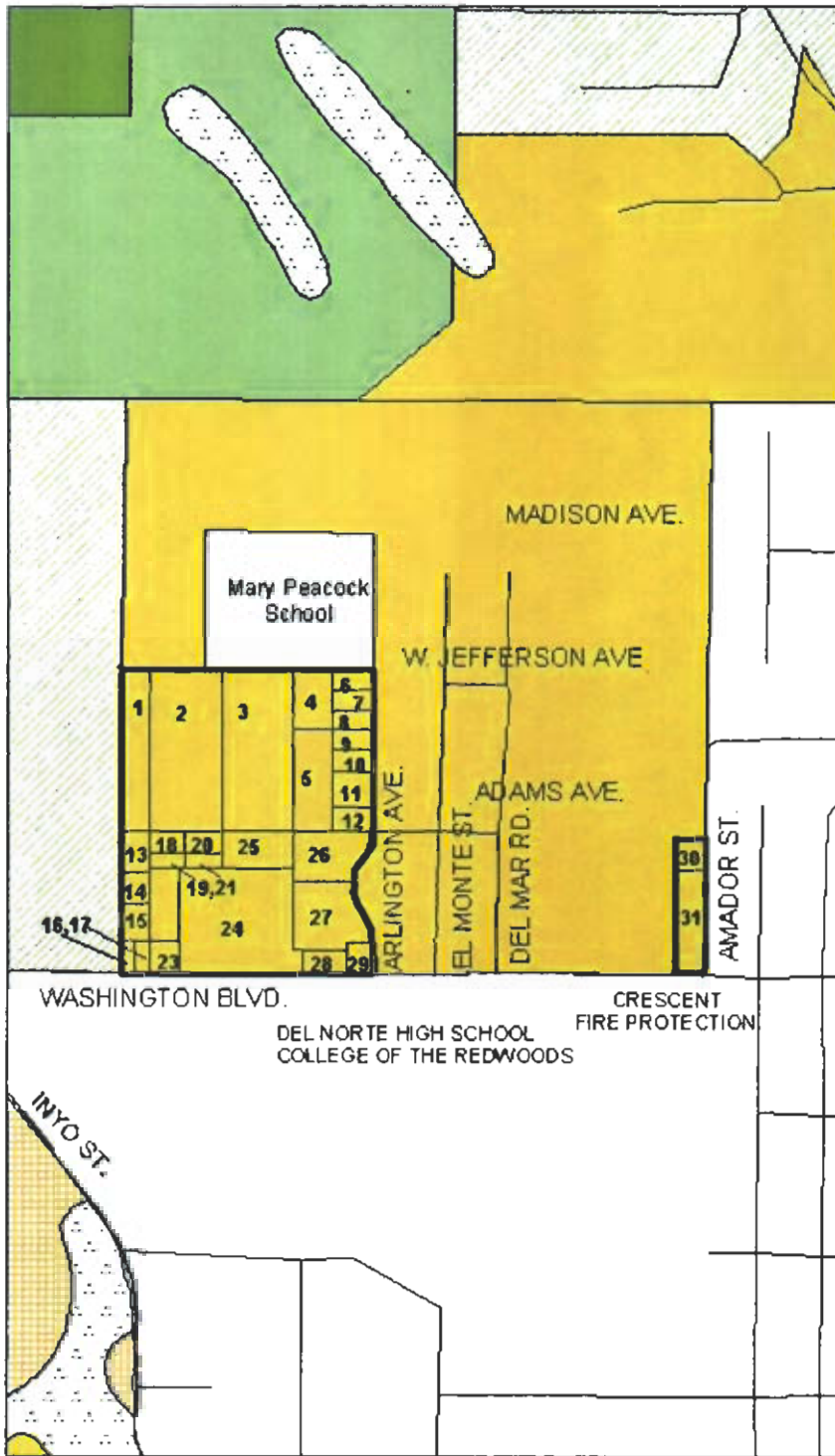
**STATELINE 101/HWY. 101
EXISTING LAND USE
(LCP)**

AFFECTED

PROPERTY OWNERSHIP

- | | |
|------------------------|-------------------------|
| 1. 101-060-01 - Barth | 6. 101-060-17 - Kochar |
| 2. 101-060-08 - Moss | 7. 101-710-01 - Weaver |
| 3. 101-060-09 - Jacoby | 8. 101-060-07 - Ayala |
| 4. 101-060-10 - Lavn | 9. 101-010-06 - Russell |
| 5. 101-060-12 - Eagles | |

5 of 6



Legend

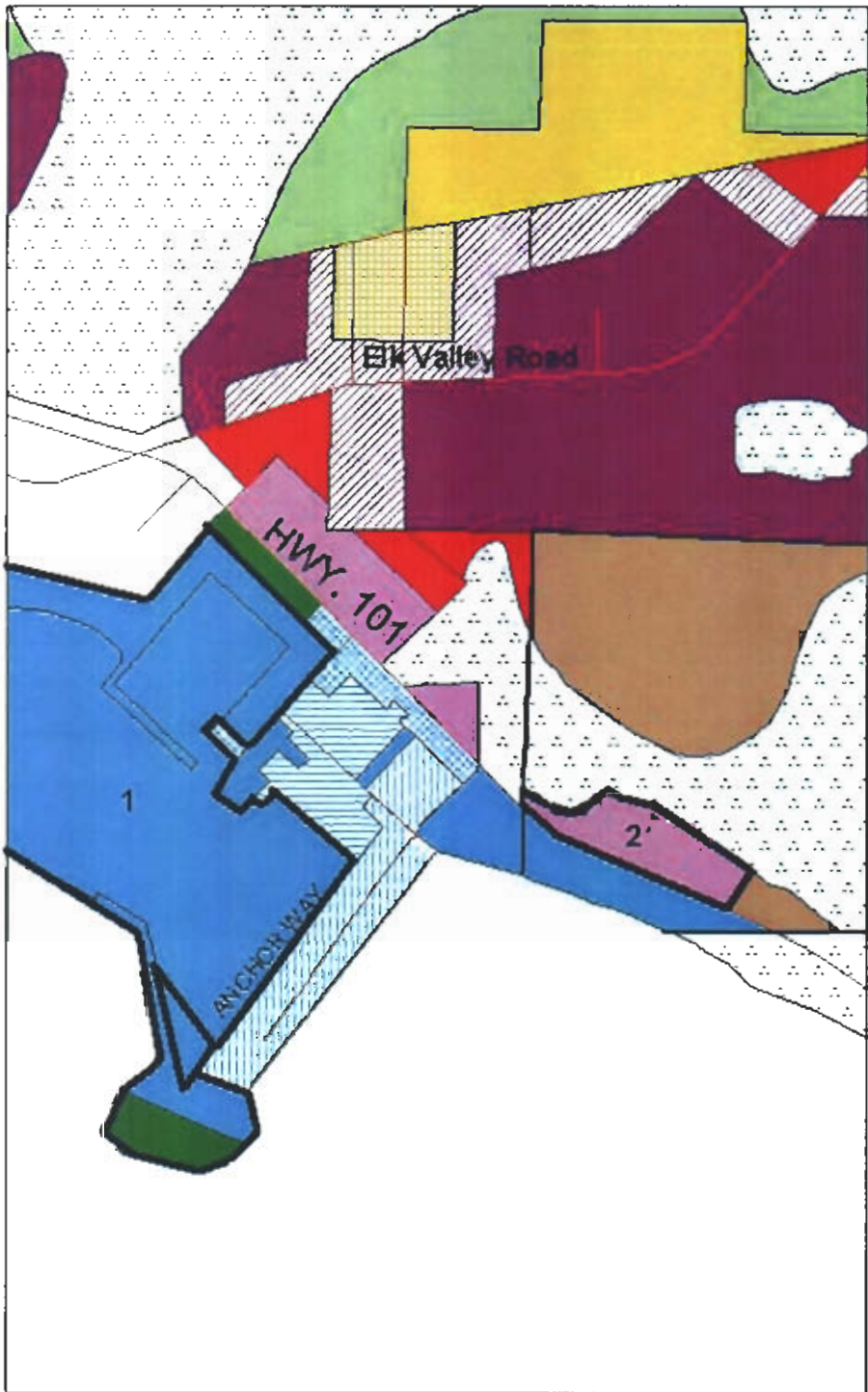
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- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Harbor Dependent
- Harbor Dependent Commercial
- Harbor Dependent Recreation
- Harbor Related
- Natural Hazard
- Greenery
- Public Facility
- Resource Conservation Area
- Tribal Lands
- State and Federal Lands

WASHINGTON PARK WEST and AMADOR ST. EXISTING LAND USE (LCP)

AFFECTED PROPERTY OWNERSHIP

- | | |
|--|--|
| <ul style="list-style-type: none"> 1. 116-111-01 - John Furgo Jr. 2. 116-122-01 - Steve Hemmingsen 3. 116-113-01 - Rudy and Kathy Hammack 4-5. 116-114-05,09 - Bill Lund 6-11. 116-114-08, 07,06,12,11,10 - Bill & Robbin Lund 12. 116-110-04 - Helen DuVernay 13. 116-131-01 - Bieber Family Trust 14. 116-131-02 - Grace Lutheran Church 15. 116-131-03 - Bieber Family Trust 16. 116-131-04 - Judyth Roberts 17. 116-131-05 - Robert Stovall | <ul style="list-style-type: none"> 18-19. 116-132-18,21 - Bieber Family Trust 20-21. 116-132-19,22 - Timothy & Denise Henry 22. 116-136-01 - Floyd & Susan Clemann 23. 116-132-20 - Bill Lund 24. 116-136-02 - Eric Pickering 25. 116-133-01 - Rodney & Arvenna Hamilton 26-27. 116-134-23,22 - Grace Lutheran Church 28. 116-136-03 - Amard Mole 29. 116-130-21 - Grace Lutheran Church 30. 116-140-10 - Deborah Alt 31. 116-140-11 - Neil & Lucille Chaffee |
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6 of 6



