

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

F 3a



Filed:	March 27, 1996
60th Day:	May 26, 1996
Staff:	James Muth
Staff Report:	April 19, 1996
Hearing Date:	May 10, 1996
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. 1-96 (minor) to Del Norte County's certified Local Coastal Program, John Fruits, et. al. RCA rezone.** (for Commission review and action at its meeting of May 10, 1996 in Long Beach).

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 RCA-1 zone area that is the subject of this minor LCP amendment consists of a 6± acre area that is generally located southeast of Dead Lake and north of Washington Boulevard in the Crescent City Urban Area of the coastal zone. More specifically, the RCA rezone area is located on the north and south sides of an undeveloped segment of Madison Avenue, between Napa and Plumas Streets. The subject area is zoned as "RCA-1" (General Resource Conservation Area) because of an environmentally sensitive area in a drainage swale that contains the unmapped headwaters of a small seasonal stream that flows northwest into Dead Lake. See attached Exhibits No. 1, 2, 3, and 4.

LCP Amendment No. 1-96 (minor) to Del Norte County's certified Local Coastal Program, John Fruits, et. al. RCA rezone.

Page 2

The RCA rezone area affects four parcels in separate ownership by Fruits, Little, and Hausafus. The RCA rezone also affects a portion of a fifth parcel that is owned by Jones. John and Bonnie Fruits own two vacant, one-acre parcels, APN'S 110-064-03 and 110-064-04, located on the south side of Madison Avenue. Roy and Joan Little own a vacant two-acre parcel, APN 110-064-09, located on the south side of Madison Avenue. Edward and Carol Hausafus own a vacant one-acre parcel, APN 110-062-06, located on the north side of Madison Avenue. Marvin Jones owns a two-acre parcel, APN 110-062-07, located on the north side of Madison Avenue. The portion of the Jones' parcel that is within the RCA-1 zone is vacant. See Exhibit No. 3.

The RCA-1 zone area is undeveloped and generally forested. The predominate tree species in the forest are 40± foot-high Spruce trees. A grassy field or meadow is located on the north side of Madison Avenue on the Jones parcel. Except for the drainage swale containing the seasonal stream, the RCA-1 zone area has a flat to very gently sloping terrain. A drainage ditch is located within the unbuilt segment of Madison Avenue, between Plumas and Napa Streets. The area surrounding the RCA-1 zone area is zoned as R1-B20-MFH (Single Family Residential, 20,000 sq. ft. minimum lot size with manufactured homes permitted). Some of lots that surround the RCA-1 zone area are developed with a single-family residence, while other lots are vacant.

This RCA rezone process began with a request by Mr. Fruits to rezone his property from RCA-1 to RCA-2 (Designated Resource Conservation Area) and R1-B20-MFH (Single Family Residential, 20,000 sq. ft. minimum lot size with manufactured homes permitted). County planning staff expanded the RCA rezone boundary beyond the confines of the Fruits parcels to include all of the remaining parcels that are located within this particular RCA-1 zone area. A RCA-2(r) zone (Designated Resource Conservation Area - riparian) is proposed along the seasonal stream and drainage swale. The stream begins in the center of the partially developed, residential block that is bordered by Jefferson Avenue on the south, Madison Avenue on the north, Plumas Street on the west, and Napa Street on the east. The proposed RCA-2(r) zone is based, in part, upon the resource mapping information and the field flagging which was provided by Mr. Fruits. The proposed RCA-2(r) zone is also based, in part, upon prior information which was obtained in 1994 from the Hudson RCA rezone which is located northwest and adjacent to this RCA-1 zone area.

