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W23a

MEMORANDUM

Date: September 8, 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, September 9, 2009
North Coast District Item W23a, Local Coastal Program Amendment No.
DNC-MAJ-2-03 (LCP Update)**

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

1. **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.

2. **Revisions to Suggested Modifications and Findings**

Staff is making the following revisions to the staff recommendation for 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-underlined text**~~.

- **Policy 2.C.3 of Suggested Modification No. 4 as described on page 23 of the staff report and appearing on pages 2-63 of Exhibit E-1 should be modified as follows:**

2.C.3. Blufftop Setback. All development located on a blufftop shall be setback from the bluff edge a sufficient distance to ensure that it will be stable for a projected ~~200-year~~ 100-year economic life. Stability shall be defined as maintaining a minimum factor of safety against sliding of 1.5 (static) or 1.1 (pseudostatic). This requirement shall apply to the principal structure and accessory or ancillary structures. Slope stability analyses and erosion rate estimates shall be performed by a ~~licensed Certified Engineering Geologist or Geotechnical Engineer~~ qualified Certified Engineering Geologist (CEG), Registered Civil Engineers (RCE), Geotechnical Engineer (GE) or a group of the aforementioned specialists approved by the County, with expertise appropriate to the site and anticipated hazard conditions.

RATIONALE FOR REVISION(S)

- To broaden the licensure requirements regarding parties qualified to prepare geologic-soils, geo-technical, and other stability analyses to ensure that the pool of qualified consultants is not overly restricted.
- To conform policy language throughout the LCP with respect to a consistent 100-year economic design life of structures for which exposure to instability must be avoided and/or minimized.

- **Policy 3.G.9. of Suggested Modification No. 6 as described on page 23 of the staff report and appearing on page 5-123 of Exhibit E-1 should be modified as follows:**

3.G.9: 3.G.5. McNamara *Parcel Subdivision*. ~~The County shall show this parcel, excluding the Vipond Rural Neighborhood extension, at a density of one unit per five acres for the area shown on the County's land use map as one unit per one acre, and the remainder at one unit per twenty acres. It is the intent of the Coastal Commission that Clustering of development shall be encouraged for all land use designations. It is the intention of the Board of Supervisors of the County of Del Norte, that the wording of this policy shall apply to the entire McNamara parcel as of the Regional Coastal Commission's actions of April 8, 1981, subject to physical development constraints, regardless of future ownership changes of the subject parcel, and including the area designated as one unit per twenty acres. All units Residential development on these two areas the approximately ±100-~~

acre parcel APN 110-020-56 shall be clustered on the ~~front area~~ Lake Earl Drive frontage of the lots (one unit per five acres) totaling a maximum density of ~~thirty-two~~ twenty units.

RATIONALE FOR REVISION(S)

- The original 1983 policy has been largely implemented through earlier phases of the subdivision and portions of the remaining property have been acquired by the California Department of Fish and Game and incorporated into the Lake Earl Wildlife Area. The policy has been revised to address only the remaining undeveloped portion of the subdivision, APN 110-020-56.

- **Policy 5.D.3. of Suggested Modification No. 6 as described on page 23 of the staff report and appearing on page 150 of Exhibit E-1 should be modified as follows:**


5.D.3 Protect encourage, and where feasible, provide lower-cost visitor accommodations. If and when average annual occupancy rates at Del Norte County visitor accommodations exceed 70%, removal or conversion of existing lower cost visitor serving accommodations shall be prohibited unless (1) the converted facility will be replaced with another facility offering the same or a greater number of lower cost visitor serving units, or (2) an in lieu fee in an amount necessary to off-set the cost to replace the lower cost visitor serving units in Del Norte County shall be imposed. Lower cost facilities shall be defined as any facility with room rates that are below 75% of the Statewide average room rate, and higher cost facilities shall be defined as any facility with room rates that are 125% above the State wide average room rate. Statewide average room rates can be calculated from data compiled by the Smith Travel Research, Inc. (www.strglobal.com), posted on the California Travel and Tourism Commission's website (www.visitcalifornia.com) or other analogous method used to arrive at an average statewide room rate value.


RATIONALE FOR REVISION(S)


- To provide clearer references to where average daily room rate data can be accessed.

- **Policies 8.C.5., 8.C.6., and 8.E.11. of Suggested Modification No. 9 as described on page 23 of the staff report and appearing on pages 226 and 230 of Exhibit E-1 should be modified as follows:**

~~8.C.5.~~ 8.C.1. The ~~County shall give~~ highest priority shall be given for public transit facilities and services within or connecting to urban areas of high intensity

use and/or focused commuter-employment areas.  (New) [~~Relocated to TRANSPORTATION AND CIRCULATION – PUBLIC TRANSPORTATION – Other Initiatives~~]

~~8.C.6.~~ 8.C.2. ~~The County shall encourage connectivity~~ Connectivity between public walkways, bicycle routes, and transit services shall be facilitated through provision of bicycle racks and in siting bus stops within convenient proximity to coastal access and recreational facilities.  (New) [~~Relocated to TRANSPORTATION AND CIRCULATION – PUBLIC TRANSPORTATION – Other Initiatives~~]

~~8.E.11.~~ 8.E.4. ~~The County shall support the development of~~ New development which would result in increased demand for, or utilization of, coastal access and recreational facilities shall provide parking areas near access to hiking and equestrian trails.  (New) [~~Relocated to TRANSPORTATION AND CIRCULATION – NON-MOTORIZED TRANSPORTATION CONTROL MEASURES – Other Initiatives~~]

RATIONALE FOR REVISION(S)

➤ Policies inadvertently struck and relocated to “Other Initiatives.” Policies serve to carry out Coastal Act Section 30252

- **Suggested Modification No. 19, as described on page 26 of the staff report and appearing on pages 53 (LCPZEO §21.16.030.A), 56 (LCPZEO §21.17.030.D), 63 (LCPZEO §21.22.020.A), 76 (LCPZEO §§ 21.28.020A and 21.28.025A), and 77 (LCPZEO §21.28.030.H) of Exhibit E-2 should be modified, respectively, as follows:**

21.16.030 Uses permitted with a use permit.
Uses permitted with a use permit and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) shall be as follows:

A. Home ~~occupations~~ enterprises;

21.17.030 Uses permitted with a use permit.
Uses permitted with a use permit and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) shall be as follows: ...

D. Minor Small public uses which do not detract from the rural residential / low-intensity agricultural intent of the district.

21.22.020 The principal permitted use.

Principal permitted high density multiple-family residence use includes:

- A. Multiple dwellings and dwelling groups;
- B. ~~All uses permitted in R-1 and R-2 districts, subject to securing a use permit for any use for which a use permit is required in any R-1 and R-2 district;~~
- C. ~~Accessory comprised of **three two** or more living units, ...~~

21.28.020 The principal permitted use.

The principal permitted commercial recreational use ~~includes~~ entails those facilities and activities intended primarily for serving the needs of visitors to coastal areas, and support facilities for enhancing their visit experience, namely:

- A. ~~Hotels~~ Lower-cost, ~~down-market~~ hostels, hotels, motels, guest lodging and motor inns, **consistent with the definition of lower cost facilities contained in LUP Policy 5.D.3;**

21.28.025 Other principally permitted uses.

Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:

- A. ~~Up-market, destination~~ **Higher cost** hotels, motels, and guest lodging, including hunting and fishing resorts, excluding such facilities with condominiumized units, **consistent with the definition of higher cost facilities contained in LUP Policy 5.D.3;**

21.28.030 Uses permitted with a use permit.

Uses permitted with a use permit and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) shall be as follows: ...

- H. Hotels, motels, or other guest lodging facilities with no more than ~~twenty-five~~ **fifty** percent of the units offered as exclusive condominium units;

RATIONALE FOR REVISION(S)

- To make certain enumerated conditional permitted uses consistent with permitting provisions within other portions of the IP (i.e., home enterprises).
- To make certain enumerated principal, principally, and conditionally permitted uses consistent with LUP policies for same.
- To make terminology consistent with related definitions within Chapter 21.04 regarding dwelling groups and LUP Policy 5.D.3., regarding lower cost and higher cost visitor-serving facilities.

- **Suggested Modification No. 20 as described on page 26 of the staff report and appearing on pages 88 through 95 of Exhibit E-2 should be modified as follows:**

Chapter 21.35

C COASTAL AREA COMBINING DISTRICT

Sections:

21.35.010	Intent.
21.35.020	Applicability.
21.35.030	Requirements of coastal bluff hazard, tsunami, erosion and slope failure risk areas.
21.35.040	Requirements of coastal access.
21.35.050	Requirements for highly scenic visual resource areas.
21.35.060	Special development pattern areas.
21.35.070	Zoning maps. ...

21.35.030 Requirements of coastal bluff hazard, tsunami, erosion and slope failure risk areas.

A. Intent. It is the intent of this section to implement the policies of the certified Local Coastal Program pertaining to development in environmentally sensitive and potentially hazardous coastal bluff, tsunami and/or erosion areas.

B. Requirements and Applicability.

1. Coastal Bluff Areas.

a. Geologic studies as set forth by the county grading standards, Section 2 of the Coastal Land Use Plan, and Chapter 21.55G.030 shall be required as a part of the permit application for new construction ~~within the area of demonstration in proximity to coastal bluffs~~ to determine:

i. Their suitability for development; and

ii. The necessary setbacks and/or yards required to avoid or reduce hazards associated with bluff failure.

~~b. The area(s) of demonstration of stability includes the base, face and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a twenty degree angle from horizontal passing through the toe of the bluff or cliff, or fifty feet inland from the edge of the cliff or bluff, whichever is greater.~~

~~e. b.~~ Where adequate geologic evaluation, historic evidence and/or adequate protective works already exist and demonstrate stability, the county may designate a greater area of demonstration, or exclude development entirely, in known areas of high instability.

d. Data submitted shall be utilized to require the provision of feasible mitigation(s) as a part of development such as building setbacks or engineered structures.

2. Tsunami and Coastal Erosion Areas.

a. Any development proposed adjacent to identified tsunami run-up and/or coastal erosion area shall re-quire as a part of the permit application:

- i. An assessment of the rates of coastal re-treat, in the case of bluffs, a detailed examination of underlying geology by a registered geologist or engineering geologist; and/or
- ii. An analysis of the potential for tsunami run-up.
- b. Critical coastal erosion areas are:
 - i. The coastal area between Point St. George and Crescent City, extending approximately 2.3 miles north from the city boundary.
 - c. Critical tsunami run-up areas are:
 - i. Those ~~southern Crescent City~~ areas delineated as tsunami run-up zones on the ~~General Plan Coastal Element Land Use Constraint Hazards Map~~ latest government-prepared tsunami hazard maps.
 - d. Data submitted shall be utilized to require the provision of feasible mitigation(s) as a part of development such as building setbacks, minimum-first-floor elevations or engineered structures.
 - e. To the extent practicable, critical facilities, such as hospitals, schools, utility installations (other than service lines) and communication centers should not be sited in areas susceptible to tsunami inundation. Where it is deemed essential to do so for the public welfare, these structures should be sited, designed and constructed with mitigations as identified in Chapter 21.55.G.
3. Slope Failure Risk Areas.
 - a. Geologic studies as set forth by ~~the county grading standards~~ Chapters 14.05 and 21.55.G shall be required as a part of any application for development and shall assess the stability of the site under both normal and seismic conditions as well as recommended mitigations.
 - b. Slope failure risk areas are as identified by the ~~Seismic Safety and Safety Element of the Del Norte County General Plan~~ “National Seismic Hazards Maps” and/or the “Geology and Geomorphic Features Related to Landsliding” and “the North Coast Watersheds Mapping” series prepared for Del Norte County by the U.S. Geological Survey and California Geological Survey, respectively, or as determined from other site-specific investigations.
 - c. Data submitted shall be utilized to require the provision of feasible mitigation(s) as a part of development such as building setbacks or engineered structures. (Ord. 83-03(part)) ...

21.35.060 Special development pattern areas.

A. It is the intent of this section to implement the policies of the General Plan Coastal Element pertaining to special development patterns on parcels identified by the Specific Area Recommendations section of the New Development Component.

B. Requirements and Applicability. This section shall apply to those lands identified by the specific policies of the New Development Specific Area Recommendations section as listed below. Special development requirements shall be as set forth in the Land Use Plan text and shall be included in the approval of any coastal development permit or equivalent.

1. Stateline Area - Policy RR1/2|RRA-2 to RR1/1|RRA-1 Land Use and Zoning Reclassifications (Barth) – Conditions applicable to the westerly 300-foot width along Highway 101 frontage shall be imposed requiring 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.

~~4. 2.~~ Ocean View Drive Area - Policy ~~9~~ **3.H.3.** (Ocean View Estates, Walters) - Seven conditions of approval shall be required in permit;

~~2. Smith River Area - Policies 8-11 (L.C. Bliss Shores State Park) - Master Plan development shall include specific listed improvements;~~

3. Lake Earl Area - Policy ~~6~~ **3.I.1.** (Buzzini Road) - Conditions regarding expansion shall be met in permit;

~~4. Lake Earl Area - Policy 7 (Rural Mobilehome Park, Lake Earl Drive) - Development conforming to prior permits shall be required;~~

~~5. Lake Earl Area - Policies 10-13 (L.C. Bliss Shores State Park) - Master Plan development shall include specific listed improvements;~~

~~6. 4.~~ Lake Earl Area - Policy ~~16~~ **3.G.9.** (McNamara) - Clustering and density policy shall be required in permit;

~~7. Crescent City Area - Policy 4 (Assessor's Parcel Number 120-020-23, McNamara) - Woodlot and airport approaches shall be addressed in the issuance of permits;~~

~~8. 5.~~ Crescent City Area - Policy ~~5~~ **3.G.2.** (Assessor's Parcel Number 120-020-06, Bauer) - Clustering and diversity of units shall be required in permit;

~~9. Crescent City Area - Policies 15, 21 and 24 (L.C. Bliss Shores State Park) - Master Plan development shall include specific listed improvements;~~

~~10. 6.~~ Crescent City Area - Policy ~~18~~ **3.G.3.** (Assessor's Parcel Number 110-300-01) - Requirements shall apply to permit for division of land;

~~11. Crescent City Area - Policy 23 (Redwood State Park) - Master Plan development shall include specific listed improvements;~~

~~12. Crescent City Area - Policy 26 (Point St. George) - Option to be selected at time of development application, (including bonus density provision) with all requirements of either to be required in permit;~~

7. Crescent City Area Washington Park West. (Assessor's Parcel Numbers 116-110-04, 116-111-01, 116-112-01, 116-113-01, 116-114-05 through -12, 116-130-21, 116-131-01 through -05, 116-132-18 through -22, 116-133-01, 116-134-22 and -23, and 116-136-01 through -03, numerous), - Prior to any permissible subdivision, resubdivision, lot merger, reversion-to-acreage or other site development, proof of the legality of the affected lots and delineation of all wetlands on and in proximity to development site(s) and identification of buffers necessary to protect ESHA from development impacts shall be required. Lot and/or building clustering may be utilized to protect wetlands and to provide for ESJHA buffers.

~~13. 8.~~ Klamath Area - Policy ~~16~~ **3.K.4.** (Assessor's Parcel Number 140-060-01 and 04, Public Reserve Area) - Prioritized uses shall be required in permit. (Ord. 93-17 §1, 1993; Ord. 83-03(part)) ...

RATIONALE FOR REVISION(S)

- Existing certified Chapter 21.35 was inadvertently attached in place of IP chapter with suggested modifications indicated. The chapter with the staff recommended suggested modifications is shown above.

