

CALIFORNIA COASTAL COMMISSION  
 NORTH COAST AREA  
 45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260

# W 12a



Filed:	October 17, 1995
60th Day:	December 16, 1995
Staff:	James Muth
Staff Report:	December 1, 1995
Hearing Date:	December 13, 1995
Commission Action:	

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director  
 Tom Crandall, Deputy Director  
 Steve Scholl, District Director  
 James Muth, Coastal Planner

SUBJECT: **LCP Amendment No. 1-95 (minor) to Del Norte County's certified Local Coastal Program, Weaver "D" density combining zone and Tromble/Bower RCA rezone.** (for Commission review and action at its meeting of December 12-15, 1995 in San Francisco).

1. LCP Amendment Description and Discussion.
  - a. Weaver "D" density combining zone.

Scott Weaver has submitted an application to Del Norte County to resubdivide his property and to add a "D" density combining zone to his property. The property is located on the east side of Highway 101, about 500 feet south of the California/Oregon border in the Smith River area of Del Norte County. See locational Exhibits No. 1 and 2. The 11-acre property presently consists of 3 parcels, APN's 101-710-01, 101-060-05, and 101-060-06. Each parcel is approximately 3.7± acres in size, 100 feet wide, and 1,590± feet deep. See the top part of Exhibit No. 3.

The westerly 5 acres of the property nearest to Highway 101 is zoned as RRA-2 (Rural Residential Agriculture, 1 unit/2 acres). This portion of the property has a flat terrain and is developed with a 5-space mobilehome park and a single-family residence that serves as a caretaker unit for the mobilehome park. The mobilehome park and residence are both served by the Smith River Community Services District water system and by on-site sewage disposal.

The easterly 6 acres of the property farthest away from Highway 101 is zoned as RRA-3 (Rural Residential Agriculture, 1 unit/3 acres). This portion of the property has hilly terrain and is undeveloped. The terrain consists of a westerly facing, forested hillside with slopes up to 35 percent.

**LCP Amendment No. 1-95 (minor) to Del Norte County's certified Local Coastal Program, Weaver "D" density combining zone and Tromble/Bower RCA rezone**

Page 2

The proposed resubdivision would reconfigure the three existing parcels to create a 5-acre parcel, a 3.3-acre parcel, and a 2.7-acre parcel. See the bottom half of Exhibit No. 3. The County allows a property to be resubdivided along existing zoning lines. In this case, the 5-acre parcel on the west side of the property would be located completely within the RRA-2 zone district, and it would include the 5-space mobile home park and caretaker's unit. Although the mobilehome park and caretaker's unit exceed the allowable density of the RRA-2 zone, they are allowed as a continuing non-conforming use that pre-dates the County's zoning of the area. The 3.3-acre and the 2.7-acre parcels on the east side of the property would be located completely within the RRA-3 zone district. These two parcels could each be developed with a single family residence within a designated building site.

The "D" density combining zone is used in Chapter 21.36 of the County's certified Local Coastal Program (LCP) as a type of overlay zone to a property's basic zoning designation. The "D" density combining zone allows the use of varied lot sizes and/or cluster-type development in a subdivision of a property that has unique site or terrain characteristics, such as steep slopes, rock-outcroppings, wetlands and other environmentally sensitive habitat areas, historic buildings, and archaeological sites. The "D" density combining zone allows a subdivision to be designed that is more protective of the site's unique features than the use of standard, uniform lot sizes. When combined with a property's basic zoning designation, the "D" density combining zone requires: (a) that a designated building site be shown on each lot of the proposed subdivision, (b) that no further division of the property is allowed beyond the lots that are created in the proposed subdivision, and (c) that the overall density of the subdivision not exceed the General Plan density for the subject property or project site. The "D" density combining district may be combined with any A (Agricultural), RRA (Rural Residential Agriculture), R (Residential) or CT (Coastal Timber) zone. The County's LCP requires that a "D" density combining zone be added to a property or project site before the County can grant final approval of a subdivision that uses varied lot sizes and/or clustered development. The addition of a "D" density combining zone to a property requires Coastal Commission approval as an LCP amendment.

The "D" density combining zone has been requested to allow the creation of the 2.7-acre parcel in the RRA-3 zone district at the easterly end of the property. The request is being made because of the physical constraints of the property, primarily steep slopes. The 3.3-acre parcel is larger than the 3-acre minimum lot size because additional space is needed to both designate a suitable building site and to layout an access road up the hillside to the 2.7-acre parcel. The combination of a steep hillside and a 16 percent maximum grade limitation for constructing a rural road in the County requires a rather lengthy road with a number of switchbacks to reach the 2.7-acre parcel.

**LCP Amendment No. 1-95 (minor) to Del Norte County's certified  
Local Coastal Program, Weaver "D" density combining zone and  
Tromble/Bower RCA rezone**

Page 3

The "D" density combining zone will apply to the entire 11-acre property. No additional lots will be created and no further subdivision of the property will be allowed. The "D" density combining zone will not change the kind or intensity of development that is currently allowed on the property. The "D" density combining zone will allow the creation of an undersized 2.7-acre parcel in a RRA-3 zone. However, the undersized parcel is offset by the larger 3.3-acre parcel. Consequently, there will be no change to the overall density that is currently permitted within the property's RRA-3 zone district, and this overall density will not exceed the 1 unit/3 acres density of the Low Density Rural Residential designation that is found in the County's General Plan for this portion of the property. Therefore, the Executive Director finds the proposed rezoning to be consistent with the Coastal Act and minor in nature.

b. Tromble/Bower RCA Rezone.

The RCA-1 zone (General Resource Conservation Area) is used in Chapters 21.11 and 21.11A of the County's LCP to identify environmentally sensitive lands that may contain wetlands, wetland buffers, farmed wetlands, riparian areas, estuaries, and coastal sand dunes. Because the County has extensive environmentally sensitive resource areas, it was not possible to conduct precise, site-specific resource mapping for every property within the County's coastal zone when the County's LCP was prepared and adopted. The RCA-1 zone serves as a transition zone until more precise resource mapping can be done. Before any development within a RCA-1 zone can occur, the LCP requires that the RCA-1 area be rezoned to an appropriate RCA-2 zone (Designated Resource Conservation Area), including Coastal Commission approval as an LCP amendment.

This RCA rezone process began when Alan Tromble applied to the County for a use permit to place a single-family residence on a portion of his parcel that is zoned as CT (Coastal Timber). The County then indicated that the property would need to undergo an RCA rezone since a large portion of the parcel is zoned as RCA-1. Shortly thereafter, Mr. Tromble, and Mark Bower (an adjacent property owner) applied to the County for a RCA rezone of their two parcels. After conducting a site visit, the County expanded the RCA rezone area to the east of the Tromble and Bower parcels to include a stream crossing under East Jefferson Avenue and three additional parcels owned by Mary Schomaker, Bertram Rudolph Jr., and Raymond Huebsch. All five parcels are located on the south side of East Jefferson Avenue, about 1,200 feet west of Elk Valley Road and 2.3± miles northeast of Crescent City. See Exhibits No. 1, 4, 5, and 6.

