

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

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Filed:	March 10, 1997
60th Day:	May 9, 1997
Staff:	James Muth
Staff Report:	March 21, 1997
Hearing Date:	April 10, 1997
Commission Action:	

TO: COMMISSIONERS AND INTERESTED PARTIES

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

SUBJECT: **LCP Amendment No. 1-97 (minor) to Del Norte County's certified Local Coastal Program, Marvin Day RCA rezone.**
(for Commission review and action at its meeting of April 10, 1997 in Huntington 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.

This RCA rezone is prompted by a request from the property owner to subdivide his 5.97-acre property into a 2.97-acre parcel (Parcel No. 1) and a 3.0-acre parcel (Parcel No. 2). The subject property is located on the southwest side of an old mill pond that was formerly used by Northcrest Incorporated. The property flanks both the east and west sides of Lake Earl Drive, north of Crescent City at 1100 Blackwell Lane (APN 110-130-26). See locational Exhibits No. 1, 2, and 3.

The Commission's retained coastal development permit jurisdiction is limited to the surface water area of the old mill pond.

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None of the property to be subdivided includes the surface water area of the pond. Thus, the proposed subdivision does not require a coastal development permit from the Coastal Commission. However, the area immediately around the pond is within the coastal development permit jurisdiction of the County, and the County approved a local coastal development permit for the subdivision in December of 1996, contingent upon approval of the RCA rezone by the Coastal Commission as an LCP amendment. The County's approval of the local coastal development permit for was not appealed to the Commission.

A single-family residence is located at the south end of the subject property. The residence is served by an on-site sewage disposal system, a private water well, and a driveway access to Blackwell Lane. A 2.0± acre lawn and landscaped area is located immediately around the residence. The balance of the 5.97-acre property is located north and west of the existing residence, and extends along the southwest side of the old mill pond and across Lake Earl Drive. The balance of the property is undeveloped and is covered with native trees and shrubs.

The land and water area at the south end of the pond near the residence was previously subject to an RCA rezone that was approved by the Coastal Commission in 1991. See Exhibit No. 5. The zoning for this area will not change under the current LCP amendment. The area subject to this RCA rezone is currently zoned as RCA-1. The RCA rezone area includes the remaining water area of the old mill pond that was not subject to a RCA rezone in 1991 and that portion of the 5.97-acre property located north and west of the residence along the southwest side of the old mill pond, including land on both the east and west sides of Lake Earl Drive. The coastal zone boundary bisects the subject property on the east side of Lake Earl Drive. The portion of the property that is located outside of the coastal zone is zoned as R1A (Residential and Agriculture, 1 unit per acre). The R1A zone is the County's non-coastal equivalent of its coastal RRA-1 (Rural Residential Agriculture, 1 unit per acre) zone.

Under the proposed RCA rezone, all of the remaining surface water area of the old mill pond, including the margins of the pond, would be rezoned from RCA-1 to RCA-2(w) (Designated Resource Conservation Area - wetland). Under the proposed RCA rezone and subdivision, Parcel No. 1 would contain the existing single-family residence. The portions of proposed Parcel No. 1 within about 100 feet of the old mill pond would be rezoned from RCA-1 to RCA-2(wb) (Designated Resource Conservation Area - wetland buffer). The top of the bank on the southwest side of the old mill pond coincides with the boundary line between the proposed RCA-2 (w) and RCA-2(wb) zones. The portions of Parcel No. 1 that are more than 100 feet from the top of the bank of the old mill pond and are still within the coastal zone, would be rezoned as RRA (Rural Residential Agriculture, 1 unit per acre).

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Under the proposed RCA rezone and subdivision, Parcel No. 2 would include an area on both the east and west sides of Lake Earl Drive. As approved by the County, the non-resource area on the west side of Lake Earl Drive would be rezoned from RCA-1 to RRA-1 (Rural Residential Agriculture, 1 unit per acre), consistent with the proposed RRA-1 zone on the east side of Lake Earl Drive for Parcel No. 2. On the east side of Lake Earl Drive, a narrow area along the southwest side of Parcel No. 2 is located outside of the coastal zone and will remain zoned with the non-coastal designation of R1A. Based on the soils analysis of test pits for a conventional septic/leachfield sewage disposal system, a building site for Parcel No. 2 would be located on the east side of Lake Earl Drive in the proposed RRA-1 zone and existing R1A zone. Access to the building site for Parcel No. 2 would be from Lake Earl Drive. Exhibit No. 4 shows how the subject property will be divided into two parcels. Exhibit No. 5 shows how the subject property is zoned, both before and after the proposed RCA rezone.