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W23a

TO: Commissioners and Interested Parties

DATE: August 27, 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 September 9, 2009)**

TIMELINE SYNOPSIS

The proposed LCP Amendment was submitted on October 20, 2003 and filed 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. The County has requested that: (1) the Commission open and continue the hearing at its September 9, 2009 meeting and invite public comment on the County's proposed LCPA and the Commission staff's suggested modifications; and (2) vote on the proposed LCPA at the Commission's meeting in October.

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 September 9, 2009 meeting. Exhibits 5-18 have been intentionally omitted. Exhibits 18-25 are attached.

2. 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) additional requirements for reviewing conversions of agricultural lands and lands suitable for agriculture to non-agricultural uses, (ii) additional requirement for reviewing land divisions of agricultural lands, and (iii), 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 September 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 non-agricultural 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 non-agricultural 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 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.

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.

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 to 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 area 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 in Part One on pages 20-22.

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.
- 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 subsection 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. However, 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 sections 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.

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

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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 73 (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 effective 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/2009/09/10> 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 proposed sub-area Land Use Plan maps and site-specific amendment Zoning maps included as Exhibit Nos. 19, 20, and 21 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,

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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.
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.

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.
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.
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.
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.
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.
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: (a) 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; 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).*
- 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; (5) Redesignate the County-owned lands at Point Saint George from Agriculture General – Five Acre Parcel Size (A5) to Public Facility (PF) designation; (6) Correct erroneous VSC designation on APN 110-010-07 (Mavris) [COUNTY REQUESTED MODIFICATION]; and (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).*
- 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 (4) revise map to identify all sovereign tribal lands held in trust by Bureau of Indian Affairs.*

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, RIW, 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).*
- 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).*
- 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).

LOCALLY ADOPTED BUT UNCERTIFIED IP PROVISIONS

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

Incorporate 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)

Incorporate 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)

Incorporate 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/Recordation
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 Aleutian Goose Festival events and so-called “Wild Rivers Coast” destinations, nature-based

¹ California Department of Finance, 2008.

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 four 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

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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 (Accept SMS)	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, - → <u>Chap. 21.00</u> LCPZEO §§ 21.04.249, 21.04.540, 21.04.550, 21.04.525, <u>Chap 21.40</u> , 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 to correspond with the organization of the County’s proposed updated General Plan (LUP).]

SM-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.

SM-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.

SM-3. Part II: Section 1 – Natural Resources / Conservation

a. Synopsis of Currently-Certified 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 including “marine resources,” “water resources,” “sensitive coastal habitats, (i.e., environmentally sensitive habitat areas), and “extractive resources,” primarily with regard to in-stream gravel mining. 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.

The Land Resources 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. The policies and standards within the Land Resources chapter were developed to provide coverage of these topics consistent with Sections 30241, 30241.5, 30242, and 30243.

b. 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.

c. Summary of Suggested Modification No. 3: (Natural Resources / Conservation)

- Add additional 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.
- Add the definition of ESHA consistent with Coastal Act Section 30107.5 and describe the types of habitat that constitute ESHA.
- Restructure the order of presentation of policies to that based on key Coastal Act Chapter 3 policies.
- Consolidate biological resource protection sub-sections into ESHA/non ESHA format.

- Clarify 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.
- Clarify 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).
- Add policies that enumerate permitted uses within ESHA and ESHA buffers consistent with the allowable use limitations of Coastal Act Sections 30240, 30233, and 30236.
- Expand the criteria to be utilized when evaluating the adequacy of ESHA buffers.
- Delete general biological resource protection policies that are superseded by more specific ESHA protection policies that apply in the County's coastal zone.
- Refine 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.
- Refine the structure and wording of the Soils, Agricultural, and Forestry Resources policies to comport with PRC §§30240, 30241, 30241.5, 30242, and 30243.

b. Discussion of Bases for Suggested Modifications

The LUP's Natural Resources / Conservation section suggested modifications 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 policies would organizes these policies by biological habitat or development category. The suggested modifications involve reordering and consolidating these policies base on whether they address 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 modifications include the insertion of several new policies that address 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 or food, fodder, and fiber.

(1) Environmentally Sensitive Habitat Areas (ESHA)

(a) Applicable Coastal Act Policies

The Coastal Act Chapter 3 policies most applicable to this planning issue are Sections 30240.

Section 30240 of the Coastal Act states:

(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.

Section 30107.5 defines ESHA as:

“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.”

(b) Summary of changes included in Suggested Modification No. 3 regarding ESHA:

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 distinguishes 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 temporeally, 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 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. Buffer provisions for other types of non-wetland ESHA are less clear. 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, which may be reduced if it is demonstrated 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 addresses 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 requirement for 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.

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 Section 30240 in regards to proposed ESHA protection policies, and must be denied. However, if modified as suggested, the LUP would be consistent with Section 30240.

(2) Water Quality

As modified, 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.

(a) Applicable Coastal Act Policies

The Coastal Act Chapter 3 policies most applicable to this planning issue are Sections 30230 and 30231.

Section 30230 of the Coastal Act 30230:

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 of the Coastal Act states:

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) Summary of changes included in Suggested Modification No. 3 regarding Water Quality:
- Add policy to minimize introduction of pollutants to coastal waters.
 - Add provisions of Coastal Act Sections 30230 and 30231.
 - Add policies to minimize increases in stormwater runoff peak runoff rate by requiring:
 - All development: Minimize increases in runoff to the extent feasible, and demonstrate an effort to reduce projected peak runoff by 20% of the base 1985 10-year storm.
 - Developments of Special Water Quality Concern: Post-development peak discharge rate shall not exceed pre-development rate, if increased discharge will result in increased potential for downstream erosion or other adverse habitat impacts.
 - Add construction-phase policies to require:
 - A construction-phase stormwater runoff plan for all development that requires a grading permit.
 - Eliminating discharge of sediment and other stormwater pollution from construction activities
 - Minimizing construction site runoff and erosion,
 - Minimizing land disturbance and natural vegetation disturbance
 - Add post-construction policies to require:
 - A post-construction stormwater runoff plan for all development.
 - Emphasis on post-construction Site Design and Source Control BMPs.
 - Add BMP Guidance tables for selecting efficient BMPs for pollutants generated by development types.
 - Add policy 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:
 - 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
 - Add policy with additional requirements for Developments of Special Water Quality Concern:
 - Hydrological study by Certified Engineer.
 - Selection of effective Treatment Control BMPs.
 - 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 protecting coastal waters consistent with the requirements of the Coastal Act. 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'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 strengthens 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 consistent with the requirements of the Coastal Act and must therefore 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.

SM-4. Part II: Section 2 – Safety and Noise

a. Summary of Suggested Modification No. 4: (Safety and Noise)

- Add the provisions of Coastal Act Section 30253.
- Clarify proposed policy language consistent with Coastal Act Section 30235.
- Add 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) take into account anticipated future changes in sea level.

- Clarify limitations on development allowable on bluff faces and within bluff retreat setbacks.
- Clarify requirements for geologic studies for development located in or near areas subject to geologic hazards.
- Add standards for siting development in areas subject to tsunami impacts.

b. Discussion

The Safety Element of the County's proposed 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 limiting development in floodplain and tsunami run-up areas. 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.

1. Geologic Instability, Flooding, and Wildfire Hazards

(a) Applicable Coastal Act Policies

The Coastal Act Chapter 3 policies most applicable to this planning issue are Section 30235 and 30253.

Section 30235 states:

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 30253 states (in part):

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) 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*

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, a proposed policy requires only that development be reviewed to “minimize hazards in the Coastal Zone.” 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 as a policy 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. Suggested Modification No. 4 includes the addition of Policy SF-B 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 a policy requiring that the siting and design of blufftop development take into account anticipated future changes in sea level.

Suggested Modification No. 4 includes additional policy and program language to establish more comprehensive limitations and standards on development subject to tsunami hazards and to require provisions for educational programs and tsunami response and evacuation plans to ensure that development would minimize risks to life and property in areas of high tsunami hazard consistent with Coastal Act Section 30253.

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

COUNTY OF DEL NORTE LCP AMENDMENT NO. DNC-MAJ-2-03 (LCP UPDATE)
PAGE 59

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)).

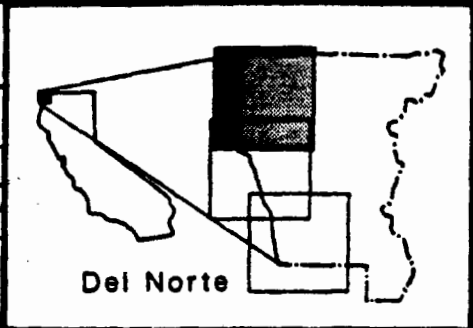
The County of Del Norte's LCPA consists of a Land Use Plan amendment and an Implementation Plan Amendment. The Land Use Plan amendment as originally submitted raises a number of concerns regarding the Chapter 3 policies of the Coastal Act and thus cannot be found to be consistent with and adequate to 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.

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Del Norte

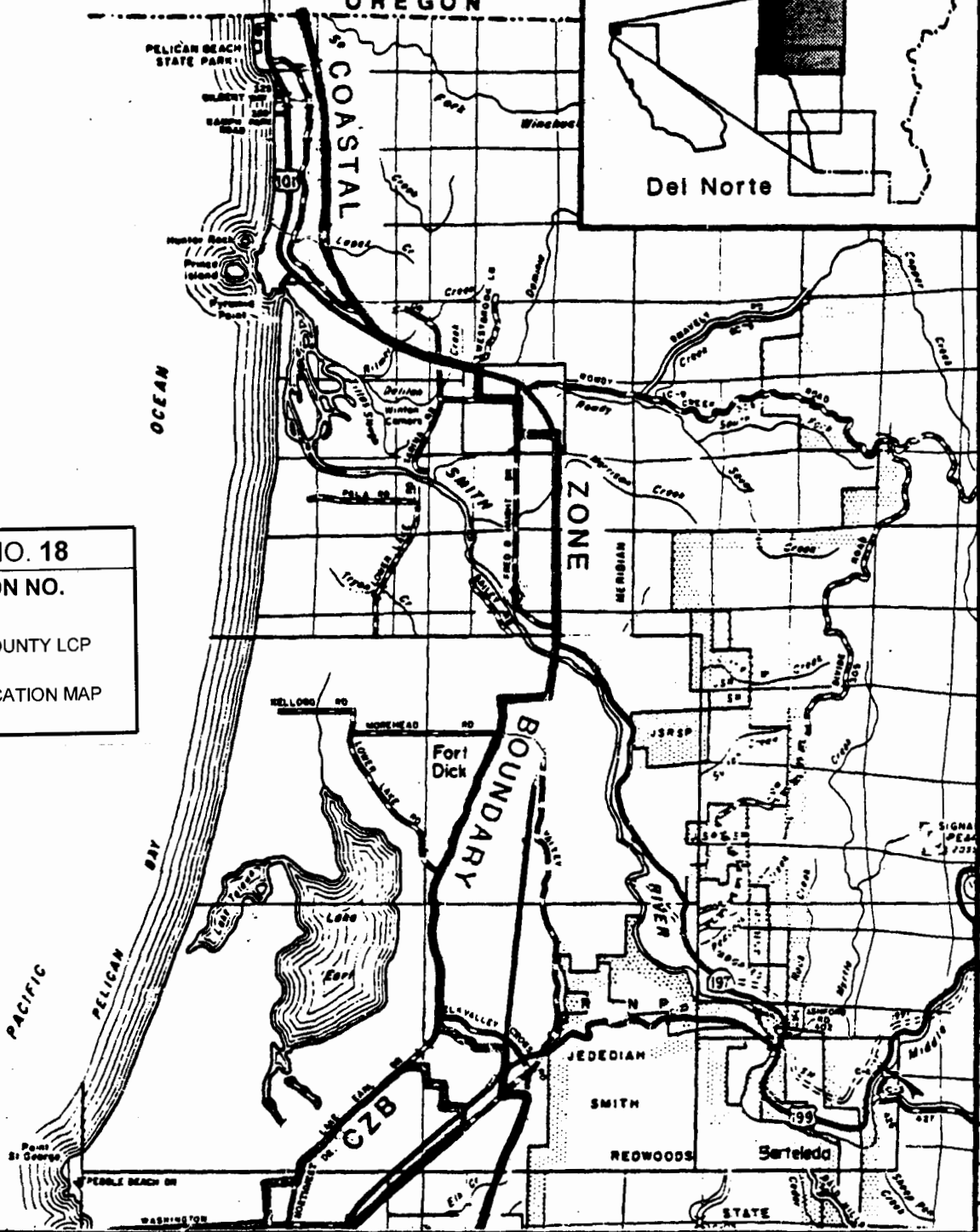
OREGON

S. COASTAL

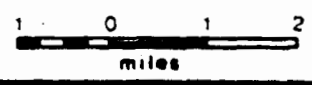
SMITH ZONE

BOUNDARY

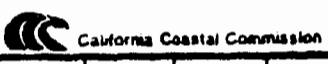
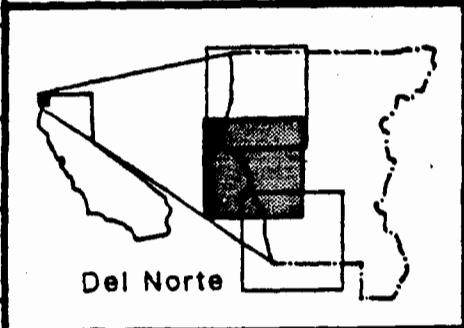
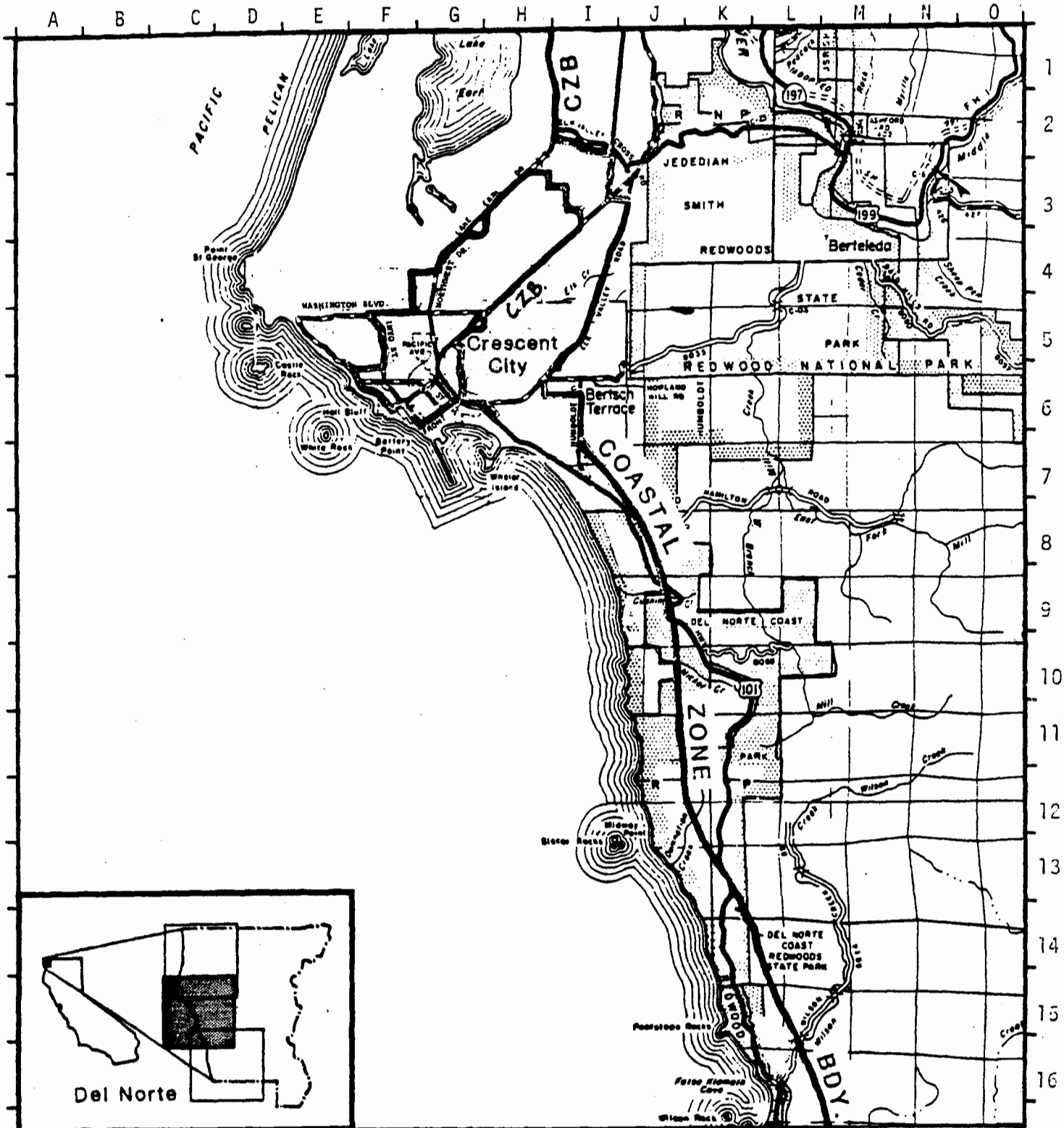
EXHIBIT NO. 18
APPLICATION NO.
DNC-MAJ-2-03
DEL NORTE COUNTY LCP
AMENDMENT
REGIONAL LOCATION MAP
(1 of 3)