All five parcels were inspected by staff from the County, the California Department of Fish and Game, and the Coastal Commission. All five parcels are undeveloped and forested. Botanical and forestry surveys of the Tromble and Bower parcels were also conducted by Natural Resources Management Corporation of Eureka. Each parcel has a non-RCA upland area that consists of a mixture of second and third growth, redwood, spruce, red cedar, hemlock, and native understory vegetation.

**LCP Amendment No. 1-95 (minor) to Del Norte County's certified Local Coastal Program, Weaver "D" density combining zone and Tromble/Bower RCA rezone**

Page 4

As discussed in more detail below for each of the parcels, the 5-parcel area would be rezoned from RRA-2-MFH (Rural Residential Agriculture, 1 unit/2 acres with manufactured homes allowed), CT (Coastal Timber), and RCA-1 (General Resource Conservation Area) to RRA-2-MFH, CT, and RCA-2(w), RCA-2(wb), RCA-2(r) (Designated Resource Conservation Area, wetland, wetland buffer, and riparian respectively). See Exhibit No. 6.

**i. Tromble Parcel.**

The Tromble parcel, APN 112-031-01, is the westerly most parcel of the five parcels. The parcel consists of 9 old subdivision lots that were created as part of the Crescent Tract Subdivision many years ago. The parcel was logged at the turn of the century, and logged again about 25 to 30 years ago. The terrain is flat to very gentle with elevations ranging from 8 feet to 26 feet above sea level. The 9.09-acre parcel is currently zoned as CT and RCA-1. The CT zone is about 3 acres in size and the RCA-1 zone is about 6 acres in size.

Under the proposed RCA rezone of the Tromble parcel, the CT zone would shrink in size and the RCA zone would expand in size. The RCA-2(w) zone would expand in size to cover an 8± acre area that occupies the lower elevation of the property. The RCA-2(w) zone would be associated with a branch of Elk Creek and consists of floodprone, freshwater wetland or marsh that has a mixture of carex species and skunk cabbage. The RCA-2(wb) zone would be about one acre in size, located between the RCA-2(w) and CT zones, and be 100 feet wide as measured from the edge of the RCA-2(w) zone. The 100-foot-wide, wetland buffer zone is the standard width that is required by the County's LCP. The wetland buffer is included to mitigate direct impacts to the wetland, and it is not approved for development. Under the RCA rezone, the CT zone would shrink in size to a small 5,000± square foot area (about 0.11 acres) that is located in the northeast corner of the parcel.

Because the CT zone would be so small, Mr. Tromble and Mr. Bower also requested that portions of the "paper street" right-of-ways that are adjacent to their parcels be abandoned to expand the potential building area for each of their parcels. The proposed abandonments include: (1) the full length of the Carolina Street right-of-way on the west side of the Tromble parcel, (2) the East Jefferson Avenue right-of-way along the north boundary of the Tromble parcel, and (3) the Florida Street right-of-way that separates the Bower and Tromble parcels. If abandoned, the entire 30-foot-width of the East Jefferson Avenue and the Carolina Street right-of-ways would be added to the Tromble parcel. The Florida Street right-of-way would be equally divided between the Bower and Tromble parcels. To ensure that the Tromble parcel has a sufficient area for a single-family residence and normal accessory uses in the northeast corner of the parcel, the County has placed a condition on the Tromble use permit whereby approval of the use permit is contingent upon the approval of the street abandonments. None of the street right-of-ways to be abandoned provide public access to a navigable waterway. If the street

**LCP Amendment No. 1-95 (minor) to Del Norte County's certified  
Local Coastal Program, Weaver "D" density combining zone and  
Tromble/Bower RCA rezone**

Page 5

abandonments are approved by the County, then the CT zone will expand to a 20,000-square-foot area (about 0.5 acres).

Based on the information contained in the forestry and botanical report for the Tromble parcel, the County determined that the CT-zoned area did not have an adequate size to be commercially managed on a practical basis. In addition, placement of a residence in this area of the property will not impact the future commercial growing and harvesting of timber on an adjacent CT-zoned property to the north of the Tromble parcel.

ii. Bower Parcel.

The Bower parcel, APN 112-031-13, is located to the east of the Tromble parcel. This parcel was also logged at the turn of the century, and logged again about 25 to 30 years ago. The terrain is flat to very gentle with elevations ranging from 18 feet to 32 feet above sea level. The 5.0-acre parcel is currently zoned as RRA-2-MFH and RCA-1. The RRA-2-MFH zone is about 0.5 acres in size and the RCA-1 zone is about 4.5 acres in size. Under the RCA rezone, the RRA-2-MFH zone would expand in size and the RCA zone would shrink in size. The RCA-2(w) and RCA-2(wb) zones would occupy the southerly two-thirds of the parcel and would be associated with the same freshwater wetland that is located on the Tromble parcel as a branch of Elk Creek. The southeast corner of the parcel also would have a RCA-2(r) zone that contains an unnamed stream that flows into this branch of Elk Creek. The proposed RCA-2(r) zone is centered over the stream, and extends to the top the banks on each side of the stream. The proposed RRA-2-MFH zone occupies a 1.5± acre area located on the south side of East Jefferson Avenue.

iii. Schomaker Parcel.

The Schomaker parcel, APN 112-032-02, is located to the east of the Bower parcel. The 1.2± acre parcel is currently zoned as RRA-2-MFH and RCA-1. Under the RCA rezone, the RRA-2-MFH zone would expand in size and the RCA zone would shrink in size. The RRA-2-MFH zone now occupies a 0.3± acre area on the east side of the parcel and a 0.3-acre area on the west side of the parcel. The remaining 0.6± acres in the middle of the parcel is now zoned as RCA-2(r) to reflect the location of the unnamed stream that flows into a branch of Elk Creek.

iv. Rudolph Parcel.

The Rudolph parcel, APN 112-032-03, is the smallest of the five parcels, and it is located between the Bower and Schomaker parcels. The 9,600 square foot parcel (about 0.22 acres) measures 80 by 120 feet. The parcel is currently zoned as RCA-1. The botanical surveys indicate that this parcel does not contain environmentally sensitive areas. Therefore, under the RCA rezone, the RCA zone would fall away and the adjacent RRA-2-MFH zone would expand to occupy the whole parcel.

**LCP Amendment No. 1-95 (minor) to Del Norte County's certified Local Coastal Program, Weaver "D" density combining zone and Tromble/Bower RCA rezone**

Page 6

v. Huebsch Parcel.