County and Coastal Commission staff conducted field reviews to confirm the location and nature of the proposed RCA-2(w) and RCA-2(wb) zones. 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.

In summary, the proposed RCA-2(w) and RCA-2(wb) zones reflect the actual location of the wetland resources that are found within the former RCA-1 zone area. The adjustment in zoning district boundaries allowed by the RCA rezone does not allow for the creation of any more parcels than what County's certified land use plan currently allows. The proposed RCA rezone merely delineates the location of the wetland and wetland buffer areas on the property with more accuracy. Staff from Del Norte County and the Coastal Commission concur with the results of the RCA rezone. 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.

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 10, 1997 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 Exhibit No. 6. Commission action must occur by May 9, 1997 (within 60 days of filing).

**LCP Amendment No. 1-97 (minor) to Del Norte County's
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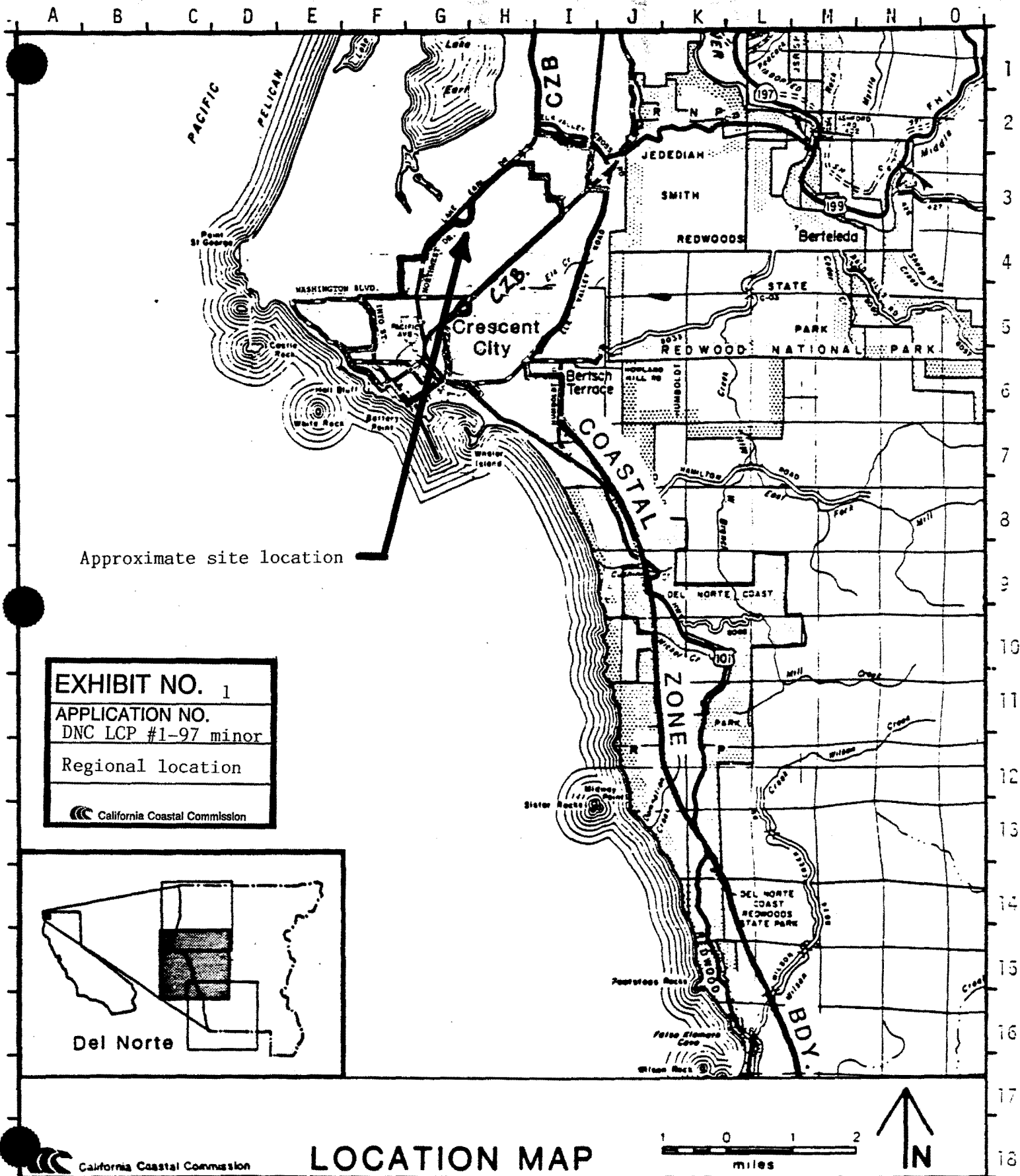
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The Executive Director has determined that the proposed LCP amendment is "minor" in nature under Sections 13554 and 13555 of Title 14 of the California Code of Regulations, since the amendment will not result in a change to the kind, density, or intensity of use of the land on the subject parcels. The Executive Director informed all interested parties by mail of his determination on March 21, 1997. The Commission will consider the Executive Director's determination at the April 8-11, 1997 meeting in Huntington 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 April 3, 1997.