LOCATION MAP

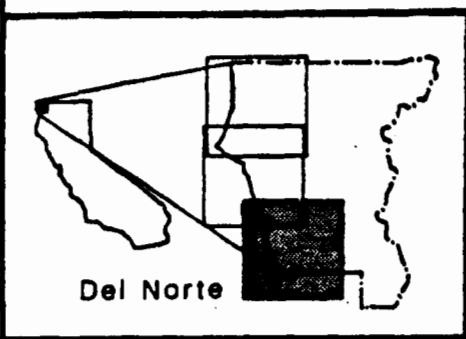
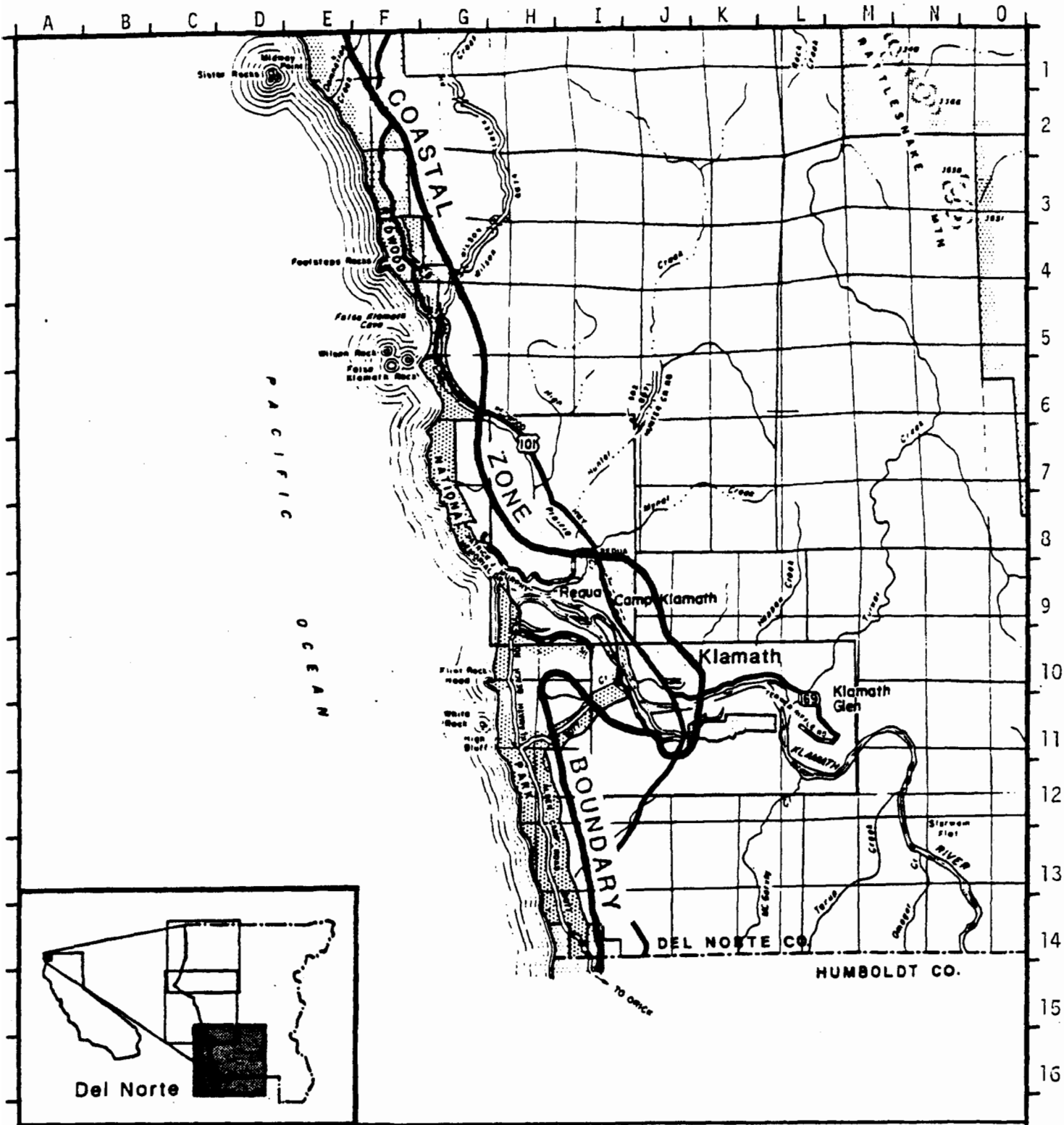


County of Del Norte



LOCATION MAP





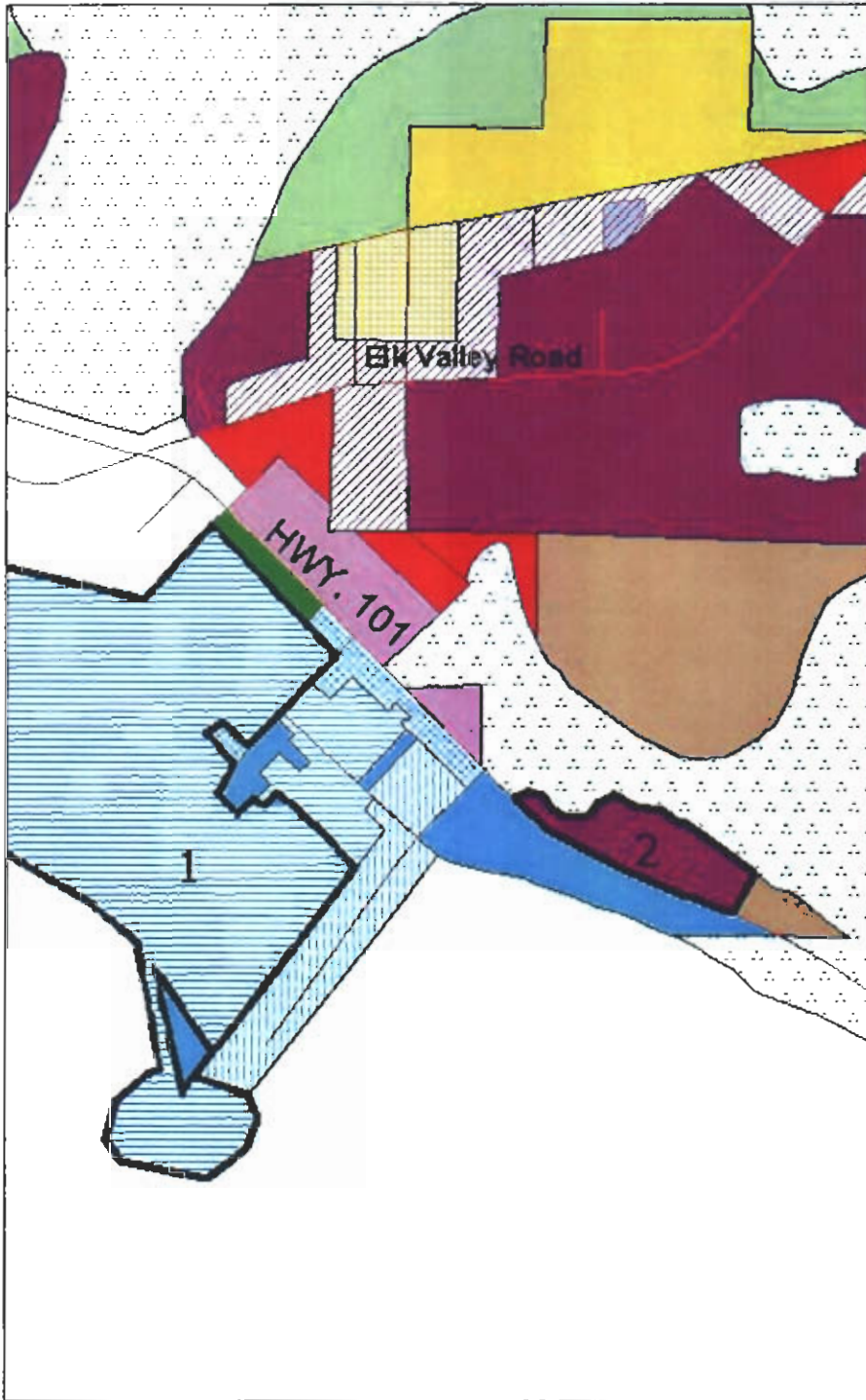
California Coastal Commission

LOCATION MAP



Legend

-  Agriculture Prime
-  Agriculture General (20 ac)
-  Agriculture General (5 ac)
-  Timberland
-  Rural Residential 1 du/ac
-  Rural Residential 1 du/2 ac
-  Rural Residential 1 du/3 ac
-  Rural Residential 1 du/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. 19
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)



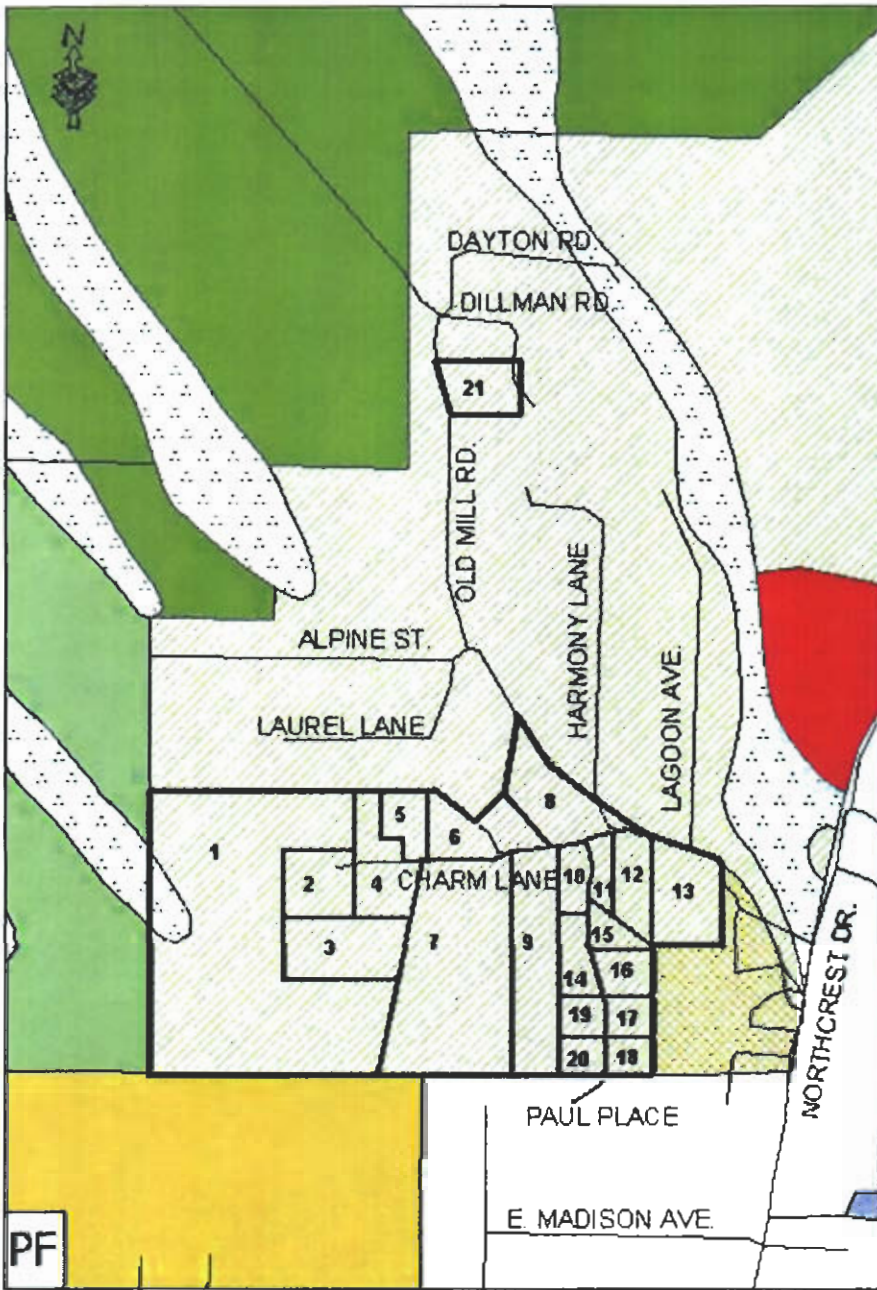
Legend

- 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 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