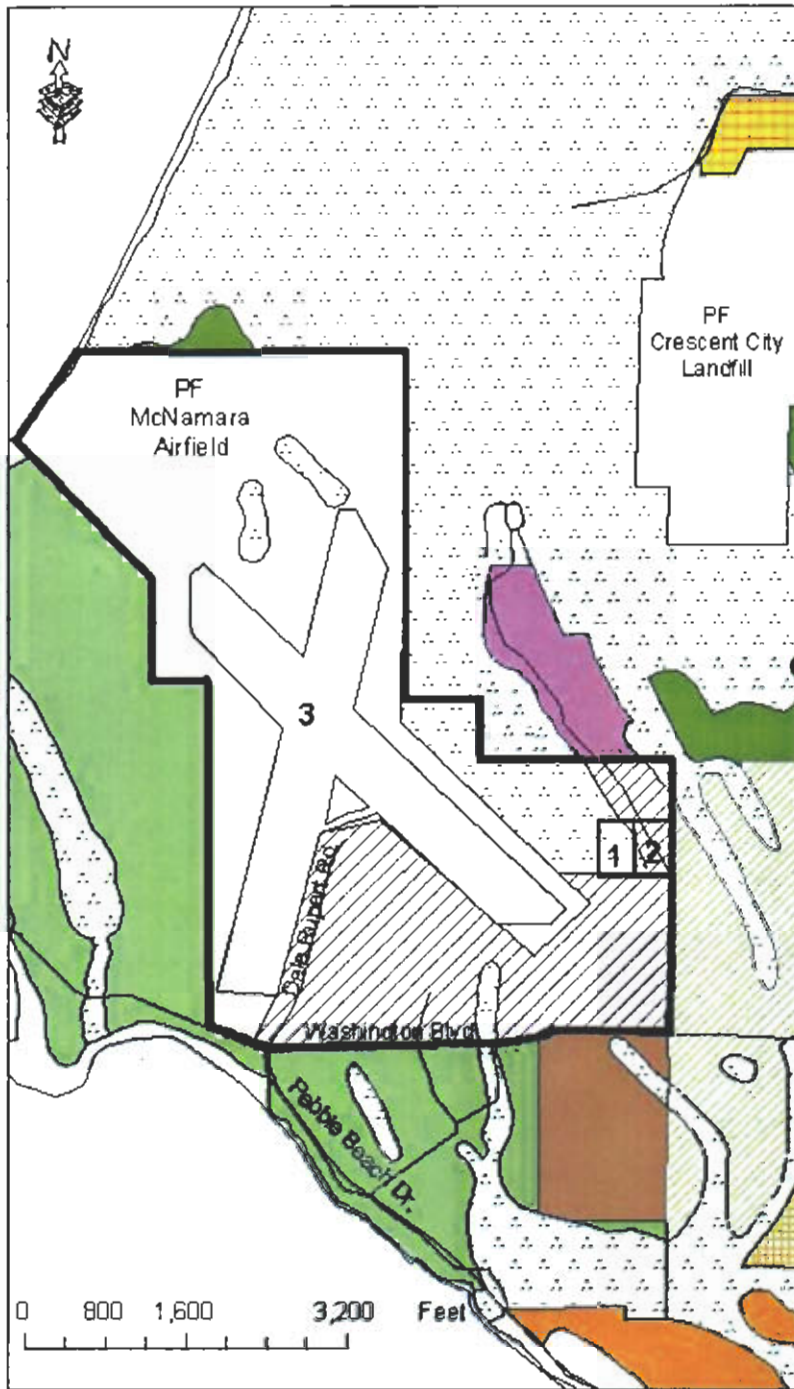
Legend

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- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Harbor Dependent
- Harbor Dependent Commercial
- Harbor Dependent Recreation
- Harbor Related
- Natural Hazard
- Greenery
- Public Facility
- Resource Conservation Area
- Tribal Lands
- State and Federal Lands

**HARBOR AREA
PROPOSED LAND USE
(LCP)**

AFFECTED
PROPERTY OWNERSHIP
1. 117-020-16 - Crescent City Harbor Commission
2. 115-020-18 - Hambro Forest Products

EXHIBIT NO. 17
APPLICATION NO.
DNC-MAJ-2-03 - DEL NORTE
COUNTY LCP AMENDMENT
PROPOSED AMENDED LAND
USE PLAN MAPS FOR
PROPOSED SITE-SPECIFIC
CHANGES (1 of 6)



Legend

- Agriculture Prime
- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Resource Conservation Area

MCNAMARA AIRFIELD PROPOSED LAND USE (LCP)

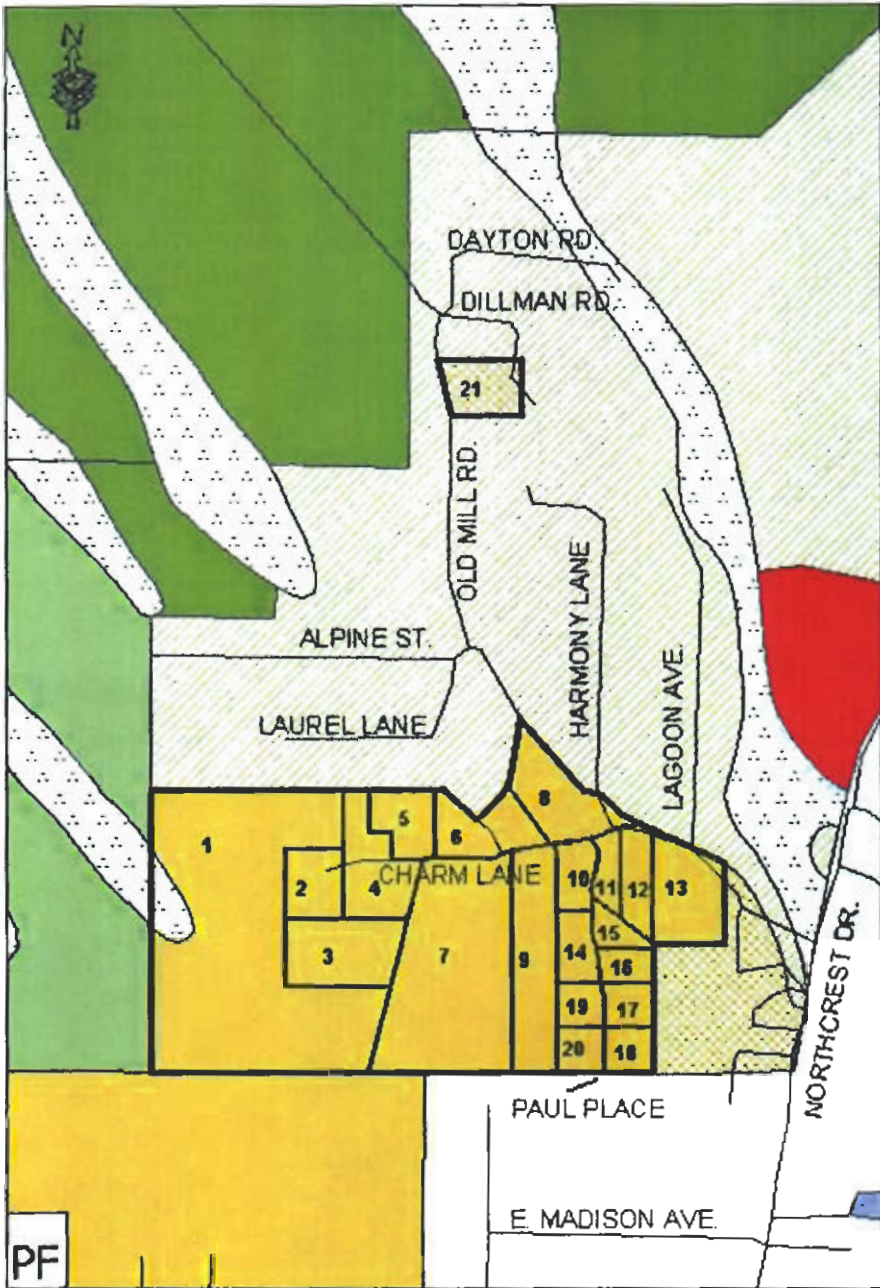
AFFECTED

Property Ownership

1. 110-010-11 - Pat Jaffer
2. 110-010-12 - Darryl and Jean Lovaas Trustees
3. 110-010-02, 03, 10, 13, 15, 17, 22 - County of Del Norte
120-020-35, 36, 37 - County of Del Norte

REVISED MARCH 2009

2 of 6



Legend

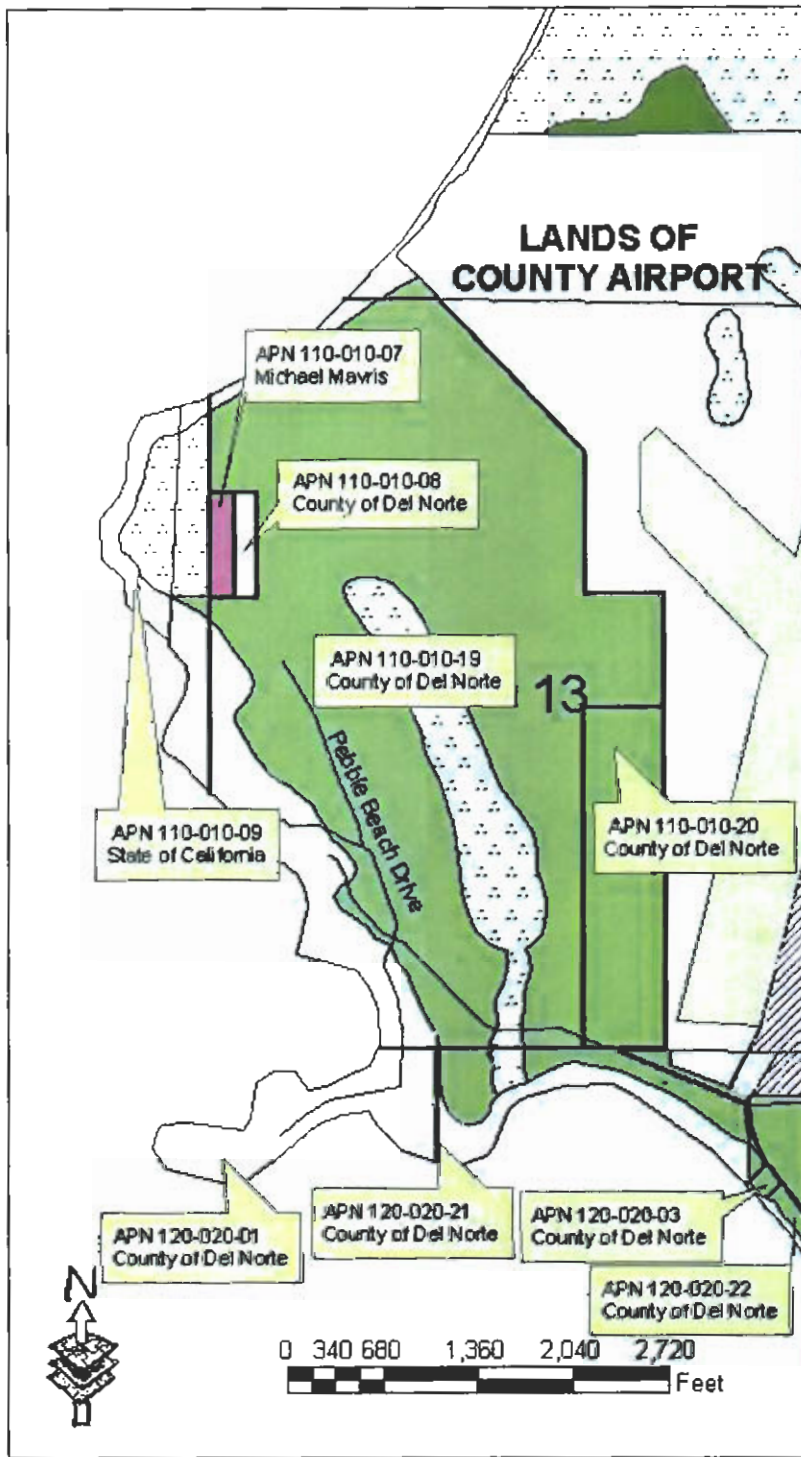
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- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Harbor Dependent
- Harbor Dependent Commercial
- Harbor Dependent Recreation
- Harbor Related
- Natural Hazard
- Greenery
- Public Facility
- Resource Conservation Area
- Tribal Lands
- State and Federal Lands

OLD MILL ROAD CHARM LANE AREA PROPOSED LAND USE (LCP)

AFFECTED PROPERTY OWNERSHIP

- | | |
|--|---|
| <p>1. 116-020-05 - Richard Wakefield</p> <p>2-3 116-040-17, 08 - Richard Wakefield</p> <p>4. 116-040-31 - Frederick & Paula Soares</p> <p>5. 116-040-31 - Sara Soares</p> <p>6. 116-040-14 - George Beyreis</p> <p>7. 116-040-11 - Richard Wakefield</p> <p>8. 116-040-06 - Betty Mendez</p> <p>9. 116-040-12 - Clayton Ward</p> <p>10. 116-040-27 - Brian Michetti</p> <p>11. 116-040-09 - Thomas & Linda Miles</p> | <p>12. 116-040-10 - Richard & Marjorie Mitchell</p> <p>13. 116-060-18 - Leon & Sandra Gavin</p> <p>14. 116-040-28 - Brent & Melonie Thomas</p> <p>15. 116-040-30 - Jorge & Maria Galindo</p> <p>16. 116-040-29 - Brian Michetti</p> <p>17. 116-040-24 - Ronald & Lihua Burns</p> <p>18. 116-040-22 - Donald & Brenda Wolf</p> <p>19. 116-040-23 - Brent & Melonie Thomas</p> <p>20. 116-040-21 Richard & April Mouser</p> <p>21. 116-700-01 - Phyllis Stockwood</p> |
|--|---|