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 reviewed the proposed RCA rezone as well, and they do not object to the proposed rezoning. As submitted, the proposed RCA-2(r) zone begins at the headwaters location of the seasonal stream which is located in a small swale in the center of the residential block. The boundary line of the proposed RCA-2(r) zone begins with a 25-foot-wide radius around the point that marks the headwaters of the seasonal stream. From the headwaters area, the small swale widens to become a small ravine as the seasonal stream drains towards the northwest and Madison Avenue, and the boundary line of the

**LCP Amendment No. 1-96 (minor) to Del Norte County's
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Page 3

RCA-2(r) zone widens to a 50-foot-wide distance on either side of the center line of the stream. 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 R1-B20-MFH zone (Single Family Residential, 20,000 sq. ft. minimum lot size, with manufactured homes permitted). Each of the parcels within the rezone area will still have an area to site a single-family residence subject to 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 R1-B20-MFH zone, whichever is applicable. 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 rezone only creates a more defined space to site future development on each parcel. 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 March 27, 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. 5 and 6. Commission action must occur by May 26, 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 April 19, 1996. The Commission will consider the Executive Director's determination at the May 10, 1996 meeting in Long Beach. 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 May 3, 1996.

**LCP Amendment No. 1-96 (minor) to Del Norte County's
certified Local Coastal Program, John Fruits, et. al. RCA rezone.**

