

CALIFORNIA COASTAL COMMISSION

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



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Date Filed:	August 7, 1996
60th Day:	October 6, 1996
Staff:	James Muth
Staff Report:	August 23, 1996
Hearing Date:	September 11, 1996
Commission Action:	

TO: Commissioners and Interested Parties

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

SUBJECT: **Del Norte County LCP Amendment No. 1-96 Major, (Fred Soares Rezone)** (For Commission consideration at the meeting of September 11, 1996 in Eureka.)

SYNOPSIS

Amendment Description.

Del Norte County is requesting that a 3.4-acre parcel be rezoned from A-5 (Agriculture General, 1 unit/5 acres) to RRA-1 (Rural Residential Agriculture, 1 unit/1 acre). The subject property is located at 321 Charm Lane, off Old Mill Road within an urbanizing area of Del Norte County north of Crescent City (APN's 116-040-15 and 16).

Summary of Staff Recommendation.

Staff recommends that the Commission, upon completion of the public hearing, approve the LCP Amendment as submitted. The range of uses allowed, the allowable density, and the minimum parcel size required in the proposed RRA-1 (Rural Residential Agriculture, 1 unit/acre) zoning are consistent with development under the County's land use plan (LUP) designation for the site of as UR 2/1, (Low Density Urban Residential, 0-2 units/acre). The proposed RRA-1 zoning is more consistent with the property's Low Density Urban Residential LUP designation of 0-2 units/acre than the property's existing A-5 zone. In addition, the proposed zoning is consistent with the remaining policies of the LUP, including the policies relating to development with the urban/rural boundary. Therefore, staff believes the proposed Implementation Plan amendment conforms with and is adequate to carry out the Land Use Plan and should be approved.

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Analysis Criteria.

To approve the zoning map amendment, the Commission must find that the Implementation Plan (IP), as amended, conforms with and is adequate to carry out the policies and land use plan map designations of the County's 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".

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 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 LCP Amendment No. 1-96 (Major) 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:

The Commission hereby certifies LCP Amendment No. 1-96 (major) 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 as amended 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. FINDINGS TO APPROVE THE ZONING MAP AMENDMENT AS SUBMITTED.

A. Site Description and LCP Amendment Request.

The subject property is located within a developing area north of Crescent City in Del Norte County. See Exhibits No. 1 and 2. The subject property is located at the end of Charm Line and close to the urban/rural boundary line of Del Norte County's certified Local Coastal Program (LCP).

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The property has an existing LUP map designation of UR 2/1, meaning Low Density Urban Residential, 0-2 units/acre. See Exhibit No. 3. The proposed LCP amendment is an Implementation Plan amendment that would rezone the subject property from A-5 (Agriculture General, 1 unit/5 acres) to RRA-1 (Rural Residential Agriculture, 1 unit/acre). The existing LUP map designation would not be changed. Rezoning the property from A-5 to RRA-1 would make the property consistent with adjacent residential properties to the north and east of the subject property that are also zoned as RRA-1 and designated as UR 2/1. See Exhibit No. 4. The LCP amendment is associated with a request by Mr. Soares to subdivide his 3.4-acre property into two parcels that are approximately 1.0 and 2.4 acres in size.

The proposed 2.4-acre parcel is developed with a single-family residence and garage with an on-site sewage disposal system and an on-site water well. Despite the current Agricultural General zone, the property is not being used for any agricultural purpose. There are no hazardous geologic conditions on the property. The property is generally flat in nature. The property is not adjacent to any beach, river, or other water body and the property is not within a flood hazard area. A soils analysis for on-site sewage disposal has demonstrated adequate soils results for conventional systems. There are no unique, rare, or endangered species or habitat area on, or adjacent to, the subject property. The property does not contain prime agricultural soil, and no agricultural, timber, or mineral resources have been identified on, or adjacent to, the subject property.