394

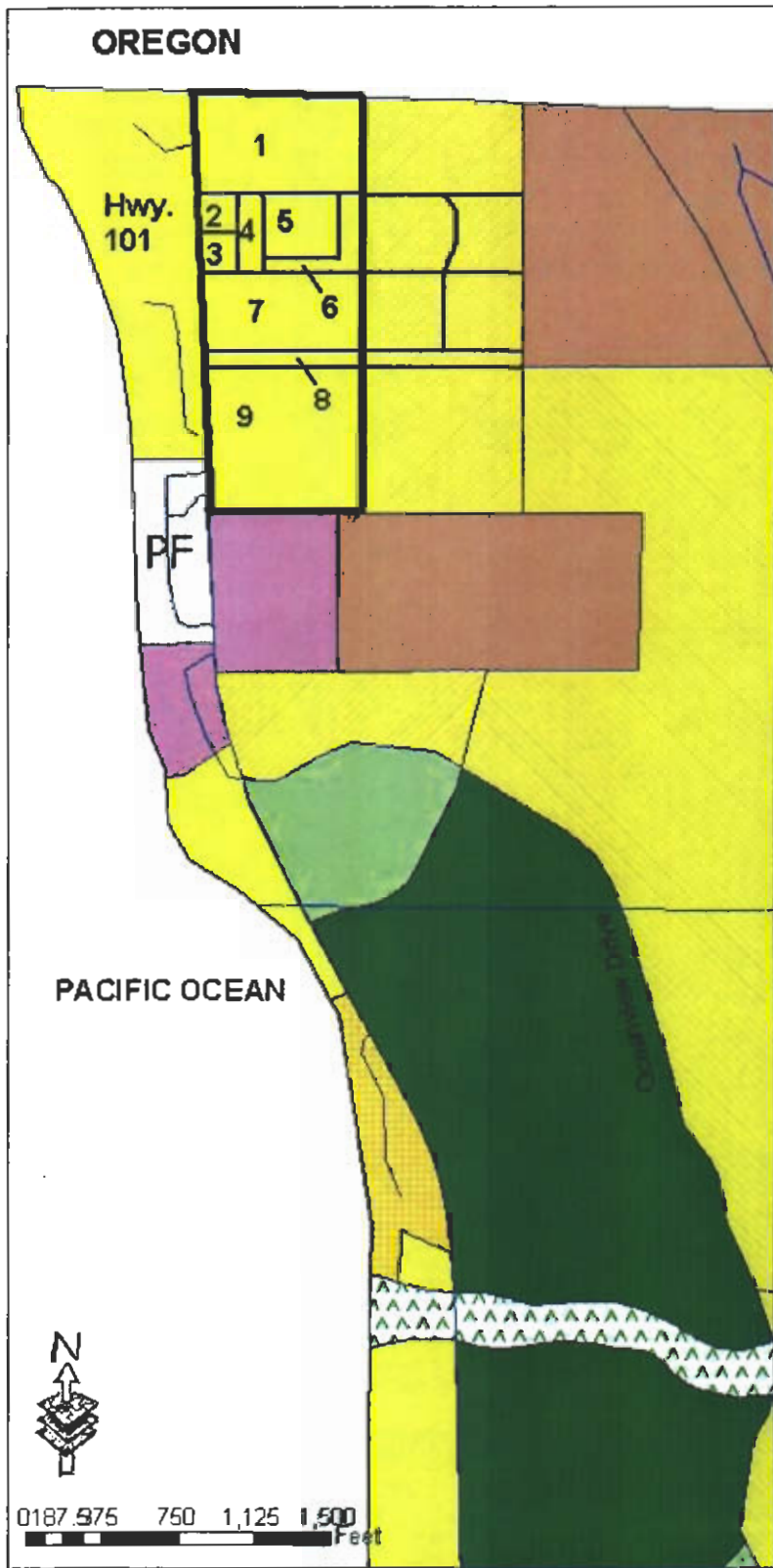


Legend

- Agriculture Prime
- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Harbor Dependent
- Harbor Dependent Commercial
- Harbor Dependent Recreation
- Harbor Related
- Greenery
- Public Facility
- Resource Conservation Area
- Tribal Lands
- State and Federal Lands

POINT SAINT GEORGE PROPOSED LAND USE (LCP)

446



Legend

- Agriculture Prime
- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Rural Mobilehome Park
- Golf Course
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Agriculture Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Harbor Dependent
- Harbor Dependent Commercial
- Harbor Dependent Recreation
- Harbor Related
- Natural Hazard
- Riparian Corridor
- Greenery
- Public Facility
- Resource Conservation Area
- Tribal Lands
- State and Federal Lands

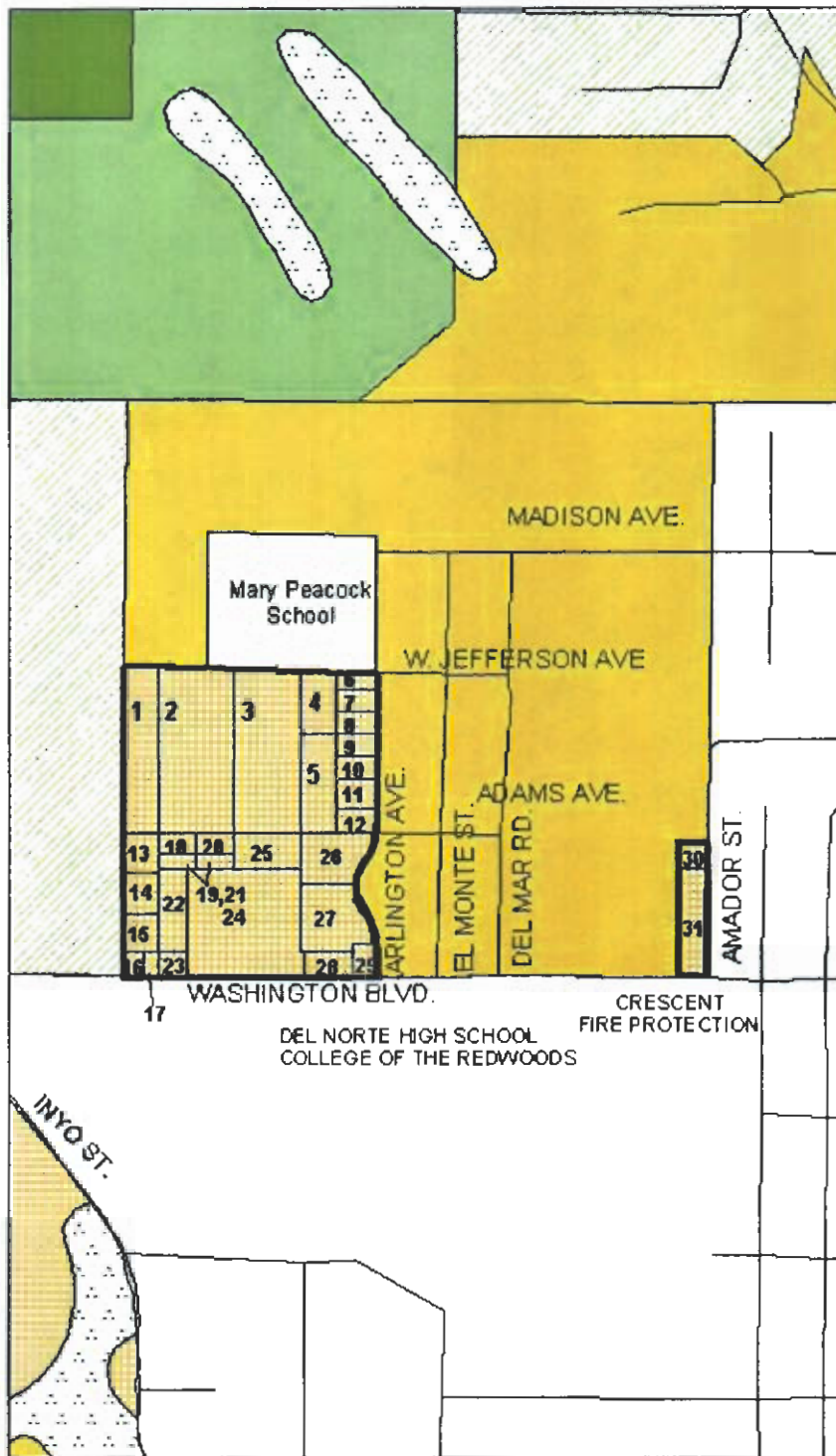
**STATELINE 101/HWY. 101
PROPOSED LAND USE
(LCP)**

AFFECTED

PROPERTY OWNERSHIP

- | | |
|------------------------|-------------------------|
| 1. 101-060-01 - Berth | 6. 101-060-17 - Kochar |
| 2. 101-060-08 - Moss | 7. 101-710-01 - Weever |
| 3. 101-060-09 - Jacoby | 8. 101-060-07 - Ayala |
| 4. 101-060-10 - Lawn | 9. 101-010-06 - Russell |
| 5. 101-060-12 - Eagles | |

5 of 6



Legend

- Agriculture Prime
- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Harbor Dependent
- Harbor Dependent Commercial
- Harbor Dependent Recreation
- Harbor Related
- Natural Hazard
- Greenery
- Public Facility
- Resource Conservation Area
- Tribal Lands
- State and Federal Lands

WASHINGTON PARK WEST and AMADOR ST. PROPOSED LAND USE (LCP)

AFFECTED PROPERTY OWNERSHIP

- | | |
|---|---|
| 1. 116-111-01 - John Furgo Jr. | 18-19. 116-132-18-21 - Bieber Family Trust |
| 2. 116-122-01 - Steve Hemmingsen | 20-21. 116-132-19,22 - Timothy & Denise Henry |
| 3. 116-113-01 - Rudy and Kathy Hammack | 22. 116-136-01 - Floyd & Susan Clemann |
| 4-5. 116-114-05,09 - Bill Lund | 23. 116-132-20 - Bill Lund |
| 6-11. 116-114-08, 07,06,12,11,10 - Bill & Robbin Lund | 24. 116-136-02 - Eric Pickering |
| 12. 116-110-04 - Helen DuVernay | 25. 116-133-01 - Rodney & Arvenna Hamilton |
| 13. 116-131-01 - Bieber Family Trust | 26-27. 116-134-23,22 - Grace Lutheran Church |
| 14. 116-131-02 - Grace Lutheran Church | 28. 116-136-03 - Armand Viote |
| 15. 116-131-03 - Bieber Family Trust | 29. 116-130-21 - Grace Lutheran Church |
| 16. 116-131-04 - Judyth Roberts | 30. 116-140-10 - Deborah Alt |
| 17. 116-131-05 - Robert Stovall | 31. 116-140-11 - Neil & Lucille Chattee |

EXHIBIT NO. 18

APPLICATION NO.

