

## CALIFORNIA COASTAL COMMISSION

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

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Date Filed: October 17, 1995  
 90th Day: January 15, 1996  
 Staff: James Muth  
 Staff Report: December 1, 1995  
 Hearing Date: December 13, 1995  
 Commission Action:

TO: Commissioners and Interested Parties

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

SUBJECT: **Del Norte County LCP Amendment No. 2-95 major,  
 (Hanson, Bartley, and Dajas)** (For Commission consideration at  
 the meeting of December 13, 1995 in San Francisco.)

SYNOPSISAmendment Description.

Del Norte County is requesting that a three-parcel, 50-acre area be redesignated and rezoned from A-20 (General Agriculture, 1 unit per 20 acres) to A-5 (General Agriculture, 1 unit per 5 acres). The LCP amendment area is located on the south side of Morehead Road in the Fort Dick area of Del Norte County.

Summary of Staff Recommendation.

Staff recommends that the Commission, upon completion of the public hearing, approve the LCP Amendment as submitted. Approval of the LCP amendment will not result in the conversion of any agricultural lands to a non-agricultural use contrary to the agricultural preservation policies of Section 30241 of the Coastal Act. Although the LCP amendment will allow smaller parcel sizes and increased residential development, the A-5 area will continue to act as a clearly defined buffer area to minimize conflicts between prime agricultural lands to the west of the A-5 area and more densely developed, residential lands to the east of the A-5 area. Lastly, approval of the LCP amendment will not result in any adverse cumulative impacts to other A-20 lands in the County, such as the A-20 lands in the Lake Earl area.

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Analysis Criteria.

To approve the amendment to the Land Use Plan (LUP) map, the Commission must find that the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendment to the zoning map, the Commission must find that the Implementation Plan (IP), as amended, will conform with and adequately carry out the policies of the LUP.

Additional Information.

For further information, please contact James Muth at the North Coast Area Office or call (415) 904-5260. Correspondence should be sent to the California Coastal Commission at the above address, attention "James Muth".

Staff Note.

The County's LCP amendment submittal applies to three different geographical areas within the County's coastal zone. Staff has divided the LCP amendment submittal into two parts since it proposes major and minor changes to the County's LCP. The major changes apply to the Hanson/Bartley/Dajas parcels, and they are discussed here as "Del Norte County LCP Amendment No. 2-95 major". The minor changes apply to the Weaver parcel and the Tromble/Bower parcels, and they are discussed separately under the District Director's report as "Del Norte County LCP Amendment No. 1-95 minor".

I. STAFF RECOMMENDATION FOR THE LCP AMENDMENT.

Staff recommends that, following a public hearing, the Commission adopt the following resolutions and related findings:

A. APPROVAL OF THE LAND USE PLAN MAP AMENDMENT AS SUBMITTED.

The resolution is properly introduced by the following motion:

"I move that the Commission certify the map amendment in Amendment No. 2-95 to Del Norte County's Land Use Plan as submitted by the County."

Staff recommends a YES vote, and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

RESOLUTION A:

The Commission hereby certifies Amendment No. 2-95 to the Land Use Plan map of the Del Norte County Local Coastal Program for the specific reasons discussed in the following findings on the grounds that the LUP map amendment, as submitted and the LUP as thereby amended, meet the requirements of Chapter 3 of the Coastal Act. The amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 306025(c) of the Coastal Act and approval of the LUP map amendment will not

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have significant environmental effects within the meaning of the California Environmental Quality Act.

**B. APPROVAL OF THE ZONING MAP AMENDMENT AS SUBMITTED.**

The resolution is properly introduced by the following motion:

"I move that the Commission reject the zoning map amendment in Amendment No. 2-95 to Del Norte County's Implementation Plan as submitted by the County."

Staff recommends a NO vote, and adoption of the following resolution and findings. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment.

**RESOLUTION B:**

The Commission hereby certifies Amendment No. 2-95 to the Implementation Program of the Del Norte County LCP for the specific reasons discussed in the following findings on the grounds that the zoning ordinances, zoning district maps, and other implementing materials conform with and are adequate to carry out the provisions of the land use plan as certified. As submitted, the amendment does not have a significant adverse impact on the environment within the meaning of CEQA.