B. Planning Background.

The subject property is located in a transitional area between the urban center in Crescent City and prime agricultural lands to the north of the property. In June of 1981, when the LUP was certified, the Coastal Commission examined the issues of population growth, the designation of prime and non-prime agricultural lands, and the potential to convert agricultural lands to non-agricultural uses. The findings adopted by the Commission for certification of the LUP state in applicable part on pages 5 and 6:

Del Norte County is a predominantly rural county, with a population of about 18,200, and is remote from major urban centers in California. Virtually all of the designated prime lands in the County are north of Morehead Road, several miles from Crescent City and other urbanized or urbanizing areas. The LUP proposes that population growth in the County will be concentrated within the urban-rural limits of Crescent City. In addition, many areas designated in the LUP for agriculture-general will serve as a buffer between rural residential development (along county roads and on existing smaller parcels) and prime agricultural lands.

The subject parcel is located within the designated urban/rural boundary. The County uses the urban/rural boundary line as a planning tool, primarily to help ensure the orderly extension of water and/or sewer services. The urban/rural boundary line establishes a line between urban development on one

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side (having water and/or sewer services on lots that are typically one acre or less in size) and rural development on the other side (having on-site wells and septic systems on lots that are typically larger than one acre in size).

In addition, page 332 of the LUP text states in applicable part:

Urban/Rural Boundary: This is a boundary line shown on the various land use maps which separates those areas designated for urban land use and subsequent future urban development from those areas designated for rural land uses. Included within the urban area are lands which are at the present time undeveloped which may either develop to a maximum density in one development project or which may reach their maximum density allowed in stages. Rural designations set maximum densities when in fact these densities may only be achieved over a substantial period of time.

Because the subject property is located within and near the edge of the urban/rural boundary, it was given a low density, urban residential land use designation of 0-2 units/acre. The UR 2/1 designation is the lowest density of the three urban residential LUP map designations used by the County. (The other two LUP designations have residential densities of 0-6 units/acre and 0-15 units/acre.)

The urban/rural boundary establishes a limit on the outward extension of urban services, particularly sewer and water lines. Although the property is located within a sewer assessment district, public water and sewer lines have not yet been extended to the property. To ensure safe drinking water supplies, residential development at a density of 2 units/acre requires the delivery of public water and/or sewer services. However, residential development at a density of 1 unit/acre can rely upon private, on-site wells and on-site septic systems (assuming that adequate water is available to accommodate the proposed development and that there is a suitable area to site the septic system, including minimum separation distances between a well and septic system). Thus, development at the maximum permitted density of 2 units per acre under the LUP designation applied to the property will require the extension of public water and/or sewer services to the area.

In October of 1983, the Coastal Commission certified the County's Implementation Plan portion of its LCP (including its coastal zoning ordinances). Although the subject property and the surrounding area were designated in 1981 with a Low Density, Urban Residential LUP designation of 0-2 units/acre, the subject property and the surrounding area were zoned in 1983 with an (A-5) Agriculture General zoning district of 1 unit/5 acres. The findings adopted by the Commission for certification of the LCP are silent as to how the property's A-5 zone was found to conform with and be adequate to carry out the property's Low Density, Urban Residential LUP designation. The property may have been zoned as agricultural-general, not necessarily because

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it was particularly suitable for agriculture, but because it was felt the designation would help protect the value of the property as a buffer between urban residential development to the south of the subject property and prime agricultural lands to the north of the subject property. An additional reason as to why the subject property was zoned as A-5 comes from Diane R. Mutchie, a senior planner who has worked at the Del Norte County Community Development Department since before the LUP was certified. Ms. Mutchie indicates that the A-5 zone was placed on the subject property because: (1) the Washington Park Subdivision to the south of subject property was not developed at the time, and the County wanted to encourage that area to develop first to ensure the orderly extension of urban services and to avoid leapfrog development, and (2) the owners of the subject property did use the property at the time for an agricultural use (for grazing cattle) and the owners objected to a non-agricultural zoning district designation out of concern that such zoning would increase their property tax obligation.