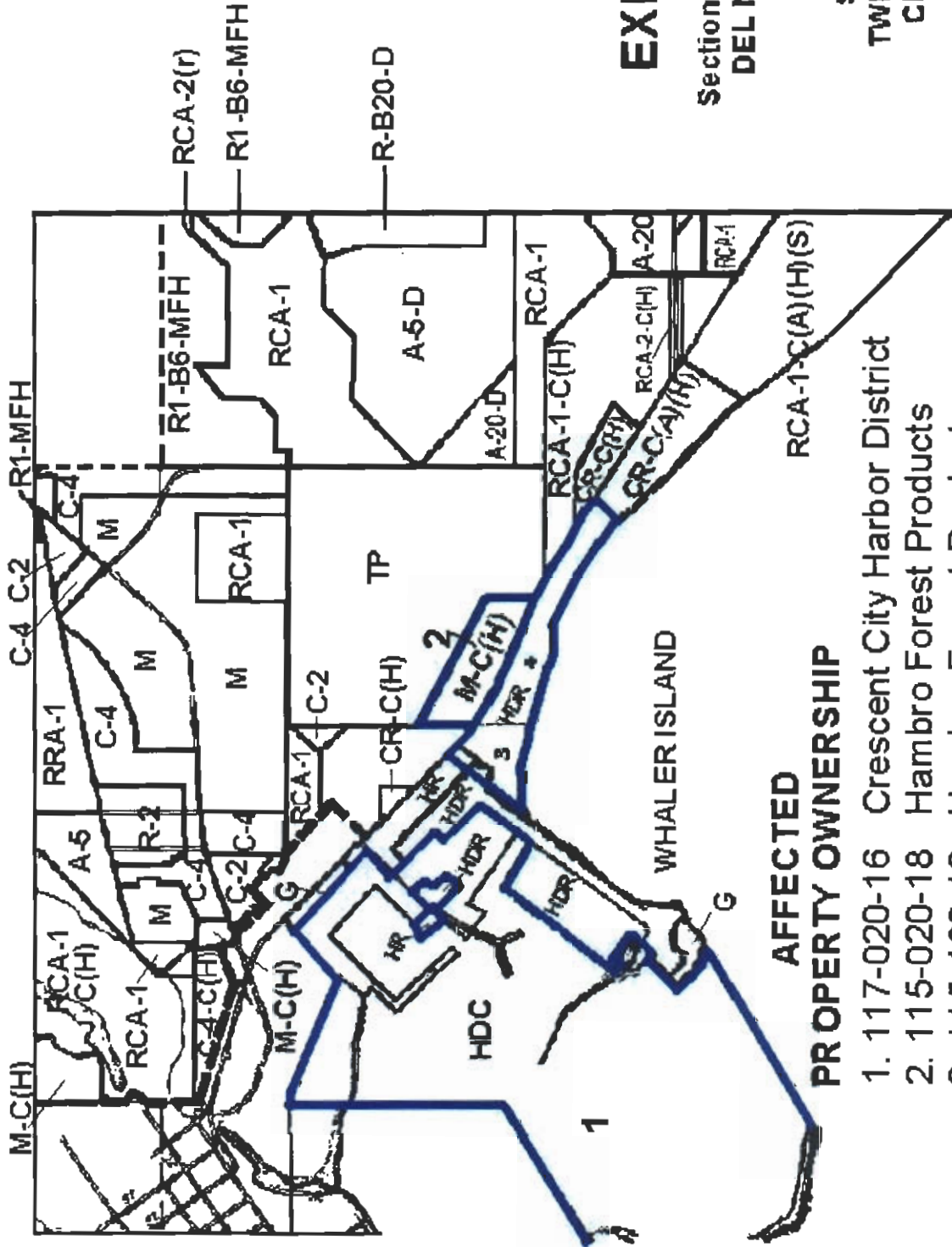
DNC-MAJ-2-03 - DEL NORTE COUNTY LCP AMENDMENT

EXISTING CERTIFIED ZONING MAPS FOR PROPOSED SITE-SPECIFIC CHANGES
(1 of 4)

EXISTING ZONING

Section 21.06.050 Ordinance 83-03
DEL NORTE CO. ZONING MAP
AREA C-10

SECTIONS 27, 28, 34
TWP 16 N RGE 1W HB & M
CRESCENT CITY AREA

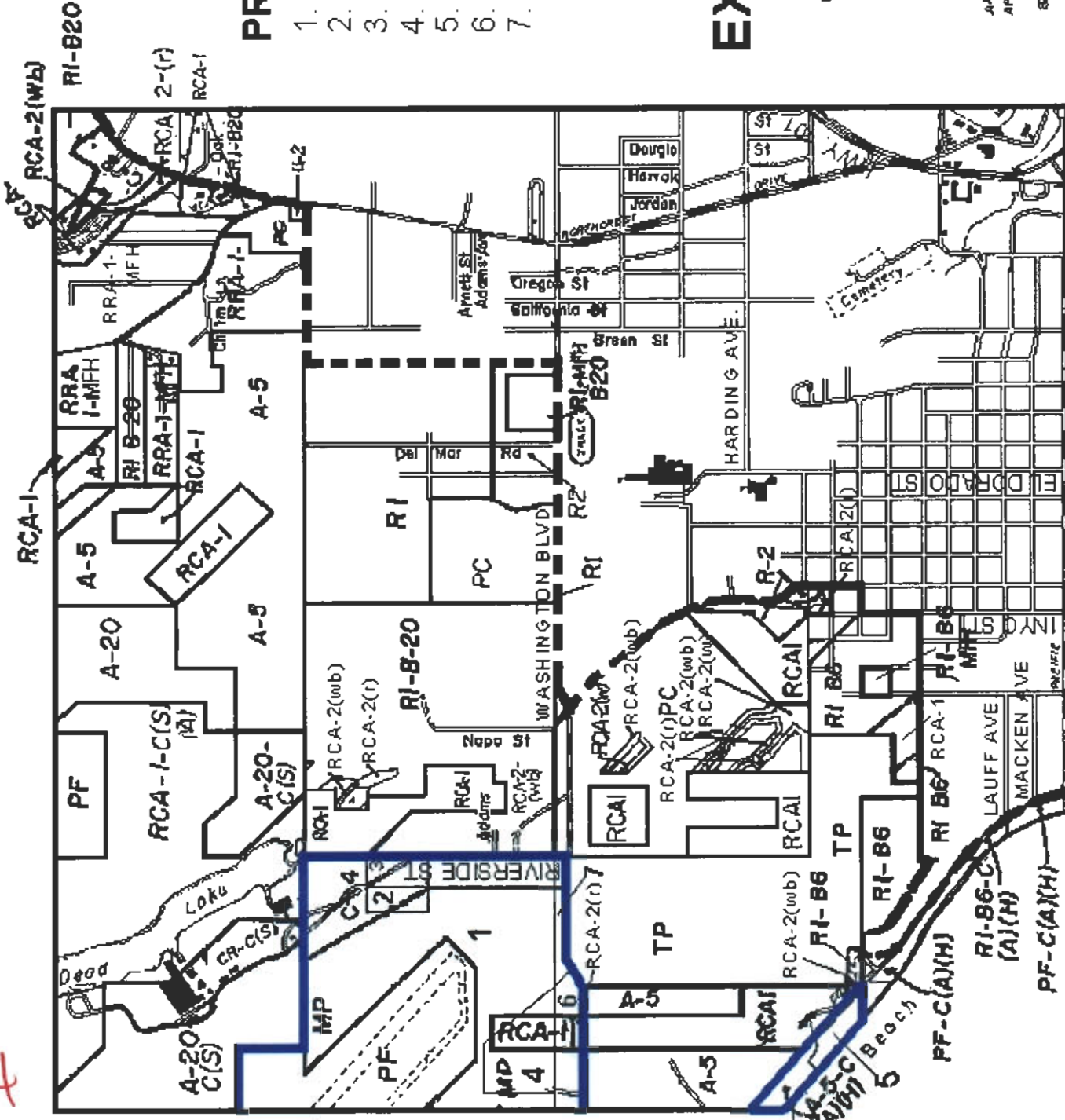


AFFECTED

PROPERTY OWNERSHIP

1. 117-020-16 Crescent City Harbor District
2. 115-020-18 Hambro Forest Products
3. 115-180-13 Hambro Forest Products
4. 115-020-29 State of California

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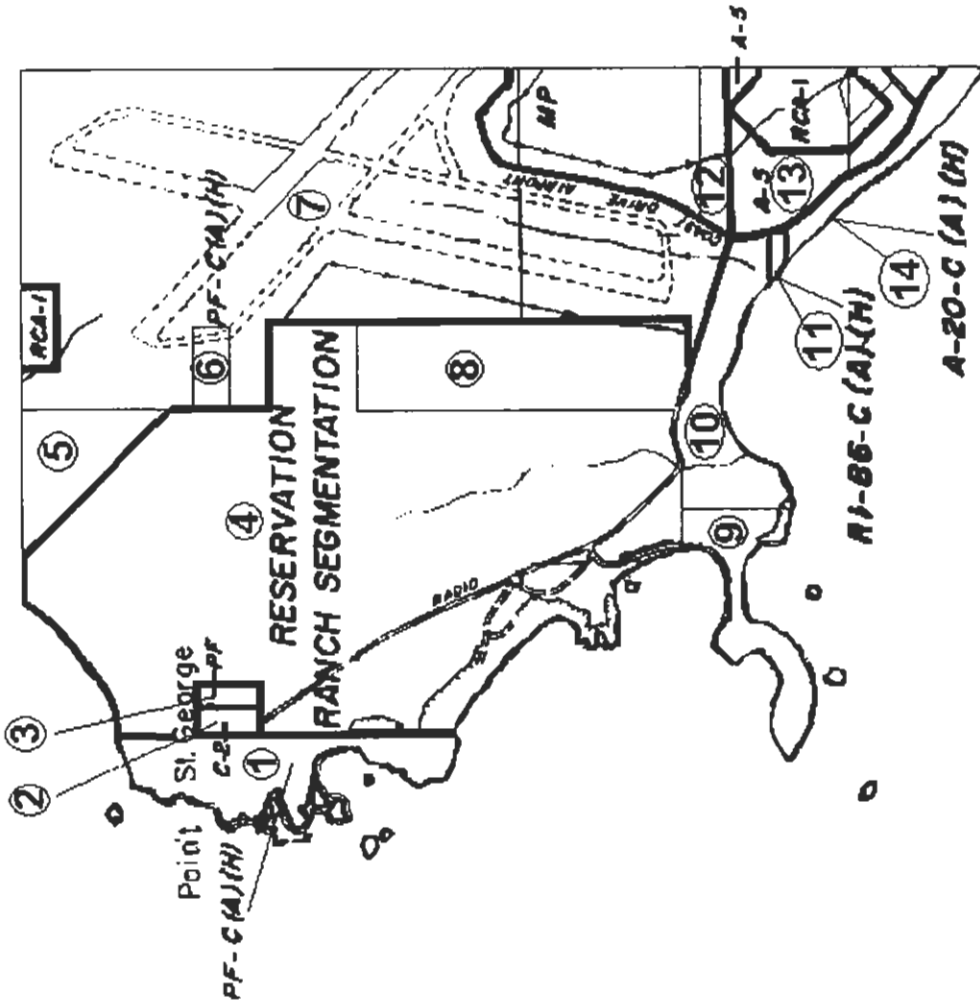
- ### AFFECTED PROPERTY OWNERSHIP
1. 110-010-21 Del Norte County
 2. 110-010-11 Pat Jaffer
 3. 110-010-12 Darryl Lovas
 4. 110-010-22 Del Norte County
 5. 120-020-22 Del Norte County
 6. 120-020-36 Del Norte County
 7. 120-020-37 Del Norte County

EXISTING ZONING

Section 21.06.060 Ordinance 83-09
DEL NORTE CO. ZONING MAP
 AREA B-9

SECTIONS 17, 18, 19, 20
 TWP 16 N RGE 1W HB&M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS *Robert A. B...*
 COUNTY OF DEL NORTE, CALIFORNIA
 83-03: Sept 16, 83 REVISED 4/23/97



**AFFECTED
Property Ownership**

1. 110-010-09 State of California
2. 110-010-07 Mavis, M and A
3. 110-010-08 State of California
4. 110-010-19 Del Norte County
5. 110-010-15 Del Norte County
6. 110-010-10 Del Norte County
7. 110-010-17 Del Norte County
8. 110-010-20 Del Norte County
9. 120-020-01 Del Norte County
10. 120-020-21 Del Norte County
11. 120-020-03 Del Norte County
12. 120-020-35 Del Norte County
13. 120-020-23 Terence McNamara
14. 120-020-22 Del Norte County

EXISTING ZONING

Section 21.06.050 Ordinance 83-03
DEL NORTE CO. ZONING MAP
AREA A-9
 SECTIONS 13, 14, 24
 TWP 16 N RGE 2W HB 8M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION *Debbie Rippele*
 APPROVED BY BOARD OF SUPERVISOR *John Brown*
 COUNTY OF DEL NORTE, CALIFORNIA
 83-03 Sept 6, 83
 87-12 July 86