**II. LCP AMENDMENT FINDINGS AND DECLARATIONS.**

The Commission hereby finds and declares as follows:

**A. FINDINGS TO APPROVE THE LAND USE PLAN MAP AMENDMENT AS SUBMITTED.**

**1. LUP Amendment Description.**

Del Norte County proposes a land use plan (LUP) map amendment to redesignate a three-parcel, 50-acre area from A-20 (General Agriculture, 1 unit per 20 acres) to A-5 (General Agriculture, 1 unit per 5 acres).

The subject property addressed by the LCP amendment is located on the south side of Morehead Road, about one-half mile west of Fort Dick. The three parcels affected by the LCP amendment are: (1) APN 105-230-28 (Billy Lee Bartley) at 2345 Morehead Road, (2) APN 105-230-29 (Robert Dajas) at 2399 Morehead Road, and (3) APN 105-042-45 (Richard & Carleen Hanson) at 2425 Morehead Road.

**2. Site Description and Background.**

The LCP amendment area is currently used for rural residential development, hobby farming, and pasture lands for grazing. Up until 1994, the Bartley property was used as a hog farm under a County use permit. The LCP amendment is prompted by a request from Carleen Hanson to divide their 30-acre property into one 10-acre parcel and one 20-acre parcel.

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All three properties have access to Morehead Road. The 30-acre Hanson property is developed with a mobile home and two barns. The 19-acre Bartley property is developed with two homes and two barns. The 1-acre Dajas property is developed with a home. The Dajas property is located between the Hanson and Bartley parcels and it was included in the LCP amendment by the County to avoid leaving an A-20 "spot" zone.

No endangered species, environmentally sensitive habitat areas, or historic resources are located within the LCP amendment area. None of the parcels are under Williamson Act contracts.

The LCP amendment area is surrounded on the north, east, and west sides by other lands that are currently designated and zoned as A-5 (General Agriculture, 1 unit per 5 acres) and are developed as hobby farms and a commercial tree farm. The LCP amendment area bordered on the south by lands that are designated and zoned as TPZ (Timberland Preserve Zone). These TPZ lands are owned by the State of California and a part of the Pelican Bay State Prison property. See Exhibit No. 3.

The LCP amendment area is 30-40 feet above mean sea level and is not subject to flooding. See Exhibit No. 4. The area is relatively flat. Surface water runoff is generally to the west and south towards Russell Creek and Lake Earl. Russel Creek is about 600 feet south of the amendment area and Lake Earl is about 1.5 miles southwest of the amendment area.

The LCP amendment area has Ca3-Carlotta soils which are moderately drained and have no significant erosion factors. See Exhibit No. 5. Soils that are rated as "Class 1" or "Class 2" by the Soil Conservation Service of the U.S. Department of Agriculture are "prime agricultural lands" as defined under Section 30113 of the Coastal Act and Section 51201 of the Government Code. Prime agricultural lands are designated and zoned by the County as AE (Agriculture Exclusive, 1 unit per 40 acres). Non-prime agricultural lands are designated and zoned by the County as A-20 and A-5 (General Agriculture with 20 and 5-acre minimum lot sizes). In this case, the Ca3 soils are rated as "Class 3" or non-prime agricultural soils which are generally suitable for timber and agricultural activities.

### **3. Buffer Areas and Cumulative Impacts on Coastal Agriculture.**

Section 30241 of the Coastal Act requires in applicable part that the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and that conflicts shall be minimized between agricultural and urban land uses through a variety of means, such as establishing clearly defined buffer areas between urban and rural areas.

In addition, Section 30250 of the Coastal Act also requires in applicable part that new development not have significant adverse effects, either individually or cumulatively, on coastal resources.

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a. Clearly Defined Buffer Area.