The Huebsch parcel, APN 112-032-04, is located near the southeast corner of the Schomaker parcel. This 16,200-square-foot parcel (about 0.37 acres) is currently zoned as RRA-2-MFH and RCA-1. Under the RCA rezone, the location and size of the RRA-2-MFH and RCA zones would not change very much. A RCA-2(r) zone is proposed in a small, 270± square foot area in the northwest corner of the property, and is part of the same unnamed stream that flows into a branch of Elk Creek. The balance of the property is zoned as RRA-2-MFH.

East Jefferson Avenue is currently improved from its intersection with Elk Valley Road to a point 850± feet west of Elk Valley Road. East Jefferson Avenue would have to be improved an additional 975± feet to serve the most westerly (Tromble) parcel. An unnamed stream crosses the 30-foot-wide, right-of-way of East Jefferson Avenue about 300 feet from the end of the improved portion of East Jefferson Avenue. A stream crossing was developed in the past in this location for access for timber harvesting. The stream crossing has not been maintained and now acts to dam the creek, resulting in a "ponded" area on the north side of the right-of-way. Staff from the Coastal Commission and the California Department of Fish and Game have recommended that the elevation of the pond not be changed when road improvements occur to the end of East Jefferson Avenue. As a result, the County has conditioned the Tromble use permit to include an engineered grading and drainage plan for the stream crossing that is designed to maintain the existing level on the pond on the north side of East Jefferson Avenue.

In summary, the proposed RCA-2 zones reflect the actual locations of the wetland, wetland buffer, and riparian resources on the subject parcels. The proposed RCA rezone does not create or add any other non-RCA zoning district to any of the parcels other than their existing or adjacent CT or RRA-2-MFH zoning districts, whichever is applicable. The adjustment in zoning district boundaries allowed by this proposed RCA rezone is not so great as to allow for the creation of any new parcels beyond existing certified land use plan densities. In short, the development potential for each parcel remains more or less the same before and after the RCA rezone. Staff from Del Norte County, the California Department of Fish and Game, and the Coastal Commission all concur in the results of the RCA rezone. Therefore, the Executive Director finds the proposed RCA rezone to be consistent with the Coastal Act and minor in nature.

2. Public Participation and Commission Review.

The proposed LCP amendment was the subject of local public hearings before the County Planning Commission and the Board of Supervisors. All of these public hearings were properly noticed to provide for adequate public participation. The LCP amendment submittal was filed as complete on October 17, 1995 and is consistent with Section 30514 of the Coastal Act and Section 13553 of Title 14 of the California Code of Regulations. A Board of Supervisor's Resolution and

**LCP Amendment No. 1-95 (minor) to Del Norte County's certified  
Local Coastal Program, Weaver "D" density combining zone and  
Tromble/Bower RCA rezone**

Page 7

Ordinance are attached as Exhibits No. 7 and 8. Commission action must occur by December 16, 1995 (within 60 days of filing).

The Executive Director has determined that the proposed LCP amendment is "minor" in nature under Sections 13554 and 13555 of Title 14 of the California Code of Regulations, since the amendment will not result in a change to the kind, density, or intensity of use of the land on the subject parcels. The Executive Director informed all interested parties by mail of his determination on November 22, 1995. The Commission will consider the Executive Director's determination at the December 12-15, 1995 meeting in San Francisco. At that time, the Executive Director will report to the Commission any objection to the determination which is received at this office within ten (10) days of the posting of this notice. Anyone wishing to register an objection to the proposed "minor" LCP amendment determination should contact James Muth at (415) 904-5260 at the Commission's North Coast Area Office in San Francisco by December 8, 1995.

If one-third of the appointed members of the Commission so requests, the determination of a minor amendment shall not become effective and the amendment shall be processed as a "major" LCP amendment under Section 13555(b) of Title 14 of the California Code of Regulations. If the Commission concurs with the Executive Director's determination that the LCP amendment is minor in nature, then the amendment shall take effect ten (10) working days after the Commission meeting and notice to Del Norte County under Section 30514(C) of the Coastal Act.

3. Staff Recommendation.

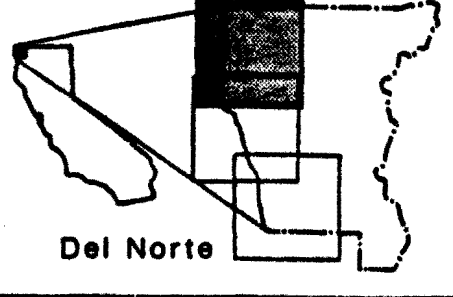
Staff recommends that the Commission concur with the Executive Director's determination that the LCP amendment is minor.