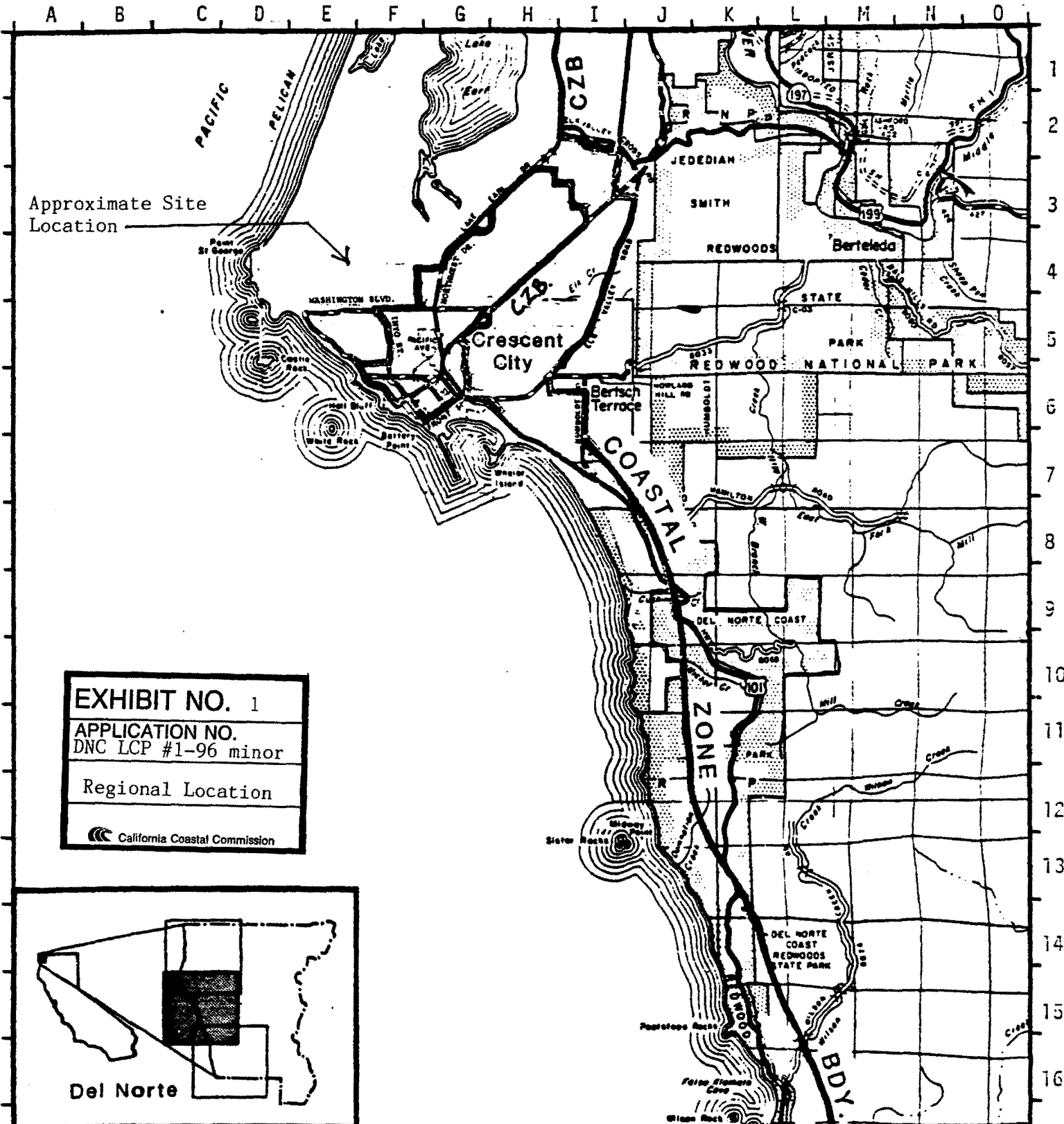
Page 4

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.

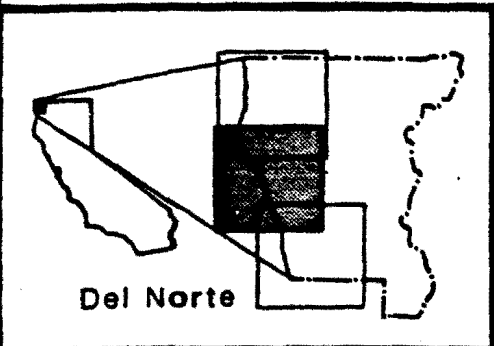
Staff recommends that the Commission concur with the Executive Director's determination that the LCP amendment is minor.

8718p



Approximate Site Location

EXHIBIT NO. 1
 APPLICATION NO.
 DNC LCP #1-96 minor
 Regional Location
 California Coastal Commission