394

EXISTING ZONING

Section 21.06.050 Ordinance 83-03
 DEL NORTE CO. ZONING MAP

AREA B-1

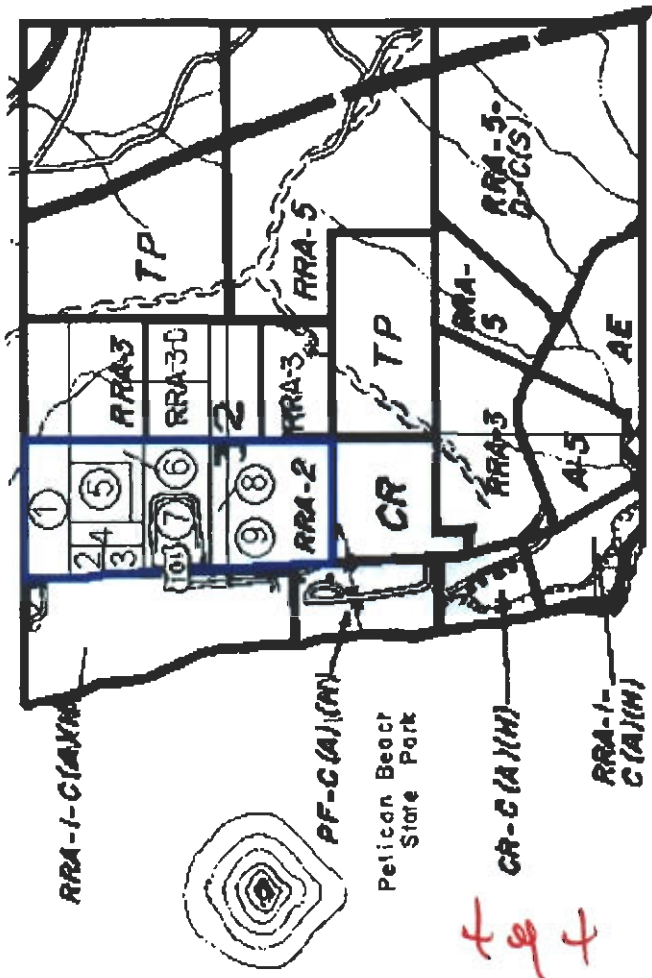
SECTION 32

TWP 19 N RGE 1 W HB 6 M
 SMITH RIVER AREA

APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS
 COUNTY OF DEL NORTE CALIFORNIA

83-03: Sept 6, 83
 87-12: July 85
 90-05: July 95
 96-06 C: 9-9-96

Robert L. Brown



AFFECTED PROPERTY OWNERSHIP

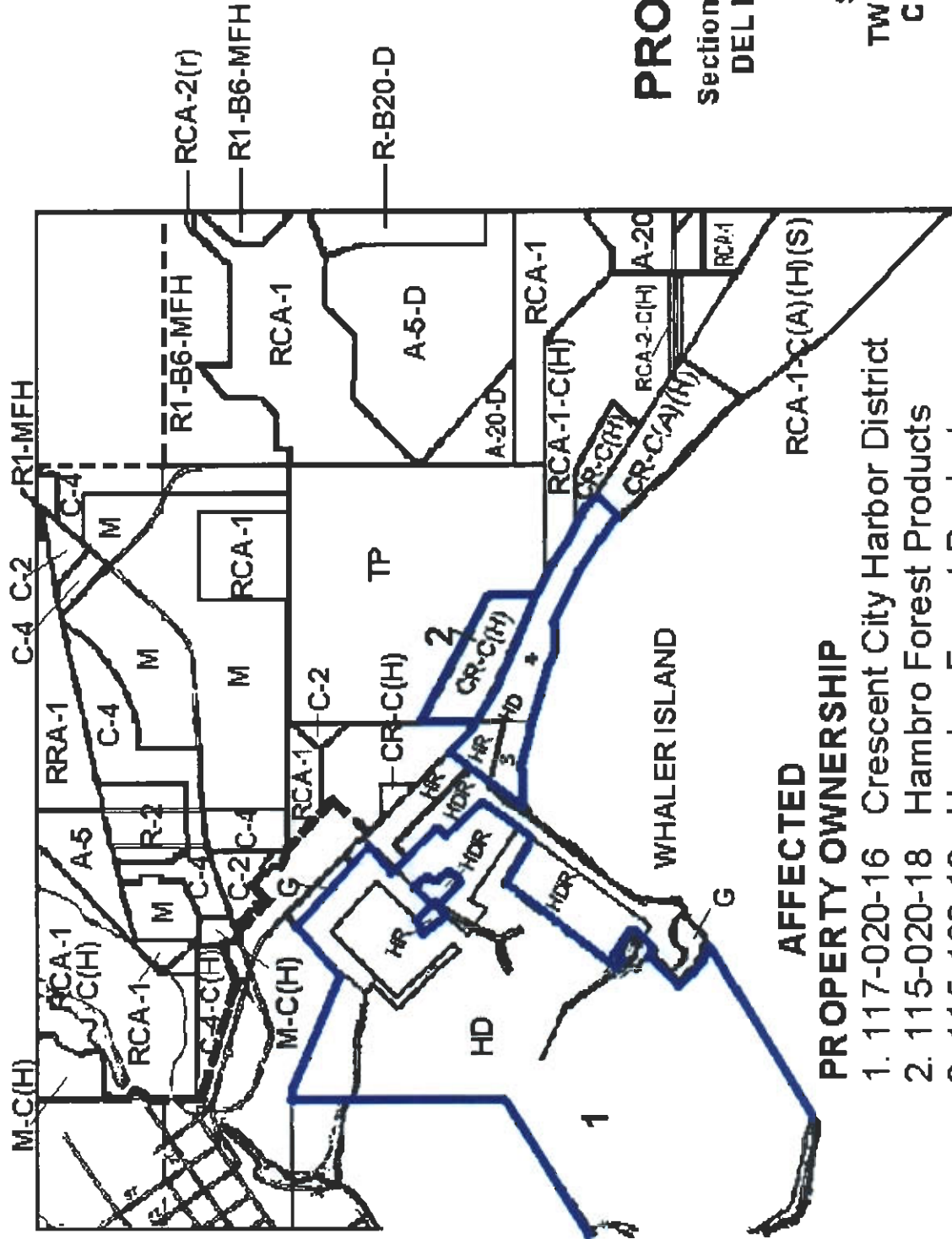
1. 101-060-01 Barth
2. 101-060-08 Moss
3. 101-060-09 Jacoby
4. 101-060-10 Lawn
5. 101-060-12 Eagles
6. 101-060-17 Kochar
7. 101-710-01 Weaver
8. 101-060-07 Ayala
9. 101-010-06 Russell

EXHIBIT NO. 19
 APPLICATION NO.
 DNC-MAJ-2-03 - DEL NORTE
 COUNTY LCP AMENDMENT
 PROPOSED AMENDED ZONING
 MAPS FOR PROPOSED
 SITE-SPECIFIC CHANGES
 (1 of 4)

PROPOSED ZONING

Section 21.06.050 Ordinance 83-03
 DEL NORTE CO. ZONING MAP
 AREA C-10

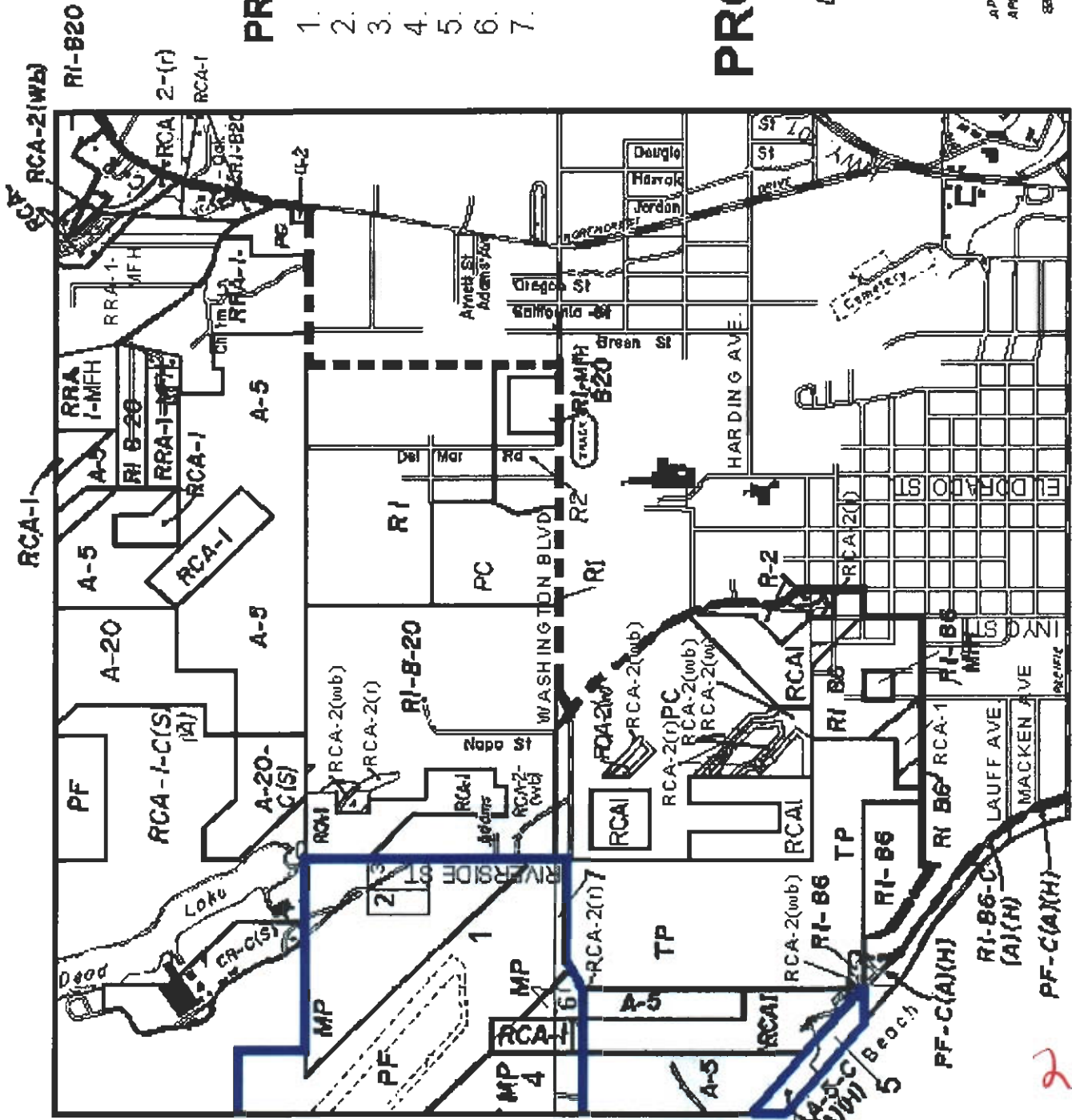
SECTIONS 27, 28, 34
 TWP 16 N RGE 1W HB & M
 CRESCENT CITY AREA



AFFECTED

PROPERTY OWNERSHIP

1. 117-020-16 Crescent City Harbor District
2. 115-020-18 Hambro Forest Products
3. 115-180-13 Hambro Forest Products
4. 115-020-29 State of California



AFFECTED PROPERTY OWNERSHIP

1. 110-010-21 Del Norte County
2. 110-010-11 Pat Jaffer
3. 110-010-12 Darryl Lovaas
4. 110-010-22 Del Norte County
5. 120-020-22 Del Norte County
6. 120-020-36 Del Norte County
7. 120-020-37 Del Norte County

PROPOSED ZONING

Section 21.06.060 Ordinance 83-03
 DEL NORTE CO. ZONING MAP
 AREA B-9

SECTIONS 17, 18, 19, 20
 TWP 16 N RGE 1 W H8 & M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS *Robert A. Barn*
 COUNTY OF DEL NORTE, CALIFORNIA
 88-03: sept 683
 REVISED 4/23/97