8451p

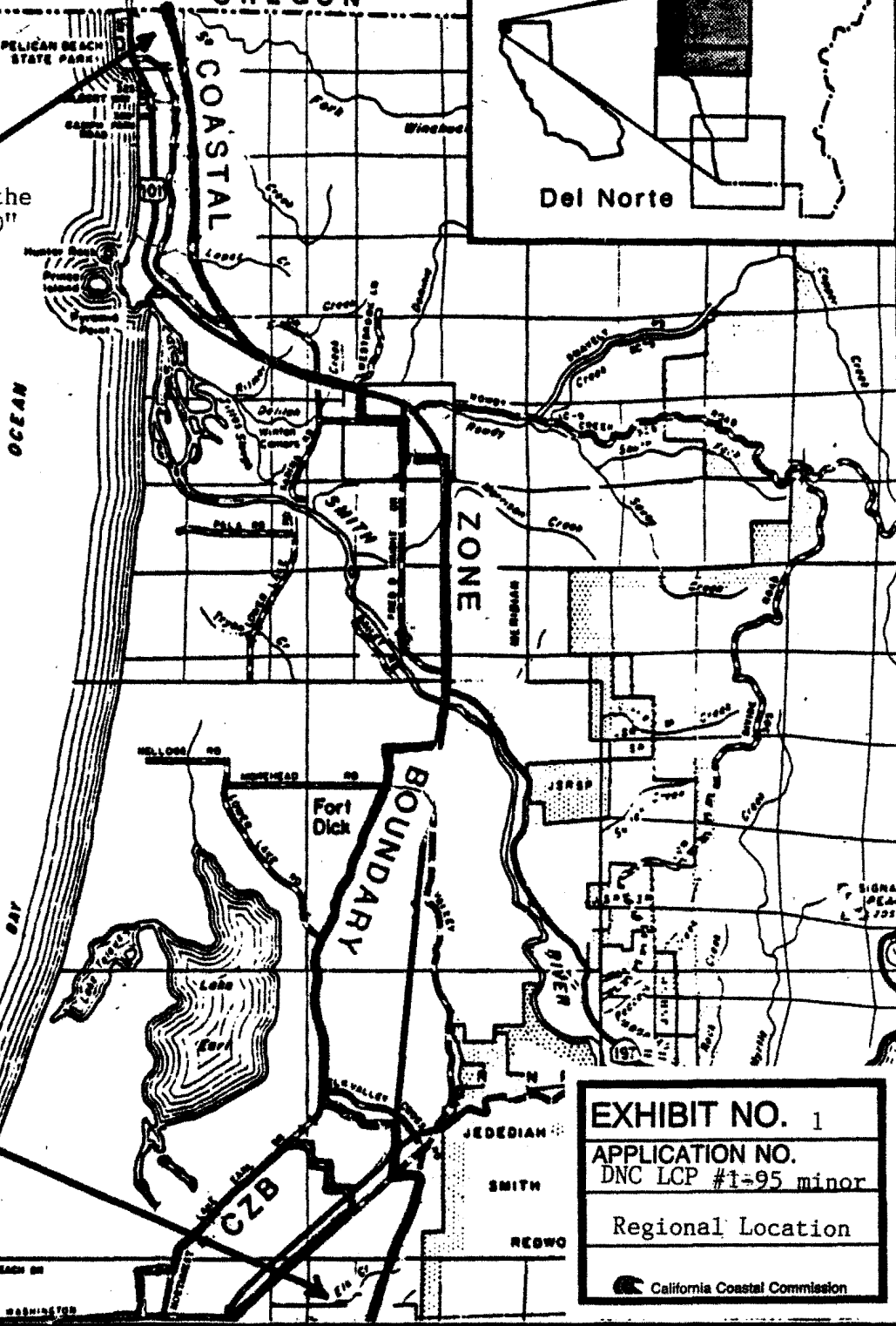
A B C D E F G H I J K L M N O

OREGON

COASTAL



Approximate location of the Weaver parcels and the "D" density combining zone



Approximate location of the Tromble and Bower parcels and the RCA rezone.

**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 DNC LCP #1-95 minor  
 Regional Location  
 California Coastal Commission

