

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

155 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

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Filed:	October 1, 1996
60th Day:	November 30, 1996
Staff:	James Muth
Staff Report:	October 25, 1996
Hearing Date:	November 12, 1996
Commission Action:	

TO: COMMISSIONERS AND INTERESTED PARTIES

**FROM: Peter Douglas, Executive Director
Steve Scholl, Deputy Director
James Muth, Coastal Planner**

SUBJECT: LCP Amendment No. 4-96 (minor) to Del Norte County's certified Local Coastal Program, Currie RCA rezone. (for Commission review and action at its meeting of November 12, 1996 in San Diego).

1. LCP Amendment Description and Discussion.

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.

The 4.4-acre property that is the subject of this RCA rezone is located at the southeast corner of Parkway Lane and Tsunami Lane in the Elk Valley area of Del Norte County, APN 105-042-08. The RCA rezone is prompted by a request from the property owner to subdivide his 4.4-acre property into a 3.4-acre parcel and a 1-acre parcel. The 3.4-acre parcel is developed with a single-family residence, driveway, accessory structure, well, and a septic system. The residence is hidden from public view as it is surrounded on four sides by a second growth redwood forest. The 1-acre parcel is undeveloped. See Exhibits No. 1, 2, 3, and 4.

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The existing "RCA-1" (General Resource Conservation Area) zone on the property covers a 3.13-acre area located along the south and west sides of the property. Among other things, the existing RCA-1 zone includes a drainage swale that traverses Parkway Drive and drains across the property towards Elk Creek. The bottom and sides of the drainage swale are dominated by riparian vegetation. The lowest portions of the drainage swale are within a 100-year floodplain. The remainder of the property is zoned as RRA-1-MFH (Rural Residential Agriculture, 1 acre minimum lot size, manufactured homes allowed).

The proposed "RCA-2(r)" (Designated Resource Conservation Area, riparian) zone on the property covers a 1.97-acre area located along the south and west sides of the property. The proposed RCA-2(r) zone follows the top of the bank of the drainage swale and includes both the sides and bottom of the drainage swale where the predominate vegetation is riparian in nature. The remainder of the property, including the existing house site and the 1-acre vacant parcel, is zoned as RRA-1-MFH (Rural Residential Agriculture, 1 acre minimum lot size, manufactured homes allowed). See Exhibit No. 5 to see how the property is being rezoned, before and after the RCA rezone.

County and Coastal Commission staff conducted field reviews to confirm the location and nature of the proposed RCA-2(r) zone. Staff from the California Department of Fish and Game have had an opportunity to review the proposed RCA rezone as well, and they have not objected to the proposed rezoning. Pursuant to the County's RCA rezoning policy, those lands not within the designated RCA-2 zone would be rezoned to the adjacent zone, which in this case is the RRA-1-MFH zone (Rural Residential Agriculture, 1 acre minimum lot size, manufactured homes allowed). Each of the parcels within the rezone area will still have an area to site a single-family residence subject to on-site sewage disposal, well, and access requirements.

In summary, the RCA-2(r) zone reflects the actual location of the riparian resources that are found within the former RCA-1 zone area. The proposed RCA-2(r) zone does not create or add any other non-RCA zone to any of the affected parcels other than the existing or adjacent RRA-1-MFH zone. The adjustment in zoning district boundaries allowed by the RCA rezone is not so great as to allow for the creation of any new parcels beyond existing certified land use plan densities. In this case, RCA rezoning merely delineates the location of the riparian area on the property will more accurately. Staff from Del Norte County and the Coastal Commission concur with the results of the RCA rezone, and staff from the California Department of Fish and Game has not objected to 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.

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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 1, 1996 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 Ordinance are attached as Exhibits No. 6 and 7. Commission action must occur by November 30, 1996 (within 60 days of filing).