Although the proposed Implementation Plan amendment would change the zoning from an agricultural district to a residential district, the proposed amendment does not include a conversion of coastal agricultural lands to other uses. The site does not contain prime agricultural soils and is not used any more for agricultural purposes. The decision to convert the subject parcel from an agricultural use to a non-agricultural use was certified by the Commission in 1981 when the LUP was certified and the site was designated as Low Density Urban Residential.

C. Conformance with and Adequacy to Carry Out LUP Policies.

The LUP is silent regarding the range of uses that are allowed by the Low Density Urban Residential LUP designation of 0-2/units per acre. However, the title alone indicates that the development of residential dwelling units is the intended use for lands designated as UR 2/1. The development of single-family residences is the standard housing type for areas having an LUP density of up to 2 units/acre.

The LCP states on pages 48 and 49 that the intent of the RRA (Rural Residential Agriculture) zone is as follows:

This district classification is designed for the orderly development of rural homesites in the one to five acre category and to encourage a suitable environment for family life for those who desire rural residential land. Since there is a limited area within the County which is suitable for rural residential land, this district is intended to protect rural residential uses against encroachment by other uses which may be in conflict therewith.

The following principally permitted uses are allowed within an RRA-1 zone:

A. A one-family residence with appurtenant uses including home occupations and appurtenant accessory structures...

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B. Animal husbandry and small livestock farming, provided that no more than one horse, mule, cow or steer nor more than three goats, sheep or similar small livestock shall be kept for each twenty thousand square feet of lot area. Where the parcel is two acres or greater in size the number of goats, sheep or similar livestock may be increased to five per two thousand square feet of lot area.

C. The keeping of one hog or pig;

D. Agricultural uses, including the sale of agricultural products produced on the premises where sales activity:

1. Is clearly incidental and secondary to the use of the property for dwelling purposes,

2. Does not display any visual evidence from surrounding roads and/or properties such as a separate sales stand, employees, traffic and/or parking beyond that normal to the neighborhood in which it is located, etc. except that one unlighted sign not exceeding eight square feet in size may be erected.

The RRA zone allows a number of conditionally permitted uses, such as a greater number of farm animals than what is permitted in the RRA-1 zone, but only where the parcel is five acres or greater in size.

As the main use allowed under the RRA zone is single-family residential and as the agricultural uses allowed are of a scale more associated with residential use than with commercial agricultural, the proposed zoning conforms with the Low Density Urban Residential LUP designation.

It is apparent that with the range of uses, maximum densities, and minimum parcel sizes allowed by the RRA-1 zone is intended to serve as a transitional buffer zone between more urban residential zones and prime agricultural zones. In this sense the RRA-1 zone is more conforming with and better able to carry the property's Low Density, Urban Residential LUP designation of 0-2 units/acre than the property's existing A-5 zone. Two LUP policies on page 320 serve to guide development within urban and urbanizing areas. They are:

1. Proposed development within the urban boundary shall meet land use criteria described in each area plan and in Land Use Plan policies.
2. Proposed development within the urban boundary may be approved only after it has been adequately proven that the location of the proposed development will accommodate the development. These factors include but are not limited to sewage disposal, water capacity, and street system capacity.

In addition, Policy No. 16 on page 345 of the LUP states:

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New parcels created within the urban/rural boundary shall be a minimum of 1 acre in size if no public sewer and/or public water is provided. If public water or sewer is provided, the parcels may be 1/2 acre minimum in size. Should both public water and sewer be provided, the land use designation shall determine the maximum density for each area.

In the present case, the subject property does not yet have water and sewer services. Consequently, the minimum parcel size is one acre and the maximum permitted density without urban services is 1 unit/acre. The RRA-1 zone at 1 unit/acre conforms with and is adequate to carry out LUP Policy No. 16 above. In addition, the property owner has provided soils information to demonstrate septic system suitability to accommodate future development. Thus, the Implementation Plan amendment conforms with and is adequate to carry out LUP Policies No. 1, 2, and 16 above.

