

CALIFORNIA COASTAL COMMISSION

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W13a

DATE: April 22, 2010

TO: Commissioners and Interested Parties

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

SUBJECT: **COUNTY OF DEL NORTE LCP AMENDMENT NO. DNC-MAJ-2-03 (LCP UPDATE)** Extension of time for Del Norte County to accept and agree to the Commission's certification of Del Norte County LCP Amendment No. DNC-MAJ-2-03 with suggested modifications.
(For the Commission meeting of May 12, 2010, Item W13a)

On October 7, 2009, the Coastal Commission denied Del Norte Co. LCP Amendment No. DNC-MAJ-2-03 (LCP Update) as submitted by Del Norte County, and then certified the amendment if modified as suggested to incorporate various revisions. Staff is recommending that the Commission extend the time for Del Norte County to accept and agree to the Commission's certification of the amendment with suggested modifications.

Proposed LCP Amendment

The amendment as modified would extensively revise both the County's Land Use Plan (LUP) and Implementation Plan (IP) originally certified in 1983. The County revised the coastal land use policies in an entirely different organizational format than the currently certified LUP, and included numerous amendments to various chapters of the "Local Coastal Program Zoning Enabling Ordinance" of the IP which together constitute an comprehensive update of the majority of the County's land use regulatory policies and programs.

Effective Certification Process

Pursuant to Section 13544 of the Commission's regulations, the certification of an LCP amendment shall not be deemed final and effective until: (a) the local government acknowledges receipt of the Commission's resolution, accepts and agrees to the modifications, takes whatever

formal action is required to satisfy the modifications, and agrees to issue coastal development permits for the total area included in the certified local coastal program; (b) the Executive Director determines in writing that the local government's actions take to satisfy the above requirements are legally adequate, (c) the Executive Director reports the determination to the Commission and the Commission does not object to the determination, and (d) notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency. Pursuant to Sections 13537(b) and 13542(b), the Commission's certification of an LCP amendment with suggested modifications shall expire six months from the date of the Commission's action. Therefore, the local government must accept and agree to the Commission's certification of an LCP amendment with suggested modifications within six months unless the Commission extends the six-month deadline. Section 13535(c) of the Commission's Regulations provide that the Commission may extend for good cause any time limit within the subchapter of regulations on LCPs for a period not to exceed one year.

Reasons for Proposed Extension

It was not possible for the County to take the required actions under Section 13544 of the Commission's regulations within the six-month time frame because the County did not receive the formal resolution of certification in significant time to schedule the necessary local hearings to take the required actions. In addition, the County needs an extended time for review as the County is contemplating resubmittal of the subject amendment pursuant to Section 30511(b) of the Coastal Act and Section 13541 of the Commission's administrative regulations, with numerous alternatives to the modifications regarding permissible development in general agricultural designated areas. The County needs more time to identify which of the Commission's suggested modifications with which it concurs and intends to accept, and to conduct local workshops and hearings to develop alternative policies and standards to the other modifications which it finds problematic to be transmitted as a resubmitted amendment. This effort has been made more difficult as the County has experienced extraordinary circumstances in the form of major changes in its personnel, including the retirement and subsequent hiring of the community development director and chief administrative officer.

Staff Recommendation

Staff recommends that the Commission vote to extend the deadline for effective certification for up to a year.

MOTION:

I move that the Commission extend the six-month time limit for Del Norte County to accept and agree to the Commission's certification of Del Norte County LCP Amendment No. DNC-MAJ-2-03 (LCP Update) with suggested modifications for a period not to exceed one year.

STAFF RECOMMENDATION TO GRANT EXTENSION:

Staff recommends a YES vote. Passage of this motion will result in the an extension of the period in which the County must accept and agree to the suggested modifications and take further action to implement the amendment as modified to April 7, 2011. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

The Commission hereby extends the limit for Del Norte County to accept and agree to the Commission's certification of Del Norte County LCP Amendment No. DNC-MAJ-02-03 (LCP Update) with suggested modifications, and take further actions to implement the amendment, for a period of one year to April 7, 2011.