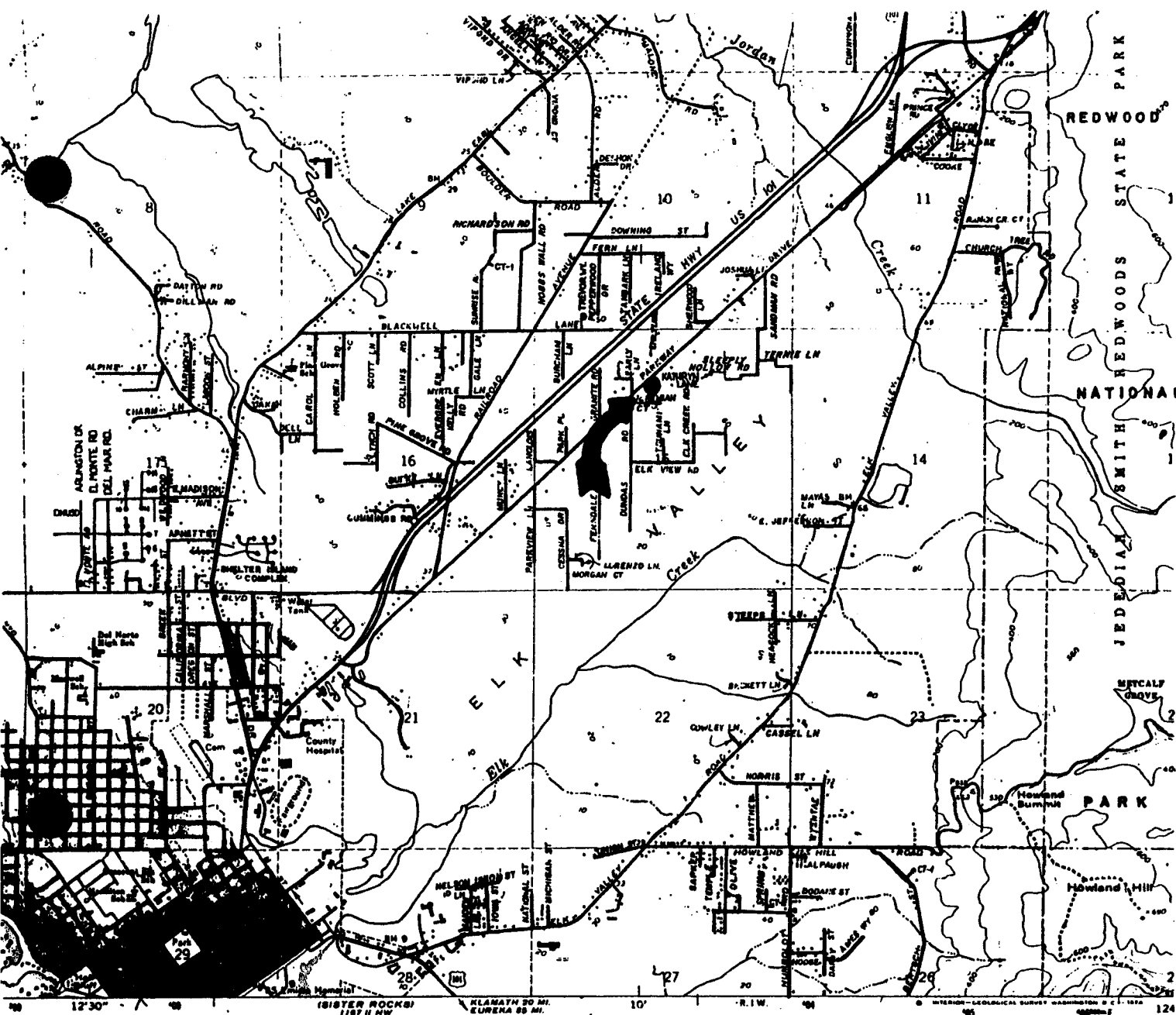
The Executive Director has determined that the proposed LCP amendment is "minor" in nature under Sections 13554 and 13555 of Title 14 of the California Code of Regulations, since the amendment will not result in a change to the kind, density, or intensity of use of the land on the subject parcels. The Executive Director informed all interested parties by mail of his determination on October 25, 1996. The Commission will consider the Executive Director's determination at the November 12, 1996 meeting in San Diego. 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 November 7, 1996.

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.