Crescent City

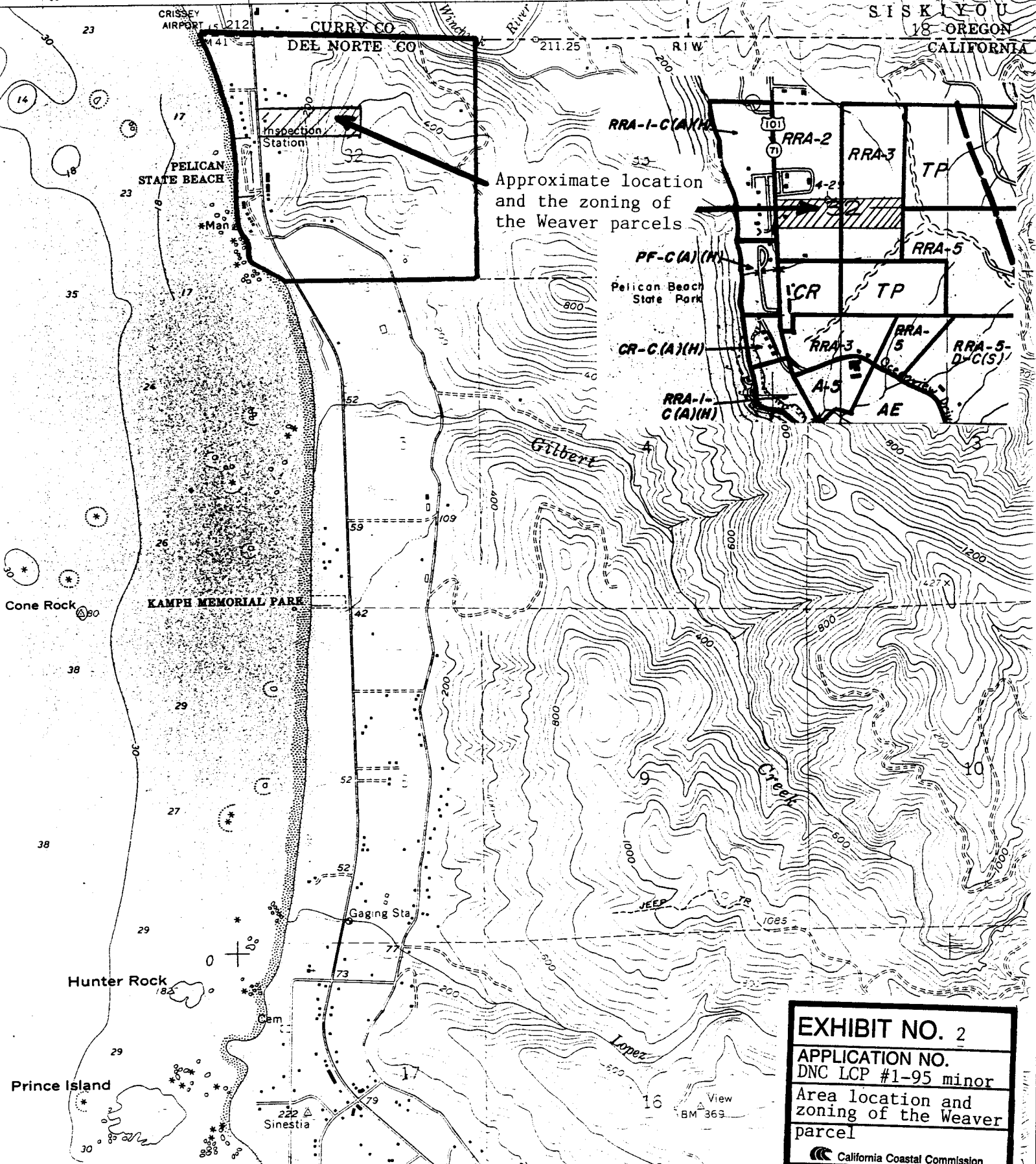




STATE OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES

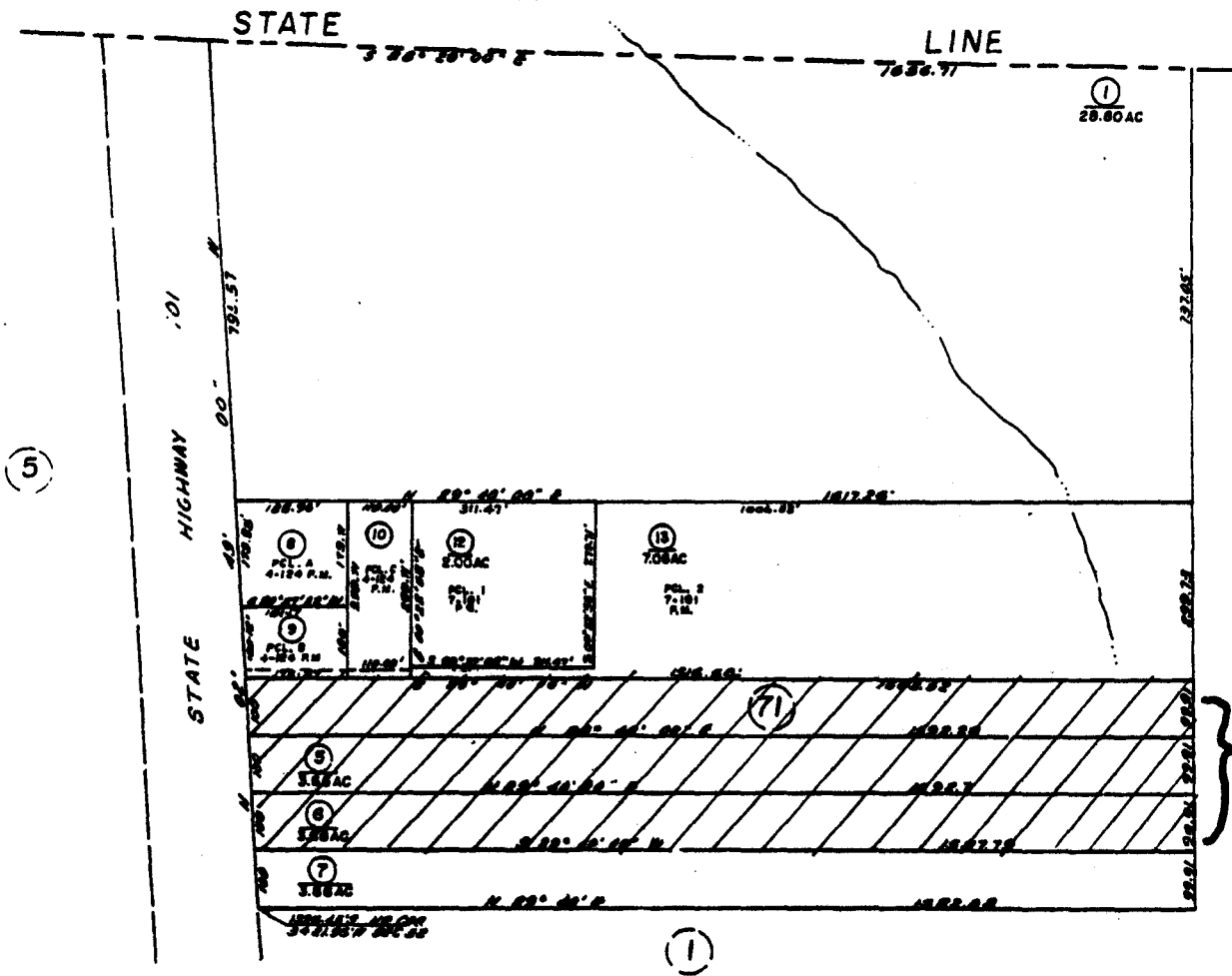
1168 II  
401 (MT. EMILY 1:62 500)

403 10'

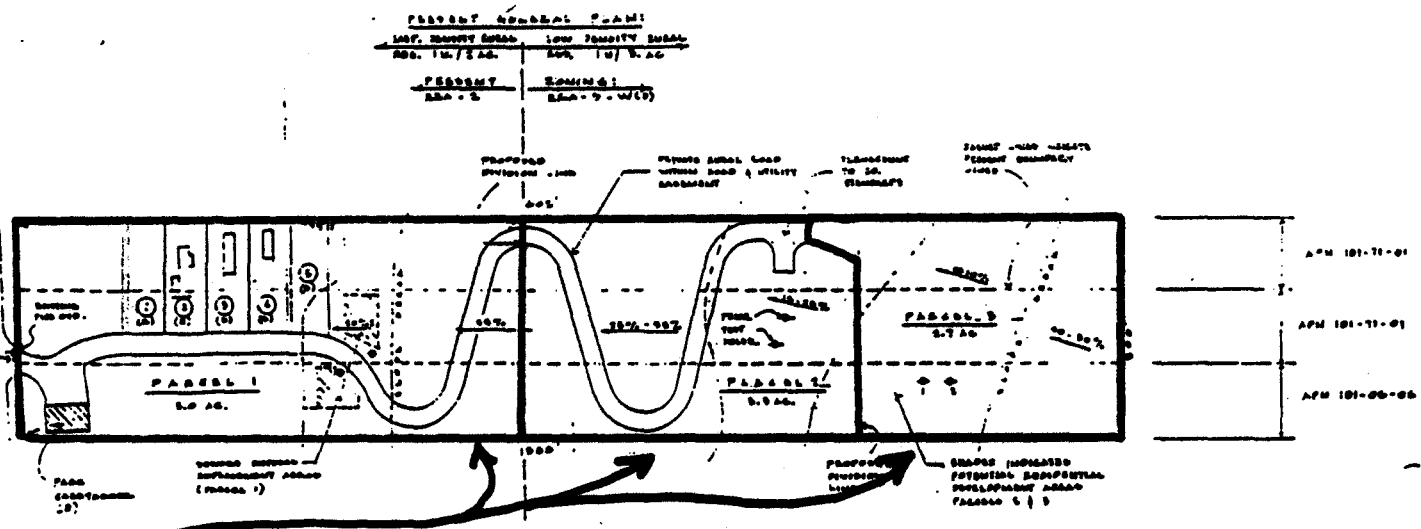


Approximate location and the zoning of the Weaver parcels

<b>EXHIBIT NO. 2</b>
<b>APPLICATION NO.</b> DNC LCP #1-95 minor
Area location and zoning of the Weaver parcel
California Coastal Commission