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AFFECTED Property Ownership

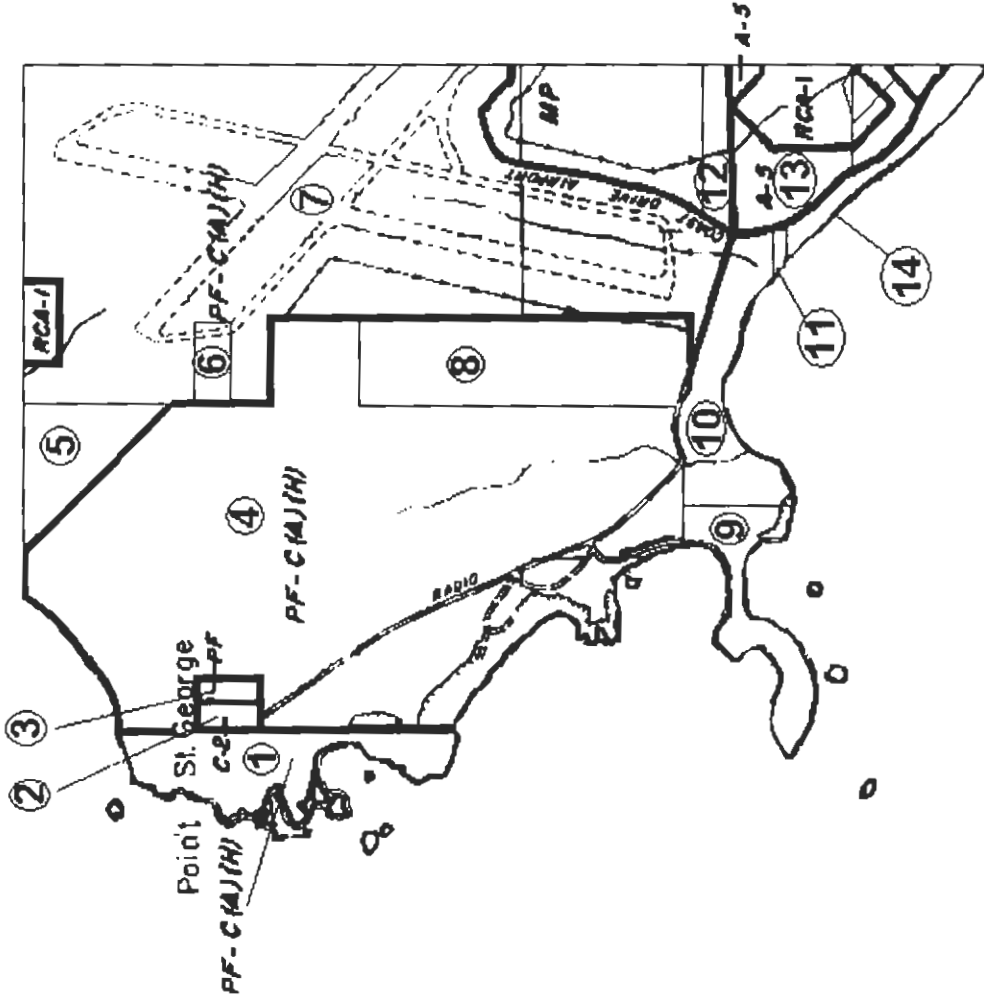
1. 110-010-09 State of California
2. 110-010-07 Mavris, M and A
3. 110-010-08 State of California
4. 110-010-19 Del Norte County
5. 110-010-15 Del Norte County
6. 110-010-10 Del Norte County
7. 110-010-17 Del Norte County
8. 110-010-20 Del Norte County
9. 120-020-01 Del Norte County
10. 120-020-21 Del Norte County
11. 120-020-03 Del Norte County
12. 120-020-35 Del Norte County
13. 120-020-23 Terence McNamara
14. 120-020-22 Del Norte County

PROPOSED ZONING

Section 21.06.050 Ordinance 83-03
DEL NORTE CO. ZONING MAP
AREA A-9

SECTIONS 13, 14, 24
 TWP 16 N RGE 2 W HB 8 M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION *Shirley E. Dignard*
 APPROVED BY BOARD OF SUPERVISOR *Alan Brown*
 COUNTY OF DEL NORTE, CALIFORNIA
 83-03 Sept 6, 83
 87-12 July 86

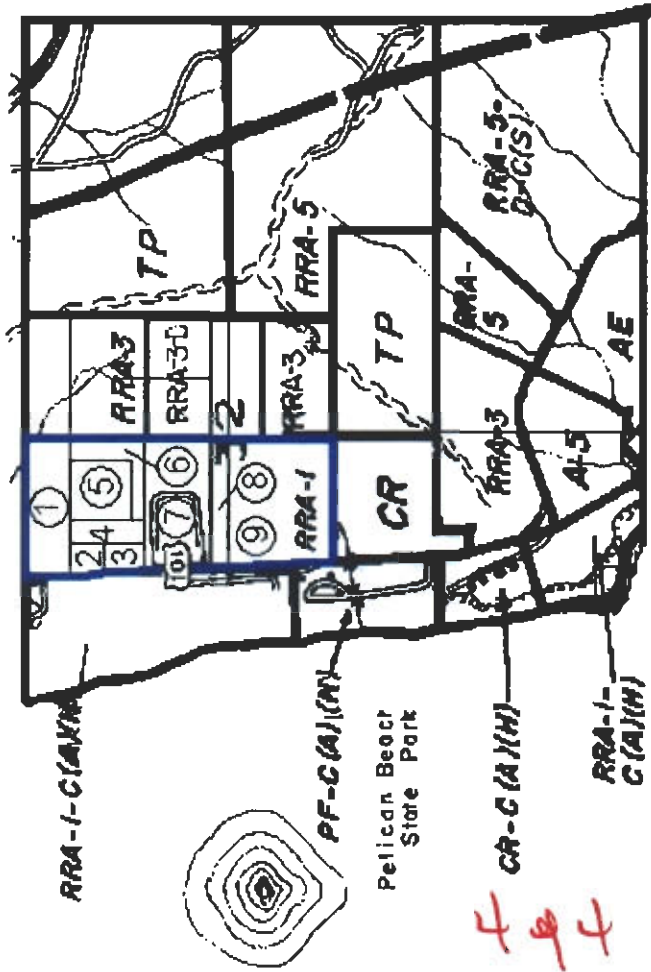


PROPOSED ZONING

Section 21.06.050 Ordinance 83-03
 DEL NORTE CO. ZONING MAP

AREA B-1
 SECTION 32
 TWP 19 N RGE 1 W HB 6 M
 SMITH RIVER AREA

APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS
 COUNTY OF DEL NORTE CALIFORNIA
 83-03: Sept 6, 83
 87-12: July 86
 90-05: JULY 88
 96-06: 9-9-96



AFFECTED PROPERTY OWNERSHIP

1. 101-060-01 Barth
2. 101-060-08 Moss
3. 101-060-09 Jacoby
4. 101-060-10 Lawn
5. 101-060-12 Eagles
6. 101-060-17 Kochar
7. 101-710-01 Weaver
8. 101-060-07 Ayala
9. 101-010-06 Russell

EXHIBIT NO. 20
APPLICATION NO.
DNC-MAJ-2-03 - DEL NORTE
COUNTY LCP AMENDMENT
COUNTY RESOLUTION OF LCP
AMENDMENT TRANSMITTAL
(1 of 2)

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

RESOLUTION NO. 2005 -23

RECEIVED

FEB 28 2008

**CALIFORNIA
COASTAL COMMISSION**

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
AUTHORIZING SUBMITTAL OF THE LOCAL COASTAL PLAN UPDATE AND ITS
IMPLEMENTING ORDINANCES (CHANGES TO TITLE 21 COASTAL ZONING) AS
A LOCAL COASTAL PLAN AMENDMENT TO THE CALIFORNIA COASTAL
COMMISSION FOR CERTIFICATION REVIEW.**

WHEREAS, the Del Norte County Board of Supervisors adopted Resolution 2003-009, which adopted the Del Norte County General Plan/Local Coastal Plan update, and the implementing ordinances for changes to Title 21 Coastal Zoning; and

WHEREAS, Resolution 2003-009 by title authorized the forwarding of the Local Coastal Plan update and the implementing Title 21 Coastal Zoning amendments to the California Coastal Commission as a Local Coastal Plan Amendment; and

WHEREAS, Coastal staff has reviewed the Local Coastal Plan Amendment submittal referenced in the title of Resolution 2003-009 and has determined that Resolution 2003-009 needs to be supplemented with language that clearly states that both the adopted Land Use Plan (LUP) update amendment and the updated Local Coastal Program Zoning Enabling Ordinance (LCPZEO) amendment are being transmitted to the Coastal Commission for its certification review; and

WHEREAS, Coastal staff has also determined that Resolution 2003-009 needs to be supplemented with language about how the County intends to carry out the combined LCP amendment in a manner in full conformity with the Coastal Act and when the amendments would become effective; and

WHEREAS, these concerns were included in the findings of Resolution 2003-009 but not specific in the body of the resolution; and

WHEREAS, it is the intent and desire of the Board of Supervisors to clarify the above concerns by specifically authorizing the transmittal of the previous submittal to the Coastal Commission for certification review.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Del Norte directs and authorizes that both the adopted Land Use Plan (LUP) update amendment and the updated Local Coastal Program Zoning Enabling Ordinance (LCPZEO) amendment are to be transmitted to the Coastal Commission for its certification review for the unincorporated area of the County which are within the California Coastal Zone; and

BE IT FURTHER RESOLVED THAT the Board of Supervisor of the County of Del Norte confirms and readopts finding QQ of Resolution 2003-009 that for areas within the Coastal Zone of Del Norte County, the County intends to carry out the combined LCP amendment (including both the Land Use Plan (LUP) update amendment and the updated Local Coastal

Program Zoning Enabling Ordinance (LCPZEO) amendment) in a manner in full conformity with the Coastal Act and that the combined LCP amendment shall be effective upon certification by the California Coastal Commission.

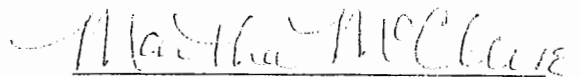
PASSED AND ADOPTED this 22nd day of March 2005, by the following polled vote of the Board of Supervisors of the County of Del Norte.

AYES: Supervisors McClure, Sampels, Finigan, Blackburn & McNamer

NOES: None

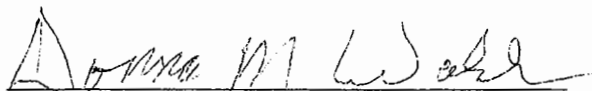
ABSTAIN: None

ABSENT: None



Martha McClure, Chair
Del Norte County Board of Supervisors

ATTEST:



Donna M. Walsh, Clerk of the Board of Supervisors
County of Del Norte, State of California

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**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

RESOLUTION NO. 2003 - 009

EXHIBIT NO. 21

APPLICATION NO.