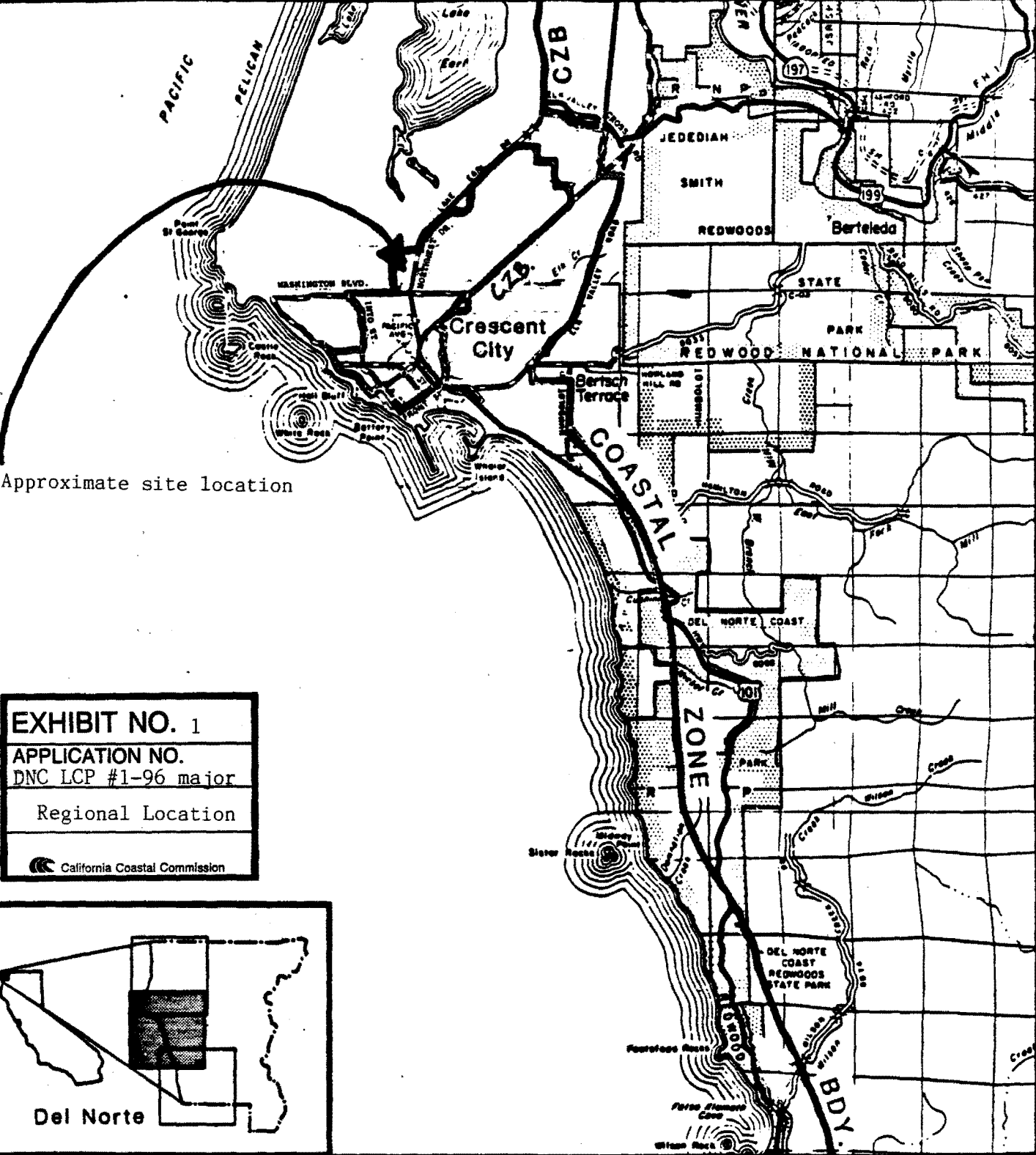
The Commission therefore finds that the Implementation Plan, as amended, conforms with and is adequate to carry out the LUP.