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.



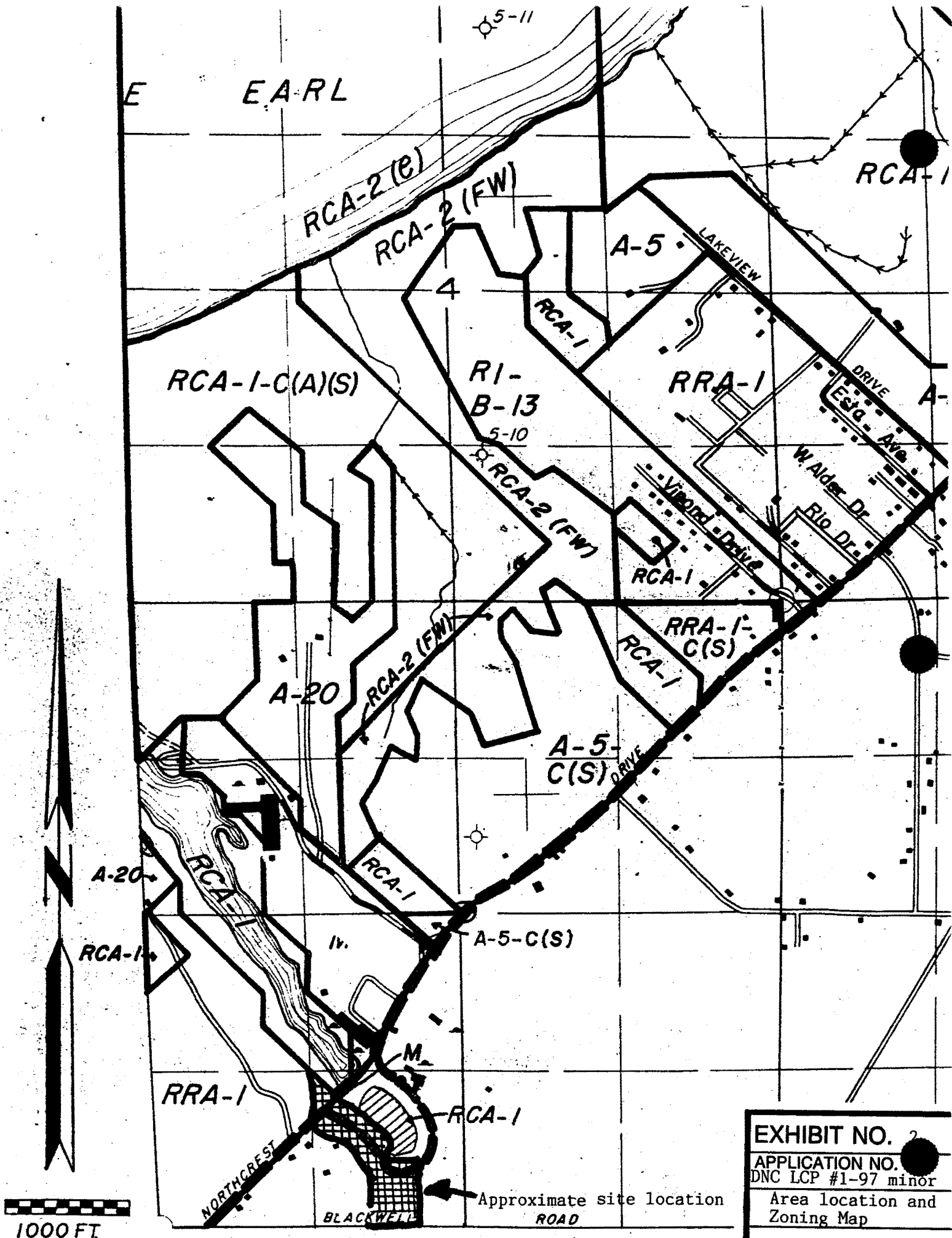


EXHIBIT NO. 2

APPLICATION NO.
DNC LCP #1-97 minor

Area location and
Zoning Map

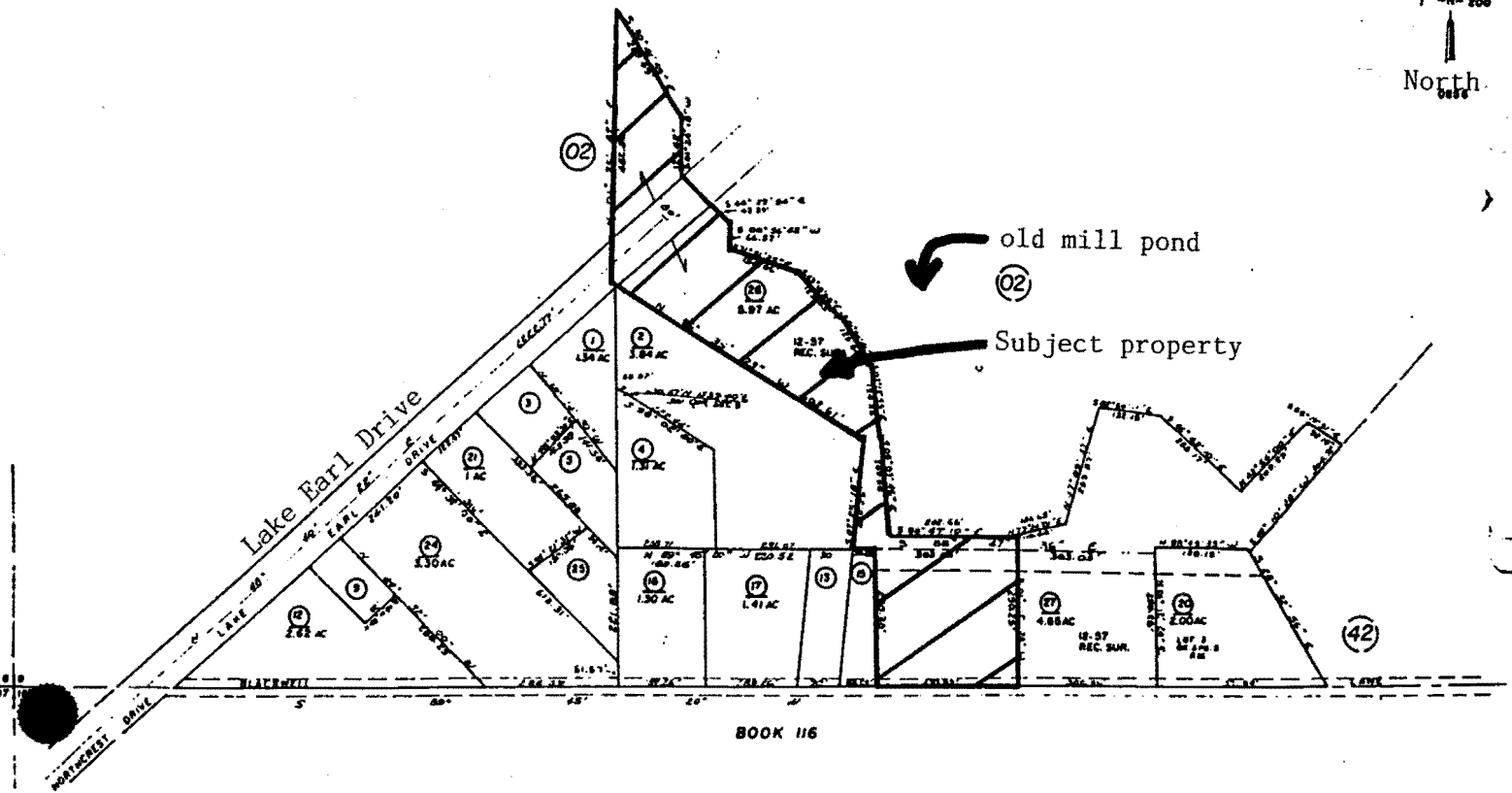
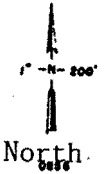
California Coastal Commission

POR. SW 1/4 SEC. 9 T.16N., R.1W., H.B.&M.

110-13

THIS IS NOT AN OFFICIAL MAP
FOR ASSESSMENT PURPOSES ONLY

This plat is furnished for information. It is compiled
from data which we believe to be accurate, but no
liability is assumed as to the correctness of such data.