DNC-MAJ-2-03 - DEL NORTE
COUNTY LCP AMENDMENT

COUNTY RESOLUTION
ADOPTING LUP AMENDMENTS
(1 of 2)

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
ADOPTING THE GENERAL PLAN/LOCAL COASTAL PLAN UPDATE, THE
IMPLEMENTING ORDINANCES FOR CHANGES TO TITLE 21 COASTAL ZONING,
AND THE ENVIRONMENTAL IMPACT REPORT AND FORWARDING THE
COASTAL PORTION TO THE CALIFORNIA COASTAL COMMISSION AS AN
LOCAL COASTAL PLAN AMENDMENT**

WHEREAS, the County of Del Norte has undertaken to prepare a draft update of the Del Norte County General Plan/Local Coastal Plan pursuant to state regulations as described in the attached recommended findings; and

WHEREAS, the County has also undertaken preparation of a Draft Environmental Impact Report pursuant to state regulations including but not limited to the Notice of Preparation, public hearings, action by the Planning Commission, consideration by the Board of Supervisors; and

WHEREAS, the County has undertaken a series of formal and informal public review meetings and public comment periods duly noticed pursuant to state regulations and as listed in the attached recommended findings; and

WHEREAS, comments and responses have resulted in changes to documents resulting in a final Environmental Impact Report and General Plan/Local Coastal Plan documents and the implementing ordinances for changes to Title 21 Coastal Zoning Ordinance; and

WHEREAS, the Board of Supervisors has considered Findings A - QQ (Attached as Exhibit A) related to the actions and content of these documents;

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Del Norte hereby certifies the General Plan Update Final Environmental Impact Report as complete and adequate; and

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Del Norte adopts the Del Norte County General Plan Update (a copy of which is on file in the office of the Clerk of the Board), consisting of the Background Report and General Plan Policy Document with Land Use Diagram Maps, for the unincorporated area of the County which are not within the California Coastal; and

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Del Norte adopts the Del Norte County General Plan Update as a Local Coastal Plan Update (a copy of which is on file in the office of the Clerk of the Board), consisting of the Background Report, General Plan Policy Document with Land Use Diagram Maps, and the implementing Ordinance for the unincorporated area of the County which are within the California Coastal; and

BE IT FURTHER RESOLVED THAT the Board of Supervisors direct county staff and the Planning Commission to begin an update of General Plan implementation programs for future Board of Supervisors consideration.

PASSED AND ADOPTED this 28th day of January 2003, by the following polled vote of the Board of Supervisors of the County of Del Norte.

AYES: Chairman Finigan, Supervisors Reese, McClure & Sampels

NOES: Supervisor Blackburn

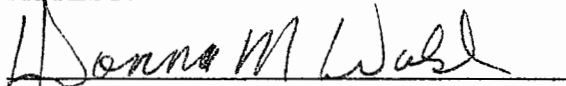
ABSTAIN: None

ABSENT: None



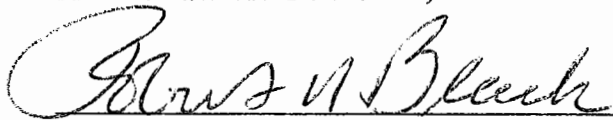
David Finigan, Chairman
Del Norte County Board of Supervisors

ATTEST:



Donna M. Walsh, Clerk of the Board of Supervisors
County of Del Norte, State of California

APPROVED AS TO FORM;



ROBERT N. BLACK
County Counsel

2 of 2

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

ORDINANCE NO. 2003- 002

EXHIBIT NO. 22

APPLICATION NO.

DNC-MAJ-2-03 - DEL NORTE
COUNTY LCP AMENDMENT
COUNTY ORDINANCES
ADOPTING IP AMENDMENTS
(1 of 11)

**AN ORDINANCE OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
AMENDING ORDINANCE NO. 83-03 AND COUNTY CODE TITLE 21 BY
ADOPTING REVISED ZONING TEXT AND NEW COASTAL ZONING MAPS.**

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

SECTION ONE:

The below listed sections of Del Norte County Code Title 21, Coastal Zoning are hereby amended to read as follows:

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 constructed by hand such as 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 blinds, lookouts and unimproved trails;

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 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 blinds, lookouts and unimproved trails;

2. Maintenance and improvement of boating facilities consistent with the General Plan 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 blinds, lookouts

- and unimproved trails;
- 2. Wells, within rural areas;
- 3. Maintenance of existing flood-control and drainage channels;
- 4. Roads, road maintenance and repair. Where new stream crossings are proposed they shall be limited, when feasible, to right-angle crossings of 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 blinds, lookouts and unimproved trails;

21.14.040 Minimum lot size. 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 Combining 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:

(Note: the remainder of this section remains unchanged.)

SECTION TWO:

The below listed sections of Del Norte County Code Title 21, Coastal Zoning are hereby added as follows:

21.23.040 Uses permitted by a use permit.

C. Golf courses 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 additional density credit from adjacent Residential land use designations on the same project site as part of an overall planned community.

(Existing item C is re-lettered to D.)

21.11A.040 Uses permitted with a use permit. Uses permitted with a use permit include:

F. In riparian areas, on unvegetated gravel bars, mineral extraction consistent with County surface mining regulations 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.

21.11A.055 Conservation incentive density bonus.

Where the property owner chooses, they may offer to the county or another public agency an 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,

2011

on the immediately adjacent non-RCA area of the subject parcel. This provision shall be subject to meeting all of the following criteria:

- A. The offered lands within the Designated Resource Conservation Area zone district shall be substantially in a natural undisturbed state; and
- B. The offer for dedication and development agreement shall be negotiated with the county and approved by the Board of Supervisors prior to recordation of the dedication. The development agreement shall be recorded at the same time as the dedication; and,
- C. The residential density bonus shall be calculated based on the area zoned 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 residential or resource use, its density shall be used. If 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 units shall be located only on immediately adjacent lands owned by the same property owner which are not in the resource conservation area. The units may not be applied to lands not adjacent, nor 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 sell at a later date.

21.28.030 Uses permitted with a use permit.

E. 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 project's units shall be available for transient visitor rooms; and
2. On-site recreational facilities (such as swimming pool, sports courts, spa, bicycle trail, golf course, 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 recreation area.

SECTION THREE:

Chapter 21.25 of Del Norte County Code Title 21, Coastal Zoning is hereby amended to be renamed as follows:

Chapter 21.25
NC NEIGHBORHOOD COMMERCIAL DISTRICT

(Note- no other change proposed except the renaming of this zone district as NC from C-1)

SECTION FOUR:

Section 21.50B.060 Local Coastal Program amendments (LCP-Zoning amendments) of Del Norte County Code Title 21, Coastal Zoning is hereby amended to read as follows:

3 of 11

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 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.

SECTION FIVE:

Section 2.D.2 of the Coastal Zoning enabling Ordinance No. 83-0~~8~~³ and County Code Title 21 is hereby amended by deleting there from Coastal Zoning Maps A-9, B-1, B-9, and C-10 with new Coastal Zoning Maps A-9, B-1, B-9, and C-10 as specified.

SECTION SIX:

This ordinance shall take effect and be enforced thirty (30) days after its date of passage or approval of the rezone by the Coastal Commission whichever is the latter.

SECTION SEVEN:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED this 28th day of January, 2003 by the Board of Supervisors of the County of Del Norte by the following polled vote:

AYES: Supervisors Finigan, Reese, McClure and Sampels

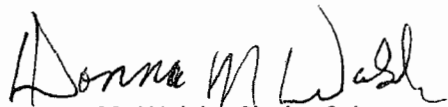
NOES: Supervisor Blackburn

ABSENT: None



DAVID FINIGAN, Chairman
Board of Supervisors

ATTEST:



Donna M. Walsh, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

APPROVED AS TO FORM:



ROBERT N. BLACK, County Counsel

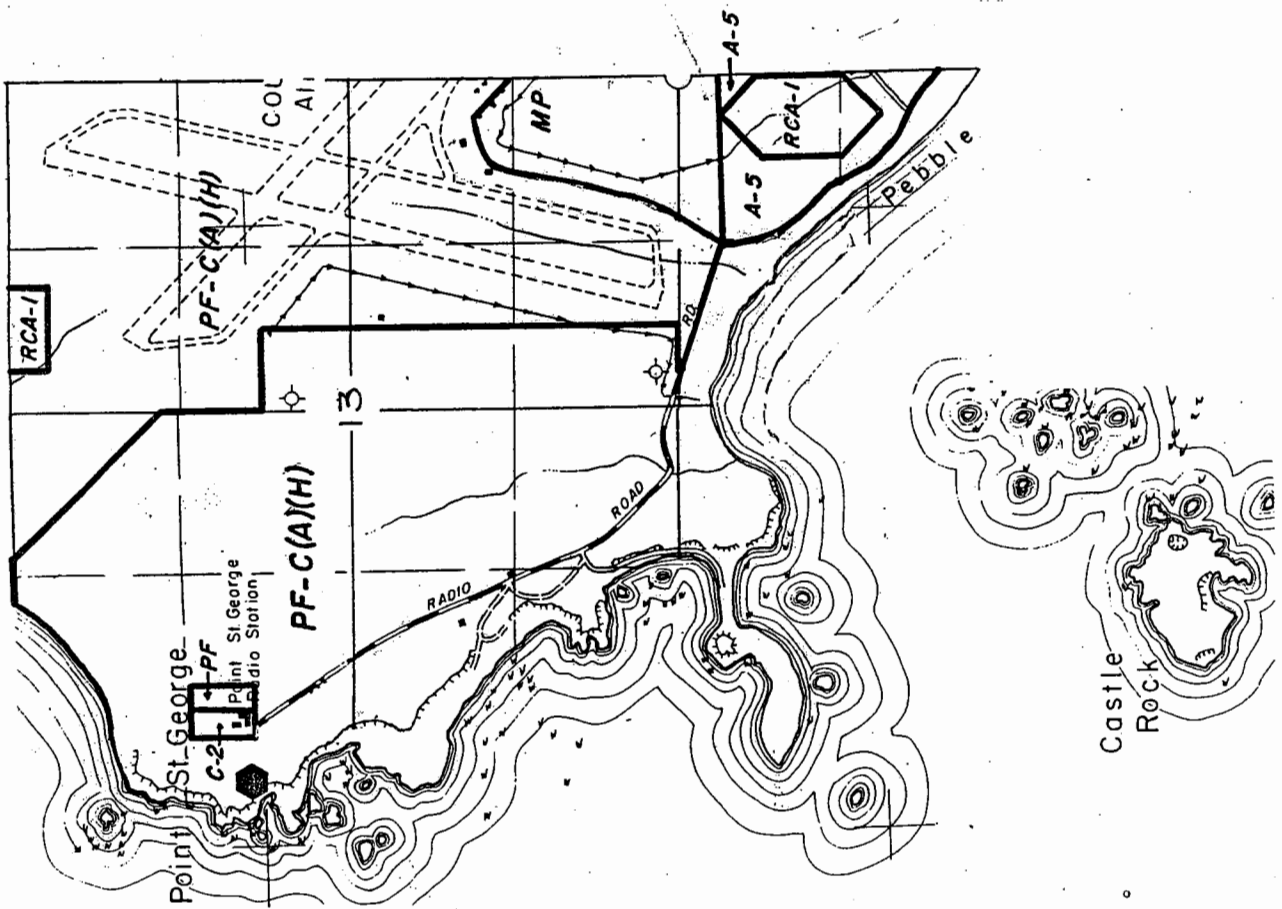
4911

Section 21.06.050 Ordinance 83-03

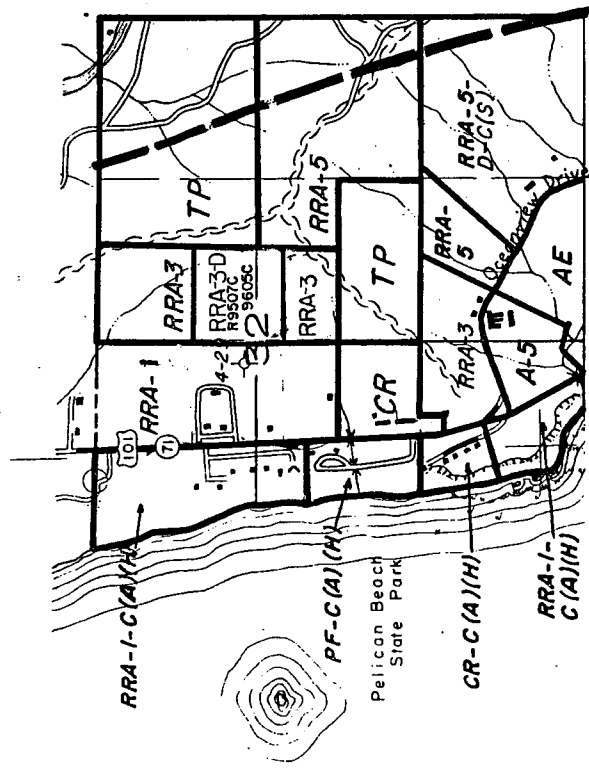
DEL NORTE CO. ZONING MAP
AREA A-9

SECTIONS 13, 14, 24
TWP 16 N RGE 2 W HB 8 M
CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION *Staff: E. Leonard*
APPROVED BY BOARD OF SUPERVISOR *Edward Brown*