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CURRIE, JIM

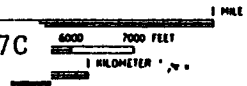
MS9617C

Minor Subdivision

112-141-39

DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER
 SHORLINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 5 FEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



ROAD CLASSIFICATION


Heavy duty	—————	Light duty	—————
Medium duty	—————	Unimproved det.
	□	U.S. Route	



CRESCENT CITY, CALIF
 SW 1/4 CRESCENT CITY 19' QUADRANGLE
 N4145—W12407.5/7.5

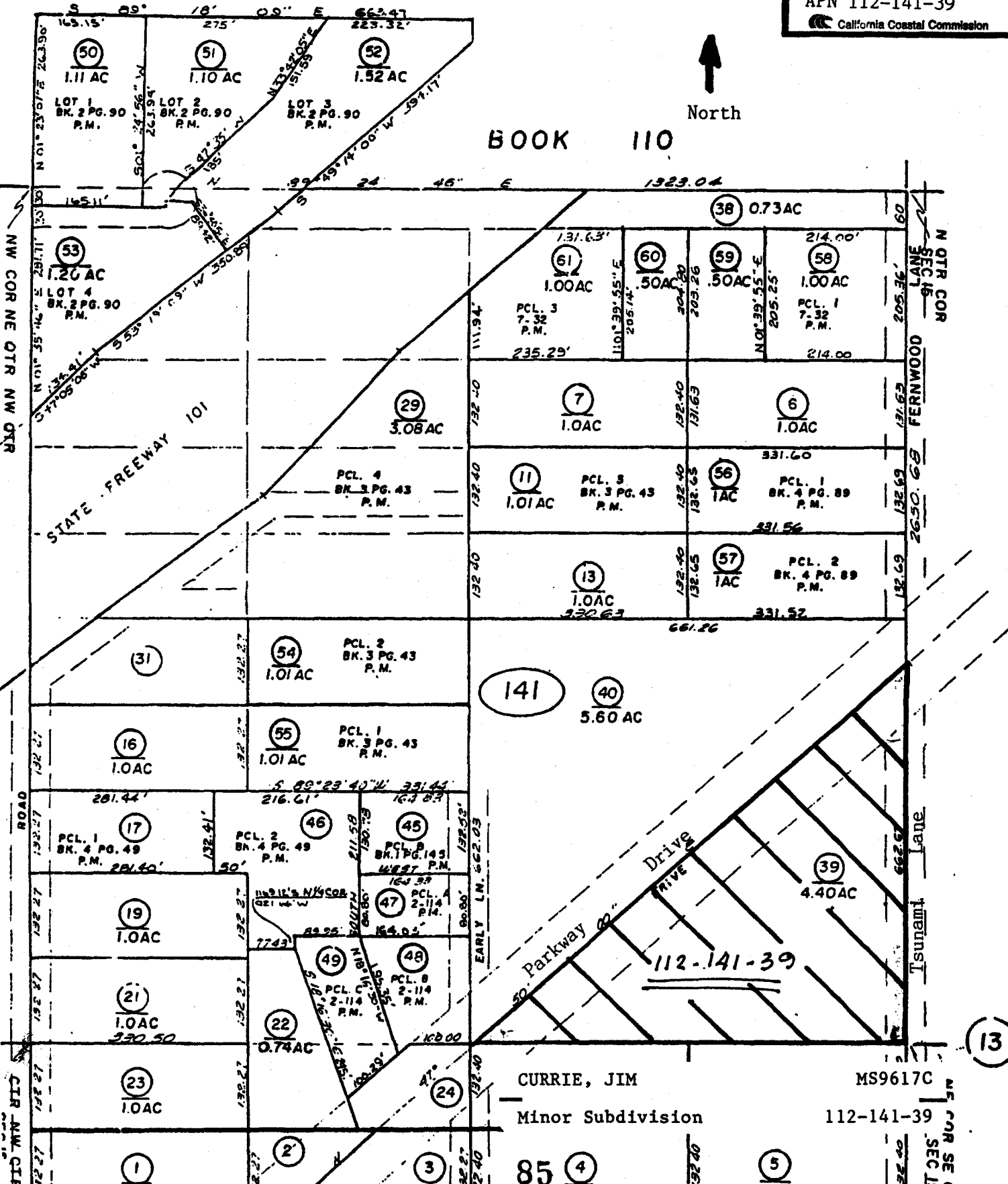
1966
 AMS 11671 SW—SERIES V895

EXHIBIT NO. 2
APPLICATION NO. DNC LCP #4-96 minor
Area Location
California Coastal Commission