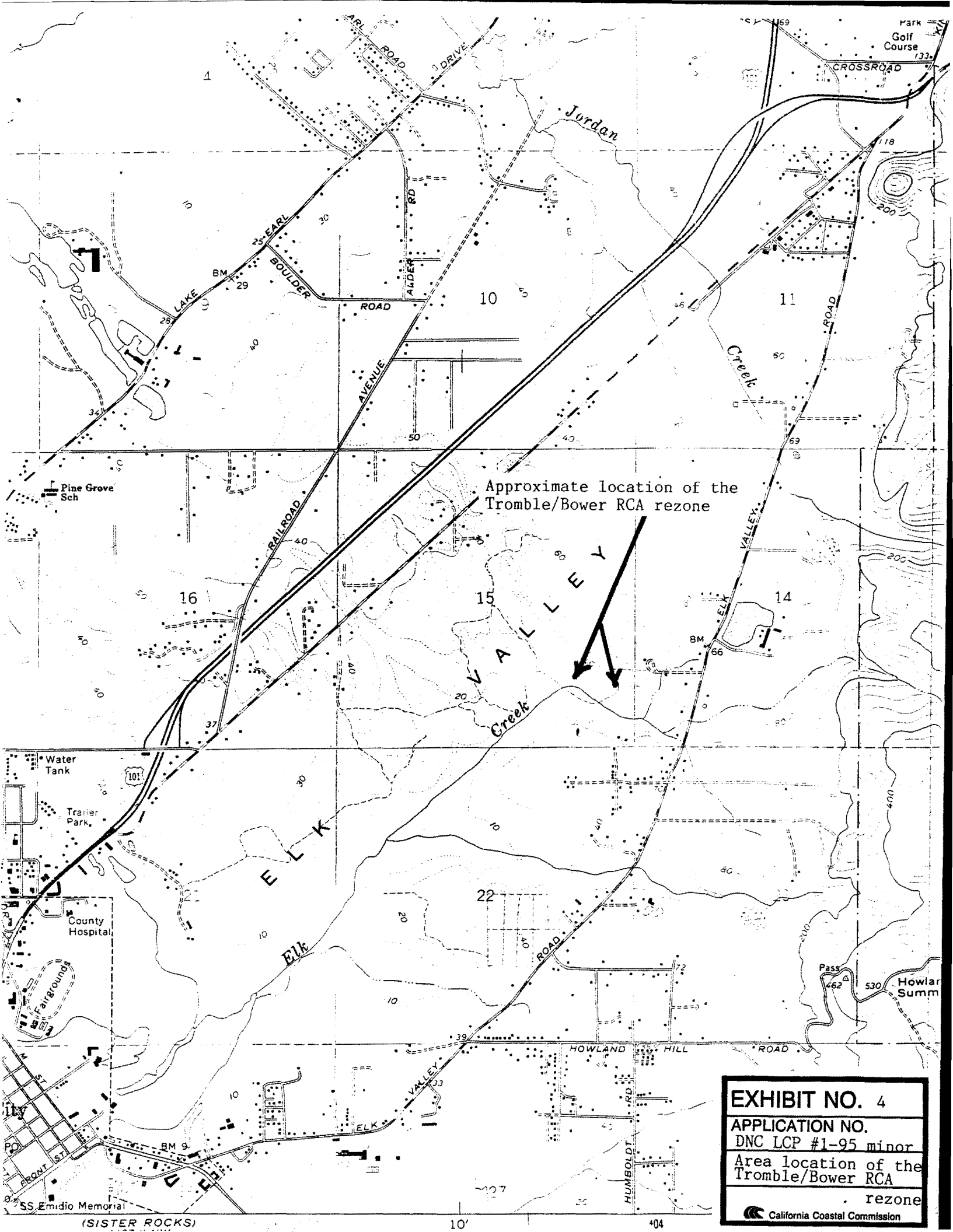
Configuration of parcels before the resubdivision.



Configuration of the parcels after the resubdivision and the addition of a "D" density combining zone.

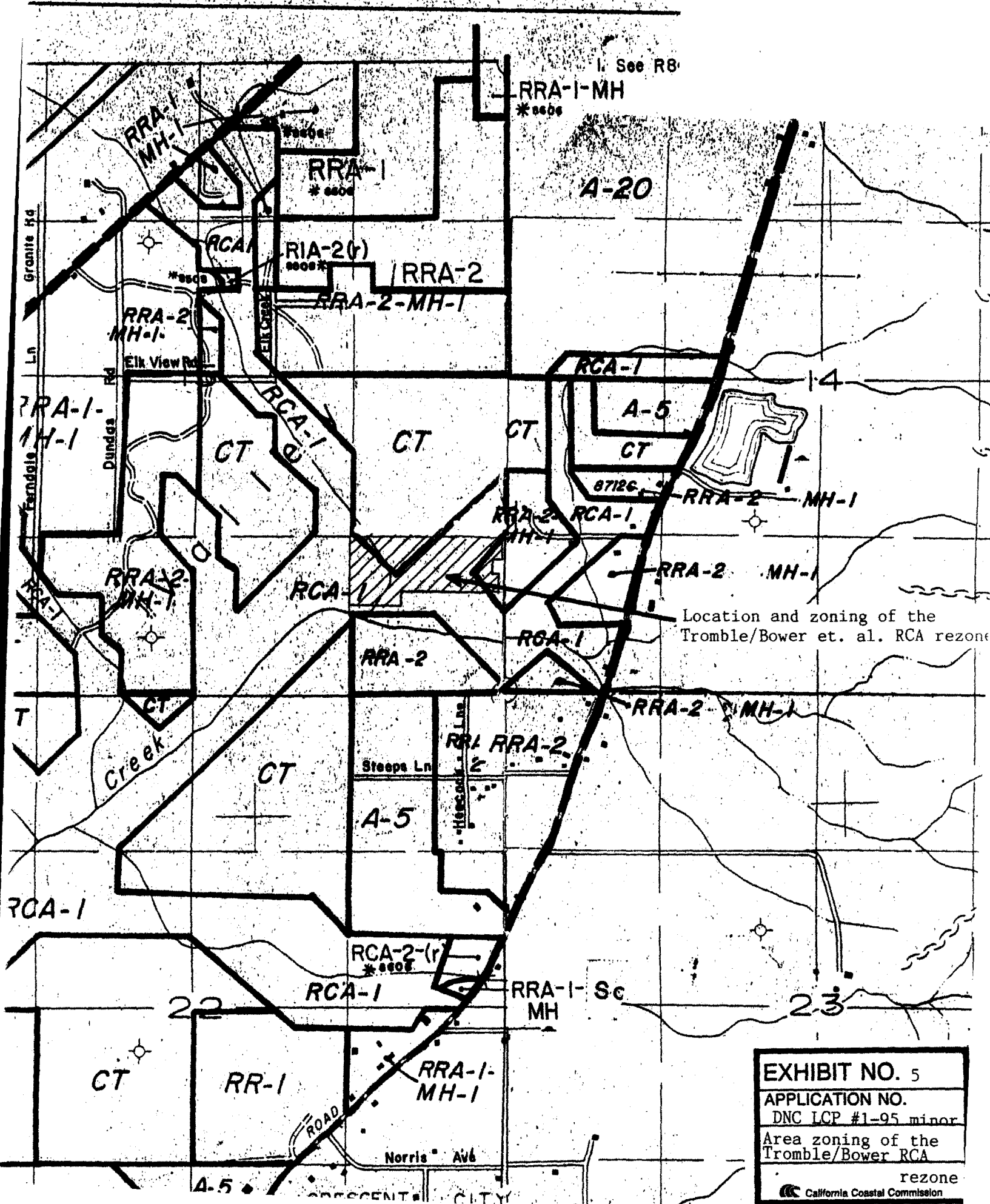
LAYOUT MAP, RESUBDIVISION  
 APN 101-00-06 & 101-71-01