DAY, MARVIN

MS9704C

Minor Subdivision

110-130-26

EXHIBIT NO. 3

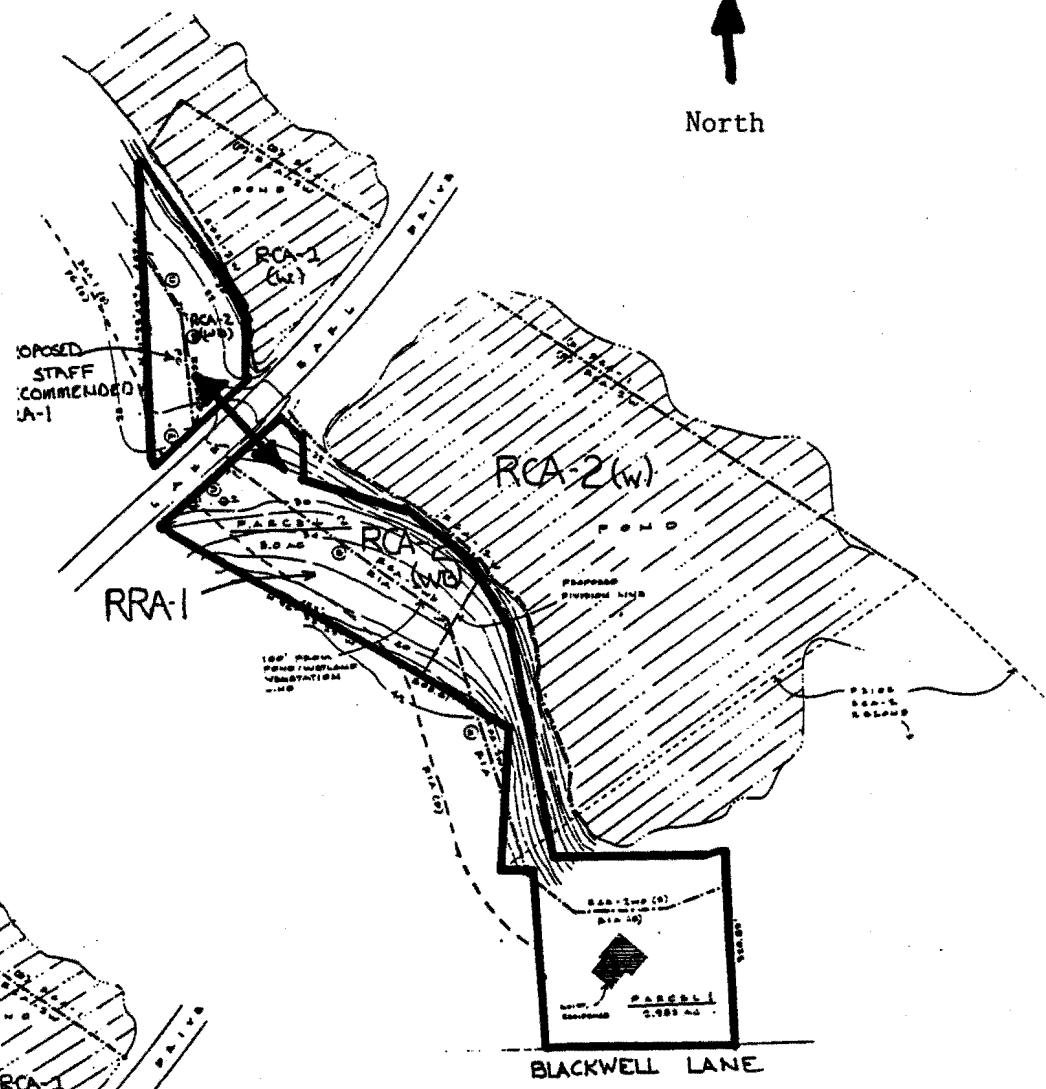
APPLICATION NO.
DNC LCP #1-97 minor

Property
configuration

California Coastal Commission