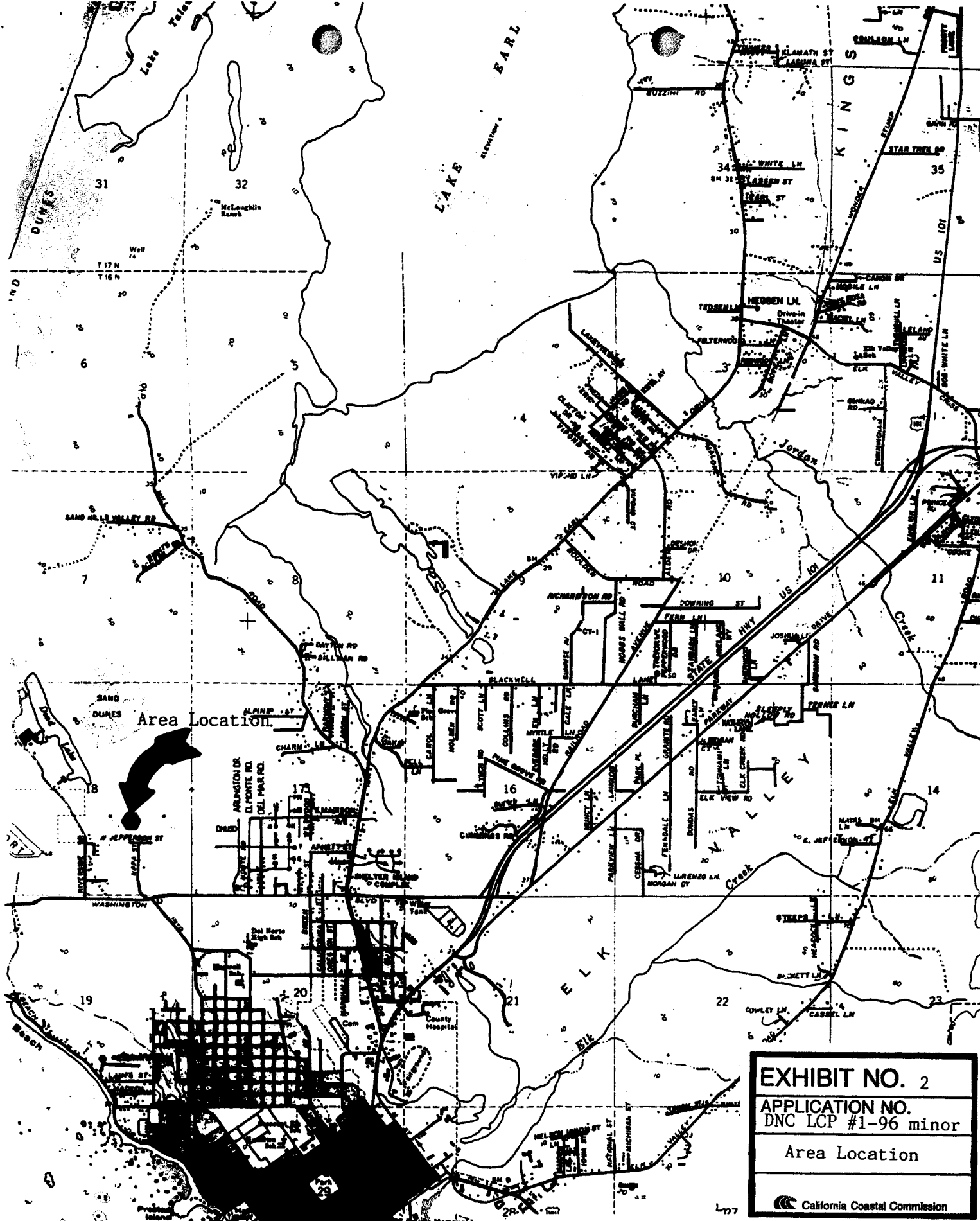


Del Norte

California Coastal Commission

LOCATION MAP





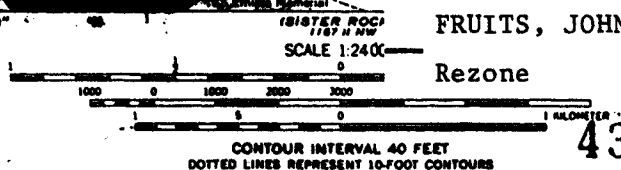
Area Location

EXHIBIT NO. 2
APPLICATION NO. DNC LCP #1-96 minor
Area Location
California Coastal Commission

FRUITS, JOHN D.
Rezone

R9603C
110-c62-c6, c7
110-064-03, 04

cal Survey
of photographs
checked 1966
Chart 5095 (1965)



