

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

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Filed:	July 8, 1996
60th Day:	September 6, 1996
Staff:	James Muth
Staff Report:	July 26, 1996
Hearing Date:	August 15, 1996
Commission Action:	

TO: COMMISSIONERS AND INTERESTED PARTIES

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

SUBJECT: **LCP Amendment No. 2-96 (minor) to Del Norte County's certified Local Coastal Program, Weaver "D" density combining zone.** (for Commission review and action at its meeting of August 15, 1996 in Los Angeles).

1. LCP Amendment Description and Discussion.

Mr. Scott Weaver submitted applications to Del Norte County to subdivide his property and to add a "D" density combining zone to his property. The County approved the zoning change, a minor subdivision, and a coastal development permit for the project and has submitted the subject amendment to the Implementation Plan of the County's Local Coastal Program for certification by the Commission.

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, 2, and 3. The 7.06-acre property is undeveloped and consists of one parcel, APN 101-060-13.

The westerly half of the property nearest to Highway 101 is zoned as RRA-2 (Rural Residential Agriculture, 1 unit/2 acres). This portion of the property is located on a coastal terrace having a flat to 5 percent slope. The easterly half 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 is located on a westerly facing hillside having slopes up to 35 percent. The property was previously harvested of its marketable timber.

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

**LCP Amendment No. 2-96 (minor) to Del Norte County's certified Local Coastal Program, Weaver "D" density combining zone.**

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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, historic buildings, archaeological sites, wetlands, and other environmentally sensitive habitat areas. 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 also requires Coastal Commission approval as an LCP amendment.

Mr. Weaver proposes to subdivide his property into two parcels of 5 acres and 2 acres in conjunction with adding a "D" density combining zone to the property. The request is being made because of the physical constraints of the property, primarily steep slopes. The "D" density combining zone has been requested to allow the creation of an undersized, 2.0-acre parcel in the RRA-3 zone district at the easterly end of the property. The undersized parcel is offset by the larger 5.0-acre parcel on the western portion of the property. A sizable portion of the 5.0-acre parcel is needed for the proposed access road that traverses the sloping hillside.

The "D" density combining zone will apply to the entire 7.06-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 residential development that is currently allowed on the property. Consequently, there will be no change to the overall density that is currently permitted within the property's RRA-2 and RRA-3 zoning districts. The two-parcel density on the 7.06-acre property does not exceed the General Plan density for the property, which is designated as Low Density Rural Residential, 1 unit/3 acres. Since there is no increase in density, the LCP amendment will not create any additional demands on coastal resources, will not result in cumulative impacts, and is thus consistent with Section 30250 of the Coastal Act. In addition, the "D" combining zone will enable the land division to occur in a manner more sensitive to minimizing geologic hazards, and is thus consistent with Section 30253 of the Coastal Act. Therefore, the Executive Director finds the proposed rezoning 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 July 8, 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. 4 and 5. Commission action must occur by September 6, 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 July 26, 1996. The Commission will consider the Executive Director's determination at the August 15, 1996 meeting in Los Angeles. 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 August 9, 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.