2 of 6



Legend

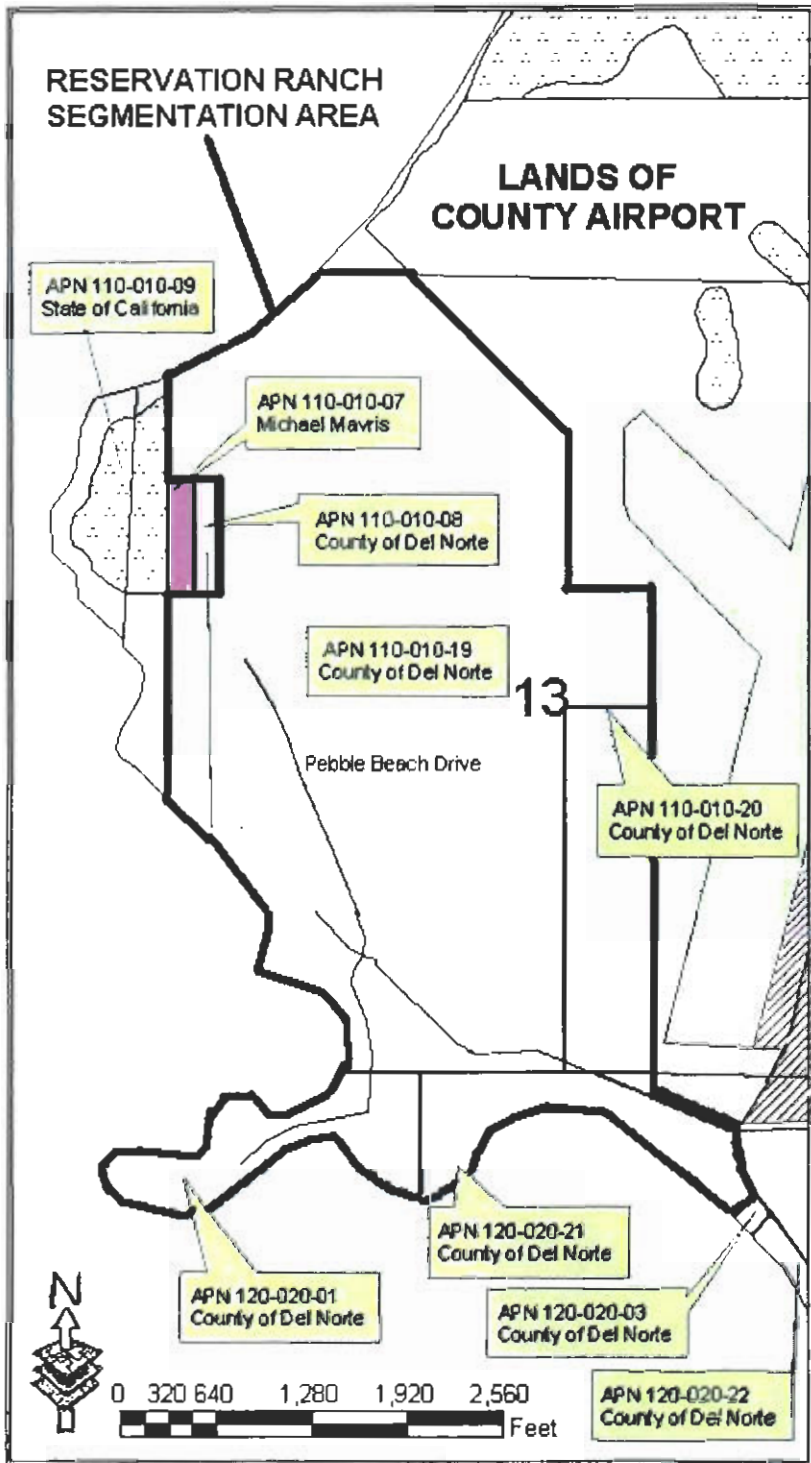
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- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- 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**

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

396

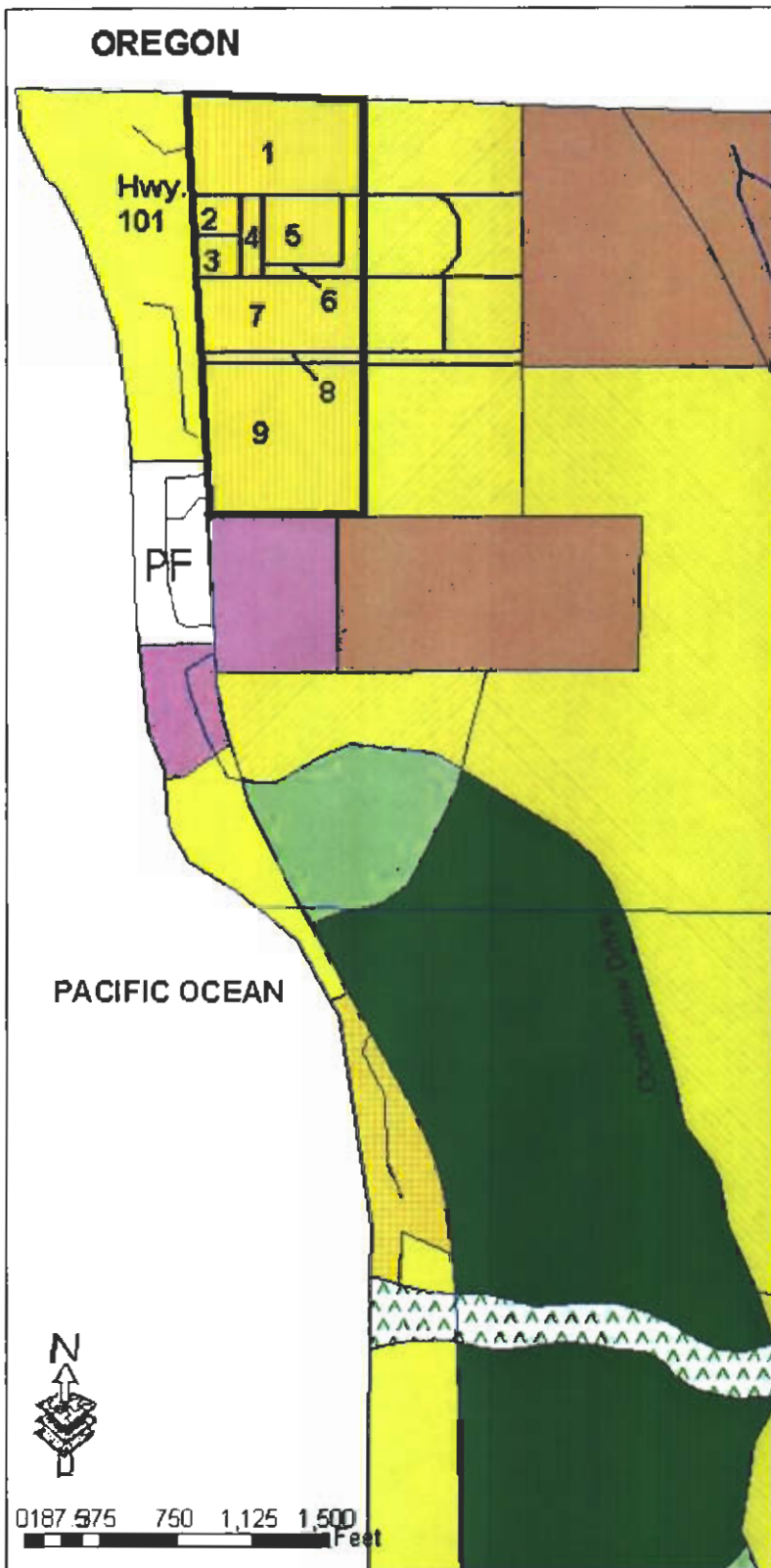


Legend

-  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
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

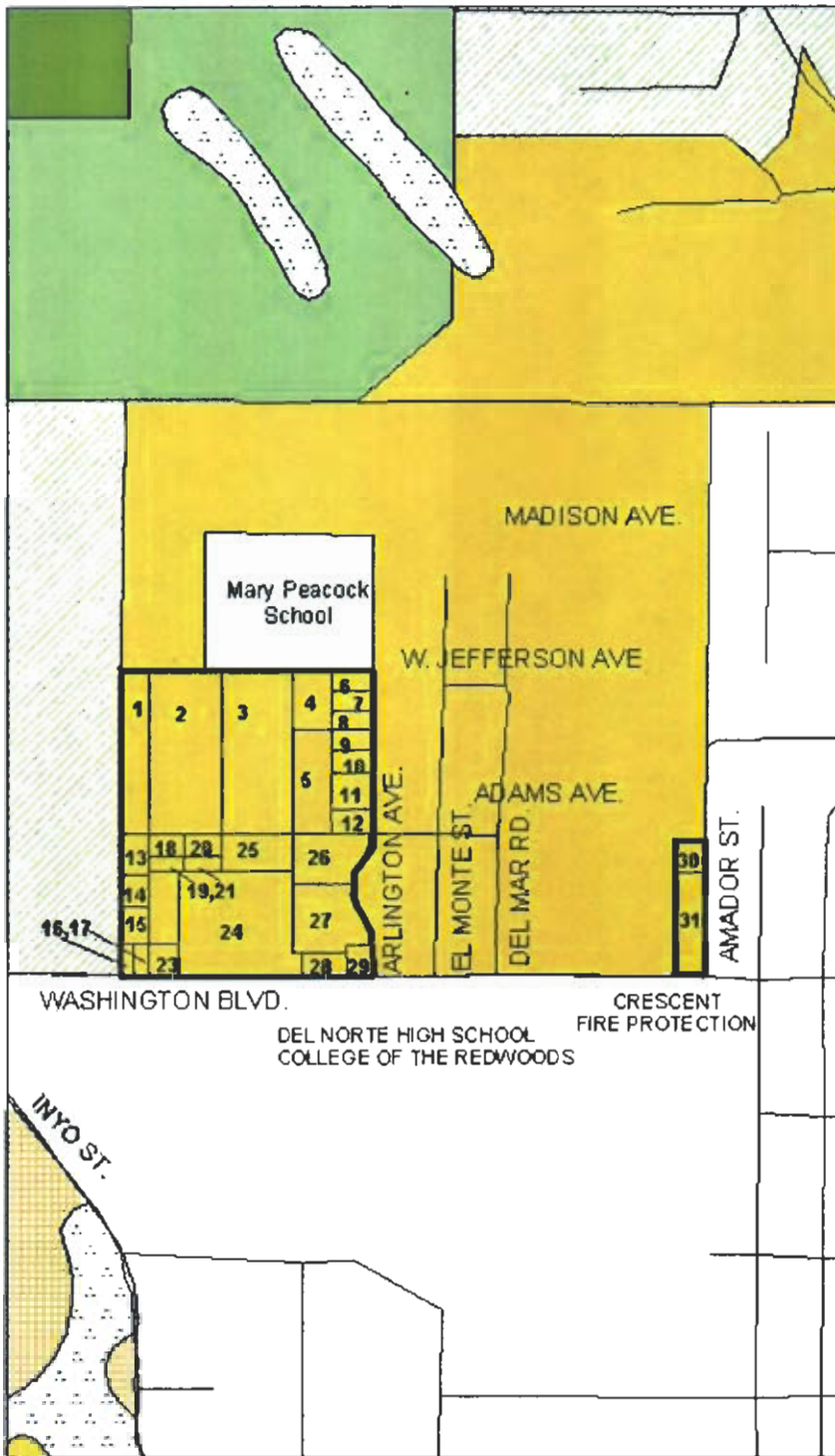
AFFECTED

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 - Lawn | 9. 101-010-06 - Russell |
| 5. 101-060-12 - Eagles | |

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

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

AFFECTED PROPERTY OWNERSHIP

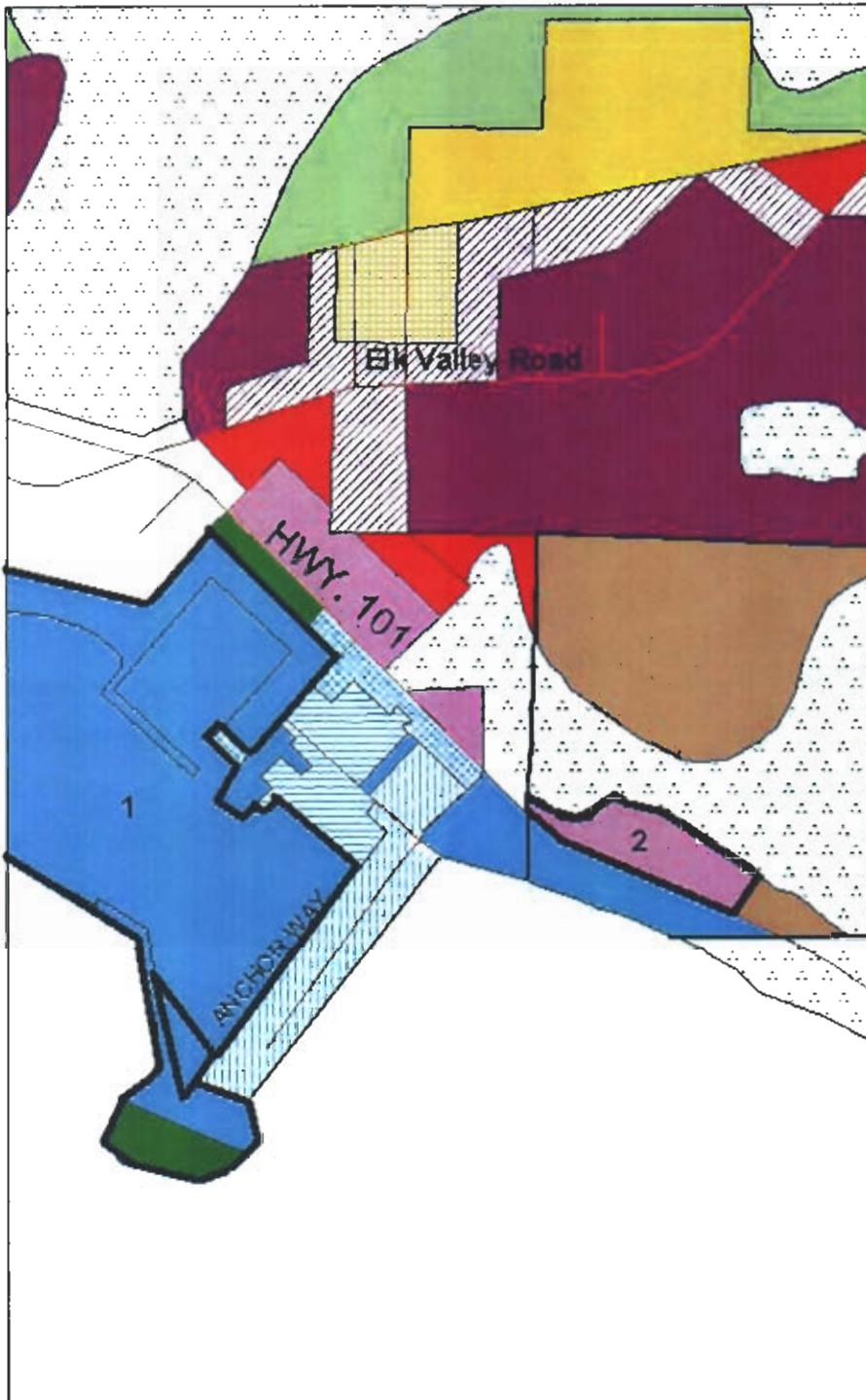
WASHINGTON PARK WEST and AMADOR ST. EXISTING LAND USE (LCP)

- | | |
|---|---|
| 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 & Arvanna 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 Mole |
| 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 A |
| 17. 116-131-05 - Robert Stovall | 31. 116-140-11 - Neil & Lucile Chaffee |

