

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
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 SAN FRANCISCO, CA 94105-2219
 (415) 904-5260

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Date Filed: May 19, 1997
 60th Day: Extended for 1 year
 Staff: James Muth
 Staff Report: December 23, 1997
 Hearing Date: January 13, 1998
 Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
 Steven Scholl, Deputy Director
 Robert Merrill, North Coast District Manager
 James Muth, Coastal Planner

SUBJECT: **Del Norte County LCP Amendment No. 2-97 Major, (Richard Martin RCA Rezone)** (For Commission consideration at the meeting of January 13, 1998 in San Luis Obispo.)

SYNOPSIS

Amendment Description.

Del Norte County is requesting that a 119± acre, coastal zone portion of a 203-acre ranch be rezoned from A-5 (Agriculture General, 1 unit/5 acres) and RCA-1 (General Resource Conservation Area) to A-5 and RCA-2(fw) (Designated Resource Conservation Area, farmed wetland). The subject property, APN 115-020-28, is located about two miles southeast of Crescent City on the northeast side of Highway 101 and the east side of Enderts Beach/Humboldt Roads.

Summary of Staff Recommendation.

Staff recommends that the Commission, upon completion of the public hearing, approve the LCP Amendment as submitted. In Del Norte County, the RCA rezone program in Chapters 21.11 and 21.11A of the coastal zoning ordinance establishes the informational and procedural requirements that are needed to more precisely identify and map environmentally sensitive resource areas, such as wetlands and farmed wetlands before development. The RCA rezone for the subject property conforms with and is adequate to carry out the certified Land Use Plan (LUP) as: (1) all resource identification, mapping, and regulatory review requirements of LUP Wetland Policy No. 4(g) will have been met upon LCP amendment certification by the Coastal Commission; and (2) the proposed new zoning designations of A-5 and RCA 2-(fw) are consistent with the Resource Conservation Area and Agricultural Land Use Plan (LUP) designations for the property.

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 Land Use Plan (LUP) policies and map designations of the County's LCP.

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. 2-97 (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. 2-97 (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 a 203± acre ranch located about two miles southeast of Crescent City in Del Norte County, APN 115-020-28. The ranch is located on the northeast side of State Highway 101 One and the east side of and Humboldt Road. The ranch is bisected by the coastal zone boundary. The non-coastal zone portion of the ranch is about 84.5 acres in size. The coastal portion of the ranch, the subject of this rezone is about 119 acres in size. See locational Exhibits No. 1, 2, and 3.

The coastal zone portion of the ranch is currently zoned as A-5 (Agricultural General, 5 acre minimum lot size) and RCA-1 (General Resource Conservation Area). This portion of the ranch includes hay fields and grazed pasture lands. A single-family residence, barn, and other agricultural outbuildings are located in the approximate center of the property near the coastal zone boundary. The coastal zone portion of the ranch slopes gently downhill towards Humboldt and Enderts Beach Roads and State Highway 101. The lowest elevation is about 15 feet above sea level in the southwestern portion of the property and the highest elevation is about 60 feet above sea level near the coastal zone boundary.

The RCA rezone would amend a zoning map in the County's Implementation Program by rezoning the 119-acre coastal zone portion of the ranch parcel from A-5 (Agriculture General, 5 acre minimum lot size) and RCA-1 (General Resource Conservation Area) to A-5 and RCA-2(fw) (Designated Resource Conservation Area, farmed wetland). A "before" and "after" illustration showing the existing and the proposed zoning over the coastal zone portion of the ranch is shown in Exhibit Nos. 4 and 5. Exhibit No. 4 shows the existing zoning, which includes 71.5 acres of A-5 and 47.5 acres of RCA-1. Exhibit No. 5 shows the proposed zoning, which includes 86.2 acres of A-5 and 32.8 acres of RCA-2(fw) (Designated Resource Conservation Area, farmed wetland). "Farmed wetlands" are typically seasonal wetland areas that have historically been used for agricultural purposes. The amendment would (1) rezone the RCA-1 areas that have been determined to be wetlands to RCA-2(fw), (2) rezone the smaller amount of RCA-1 area that have not been determined to be wetlands to A-5, and (3) rezone the small amount of A-5 area that has been determined to also contain wetlands to RCA-2(fw). In net, under the proposed amendment the acreage under RCA zoning decreases by 14.7 acres, and the acreage under A-5 zoning increases by a corresponding amount.

The California Department of Fish and Game has reviewed the proposed RCA rezone and concurs with the results of the wetlands investigation and the proposed RCA rezone. See Exhibit No. 6. The proposed LCP amendment was submitted to the Coastal Commission by the Del Norte County Board of Supervisors under Resolution No. 97-046 and Ordinance No. 97-006. See Exhibits No. 7 and 8.

B. Applicable LUP/LCP Policies.

The RCA rezone process is unique to Del Norte County's Local Coastal Program as it is not found in any other LCP. The RCA rezone process is implemented by Chapters 21.11 and 21.11A of the County's coastal zoning ordinances and it is used to more precisely, identify and map environmentally sensitive resource lands that may contain wetlands, wetland buffers, farmed wetlands, riparian areas, estuaries, and coastal sand dunes before development. 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. Under the County's LCP, the RCA-1 zone serves as a transition zone

**Del Norte County LCP Amendment
No. 2-97 Major (Martin)
Page 4**

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.