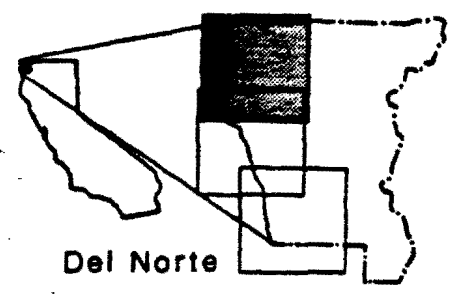
**3. Staff Recommendation.**

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

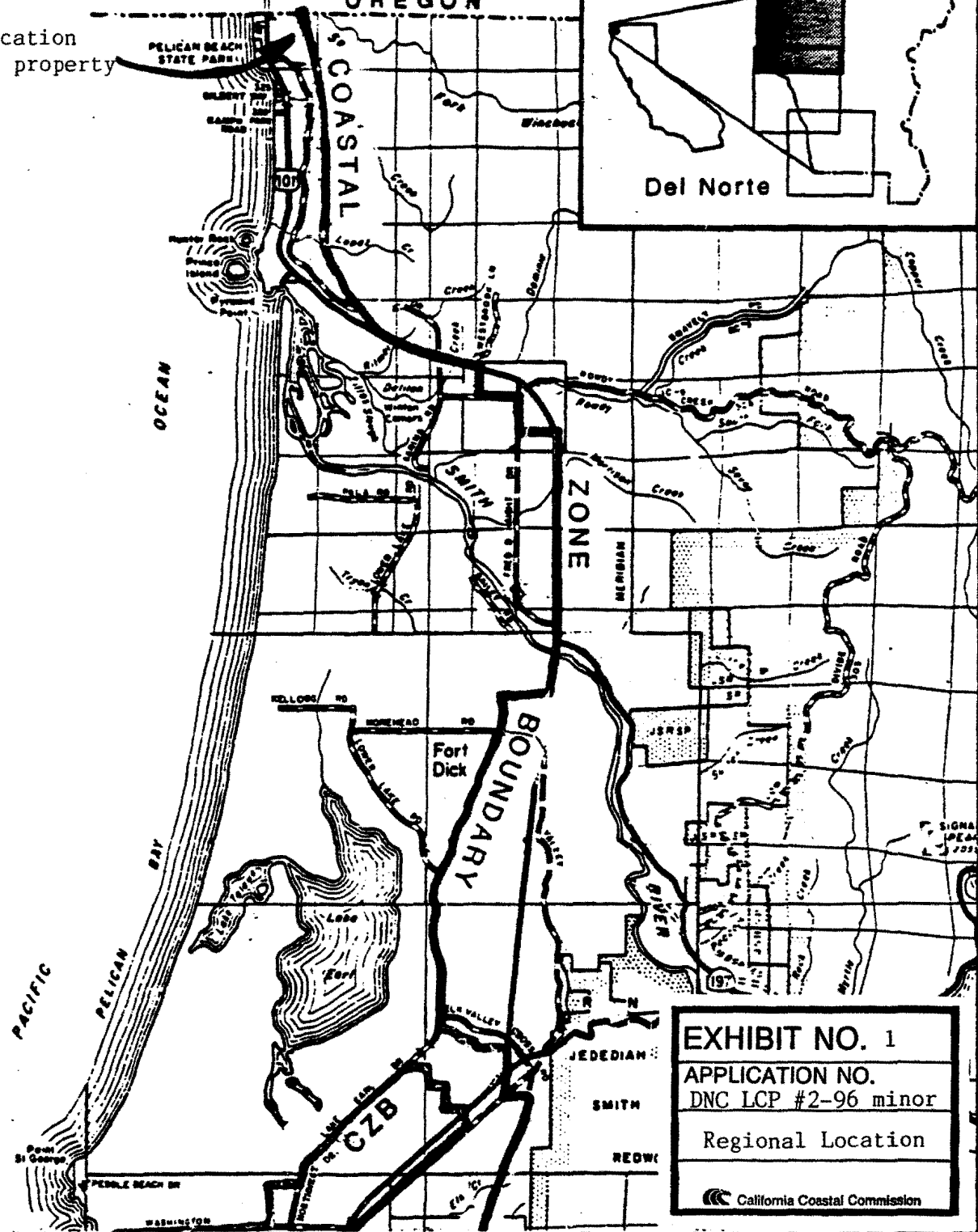
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A B C D E F G H I J K L M N O