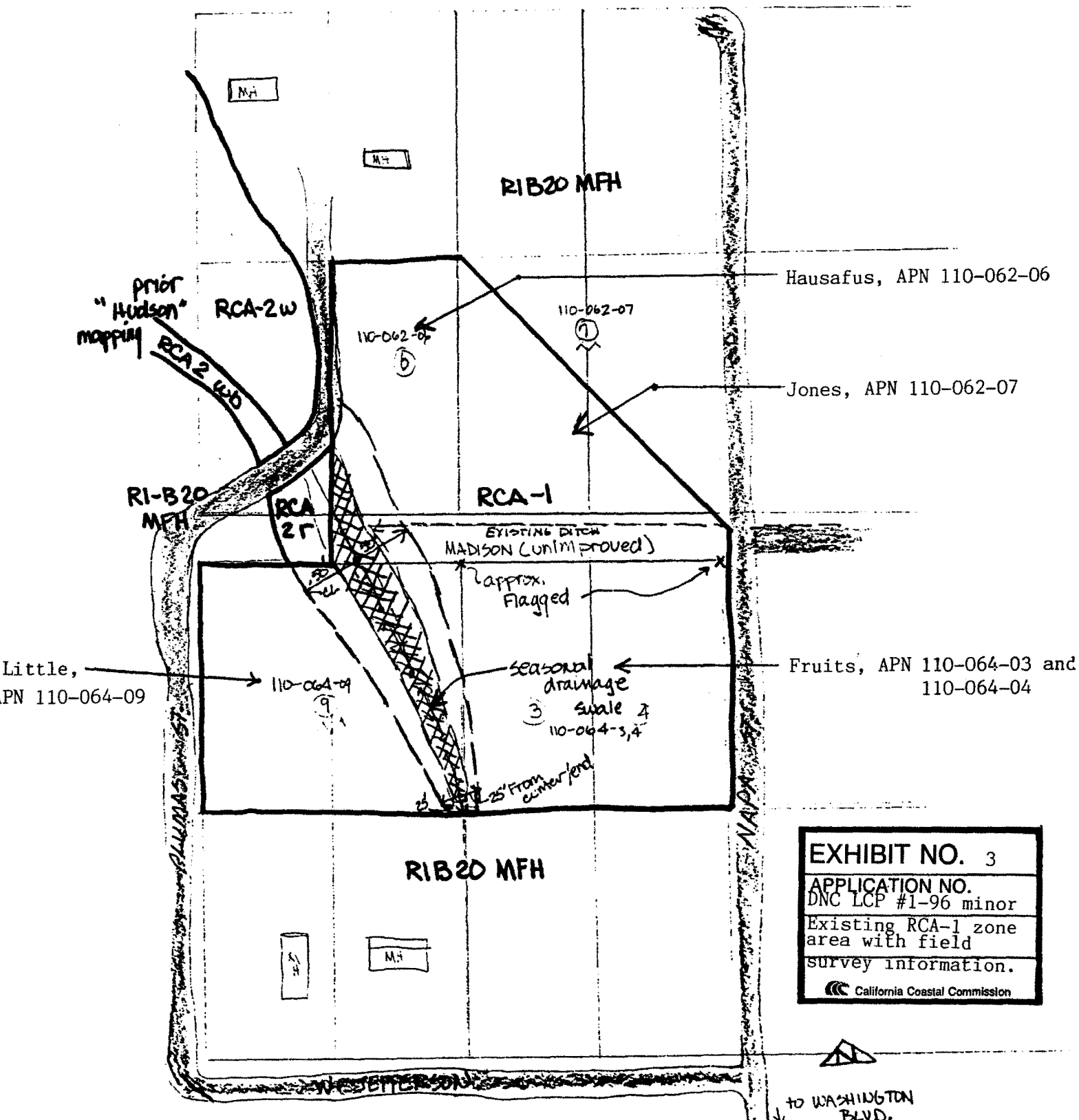
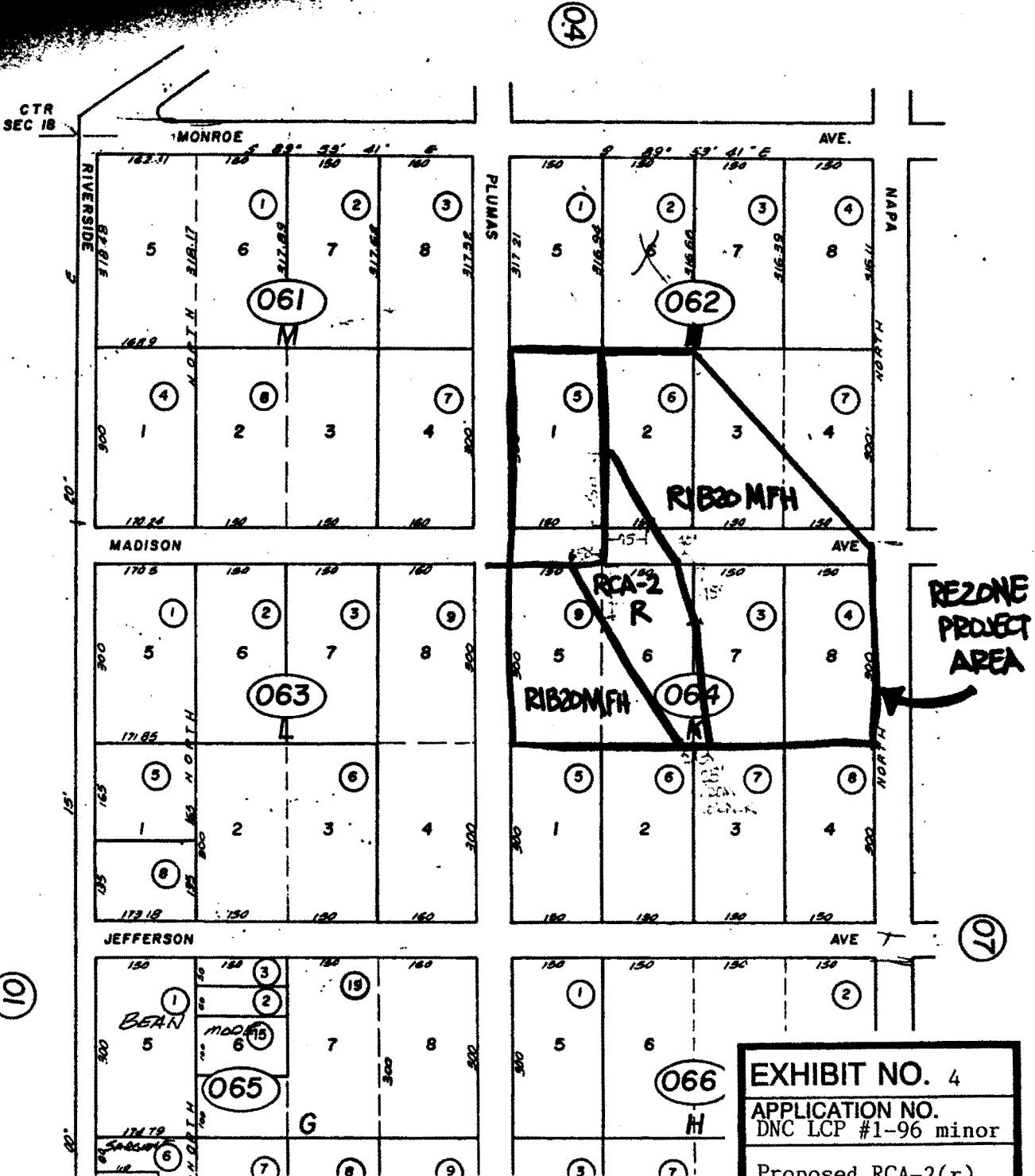