EXHIBIT NO. 3
APPLICATION NO.
 DNC LCP #4-96 minor
 Location of subject
 property,
 APN 112-141-39




BOOK 110



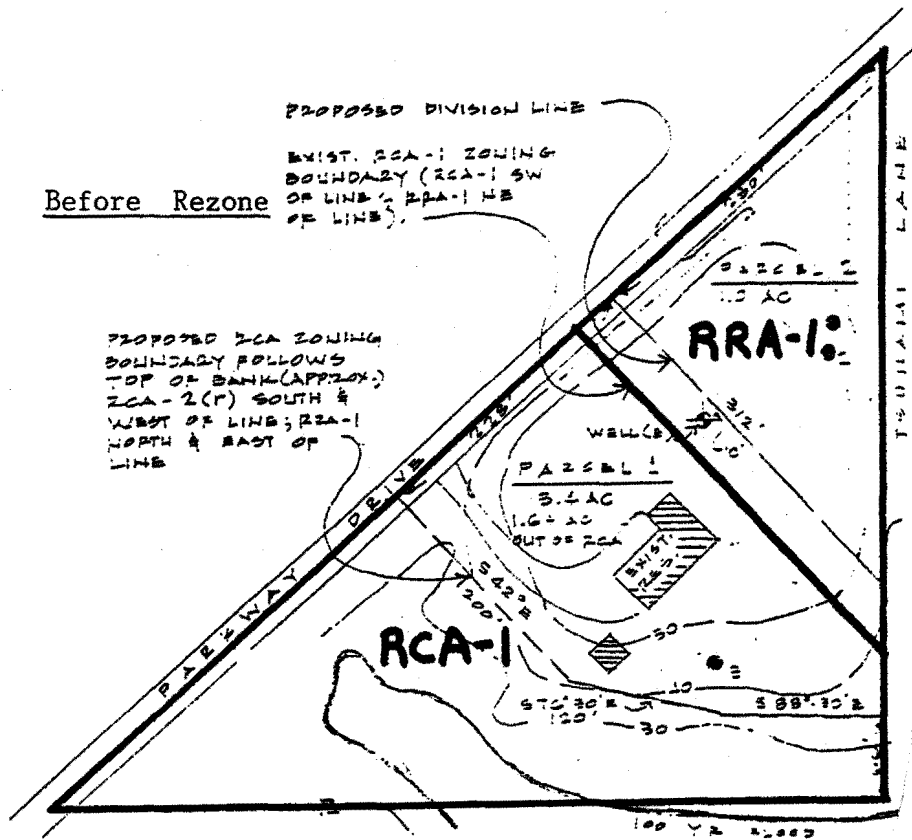
CURRIE, JIM
 Minor Subdivision

MS9617C
 112-141-39

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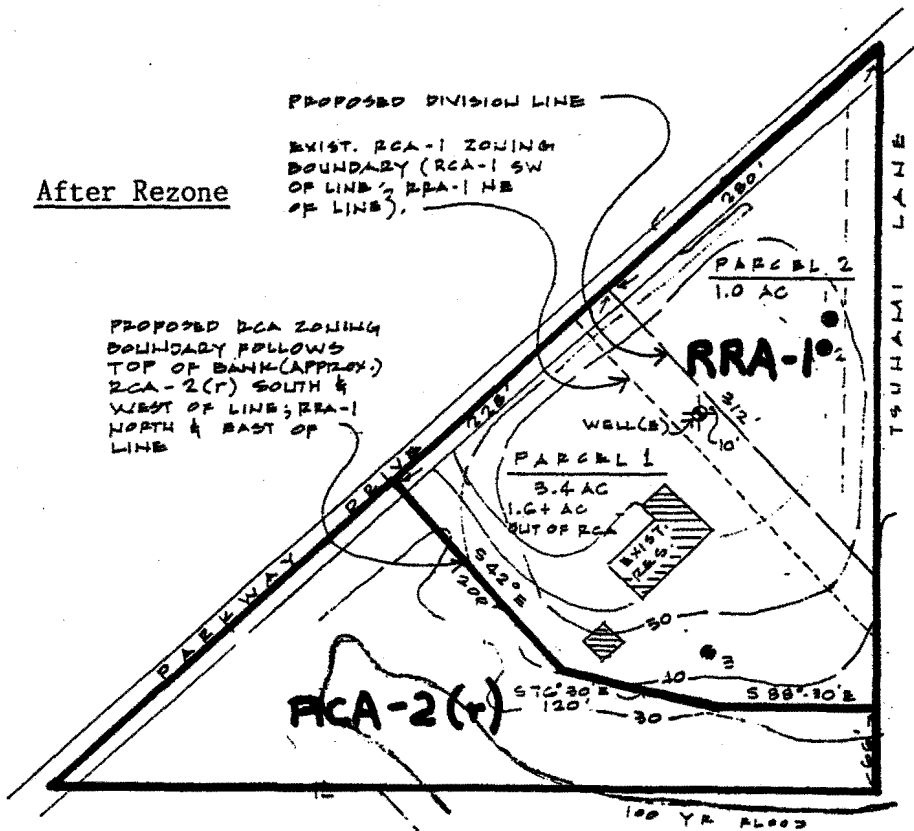
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Before Rezone