5411



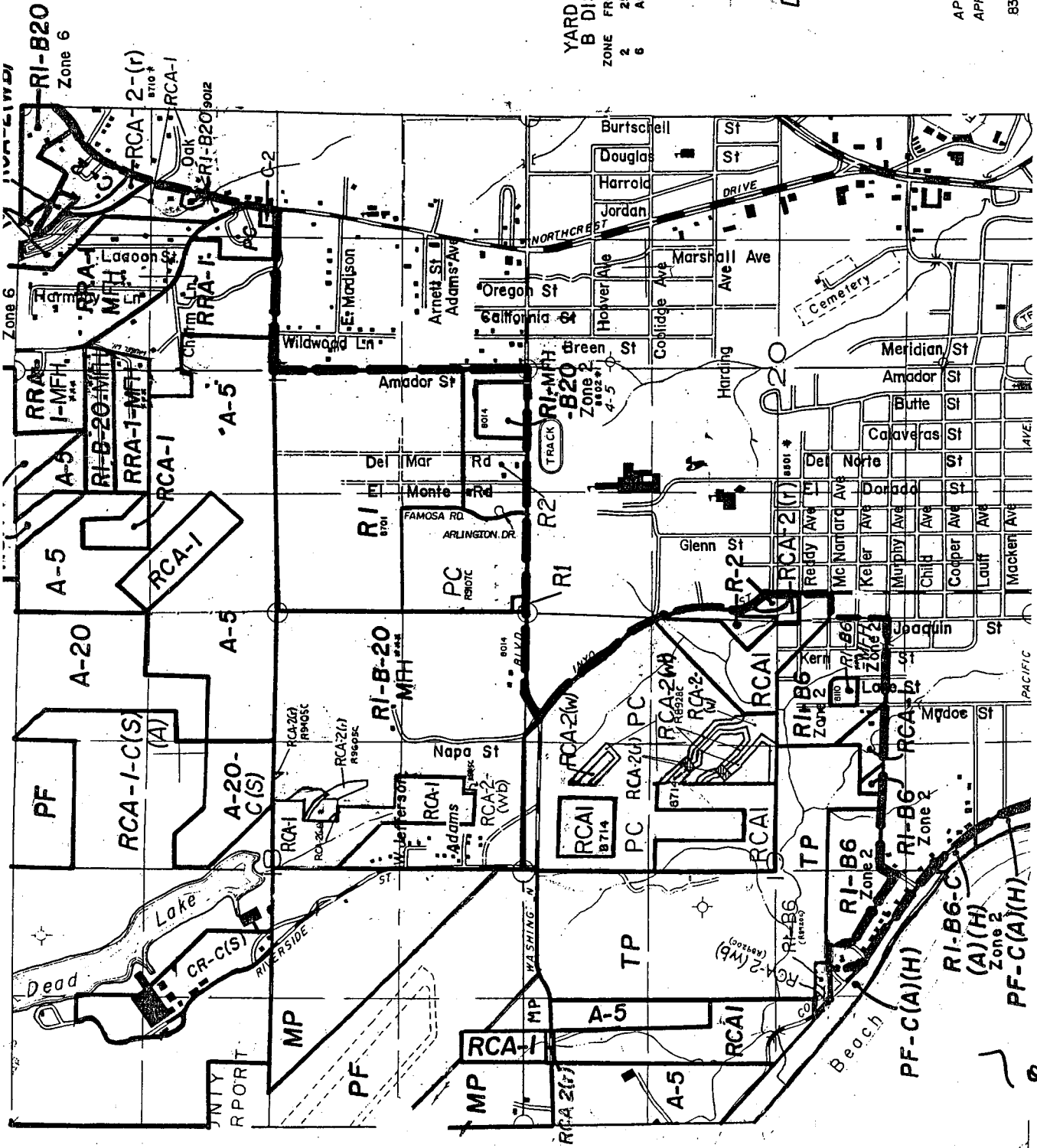
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Section 21.06.050 Ordinance 83-03
 DEL NORTE CO. ZONING MAP
 AREA B-1
 SECTION 32
 TWP 19 N RGE 1 W HB 8 M
 SMITH RIVER AREA

APPROVED BY PLANNING COMMISSION *Patricia Brown*
 APPROVED BY BOARD OF SUPERVISORS
 COUNTY OF DEL NORTE, CALIFORNIA



* SEE REZONE FILE
 ** SEE GENERAL PLAN
 *** R9502C



**YARD WIDTHS
B DISTRICTS**

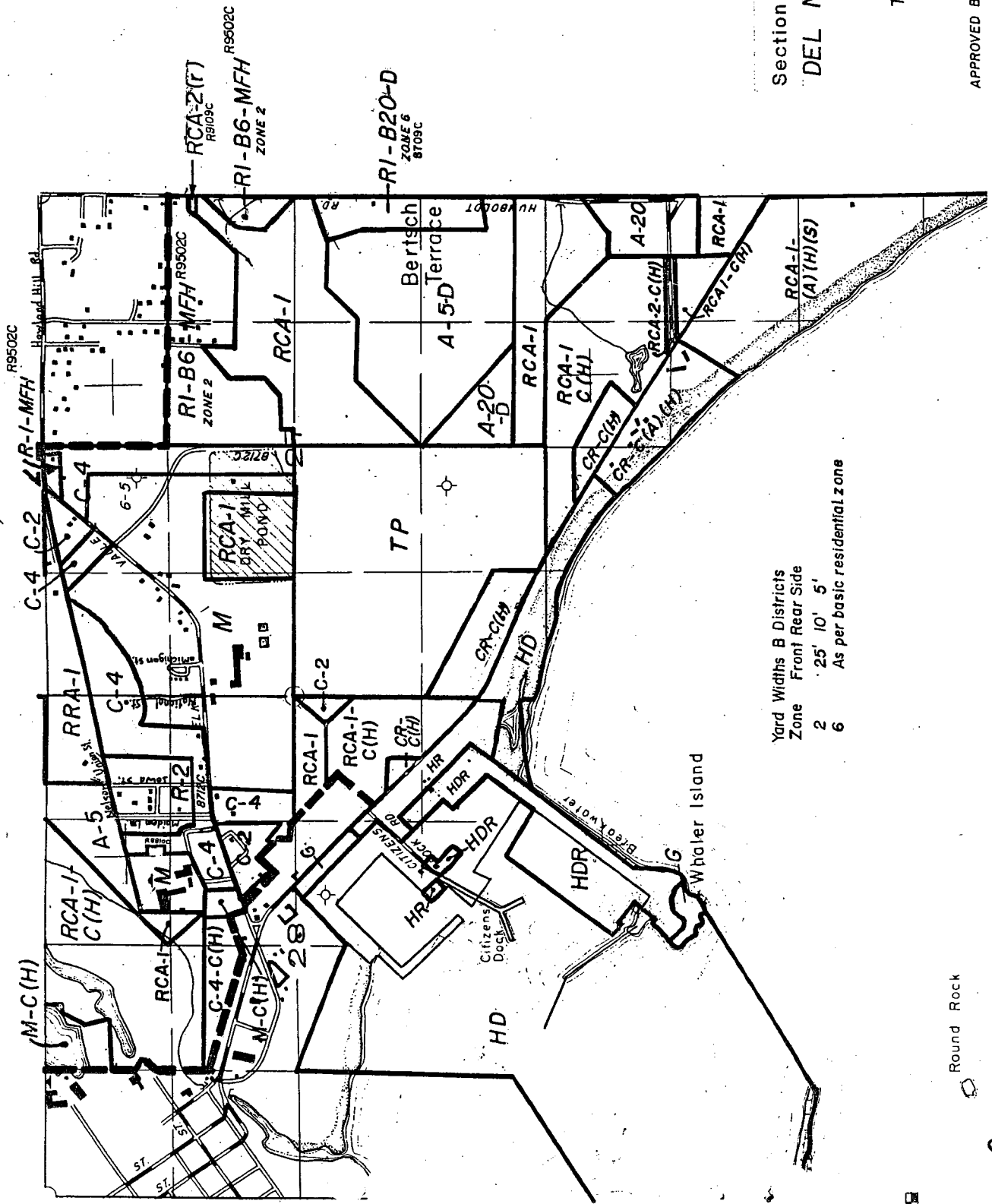
ZONE	FRONT	REAR	SIDE
2	25'	10'	5'
6	As per Basic Residential Zone		

Section 21.09.050 Ordinance 83-0:
DEL NORTE CO. ZONING MAP
AREA B-9

SECTIONS 17, 18, 19, 20
 TWP 16 N RGE 1W HB&M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS *Robert Rios*
 COUNTY OF DEL NORTE, CALIFORNIA
 83-03-Sept 6, 83 REVISED-4/23/97

2911



Section 21.06.050 Ordinance 83-03
DEL NORTE CO. ZONING MAP
AREA C-10
 SECTIONS 27, 28, 34
 TWP 16 N RGE 1W HB 8M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION

Yard Widths B Districts

Zone	Front	Rear	Side
2	25'	10'	5'
6	As per basic residential zone		

Round Rock

8911

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

ORDINANCE NO. 2003- 05

**AN ORDINANCE OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
AMENDING ORDINANCE NO. 83-03 AND COUNTY CODE TITLE 21 BY ADDING
ZONING TEXT FOR THE HARBOR DEPENDENT ZONE DISTRICT.**

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

SECTION ONE:

The below listed section(s) of Del Norte County Code Title 21, Coastal Zoning are hereby added to read as follows:

Chapter 20.21E
HD HARBOR DEPENDENT DISTRICT

Sections:

- 20.21E.010 Intent.
- 20.21E.020 The principal permitted uses.
- 20.21E.030 Uses permitted with a use permit.
- 20.21E.040 Building height limit.
- 20.21E.050 Minimum lot area required.
- 20.21E.060 Minimum lot width.
- 20.21E.070 Percentage of lot coverage permitted.
- 20.21E.080 Front yard required.
- 20.21E.090 Side yard required.
- 20.21E.100 Rear yard required.

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 of the Harbor Land Use Plan.

For the purposes of Section 21.52.020(A)(4), the harbor dependent 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 Districts.

20.21E.020 The principal permitted use.

The principal permitted harbor dependent use includes uses such as:

9911

- 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.

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.

20.21E.040 Building height limit.

Building height limit shall be fifty feet.

20.21E.050 Minimum lot area required.

Minimum lot area shall be two thousand eight hundred and fifty square feet.

20.21E.060 Minimum lot width.

Minimum lot width shall be thirty feet.

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.

20.21E.080 Front yard required.

Required front yard shall be none, except as provided in chapter 21.47 and Section 21.46.090.

20.21E.090 Side yard required. Required side yard shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

20.21E.100 Rear yard required.

Required rear yard shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

SECTION THREE:

This ordinance shall take effect and be enforced thirty (30) days after its date of passage or approval of the rezone by the Coastal Commission whichever is the latter.

SECTION FOUR:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED this 8th day of April, 2003 by the Board of Supervisors of the


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County of Del Norte by the following polled vote:

AYES: Supervisors Finigan, Reese, Blackburn, McClure and Sampels

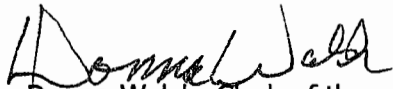
NOES: None

ABSENT: None



DAVID FINIGAN, Chairman
Board of Supervisors

ATTEST:



Donna Walsh, Clerk of the
of Supervisors, County
of Del Norte, State of California

APPROVED AS TO FORM:



ROBERT N. BLACK, County Counsel