6 of 6

Legend

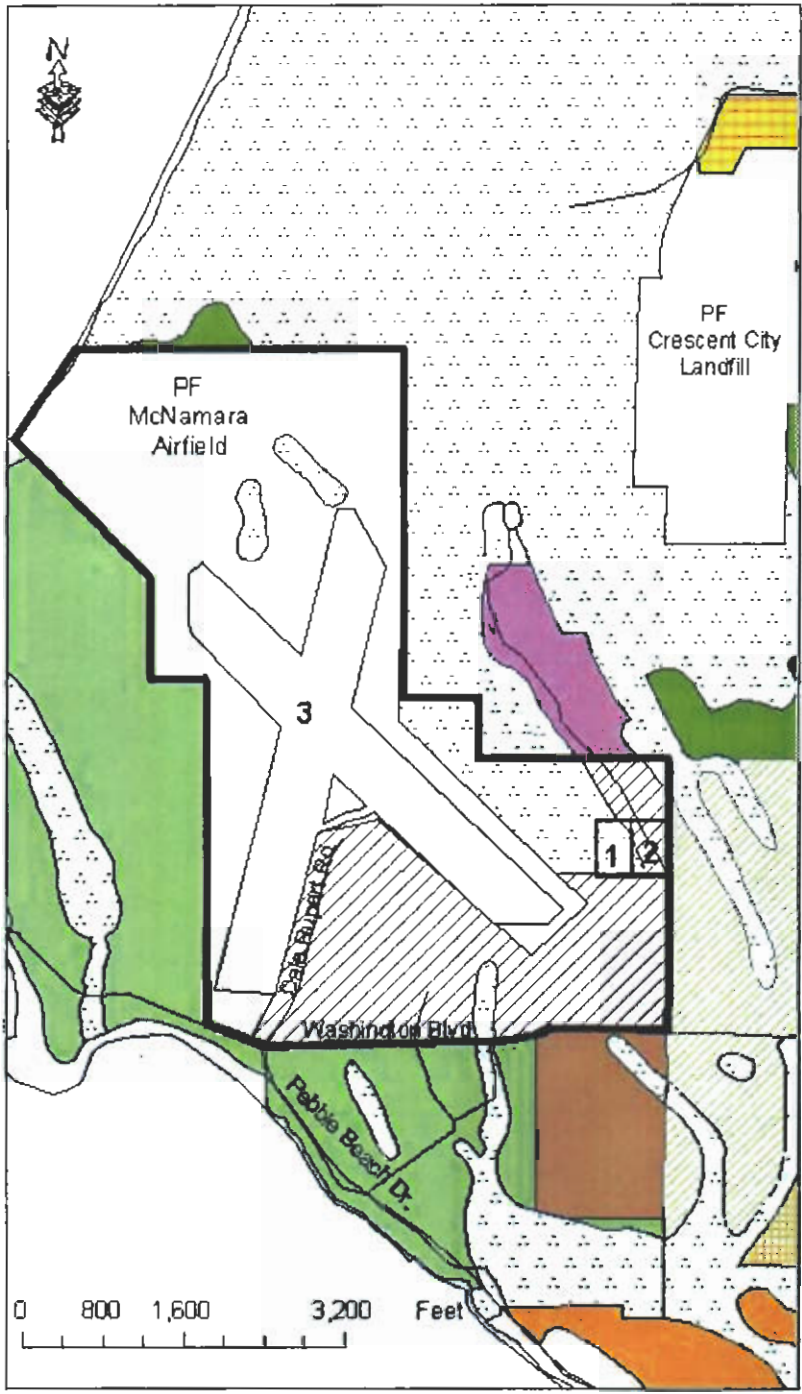
-  Agriculture Prime
-  Agriculture General (20 ac)
-  Agriculture General (5 ac)
-  Timberland
-  Rural Residential 1 du/ac
-  Rural Residential 1 du/2 ac
-  Rural Residential 1 du/3 ac
-  Rural Residential 1 du/5 ac
-  Rural Neighborhood with density
-  Visitor-Serving Commercial
-  General Commercial
-  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. 20
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)



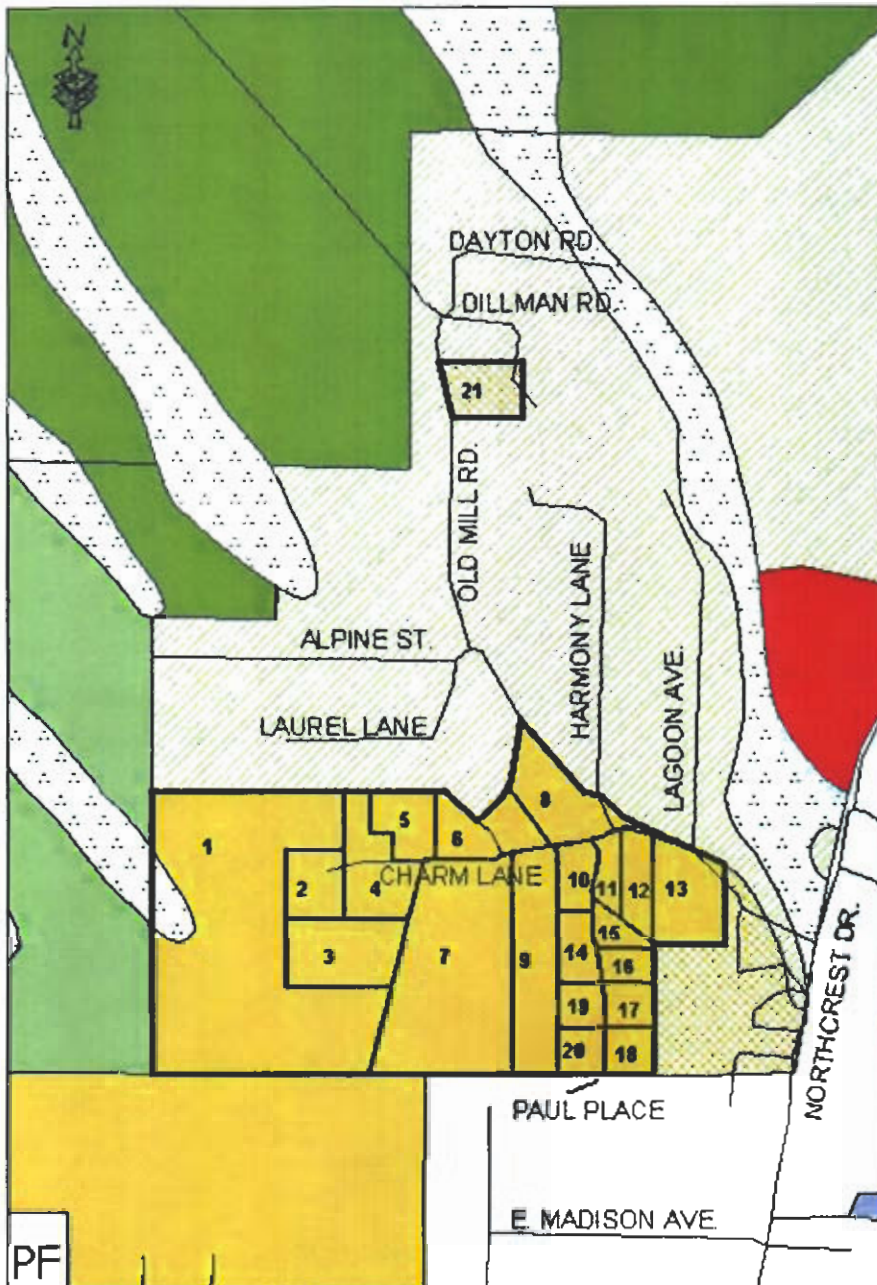
- Legend**
- Agriculture Prime
 - Agriculture General (20 ac)
 - Agriculture General (5 ac)
 - Timberland
 - Rural Residential 1du/ac
 - Rural Residential 1du/2 ac
 - Rural Residential 1du/3 ac
 - Rural Residential 1du/5 ac
 - Rural Neighborhood with density
 - Visitor-Serving Commercial
 - General Commercial
 - 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 Lovaa's 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

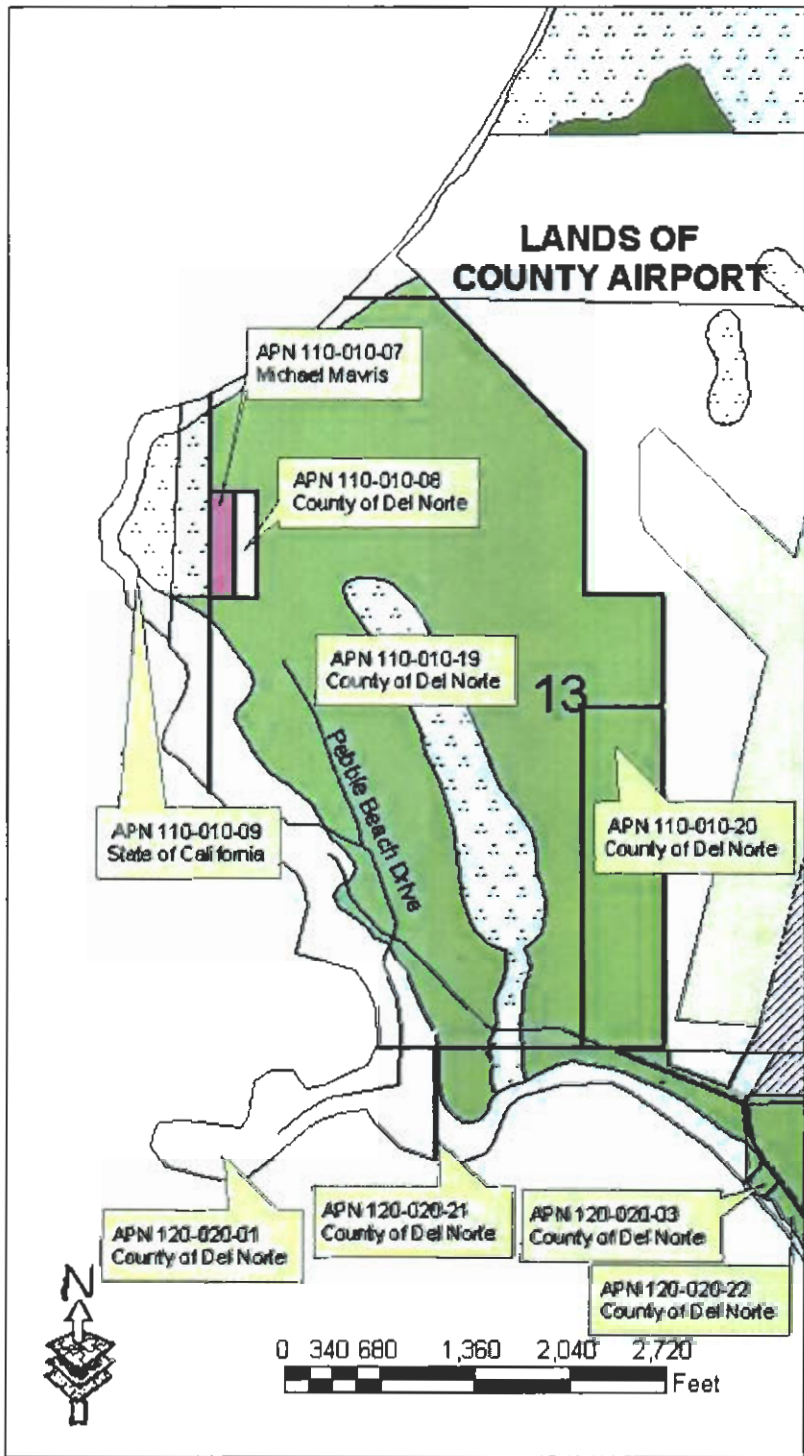
- Agriculture Prime
- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- 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
PROPOSED LAND USE
(LCP)**