Before →



After →

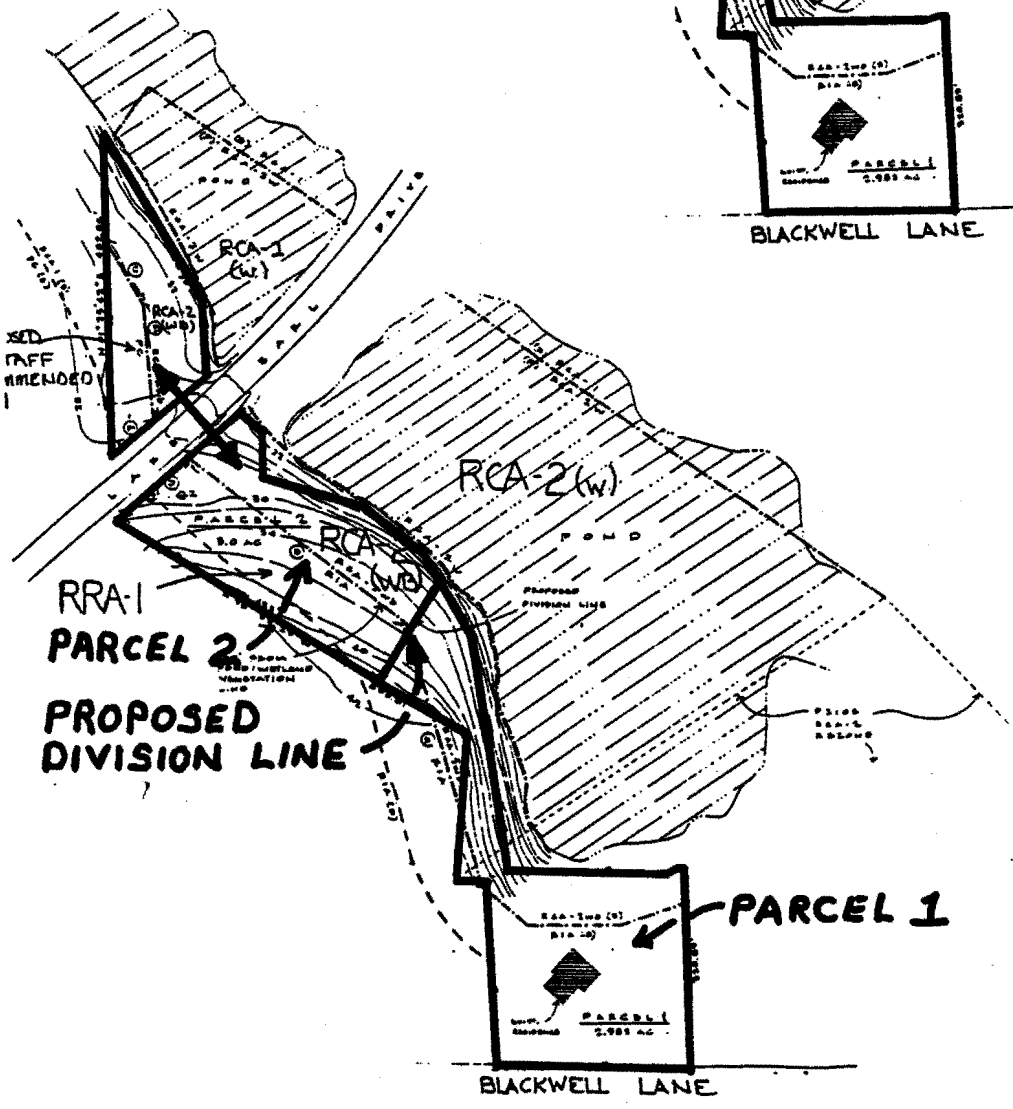


EXHIBIT NO. 4
APPLICATION NO. DNC LCP #1-97 minor
Parcel configuration before and after the minor subdivision
California Coastal Commission