● BACKHOE EXCAVATED EXPLORATORY TEST HOLE CURRIE, JIM

After Rezone



● BACKHOE EXCAVATED EXPLORATORY TEST HOLE CURRIE, JIM

EXHIBIT NO. 5
APPLICATION NO. DNC LCP #4-96 min.
Before and after the RCA rezone
California Coastal Commission

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

RESOLUTION NO. 96- 71

A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
SUBMITTING ORDINANCE NO. 96-18 , AN ORDINANCE AMENDING
ORDINANCE NO. 83-08 AND COUNTY CODE TITLE 21 BY DELETING COASTAL
ZONING AREA MAP C-9 AND ADOPTING NEW COASTAL ZONING AREA
MAP C-9 (CURRIE) TO THE CALIFORNIA COASTAL COMMISSION
FOR CERTIFICATION AS AN LCP AMENDMENT

WHEREAS, the County of Del Norte has adopted an ordinance amending the local Coastal Plan and Title 21 Coastal Zoning Ordinance; and

WHEREAS, the County has proposed a zoning map amendment pursuant to the provision of the local General Plan and Title 21 Coastal Zoning Ordinance; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Plan and Title 21 (Coastal Zoning); and

WHEREAS, a negative declaration pursuant to the California Environmental Quality Act has been adopted; 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 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 changes as outlined by the attached Ordinance; and


BE IT FURTHER RESOLVED, that by 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 10th day of September 1996, by the following polled vote:


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


MARK A. MELLETT, Chairman
Board of Supervisors

ATTEST:


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

BOOK

EXHIBIT NO. 6
APPLICATION NO. DNC LCP #4-96 minor
County Resolution
 California Coastal Commission

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

ORDINANCE NO. 96- 18

AN ORDINANCE AMENDING ORDINANCE NO. 83-08
AND COUNTY CODE TITLE 21 BY DELETING
COASTAL ZONING AREA MAP C-9 AND ADOPTING
NEW COASTAL ZONING AREA MAP C-9 (CURRIE)

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 Map C-9 and amending same with a new Coastal Zoning Area Map C-9 as specified in attached Exhibits "A".

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 24th day of September, 1996, by the following polled vote:


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

NOES: None


ABSENT: None


MARK A. MELLETT, Chairman
Board of Supervisors

ATTEST:


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

BOOK

EXHIBIT NO. 7
APPLICATION NO. DNC LCP #4-96 minor
County Ordinance
 California Coastal Commission