The proposed LCP amendment does not result in a conversion of agricultural lands to a non-agricultural use. Except for the difference in minimum lot sizes, the A-20 and A-5 zones each allow the identical principally permitted and conditionally permitted uses. See Attachment A. The A-20 and A-5 zones also have the same building height limitations and the same minimum front, side, and rear yard requirements. As used in the County's LCP, the A-20 and A-5 land use plan and zoning district designations are designed to protect agricultural uses on nonprime farmlands on parcels that generally range from 5 to 20 acres in size. These A-20 and A-5 lands can also serve as a buffer or transition area to minimize conflicts between agricultural uses on prime agricultural lands and other rural residential development.

Although the LCP amendment does not change the allowable uses for the area, the proposed LCP amendment will allow an increase in the density of development. In this case, the density change for the three-parcel area could result in an increase of up to 7 potential new lots; 5 lots on the 30-acre Hanson parcel, and 2 lots on the 19-acre Bartley parcel. The 1-acre Dajas parcel would still be too small to divide.

If approved, the LCP amendment would bring all of the eastern Morehead Road/Fort Dick area to the same A-5 (General Agriculture, 1 unit per 5 acres) land use plan designation that currently surrounds three sides of the LCP amendment area. These adjacent A-5 designated lands have already been divided, and approval of the LCP amendment would allow these last of the larger parcels in this General Agriculture area to eventually divide.

As shown in Exhibit No. 3, prime agricultural lands are located to the west of the A-5 area and more densely developed, residential lands in the Fort Dick area are located to the east of the A-5 area. Consequently, the A-5 serves as a buffer or transition area to minimize conflicts between the prime agricultural lands to the west and more densely developed, residential lands to the east. In addition, since there is an existing A-5 area between the LCP amendment area and the prime agricultural lands, approval of the LCP amendment will not result in any less effective buffer to protect the prime agricultural lands that are west of the LCP amendment area.

The Commission finds that the LCP amendment is consistent with Section 30241 to the extent that: (a) the maximum amount of prime agricultural land to the west of the LCP amendment area will be maintained in agricultural production, and (b) the LCP amendment area and the surrounding A-5 designated lands serve as a clearly defined buffer area to minimize conflicts between prime agricultural lands to the west of the A-5 area and more residential uses in the Fort Dick area to the east of the A-5 area. See Exhibit No. 3.

b. Cumulative Impacts.

There is a cumulative impact concern that approval of the LCP amendment would establish a precedent to redesignate other lands along Lower Lake Road in the

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Lake Earl area from A-20 to A-5. See Exhibit No. 3. No further subdivisions are currently possible on A-20 designated lands in the Lake Earl area, and any change in density below 20-acre minimums could result in up to 17 new parcels on 6 separate properties, not including State held lands. Over half of these new parcels would be adjacent to Lake Earl.

While there are similarities between these two areas, there are also significant differences to be addressed with regard to increases in density. For example, the LCP amendment area is not subject to flooding, whereas the A-20 lands in the Lake Earl area are subject to flooding. See the FEMA map in Exhibit No. 4. The LCP amendment area is at elevation 30 to 40 feet which poses no problems for siting conventional septic systems, whereas many of the A-20 lands in the Lake Earl area are below the 17-foot elevation, which is considered critical in considering sewage disposal leachfield/groundwater conflicts near Lake Earl. The LCP amendment area has Class 3 non-prime agricultural soils, whereas there is a mixture of Class 1 prime and and Class 3 non-prime soils in the A-20 designated areas near Lake Earl. Lastly, the LCP amendment is consistent with LUP text on page 337 which states in applicable part that hobby farming is limited to Morehead Road, whereas there is no such LUP text for the A-20 designated areas near Lake Earl.

These important differences between the subject properties and the A-20 designated lands near Lake Earl would be considered if LCP amendments were ever proposed to redesignate the A-20 lands near Lake Earl to an A-5 designation. Thus, certification of the current LCP amendment request would not be sufficient grounds to approve any such future amendment for A-20 lands near Lake Earl. The Commission therefore finds that the LCP amendment is consistent with Section 30250 to the extent that it will not result in cumulative adverse impacts to other coastal agricultural lands in the County.

**4. Adequate Services for New Development.**

Section 30250 of the Coastal Act requires in applicable part that new development be located within areas able to accommodate it.