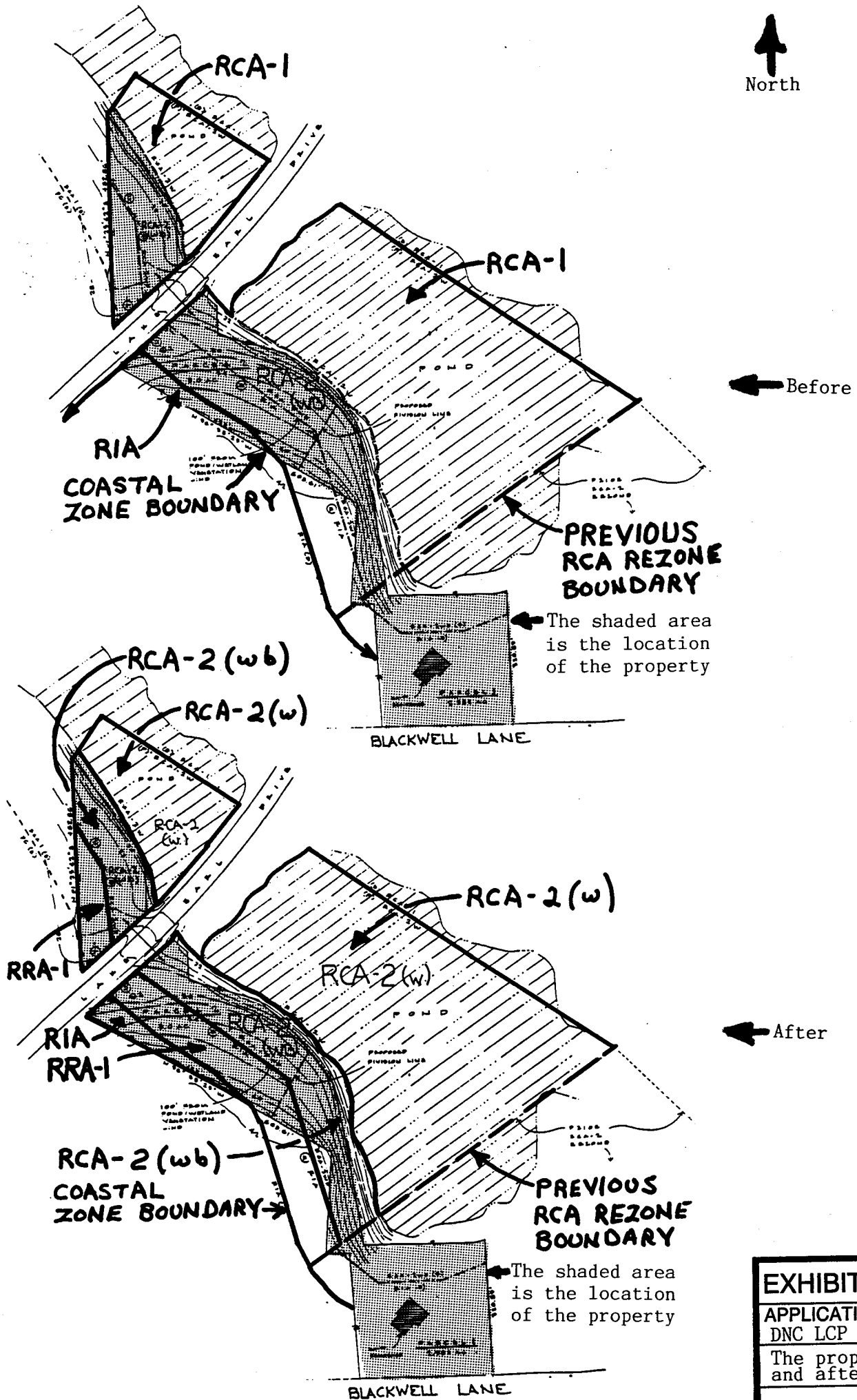


EXHIBIT NO. 5

APPLICATION NO.

DNC LCP #1-97 minor

The property before and after the RCA

rezone

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

RESOLUTION NO. 97- 023

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
SUBMITTING ORDINANCE NO. 97-001, AN ORDINANCE AMENDING
ORDINANCE NO. 83-08 AND COUNTY CODE TITLE 21 BY DELETING COASTAL
ZONING AREA MAP C-8 AND ADOPTING NEW COASTAL ZONING AREA
MAP C-8 (DAY) 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 25th day of February 1997, by the following polled vote:


AYES: Supervisors Finigan, Reese, Eller, Clausen and McClure
NOES: None
ABSENT: None


BARBARA P. CLAUSEN, Chairman
Board of Supervisors

ATTEST:


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

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EXHIBIT NO. 6
APPLICATION NO. DNC LCP #1-97 minor
County Resolution and Ordinance
 California Coastal Commission

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

RECEIVED
MAR 03 1997

ORDINANCE NO. 97- 001

AN ORDINANCE AMENDING ORDINANCE NO 83-08
AND COUNTY CODE TITLE 21 BY DELETING
COASTAL ZONING AREA MAP C-8 AND ADOPTING
NEW COASTAL ZONING AREA MAP C-8 (DAY)

CALIFORNIA
COASTAL COMMISSION

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-8 by replacing same with a new Coastal Zoning Area Map C-8 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 25th day of February 1997, by the following polled vote:


AYES: Supervisors Finigan, Reese, Eller, McClure and Clausen

NOES: None

ABSENT: None


BARBARA P. CLAUSEN, Chairman
Board of Supervisors

ATTEST:


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

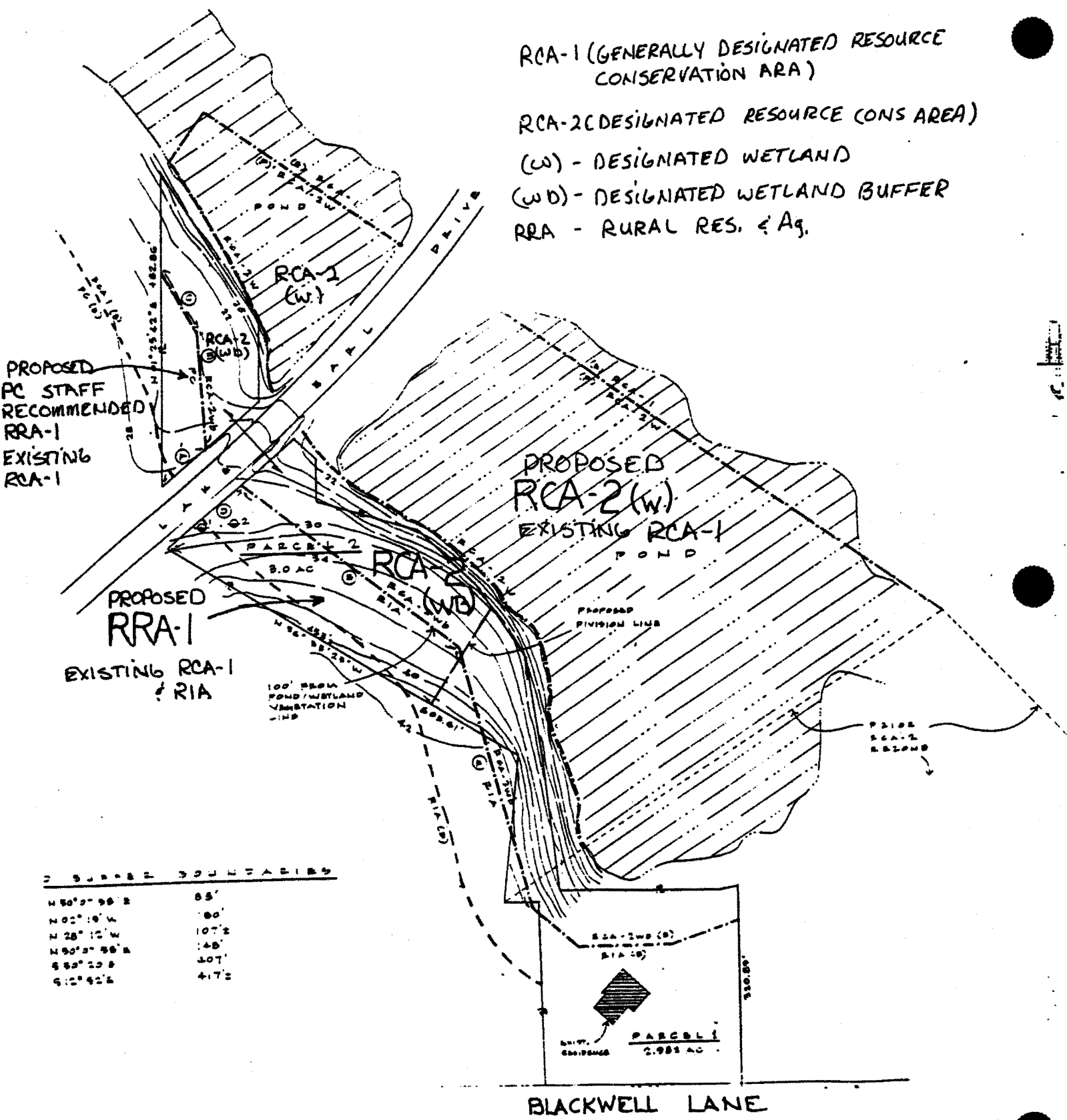
RCA-1 (GENERALLY DESIGNATED RESOURCE CONSERVATION AREA)

RCA-2 (DESIGNATED RESOURCE CONS AREA)

(W) - DESIGNATED WETLAND

(WB) - DESIGNATED WETLAND BUFFER

RRA - RURAL RES. & Ag.



S U B S E R S O U L T A B L E S	
N 50° 5' 30" E	85'
N 02° 10' W	100'
N 28° 10' W	107' 2
N 50° 2' 30" E	140'
S 50° 20' E	107'
S 10° 42' E	417' 2

STAFF REVISED
EXHIBIT 'A'

DAY, MARVIN
Minor Subdivision

MS9704C
110-130-26