**EXHIBIT NO. 3**  
 APPLICATION NO.  
 DNC LCP #1-95 minor  
 Parcel configuration  
 before and after  
 the "D" density zone  
 California Coastal Commission



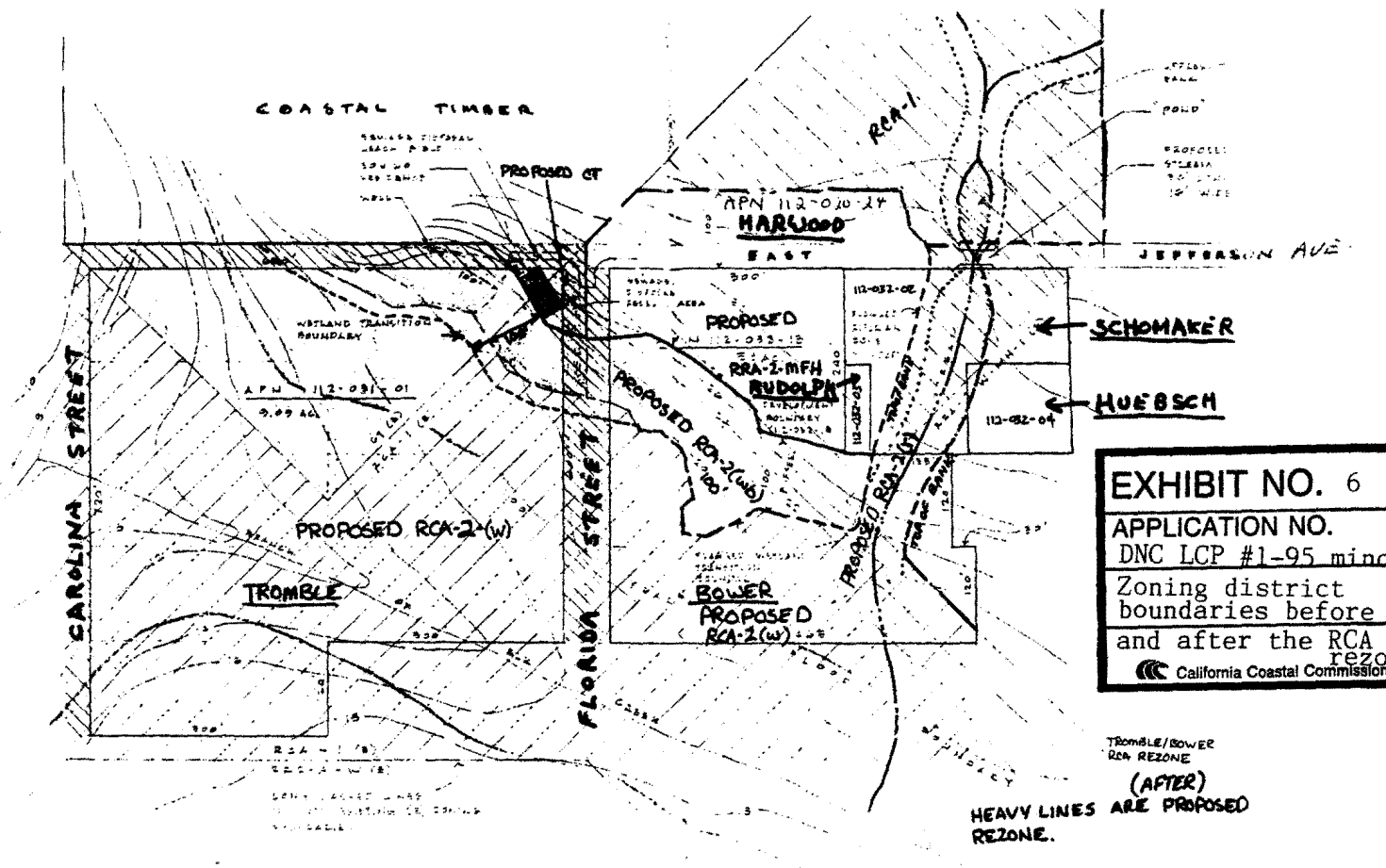
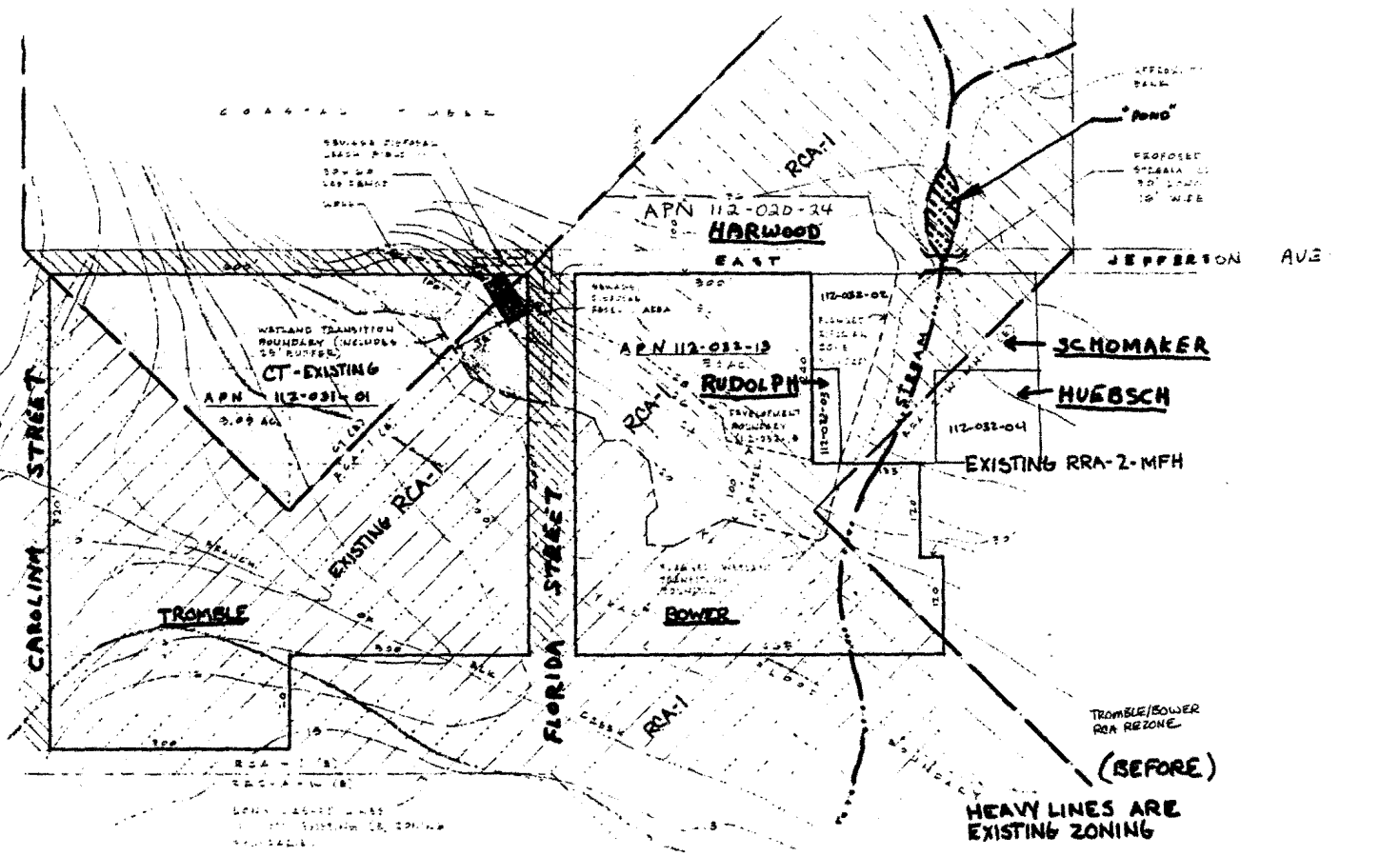
Approximate location of the Tromble/Bower RCA rezone