**AFFECTED
PROPERTY OWNERSHIP**

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

396



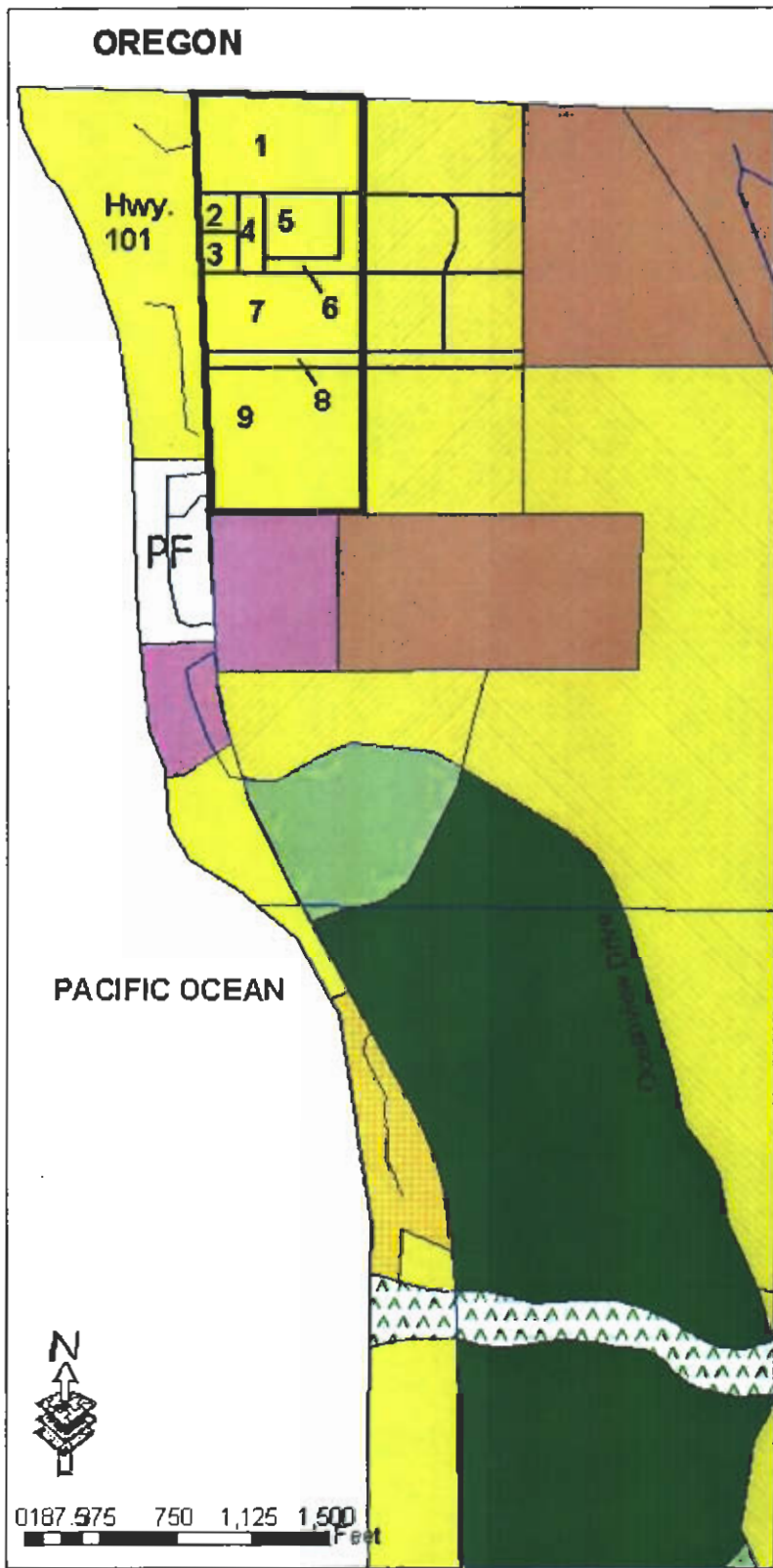
Legend

- 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

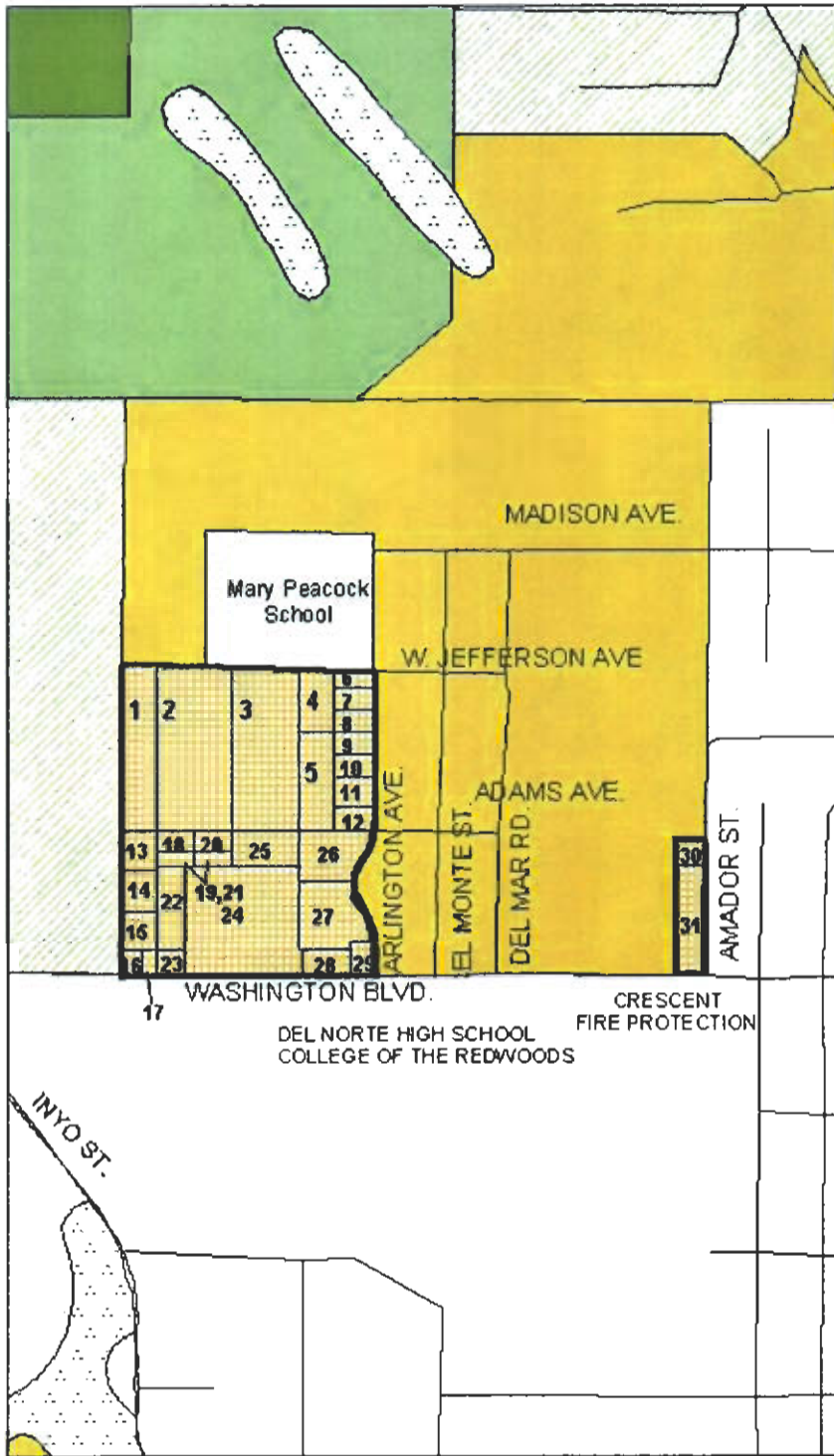
**STATELINE 101/HWY. 101
PROPOSED LAND USE
(LCP)**

AFFECTED

PROPERTY OWNERSHIP

- | | |
|------------------------|-------------------------|
| 1. 101-060-01 - Barth | 6. 101-060-17 - Kocher |
| 2. 101-060-08 - Moss | 7. 101-710-01 - Weaver |
| 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

- | | |
|--|--|
| <ul style="list-style-type: none"> 1. 116-111-01 - John Furoo 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 - Armand Viole 29. 116-130-21 - Grace Lutheran Church 30. 116-140-10 - Deborah Alt 31. 116-140-11 - Neil & Lucille Chaffee |
|--|--|

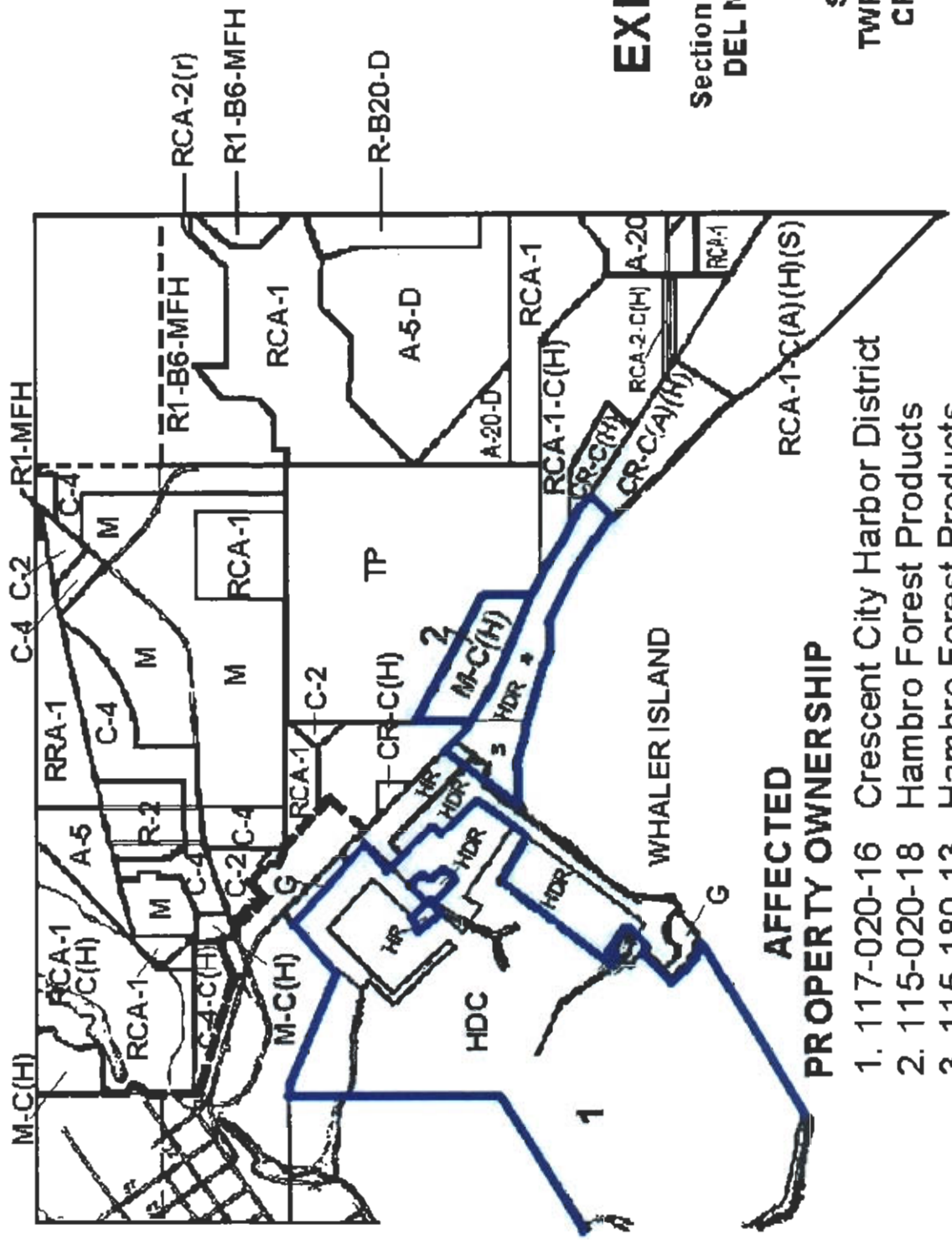
6 of 6

EXHIBIT NO. 21
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

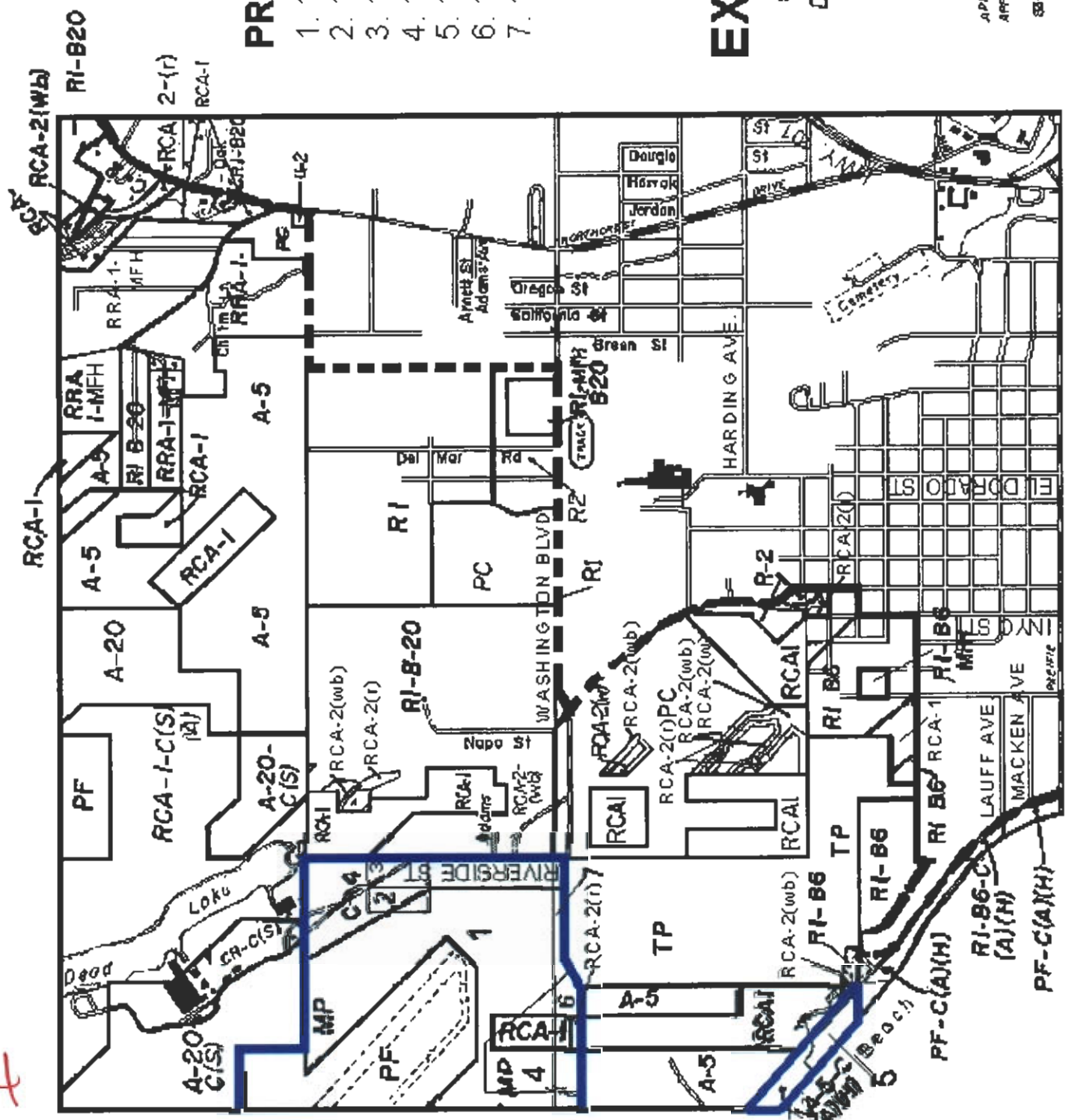
SECTIONS 27, 28, 34
 TWP 16 N RGE 1W HB & M
 CRESCENT CITY AREA



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

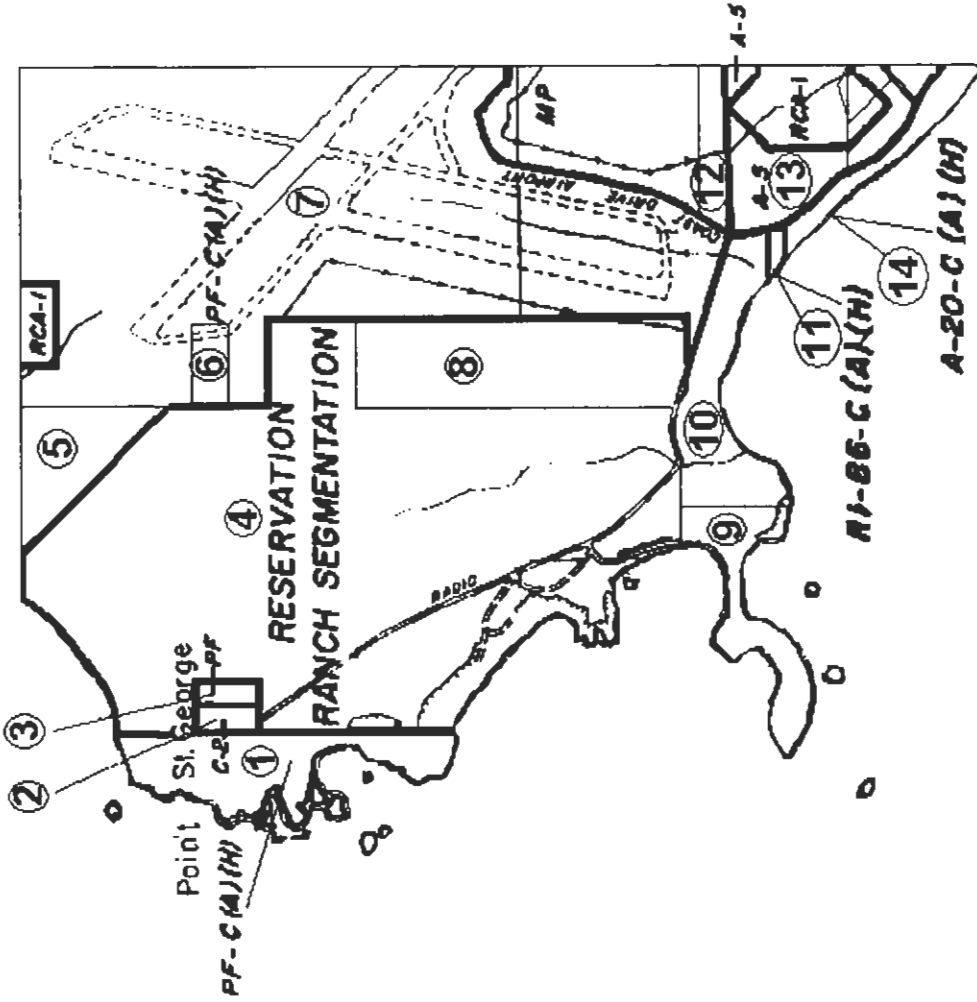
1. 110-010-21 Del Norte County
2. 110-010-11 Pat Jaffer
3. 110-010-12 Darryl Lovaas
4. 110-010-22 Del Norte County
5. 120-020-22 Del Norte County
6. 120-020-36 Del Norte County
7. 120-020-37 Del Norte County

EXISTING ZONING

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

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

APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS
 COUNTY OF DEL NORTE, CALIFORNIA
 SB-03-8ap1683
 REVISED-4/23/97