D. California Environmental Quality Act.

On July 9, 1996, 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.

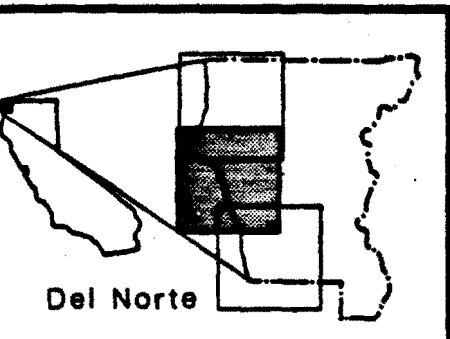
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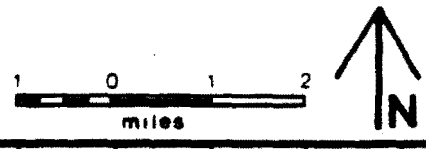
Approximate site location

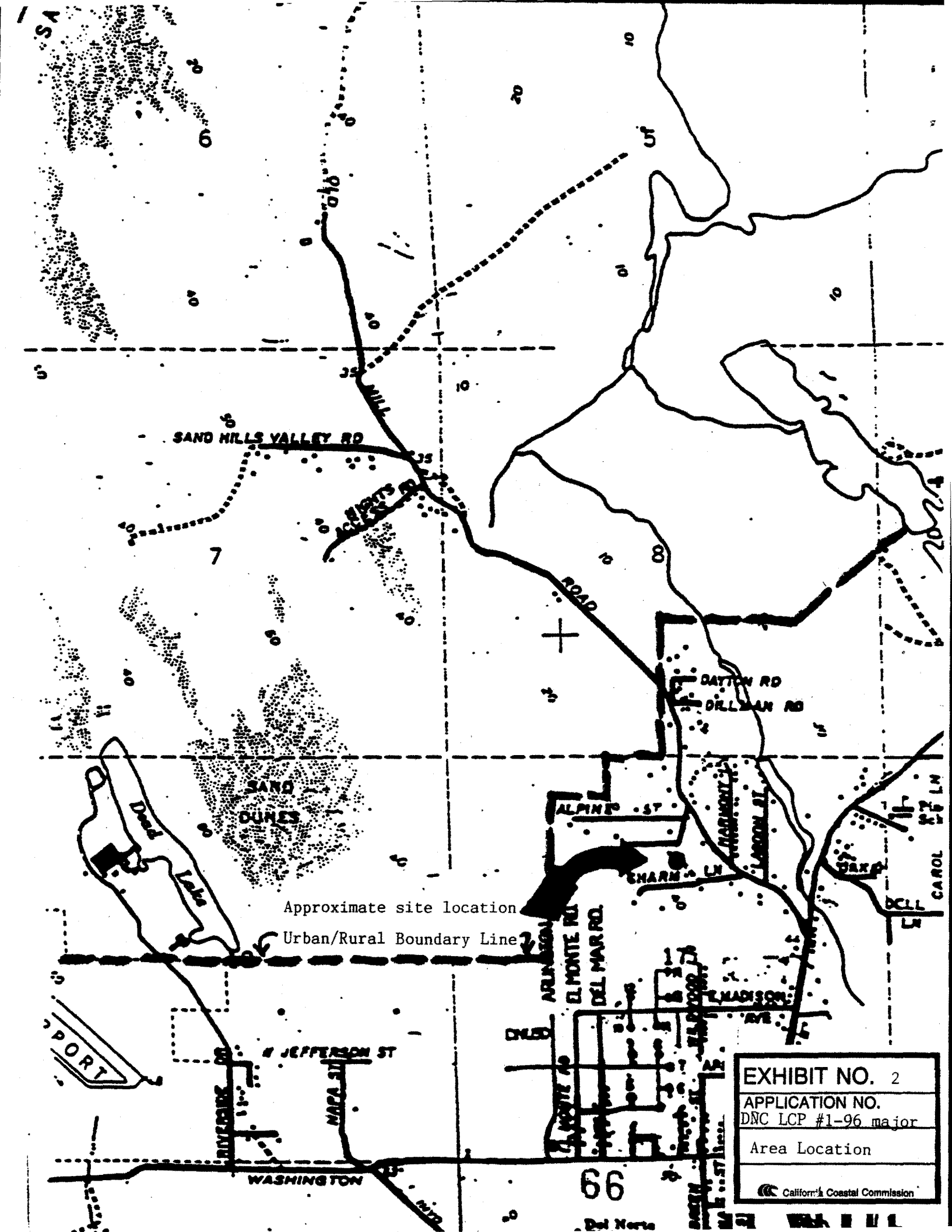
EXHIBIT NO. 1
APPLICATION NO.
DNC LCP #1-96 major
Regional Location
California Coastal Commission