EXHIBIT NO. 3
APPLICATION NO. DNC LCP #1-96 minor
Existing RCA-1 zone area with field survey information.
California Coastal Commission

EXISTING ZONING

CTR
SEC 18



BK. 2 PG. 49A
POR. SEC. 18 T. 16N., R. 1W., H.B. & M.J

EXHIBIT NO. 4
APPLICATION NO. DNC LCP #1-96 minor
Proposed RCA-2(r)
zone
California Coastal Commission

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

RECEIVED
MAR 29 1996
CALIFORNIA
COASTAL COMMISSION

RESOLUTION NO. 96-19

A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
SUBMITTING ORDINANCE NO. 96-03, AN ORDINANCE AMENDING
ORDINANCE NO. 83-08 AND COUNTY CODE TITLE 21 BY DELETING COASTAL
ZONING AREA MAP B-9 AND ADOPTING NEW COASTAL ZONING AREA
MAP B-9 (FRUITS) TO THE CALIFORNIA COASTAL COMMISSION
FOR APPROVAL

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 Ordinance No. 96-03 which is attached; 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 27th day of February 1996, by the following polled vote:

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

Mark A. Mellett
MARK A. MELLETT, Chairman
Board of Supervisors

ATTEST:

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

EXHIBIT NO. 5
APPLICATION NO. DNC LCP #1-96 minor
County Resolution
 California Coastal Commission

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

ORDINANCE NO. 96-03

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

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 B-9 by replacing same with a new Coastal Zoning Area Map B-9 as specified in attached Exhibit "A".

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

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 (Section 65804(c) (d) of the Government Code).