Approximate Location of the subject property



Del Norte



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



Approximate location of the subject property

STATE OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES

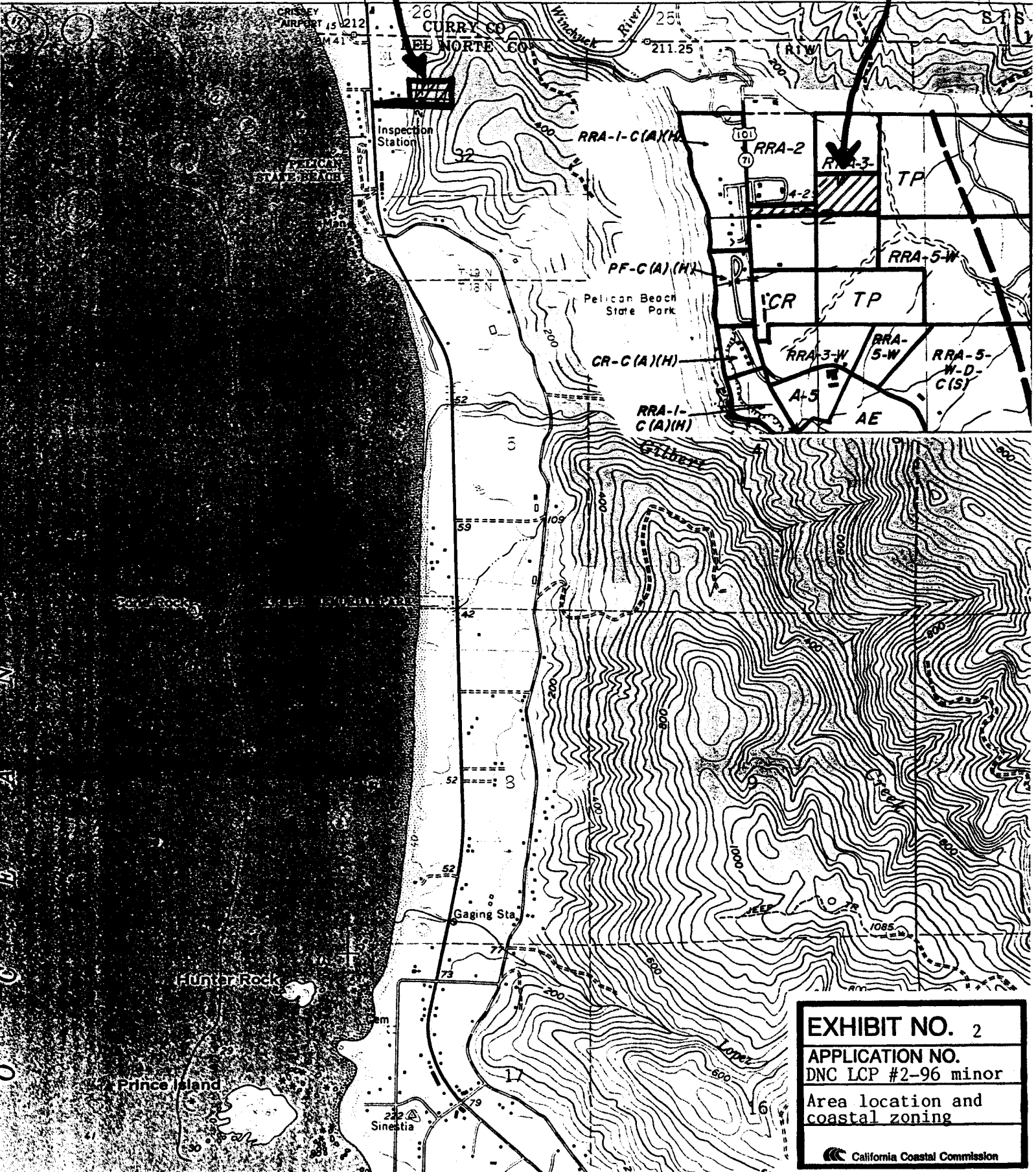
399

12'30"

3000 BEACH 43 MI.  
SPRINGS 6 MI.

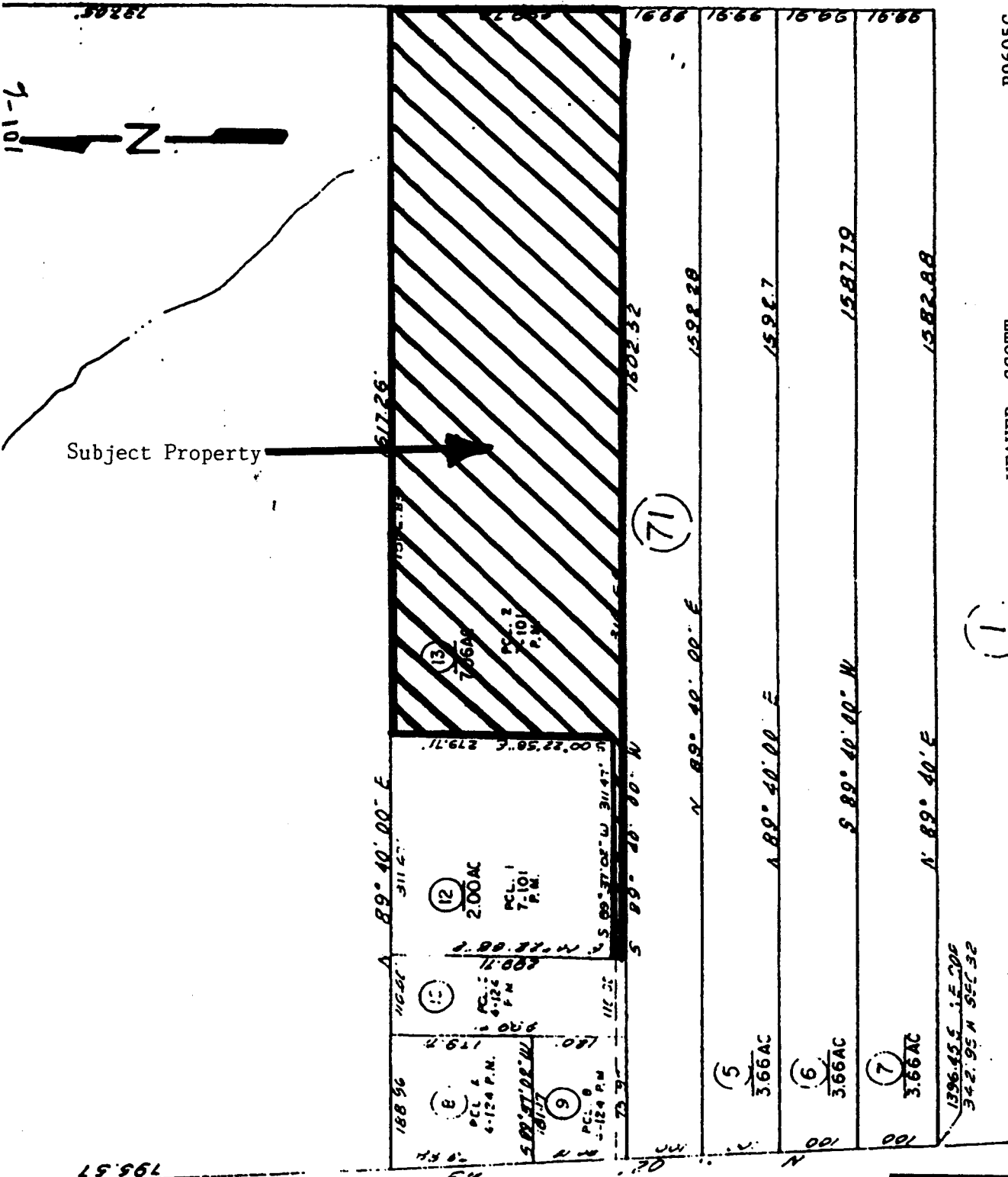
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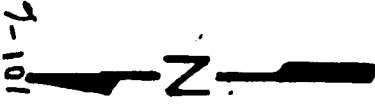