**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

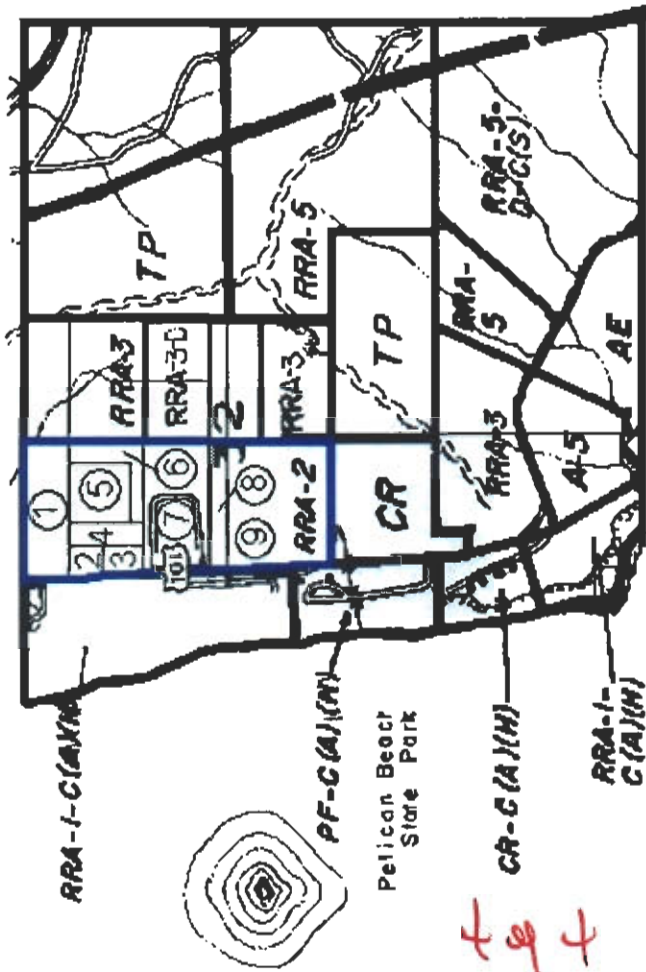
EXISTING ZONING

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 B. Biondo*
 APPROVED BY BOARD OF SUPERVISORS *John L. Brown*
 COUNTY OF DEL NORTE, CALIFORNIA
 85-03: Sept 6, 87
 87-12: July 86

344



EXISTING ZONING

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

AREA B-1
 SECTION 32
 TWP 19 N R6E 1W H&6M
 SMITH RIVER AREA

APPROVED BY PLANNING COMMISSION *Robert Drum*
 APPROVED BY BOARD OF SUPERVISORS
 COUNTY OF DEL NORTE CALIFORNIA
 83-03: Sept 8, 83
 87-12: July 86
 907C: JULY 95
 9605C: 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. 22

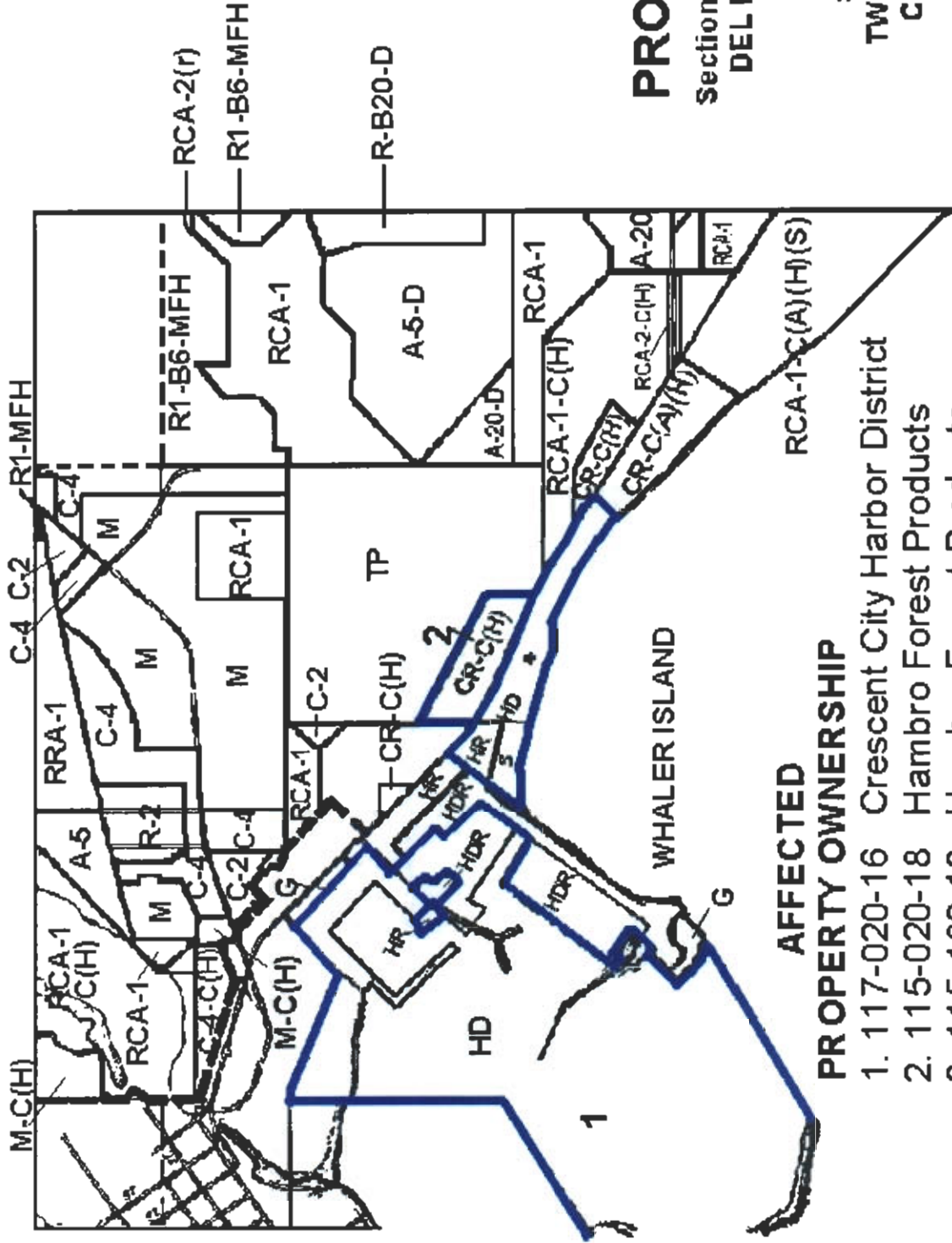
APPLICATION NO.

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

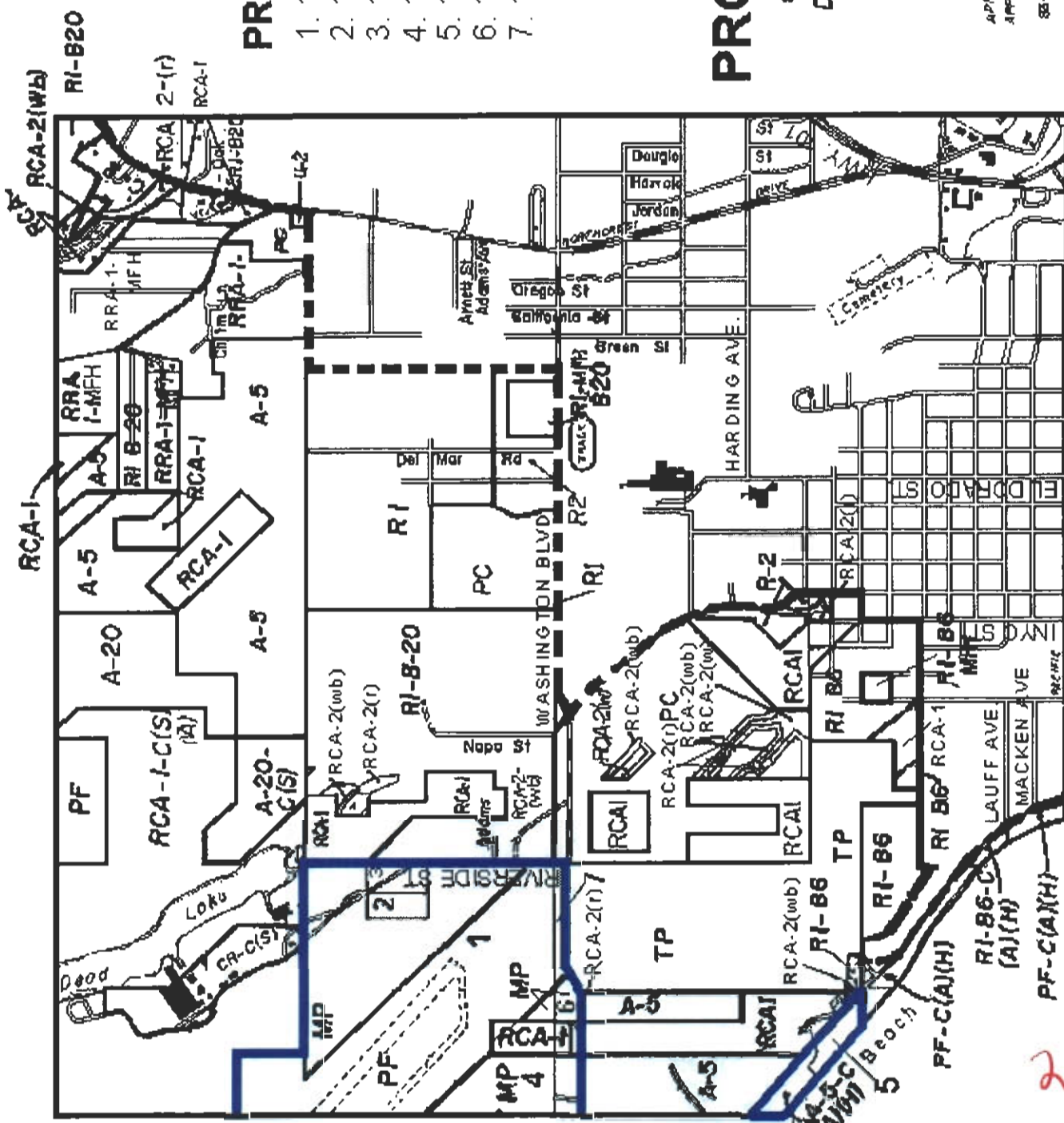
SECTIONS 27, 28, 34
TWP 16 N RGE 1W HB & M
CRESCENT CITY AREA



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

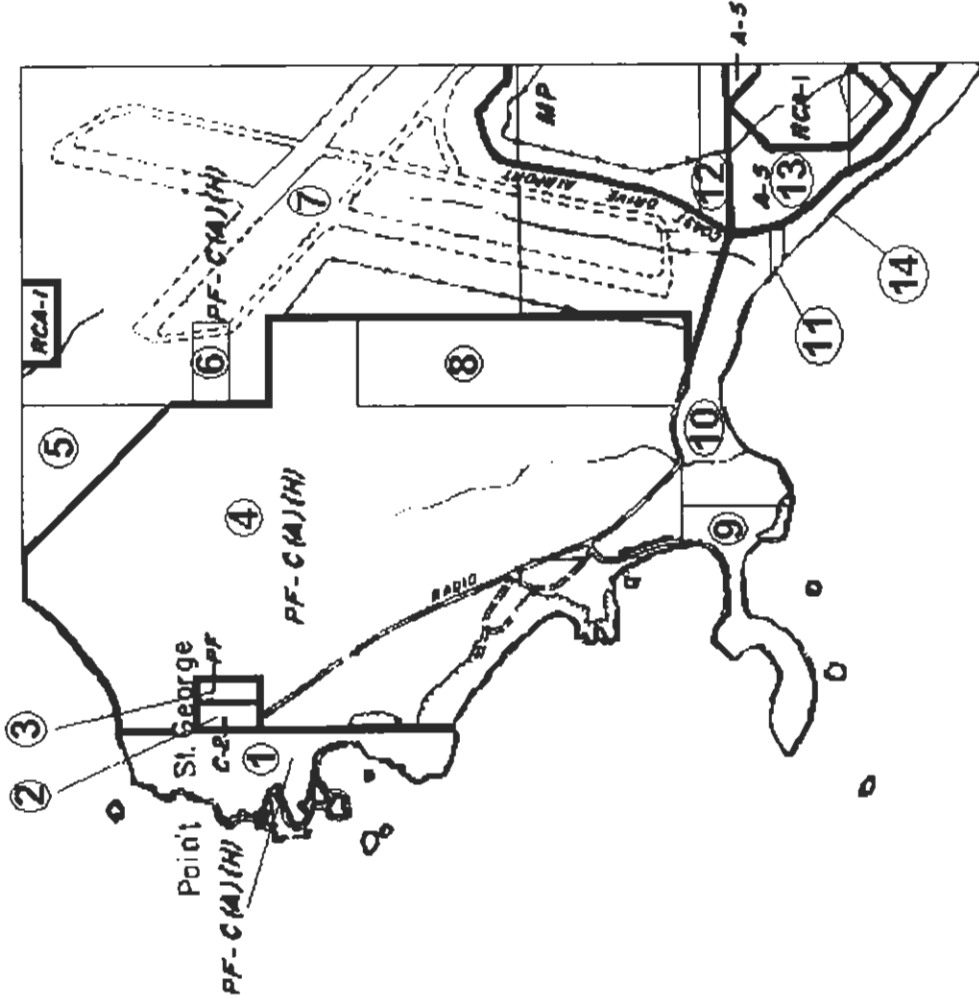
SECTIONS 17, 18, 19, 20
 TWP 16 N R6E 1W H8&M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS *Richard Aborn*
 COUNTY OF DEL NORTE, CALIFORNIA
 88-03-rcp1685 REVISED-4/23/97

204

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



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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 2W HB 8M
CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION *Dale E. Dyer*
APPROVED BY BOARD OF SUPERVISORS *Richard A. ...*
COUNTY OF DEL NORTE, CALIFORNIA
83-03 Sept 6, 83
87-12 July 86

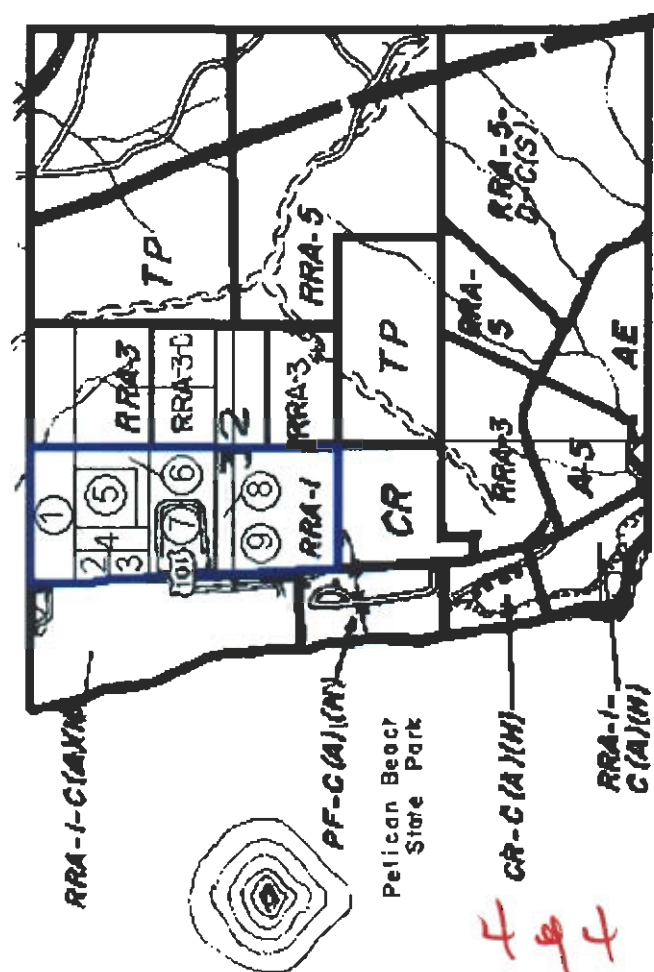


PROPOSED ZONING

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

AREA B-1
 SECTION 32
 TWP 19 N RGE 1 W HB 8 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
 90-17: JULY 96
 96-05C 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

Handwritten red marks resembling the letters 'F' and 'B'.

EXHIBIT NO. 23
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.

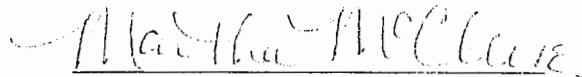
PASSED AND ADOPTED this 22nd day of March 2005, by the following polled vote of the Board of Supervisors of the County of Del Norte.