California Coastal Commission

LOCATION MAP





Approximate site location

Urban/Rural Boundary Line

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

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Del Norte

San Mateo

Planning Area No. 3.

Lake Earl

0-2
D.U./ACRE

D.N. CO.
LANDFILL

Agriculture General
1 unit/20 acres

DEAD

LAKE

Approximate site location

43 acre area within the
urban boundary and zoned
as A-5.

Agriculture General
1 unit/5 acres

Urban Residential

0-2 units/acre

General
Commercial

Urban/rural boundary line

Low-Density Urban
Residential 0-2 units
per acre

Urban Residential
0-6 units/acre

Planning Area No. 4.

Del Norte County

Washington Blvd.

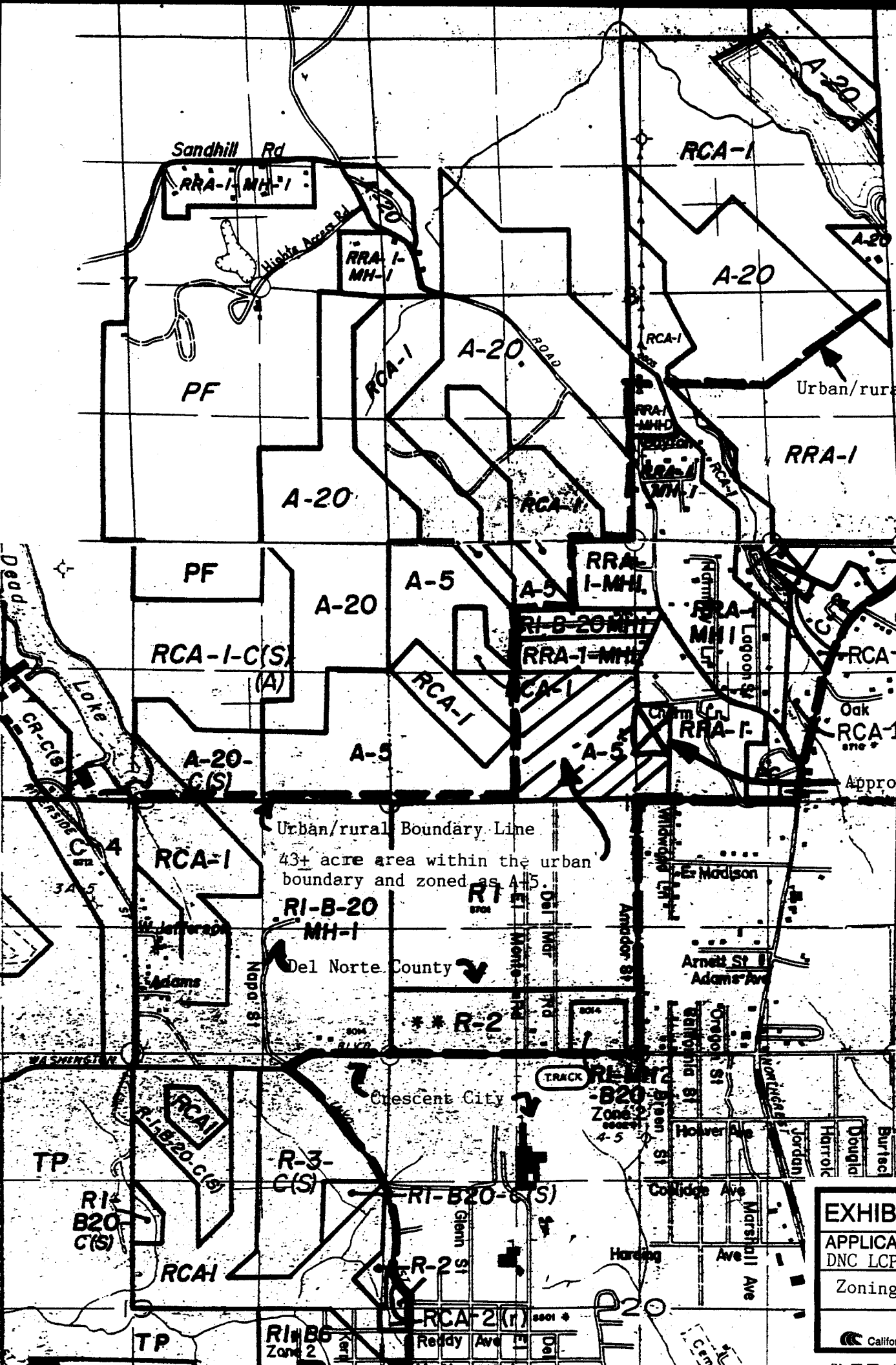
Crescent City

Northcrest Drive

EXHIBIT NO. 3

APPLICATION NO.
DNC LCP #1-96 major

Land Use Plan Map



Section
DEL N
S
T

APPROVED BY
APPROVED BY
CO
RS-03: Sect 6, E

RI-B20
Zone 6

RCA-2-(r)
570'

Approximate site location

Urban/rural Boundary Line
43+ acre area within the urban boundary and zoned as A-5.

RI-B-20
MH-1

Del Norte County

R-2

RI-B20
Zone 6
4-5

YARD WIL
B DISTR

ZONE	FRONT
2	25'
6	As per E

EXHIBIT NO.	4
APPLICATION NO.	DNC LCP #1-96 major
Zoning Map	
California Coastal Commission	

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

RECEIVED
JUL 29 1996

RESOLUTION NO. 96-58

CALIFORNIA
COASTAL COMMISSION

A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
SUBMITTING ORDINANCE NO. 96-11, 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 (SOARES) 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. 96-11 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 9 th day of June 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 major County Resolution, Ordinance, and zoning map change.
 California Coastal Commission

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

ORDINANCE NO. 96-11

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 (SOARES)

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 and amending same with a new Coastal Zoning Area Map B-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).

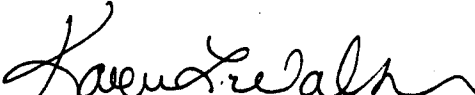
PASSED AND ADOPTED this 23 day of July, 1996, by the following polled vote:

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



MARK A. MELLETT, Chairman
Board of Supervisors

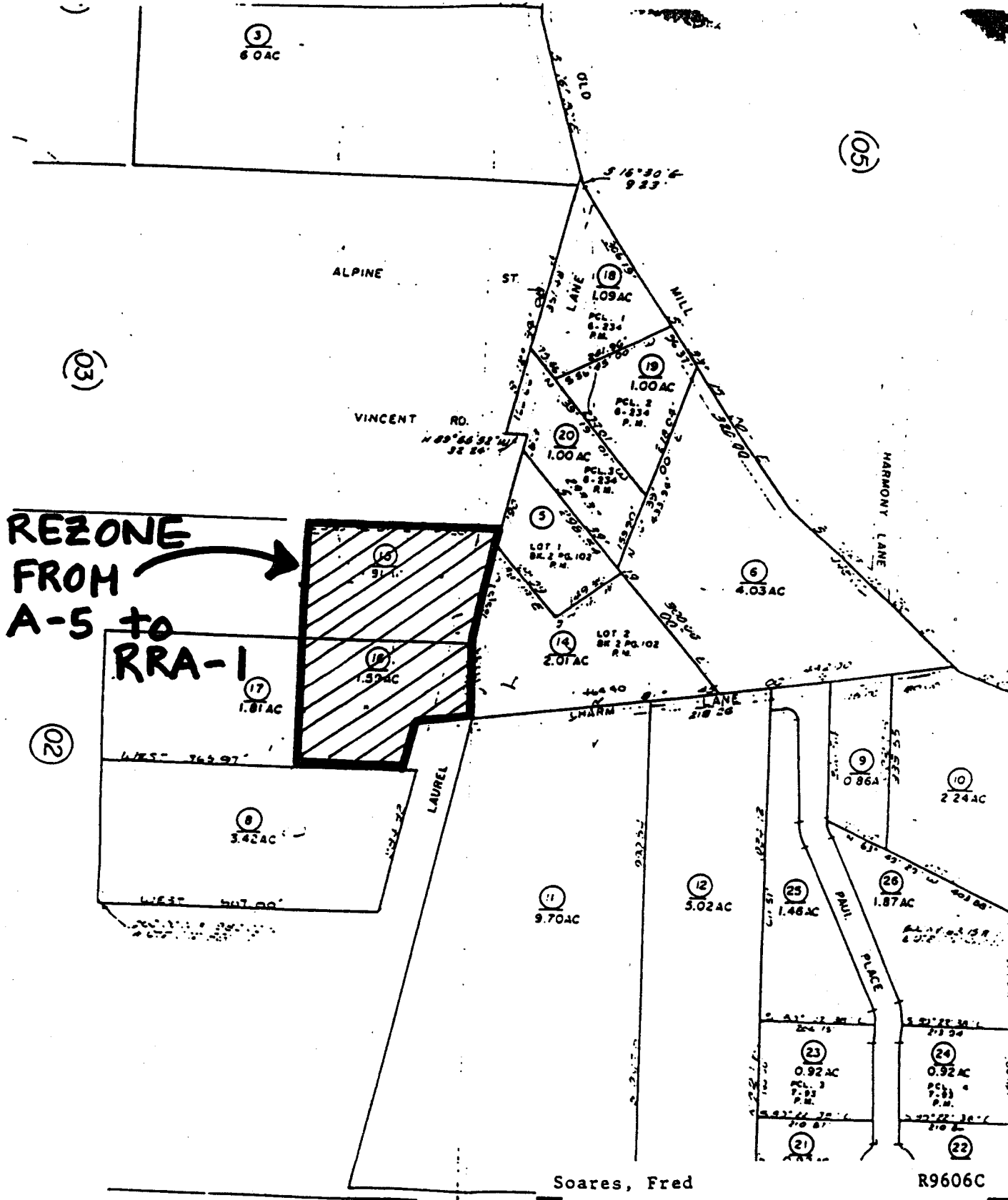
ATTEST:



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

BOOK PAGE

REZONE MAP



REZONE FROM A-5 to RRA-1

Soares, Fred
 CTR SE Rezone A-5 to RRA-1 R9606C
 116-040-15, 16

EXHIBIT A

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