Existing development in and around the LCP amendment area is served by conventional, on-site sewage disposal systems and on-site water wells and there have been no significant problems with the development and use of these facilities. The County estimates that any long term increase in traffic on Morehead Road as a result of future development within the LCP amendment area would be about 40-50 average daily traffic (ADT) count along Morehead Road. Morehead Road had an ADT count of 700 vehicle trips per day at the time that the LUP was certified in 1983. Although there has been some increase in traffic since that time, the additional increase in traffic and the potential increase in traffic as a result of the approval of this LCP amendment is still considerably less than the 12,000 ADT capacity of the road. The Commission therefore finds that the LCP amendment is consistent with Section 30250 to the extent that adequate services will be available to accommodate any future development within the LCP amendment area.

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5. Internal Consistency with the LUP.

In addition to a finding or findings that the LCP amendment is consistent with the applicable Chapter 3 policies of the Coastal Act, it is also relevant to determine whether approval of the LCP amendment, as submitted, would create an internal inconsistency within the LUP document itself.

The LCP amendment area is located within the agricultural area of the Lake Earl Rural Planning Area of the County's coastal land use plan. As previously mentioned, the County uses the A-5 zoning district for hobby farming. The LUP text states in applicable part on page 337 that:

"Hobby farming is limited to Morehead Road. This area is already developed to a large extent with...5-acre parcels. As this type of agriculture is a viable use and provides enjoyment, food and fiber and some income to the property, this use is compatible with the Coastal Act. As an existing County maintained road (Morehead Road) serves this area, hobby farming shall be focused along this corridor."

Approval of the LUP map amendment will not create an internal inconsistency with the above referenced text because the amendment area is located along Morehead Road.

Two of the Specific Area Recommendations for the Lake Earl area in the County's LUP are also applicable to the proposed LCP amendment. Recommendation No. 1 on page 341 states:

"As hobby farming areas generate traffic beyond the amount associated with larger scale agricultural production, hobby farming parcels shall be focused into areas presently having this existing use and on improved County-maintained roads."

Approval of the LUP map amendment will not create an internal inconsistency with the Special Area Recommendation No. 1 above because the LCP amendment area is focused upon an area that presently has hobby farming as an existing use which is located on an improved County-maintained road.

Lastly, Recommendation No. 7 on page 341 states:

"Hobby farming (other agriculture) shall be located on both sides of Morehead Road. However, the potential higher producing, deeper Carlotta soils (Ca 2) shall, where feasible, be maintained in larger parcel sizes."

Approval of the LUP map amendment will not create an internal inconsistency with the Special Area Recommendation No. 7 above because the LCP amendment area is located on the south side of Morehead Road and because the LCP amendment area does not involve any Ca2 soils. The Commission therefore finds that approval of the LCP amendment will not create an internal inconsistency with the County's certified LUP.

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**B. FINDINGS TO APPROVE THE ZONING MAP AMENDMENT AS SUBMITTED.**

**1. Implementation Plan Amendment Description**

Del Norte County proposes a zoning map amendment to rezone the same three-parcel, 50-acre area affected by the proposed LUP amendment from A-20 (General Agriculture, 1 unit per 20 acres) to A-5 (General Agriculture, 1 unit per 5 acres).

**2. Adequacy of I.P. Amendment to Implement LUP**

The proposed A-5 zone change on the zoning maps mirrors the proposed A-5 designation change on the LUP maps. All the allowable uses and densities are the same. The Commission therefore finds that approval of the zoning map amendment, as submitted, conforms with and is adequate to carry out the above referenced policies of the County's certified LUP, as amended.

**C. CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

The County prepared and adopted a Negative Declaration as lead agency for the proposal under CEQA. In addition, the Coastal Commission's LCP process has been designated by the Secretary of Resources as the functional equivalent of the EIR process. CEQA requires the consideration of less environmentally damaging alternatives and the imposition of mitigation measures to lessen significant adverse effects. The Commission finds that the LCP amendment, as submitted, is consistent with the Chapter 3 policies of the Coastal Act. The Commission further finds that it need not consider alternatives or mitigation measures as approval of the LCP amendment, as submitted, will have no significant adverse effects on the environment within the meaning of CEQA.