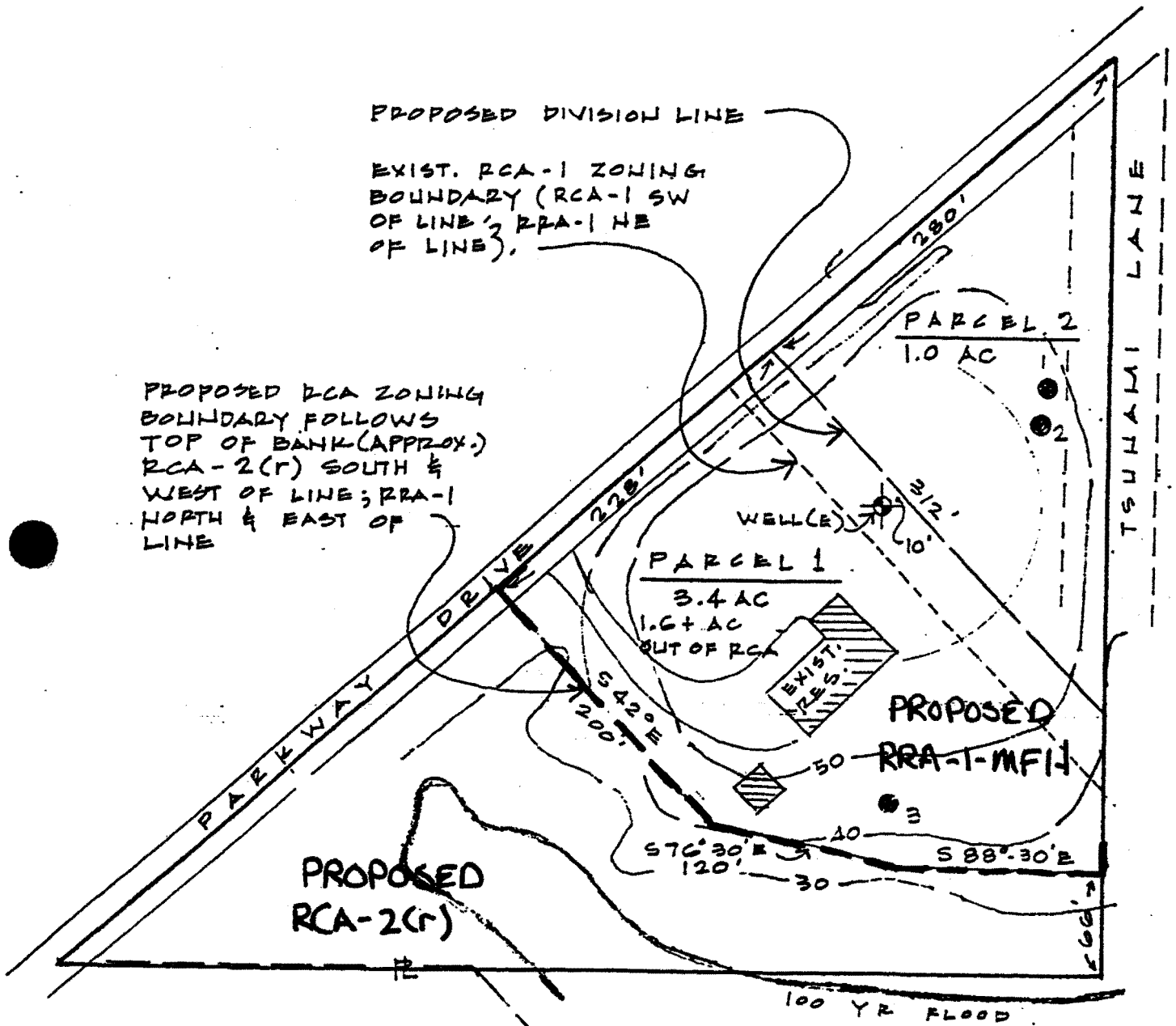
NORTH

SCALE: 1" = 100'

PROPOSED DIVISION LINE

EXIST. RCA-1 ZONING
BOUNDARY (RCA-1 SW
OF LINE; RRA-1 NE
OF LINE)

PROPOSED RCA ZONING
BOUNDARY FOLLOWS
TOP OF BANK (APPROX.)
RCA-2(r) SOUTH &
WEST OF LINE; RRA-1
NORTH & EAST OF
LINE



PROPOSED
RCA-2(r)

PROPOSED
RRA-1-MF1

EXHIBIT 'A'

● BACKHOE EXCAVATED EXPLORATORY
TEST HOLE CURRIE, JIM

MS9617C

Minor Subdivision

112-141-39

LOCATION MAP MINOR SUBDIVISION

& REZONE APN 112-141-39