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

NOES: None

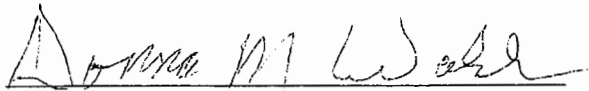
ABSTAIN: None

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. 24

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.

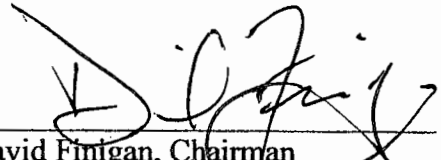
PASSED AND ADOPTED this 28th day of January 2003, by the following polled vote of the Board of Supervisors of the County of Del Norte.

AYES: Chairman Finigan, Supervisors Reese, McClure & Sampels

NOES: Supervisor Blackburn

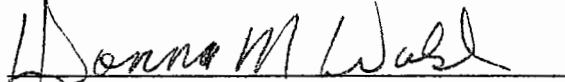
ABSTAIN: None

ABSENT: None



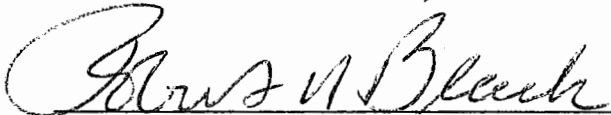
David Finigan, Chairman
Del Norte County Board of Supervisors

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. 24

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,

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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:

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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

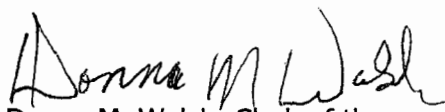
NOES: Supervisor Blackburn

ABSENT: None



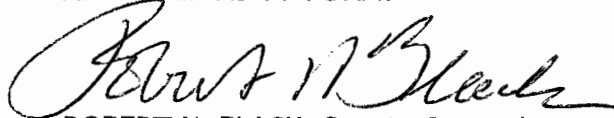
DAVID FINIGAN, Chairman
Board of Supervisors

ATTEST:



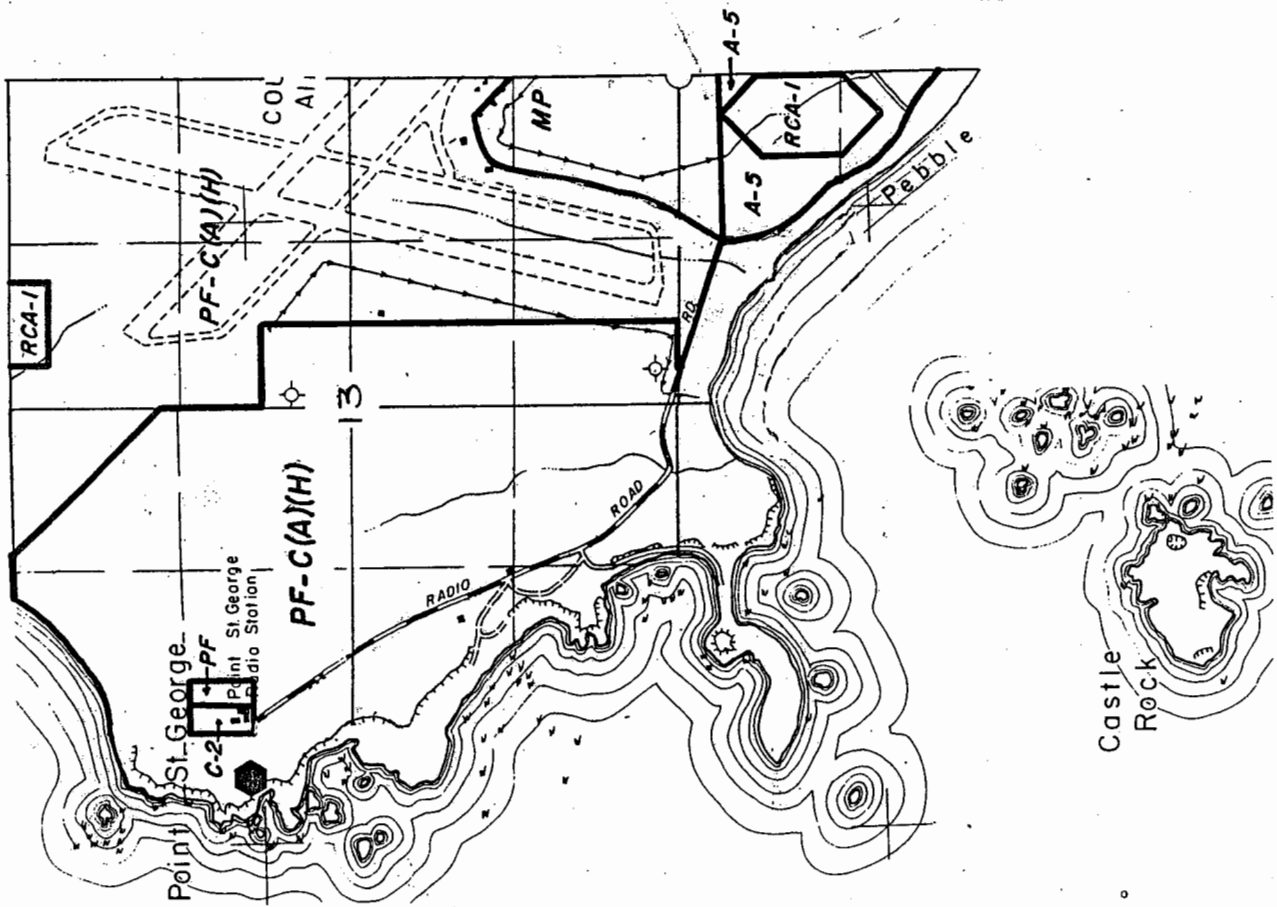
Donna M. Walsh, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

APPROVED AS TO FORM:



ROBERT N. BLACK, County Counsel

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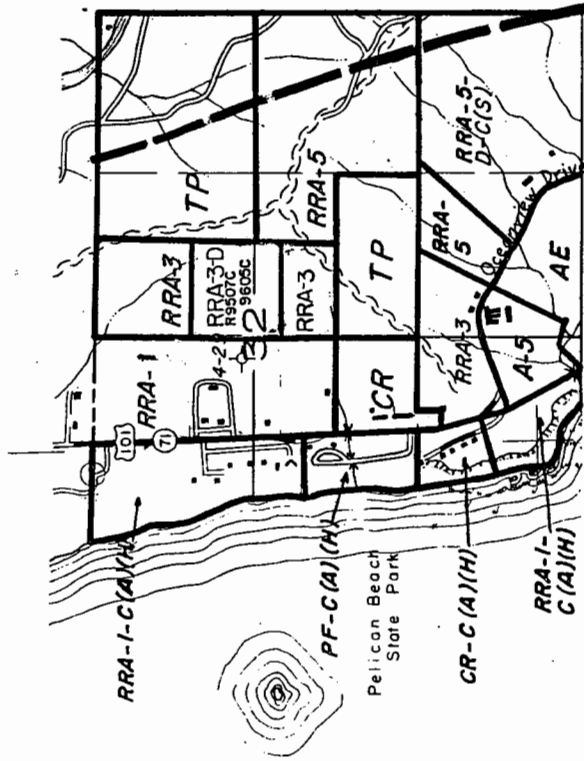
Section 21.06.050 Ordinance 83-03

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 *[Signature]*
 APPROVED BY BOARD OF SUPERVISOR *[Signature]*



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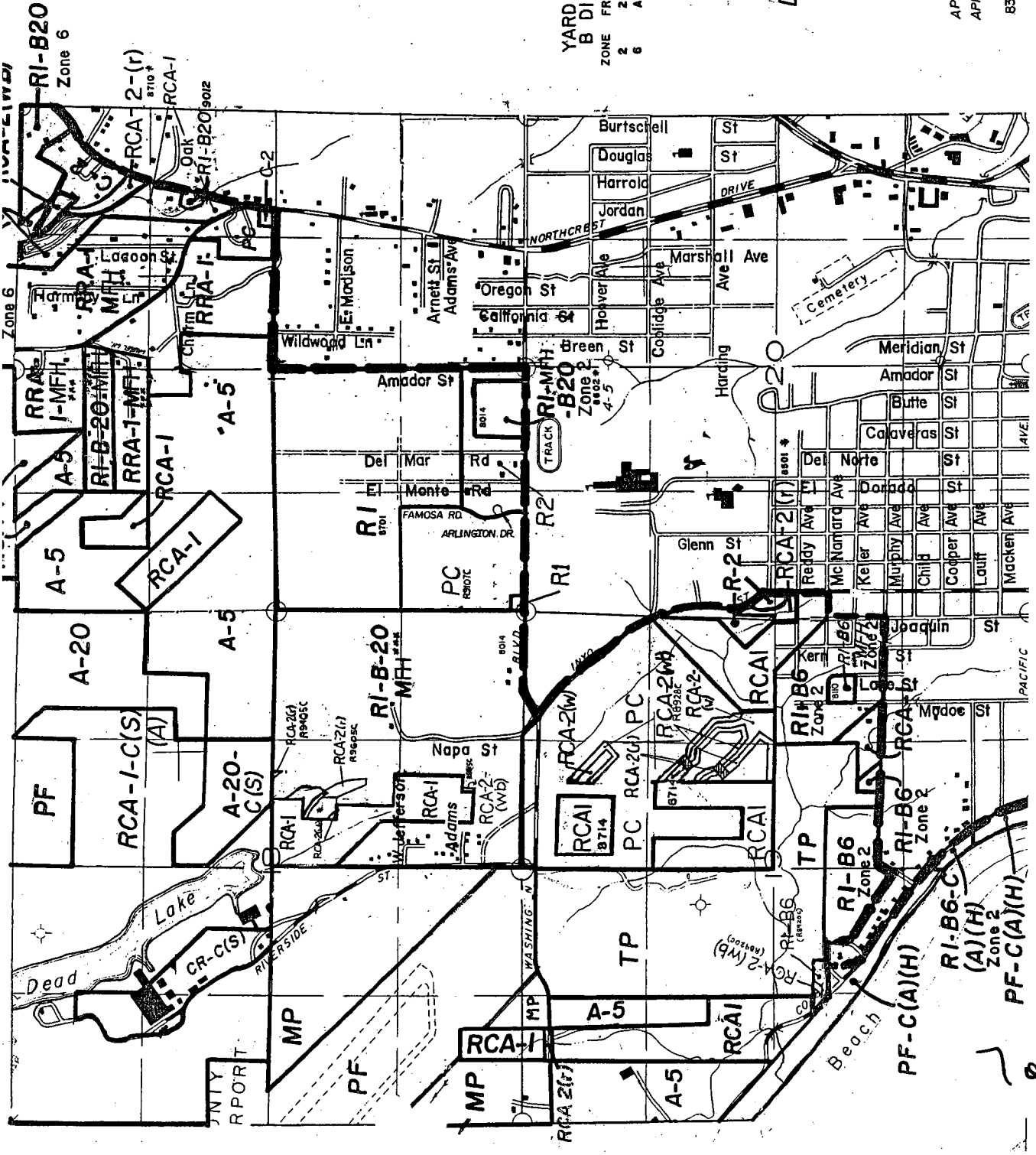
Section 21.06.050 Ordinance 83-03
 DEL NORTE CO. ZONING MAP
 AREA B-1

SECTION 32
 TWP 19 N RGE 1 W HB 8 M
 SMITH RIVER AREA

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



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



**YARD WIDTHS
 B DISTRICTS**

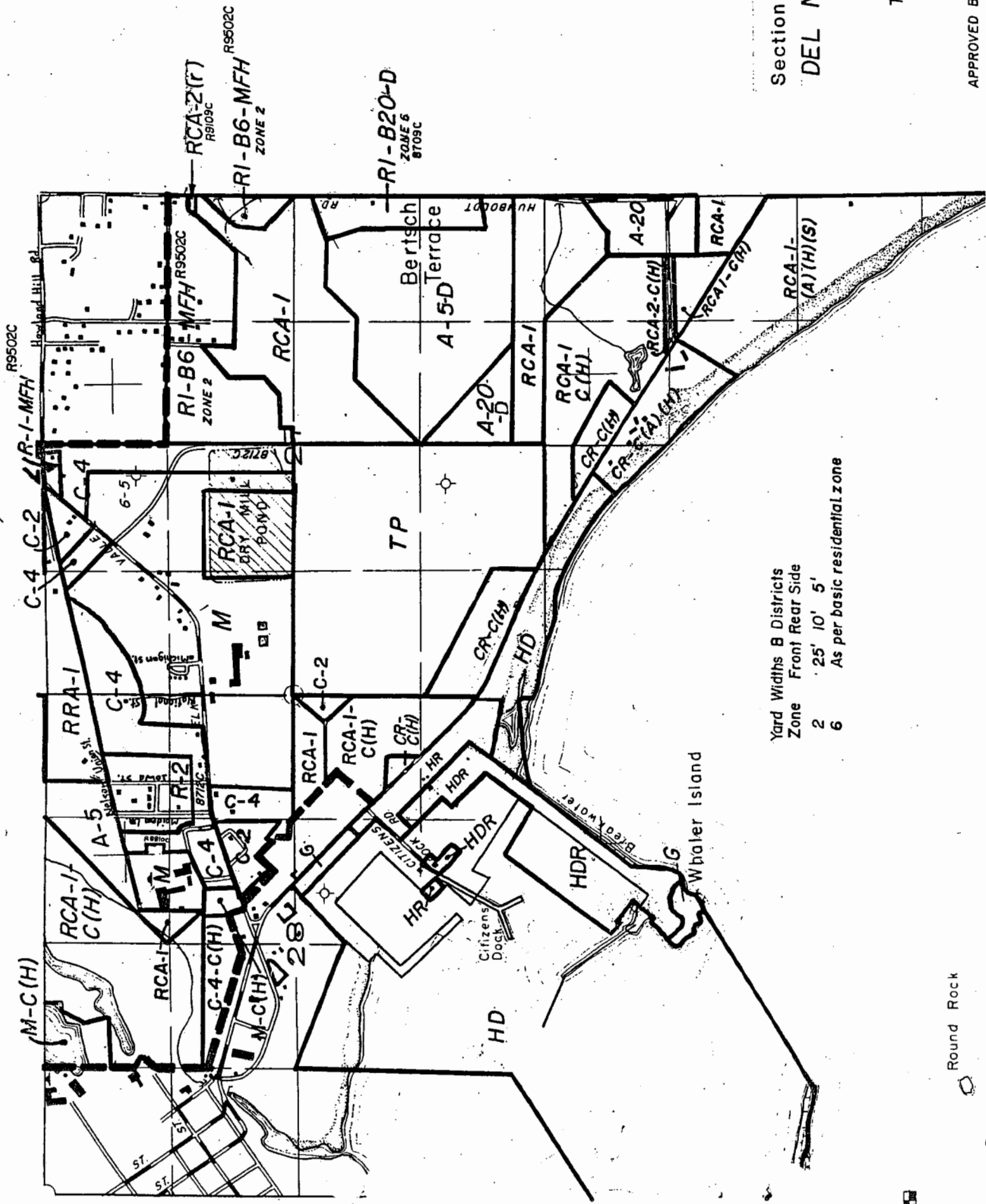
ZONE	FRONT	REAR	SIDE
2	25'	10'	5'
6	As per Basic Residential Zone		

Section 21.06.050 Ordinance 83-01
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
 COUNTY OF DEL NORTE, CALIFORNIA
 83-03-Sept 6, 83
 REVISED-4/23/97

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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

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**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:

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- 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

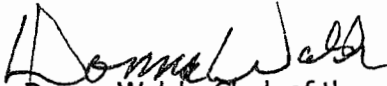
NOES: None

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