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Attachment A.

Under Chapter 21.09, the Agricultural General District, in the County's coastal zoning code, the following principally permitted uses are allowed within the A-20 and A-5 zones:

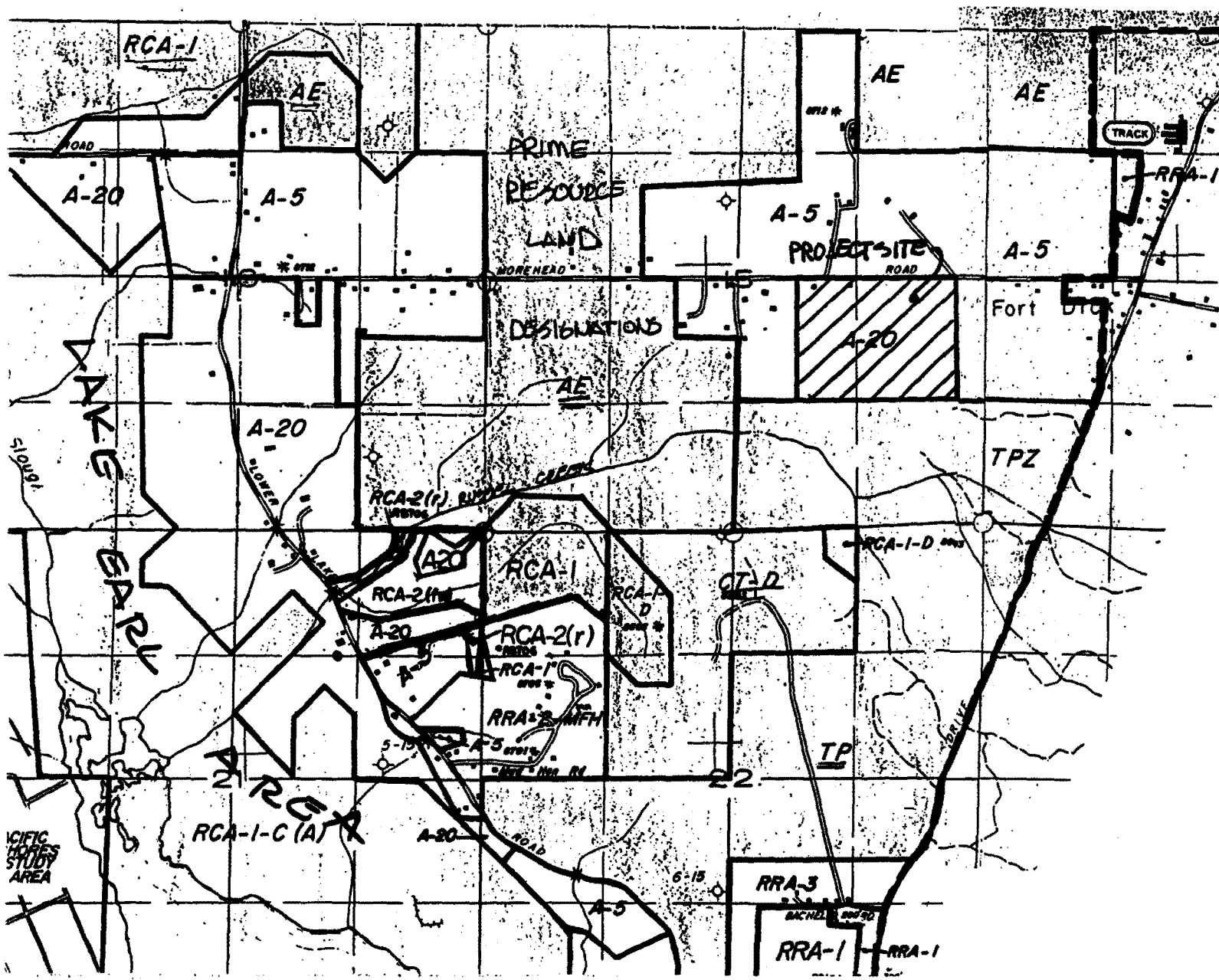
- A. All agricultural uses including horticulture, crop and tree farming, small livestock farming and animal husbandry including dairies, public and private stables, but excepting feed lots;
- B. Accessory buildings and uses including barns, stables, and one greenhouse and other agricultural buildings;
- C. A one-family residence with appurtenant uses including home occupations and appurtenant accessory structures; and
- D. An unlighted sign not over thirty-five square feet in size and appurtenant to any permitted use.