<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b>
DNC LCP #1-95 minor
Area location of the Tromble/Bower RCA rezone
California Coastal Commission



Location and zoning of the Tromble/Bower et. al. RCA rezoned

<b>EXHIBIT NO. 5</b>
<b>APPLICATION NO.</b> DNC LCP #1-95 minor
Area zoning of the Tromble/Bower RCA
rezone
California Coastal Commission



**EXHIBIT NO. 6**  
 APPLICATION NO.  
 DNC LCP #1-95 minor  
 Zoning district boundaries before and after the RCA rezone  
 California Coastal Commission

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

**RESOLUTION NO. 95-102**

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS  
SUBMITTING THE HANSON/BARTLEY/DAJAS GENERAL PLAN AMENDMENT  
AND THE HANSON/BARTLEY/DAJAS, WEAVER AND TROMBLE/BOWER  
REZONES TO THE COASTAL COMMISSION FOR CERTIFICATION  
AS AN LCP AMENDMENT**

WHEREAS, Hanson/Bartley/Dajas have petitioned for an amendment to the General Plan pursuant to the provision of the local General Plan Coastal Element and Title 21 Coastal Zoning Ordinance; and

WHEREAS, Hanson/Bartley/Dajas, Weaver and Tromble/Bower have petitioned for zoning map amendments pursuant to the provision of the local General Plan Element and Title 21 Coastal Zoning Ordinance; and

WHEREAS, these amendments have been reviewed and processed pursuant to the provisions of the Local General Plan Coastal Element and Title 21 (Coastal Zoning); and

WHEREAS, Negative Declarations have been prepared, reviewed and adopted pursuant to the California Environmental Quality Act; and

WHEREAS, this ordinance is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Plan; and

WHEREAS, this amendment and these rezones, shall take effect and be enforced thirty (30) days after the date of the passage of the companion ordinance, and after approval of the amendment by the Coastal Commission, whichever is later.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Del Norte, State of California do hereby approve the General Plan and zone changes as outlined by Resolution No. 95-102 and Ordinance No. 95-12 attached; and

BE IT FURTHER RESOLVED, that submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendments be identified as requiring rapid and expeditious action.

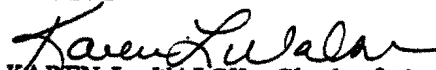
PASSED AND ADOPTED this 22nd day of August, 1995, by the following polled vote:

AYES: Supervisors Mellett, Clausen, Eller, Bark and Reese

NOES: None

ABSENT: None

ATTEST:

  
KAREN L. WALSH, Clerk of the  
Board of Supervisors, County  
of Del Norte, State of California

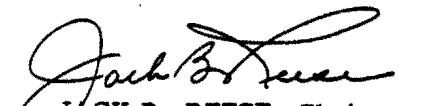

  
JACK B. REESE, Chairman  
Board of Supervisors

EXHIBIT NO. 7
APPLICATION NO. DNC LCP #1-95 minor
County Resolution
 California Coastal Commission

BOARD OF SUPERVISORS  
COUNTY OF DEL NORTE  
STATE OF CALIFORNIA

ORDINANCE NO. 95-12

AN ORDINANCE AMENDING ORDINANCE NO. 83-08  
AND COUNTY CODE TITLE 21 BY DELETING  
COASTAL ZONING AREA MAP B-1, C-6, AND C-9 AND ADOPTING  
NEW COASTAL ZONING AREA MAP B-1, C-6 AND C-9 (WEAVER,  
TROMBLE/BOWER, AND HANSON/BARTLEY/DAJAS)

The Board of Supervisors, County of Del Norte, State of California, does ordain as follows:

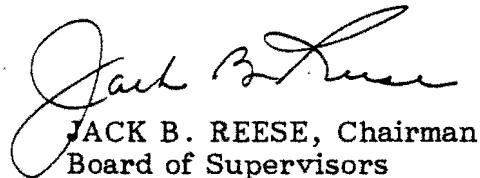
SECTION I: Section 2.D.2 of the Coastal Zoning Enabling Ordinance No. 83-08 and County Code Title 21 is hereby amended by deleting therefrom Coastal Zoning Area Maps B-1, C-6 and C-9 and amending same with a new Coastal Zoning Area Maps B-1, C-6 and C-9 as specified in attached Exhibits "A-C".

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

FINDINGS OF FACT: This Ordinance is passed and adopted based upon the findings cited in the Staff Report and the Board of Supervisors hereby makes said findings as more particularly described in said Staff Report, which is herein incorporated by reference (§ 65804(c)(d) of the Government Code).

PASSED AND ADOPTED this 12th day of September, 1995, by the following polled vote:

AYES: Supervisors Clausen, Mellett, Bark and Reese  
NOES: None  
ABSENT: Supervisor Eller

  
JACK B. REESE, Chairman  
Board of Supervisors

ATTEST:

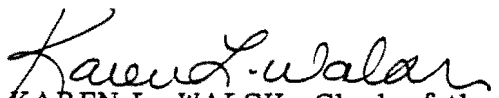

  
KAREN L. WALSH, Clerk of the  
Board of Supervisors, County  
of Del Norte, State of California

EXHIBIT NO. 8
APPLICATION NO. DNC LCP #1-95 minor
County Ordinance
 California Coastal Commission

