

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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DATE: September 20, 2013

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Melissa B. Kraemer, Coastal Planner

SUBJECT: Extension of Time Limit for Commission Action on County of Del Norte Local Coastal Program Amendment LCP-1-DNC-13-0210-1 (Airport Services Extension)

For the Commission meeting of October 10, 2013

LCP AMENDMENT DESCRIPTION

On July 12, 2013, the County of Del Norte submitted to the Commission LCP Amendment No. LCP-1-DNC-13-210-1, which would amend the Del Norte County LCP Land Use Plan (LUP) to add an exception to the General Public Works Policy (page 291). The existing policy prohibits extension of urban services (water and sewer) beyond the urban-rural boundary, except for five specified instances. The proposed LUP amendment would add an additional exception to the policy to allow for water and sewer extensions outside the urban-rural boundary along Pebble Beach Drive to serve the Del Norte County Regional Airport. As proposed, the LUP amendment would allow for the extension of public utilities solely to the Airport with no lateral connections granted to any adjacent lands.

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied and an amendment is deemed submitted (or “filed”), the Coastal Act requires the Commission to act on Implementation Plan (IP) amendments within 60 days and on Land Use Plan (LUP) amendments and combined LUP/IP amendments within 90 days (Coastal Act Sections 30510, 30512, 30513, and 30514). On July 26, 2013, the Commission staff deemed the LCP amendment application submitted. This proposed LCP amendment would amend only the LUP’s development policies, and thus the 90-day time limit applies. The 90th day after the date this LCP amendment application was deemed submitted is October 24, 2013. Therefore, unless the Commission extends the deadline, the Commission will need to complete its action on the LCP amendment at or prior to the Commission’s October 9-11, 2013 hearings.

Staff has not yet had sufficient time to coordinate with the County to ensure that the proposed amendment would protect coastal resources consistent with the Coastal Act. Of particular concern is how the water and sewer line extensions could physically be developed in a manner that would avoid environmentally sensitive rare plant habitat areas. A recent rare plant survey of the service line extension area located populations of four different rare plant species along the length of proposed extension area adjacent to Pebble Beach Drive.¹ As proposed, the LUP amendment language does not include provisions for ensuring that the service extensions would be developed consistent with Coastal Act Section 30240. Staff is continuing to work with County staff to analyze and resolve these issues.

Coastal Act Section 30517 states that the Commission may extend for good cause the 90-day time limit for Commission action on an LCP amendment for a period not to exceed one year. Staff is preliminarily planning to bring the proposed amendment forward within two months at the next Northern California hearing in December in San Francisco. Staff has consulted with the County staff, and the County has indicated its agreement with scheduling the hearing on the LCP amendment for the Commission's December meeting. Thus, although staff believes this matter will be brought to a hearing in the near-term, staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and flexibility for coordination with the County on potential modifications, establishing hearing schedules, and managing competing workload. Therefore, staff recommends that the Commission extend the deadline for Commission action on the proposed LCP amendment by one year. A one-year extension would result in a new deadline for Commission action of October 24, 2014.

STAFF RECOMMENDATION

Staff recommends that the Commission vote to extend the deadline for Commission action for one year.

Motion:

I move that the Commission extend the time limit to act on County of Del Norte Local Coastal Program Amendment No. LCP-1-DNC-13-210-1 for a period of one year.

Staff recommends a **YES** vote. Passage of this motion will result in a one year extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from October 24, 2013 to October 24, 2014. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

¹ *Lathyrus japonicus* (seaside pea), *Oenothera wolfii* (Wolf's evening primrose), *Phacelia argentea* (sand dune phacelia), and *Sidalcea malviflora* ssp. *patula* (Siskiyou checkerbloom).