The following conditionally permitted uses are also allowed within the A-20 and A-5 zones:

- A. Multi-unit greenhouses;
- B. Hog farming'
- C. A mobilehome in lieu of a conventional residential unit;
- D. A second dwelling unit on parcels having twice the minimum acreage required by the zoning district;
- E. Mineral extraction pursuant to Chapter 7.36 of the Del Norte County Code;
- F. Animal husbandry services including veterinary clinics and hospitals;
- G. Billboards not appurtenant to a permitted use;
- H. Guest lodging or guest ranches; and
- I. Commercial enclosed kennels for dogs and cats.

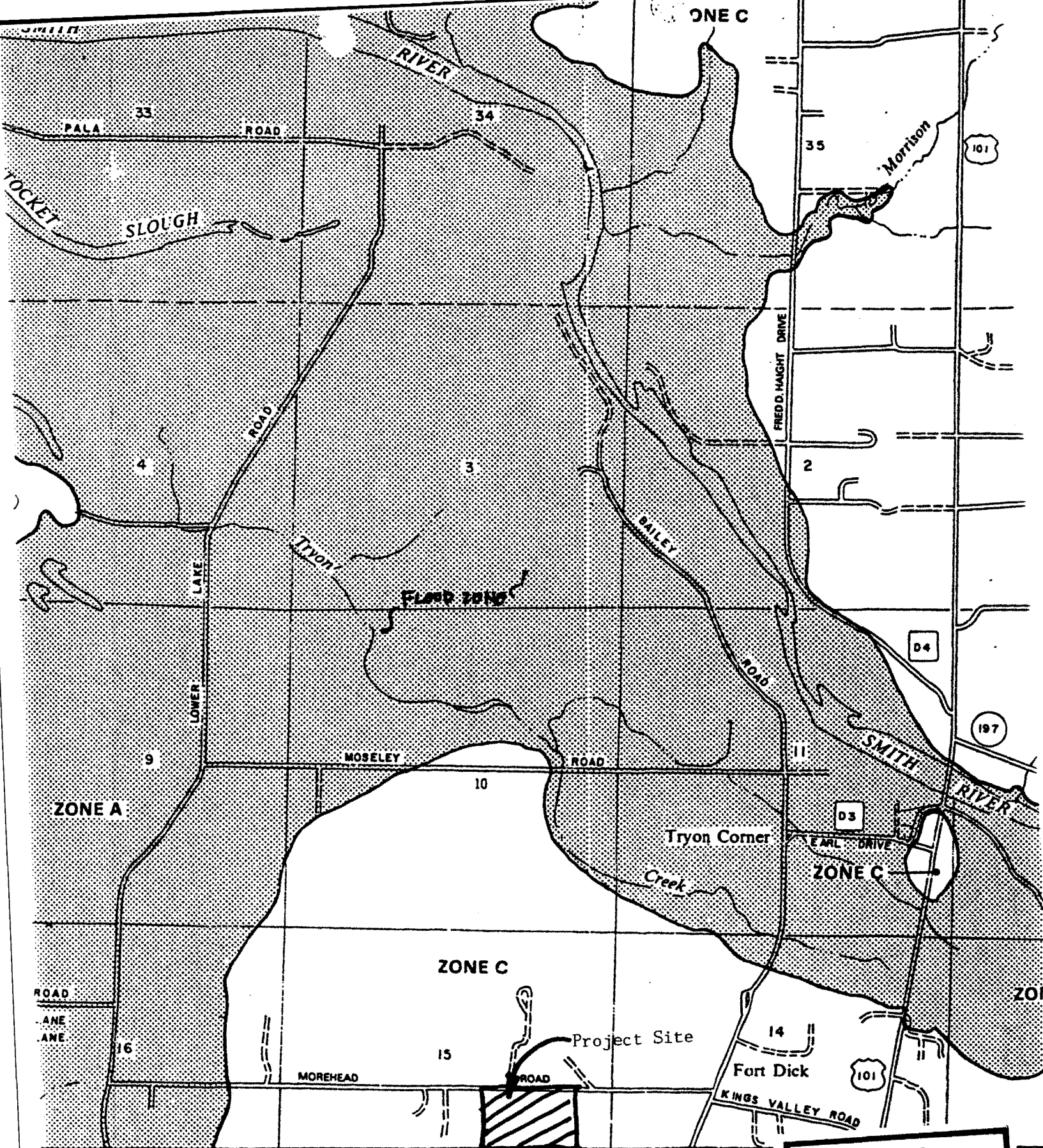






PACIFIC COAST STUDY AREA

<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b> DNC LCP 2-95 major
<b>Zoning map</b>
California Coastal Commission



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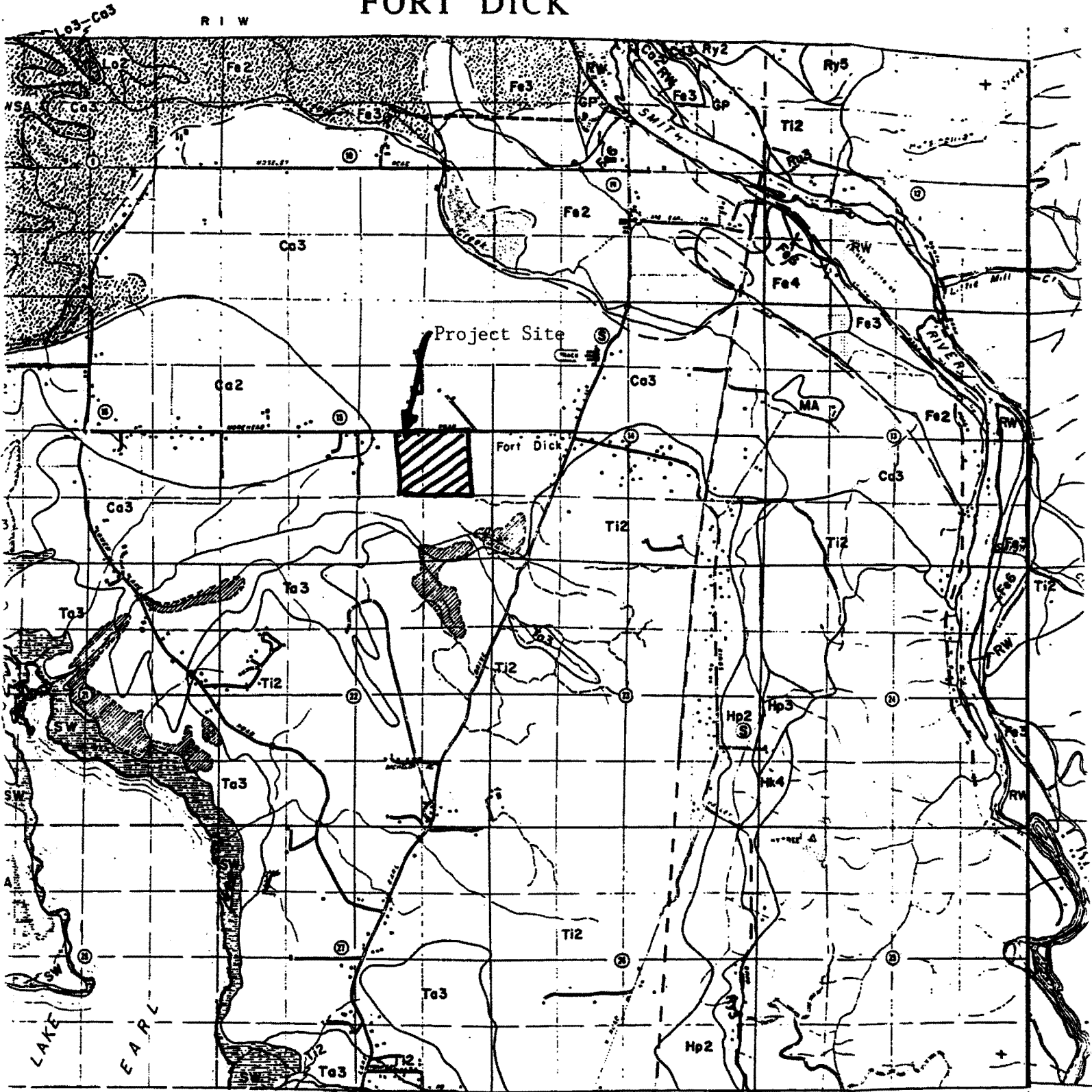
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EXHIBIT NO.	4
APPLICATION NO.	DNC LCP 2-95 major
Flood zone	
California Coastal Commission	