PASSED AND ADOPTED this 12 th day of March 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:



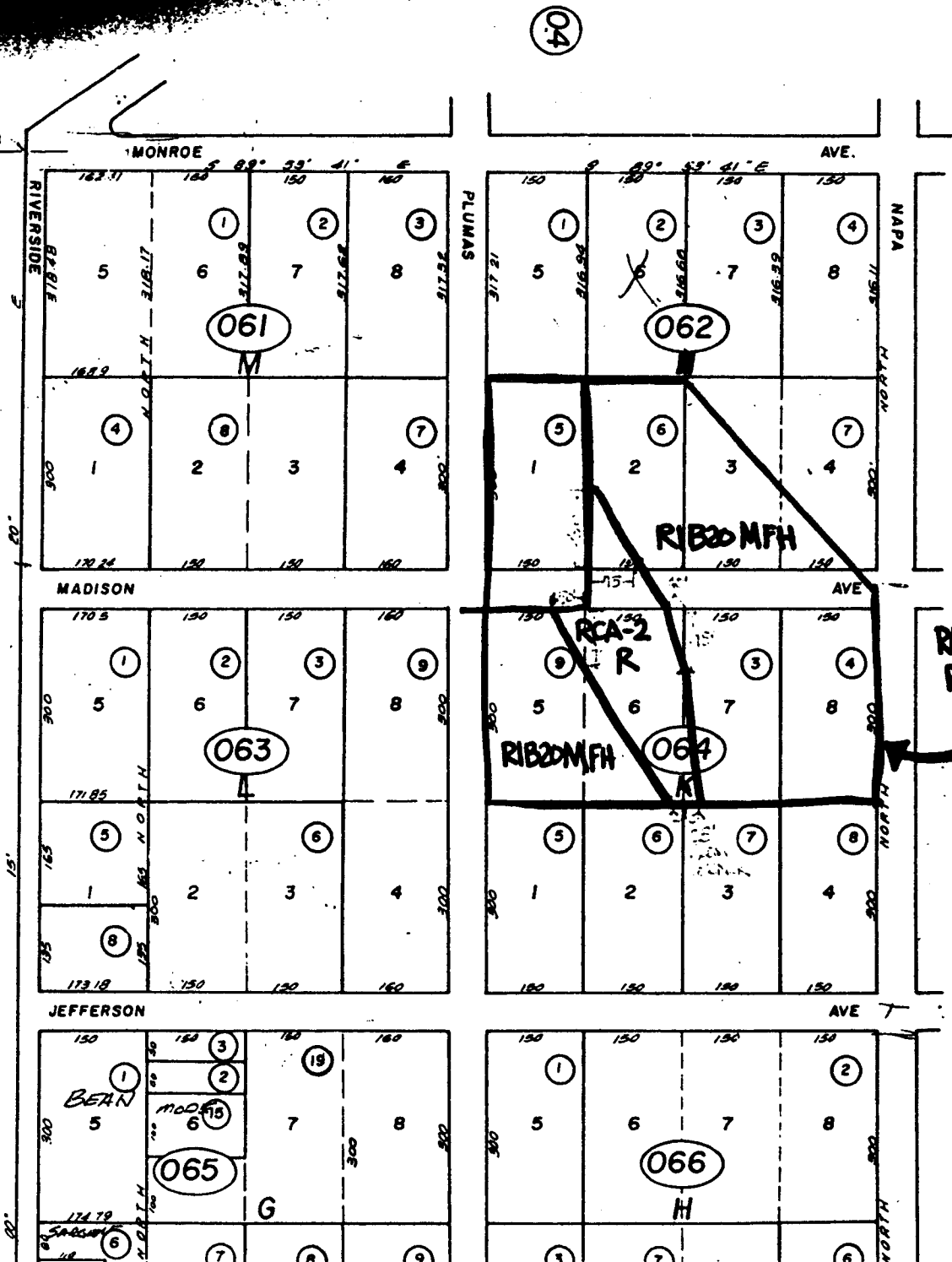

KAREN L. WALSH, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

EXHIBIT NO. 6
APPLICATION NO. DNC LCP #1-96 minor
County Ordinance
 California Coastal Commission

CTR
SEC 18



04

07

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(FOR SEC. 18 T. 16N., R. 1W., H.B. & M.)

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