**EXHIBIT NO. 2**  
**APPLICATION NO.**  
DNC LCP #2-96 minor  
Area location and  
coastal zoning

California Coastal Commission



Subject Property



**EXHIBIT NO. 3**  
 APPLICATION NO.  
 DNC LCP #2-96 minor  
 Subject property

California Coastal Commission

R9605C  
 WEAVER, SCOTT  
 Rezone "D" Overlay 101-060-13

BOARD OF SUPERVISORS  
COUNTY OF DEL NORTE  
STATE OF CALIFORNIA

RESOLUTION NO. 96-53

A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS  
SUBMITTING ORDINANCE NO. 96-07, AN ORDINANCE AMENDING  
ORDINANCE NO. 83-08 AND COUNTY CODE TITLE 21 BY DELETING COASTAL  
ZONING AREA MAP B-1 AND ADOPTING NEW COASTAL ZONING AREA  
MAP B-1 (WEAVER) 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 Ordinance No. 96-07 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 11th day of June 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. 4
APPLICATION NO. DNC LCP #2-96 minor
County Resolution
 California Coastal Commission

BOARD OF SUPERVISORS  
COUNTY OF DEL NORTE  
STATE OF CALIFORNIA

ORDINANCE NO. 96- 07

AN ORDINANCE AMENDING ORDINANCE NO. 83-08  
AND COUNTY CODE TITLE 21 BY DELETING  
COASTAL ZONING AREA MAP B-1 AND ADOPTING  
NEW COASTAL ZONING AREA MAP B-1 (WEAVER)

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-1 and amending same with a new Coastal Zoning Area Map B-1 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 25th day of June, 1996, by the following polled vote:

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

  
MARK A. MELLETT, Chairman  
Board of Supervisors

ATTEST:



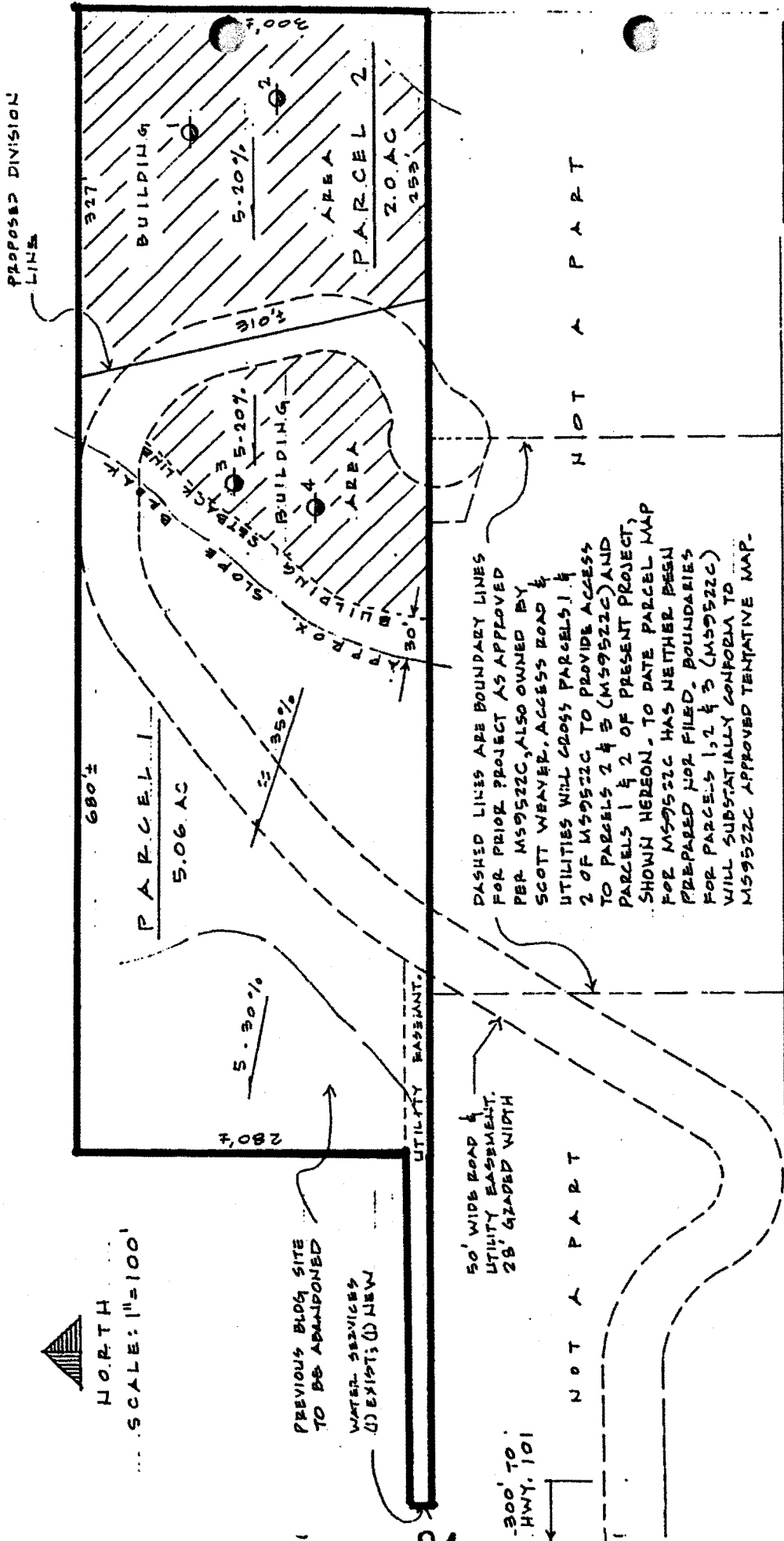
  
KAREN L. WALSH, Clerk of the  
Board of Supervisors, County  
of Del Norte, State of California

EXHIBIT NO. 5
APPLICATION NO. DNC LCP #2-96 minor
County Ordinance and proposed subdivision
 California Coastal Commission





**EXHIBIT NO. 5**  
**APPLICATION NO.**  
 DNC LCP #2-96 minor  
 County Ordinance  
 and proposed  
 subdivision  
 California Coastal Commission

DASHED LINES ARE BOUNDARY LINES FOR PRIOR PROJECT AS APPROVED PER MS9522C, ALSO OWNED BY SCOTT WEAVER, ACCESS ROAD & UTILITIES WILL CROSS PARCELS 1 & 2 OF MS9522C TO PROVIDE ACCESS TO PARCELS 1 & 2 OF PRESENT PROJECT, SHOWN HEREON. TO DATE PARCEL MAP FOR MS9522C HAS NEITHER BEEN PREPARED NOR FILED. BOUNDARIES FOR PARCELS 1, 2 & 3 (MS9522C) WILL SUBSTANTIALLY CONFORM TO MS9522C APPROVED TENTATIVE MAP.

LAYOUT MAP - MINOR SUBDIVISION  
 APN 101-060-13, SCOTT WEAVER

WEAVER, SCOTT R9605C  
 Rezone "D" Overlay 101-060-13

Exhibit "A"