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EXHIBIT NO. 5
APPLICATION NO. DNC LCP 2-95 major
Soils mapping
California Coastal Commission

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**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. 95-10 and Ordinance No. 95-12 attached; and

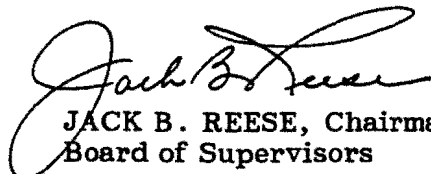
BE IT FURTHER RESOLVED, that submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendments be identified as requiring rapid and expeditious action.

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

  
JACK B. REESE, Chairman  
Board of Supervisors

ATTEST:

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

<b>EXHIBIT NO.</b> 6
<b>APPLICATION NO.</b> DNC LCP 2-95 major
County resolution
 California Coastal Commission

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

RESOLUTION NO. 95- 103

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS  
AMENDING THE ADOPTED DEL NORTE COUNTY GENERAL PLAN BY  
HANSON/BARTLEY/DAJAS**

WHEREAS, the adopted General Plan of the County of Del Norte provides for amendments to said plan; and

WHEREAS, an amendment request has been filed by Hanson/Bartley/Dajas, public hearings held, a negative declaration pursuant to the California Environmental Quality Act prepared, and Planning Commission review conducted as prescribed by law;

NOW, THEREFORE, BE IT RESOLVED, that the Del Norte County Board of Supervisors, State of California, do hereby amend the County General Plan Coastal Land Use Element and Crescent City Land Use Map as shown in Exhibit "A"; and

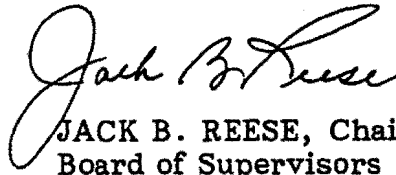
BE IT FURTHER RESOLVED, that this action shall be effective after thirty days from the date of adoption by the Board of Supervisors or upon certification date of the California Coastal Commission, whichever is later, but no more than 180 days from the date of adoption by the Board of Supervisors.

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

  
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. 7
APPLICATION NO. DNC LCP 2-95 major
County resolution
 California Coastal Commission

BOOK PAGE



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:

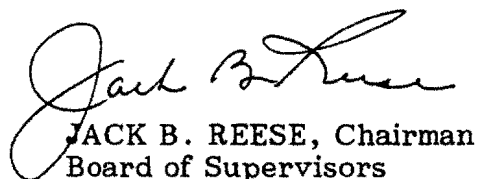
SECTION I: Section 2.D.2 of the Coastal Zoning Enabling Ordinance No. 83-08 and County Code Title 21 is hereby amended by deleting therefrom Coastal Zoning Area Maps B-1, C-6 and C-9 and amending same with a new Coastal Zoning Area Maps B-1, C-6 and C-9 as specified in attached Exhibits "A-C".

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 2-95 major
County ordinance
 California Coastal Commission