Under the County's LUP, Resource Conservation Areas (RCAs) are shown on the LUP map as a distinct and separate land use plan category. RCAs are also shown on the LUP constraints map as their environmentally sensitive nature is a constraint to new development. RCAs are identified on page 331 of the LUP as a "non-urban" land use plan category. The text for the RCA LUP designation states in applicable part:

Resource Conservation Areas (RCA) are areas mapped on the accompanying constraint maps as wetlands and farmed wetlands, riparian, estuaries, and coastal sand dunes. Development within these areas is subject to the policies of the certified land use plan.

The LUP defines "wetlands" on page 64 as:

Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, bogs, and fens. The land use category will be Resource Conservation Area.

Farmed wetlands shall be defined as wetland areas which are grazed, planted or cut for forage during parts of the year. The land use category will be Resource Conservation Area with existing agricultural uses being deemed a principal use.

Without referring to the RCA rezoning process which is detailed in the zoning ordinance, LUP Wetland Policy No. 4(g) requires on page 66 that soils, vegetation, and topographic information be analyzed to identify the specific type and boundary limits of an identified environmentally sensitive resource area. The wetland policy also requires that the analysis be done in cooperation with the California Department of Fish and Game and that the County's determination be based upon specific findings as to whether an area is, or is not, an environmentally sensitive habitat area based on LUP criteria and definitions, and criteria included in Coastal Commission guidelines for "Wetland and Other Wet Environmentally Sensitive Habitat Areas" as adopted on February 4, 1981.

Under the County's LUP, the A-5 (Agriculture General, 5 acre minimum lot size) LUP designation is shown on the LUP map as a distinct and separate land use category. The A-5 LUP designation is identified on page 329 of the LUP as a "non-urban" land use category. The text for the A-5 LUP designation states in applicable part:

This category includes non-prime farmlands and agricultural uses on lands used for agricultural purposes or suitable for agricultural purposes which are in general 5 acres or larger in size. This category applies to agricultural uses which include, but are not limited to, field crops, dairies, orchards, apiculture, viticultures, horticulture, cattle, horse, and animal raising and pasture and forage.

LUP Agriculture Policy No. 9 on page 194 states in applicable part that:

Agricultural uses such as grazing and pastoral activities and the raising and harvesting of crops are deemed to be a principal use within Farmed Wetlands.

The LUP also indicates that grazing and pastoral activities on farmed wetlands are generally compatible with wildlife habitat areas. For example, LUP text on 48 states in applicable part:

In general, agricultural activities are consistent with and often complementary to wildlife habitat. Grazing lands, for example, are utilized by water-fowl as auxiliary feeding areas.

The LUP text on page 51 also states:

In order to maintain the overall productivity and quality of biologically sensitive habitats, priority should be given to uses that are complementary to wildlife, such as grazing land that serves as auxiliary feeding habitat...

Chapter 21.11 of the Coastal Zoning Ordinance establishes the informational and procedural requirements that are required to rezone an area from RCA-1 (the General Resource Conservation Area) to RCA-2 (the Designated Resource Conservation Area). LCP Section 21.11.060(D)(2) and (3) of the zoning ordinance states:

2. Where it is found that all or a portion of a parcel is in a resource conservation area and/or is in any wetland buffer required by Section 21.11A.020(B) said parcel or portion of a parcel shall be rezoned to RCA-2 with a parenthetical reference as to the type of resource conservation area, i.e. wetland (w), farmed wetland (fw), estuary (e), riparian vegetation (r), coastal sand dunes (sd), or wetland buffer (wb). Where more than one type exists, the distinction shall be noted on the zoning map.

3. Where it is found that all or a portion of a parcel is not in a resource conservation area and/or any required wetland buffer, a finding shall be made that the non-RCA area is within the abutting General Plan land use classification and said parcel or portion of parcel shall be rezoned to another zoning classification which is in accord with the General Plan or adopted specific plan as set forth in Chapters 21.50A and 21.50B.

The informational and procedural requirements for a LUP amendment and for an Implementation Plan/zoning amendment are provided in Chapters 21.50A and 21.50B of the Coastal Zoning Ordinance, respectively. Both Chapters require that an LCP amendment shall not take effect until it has been certified by the California Coastal Commission.

C. LCP Amendment Analysis.

The Commission finds that the Del Norte County LCP Implementation Plan, as amended, conforms with and is adequate to carry out the certified Land Use Plan.

The RCA rezone process has been conducted in a manner consistent with the LUP wetland policies. The RCA rezone for this zoning map amendment is based, in part, on a January 1997 report of wetlands investigation of the coastal zone portion of the ranch property conducted by Karen Theiss & Associates, Biological and Environmental Consultants (KTA). The KTA wetlands investigation employed commonly-accepted, wetlands mapping methodology using State and federal wetlands definitions and criteria consistent with the LUP definition of wetlands to identify the location and type of wetlands on the subject property. The wetlands investigation determined that 32.8 acres of the property contain wetlands, all of it consisting of farmed wetlands as defined by the LCP. The amendment proposes to rezone all of the 32.8 acres as RCA-2(fw) (farmed wetlands).

County and Coastal Commission staff conducted field reviews of the subject property and reviewed the wetlands report prepared by KTA to confirm the location and nature of the proposed RCA-2(fw) zones. California Department of Fish and Game staff have also conducted separate field reviews of the subject property and have reviewed the wetlands report prepared by KTA. The Department of Fish and Game concurs with the results of the report and the proposed RCA rezone. See Exhibit No. 6.

Therefore, the Commission finds that the proposed RCA rezone of the subject property conforms with and is adequate to carry out LUP Wetland Policy No. 4(g) as soils, vegetation, and topographic information have been analyzed to identify the specific boundary limits of an identified environmentally sensitive resource area that has been reviewed and approved by staff from the County and the California Department of Fish and Game.

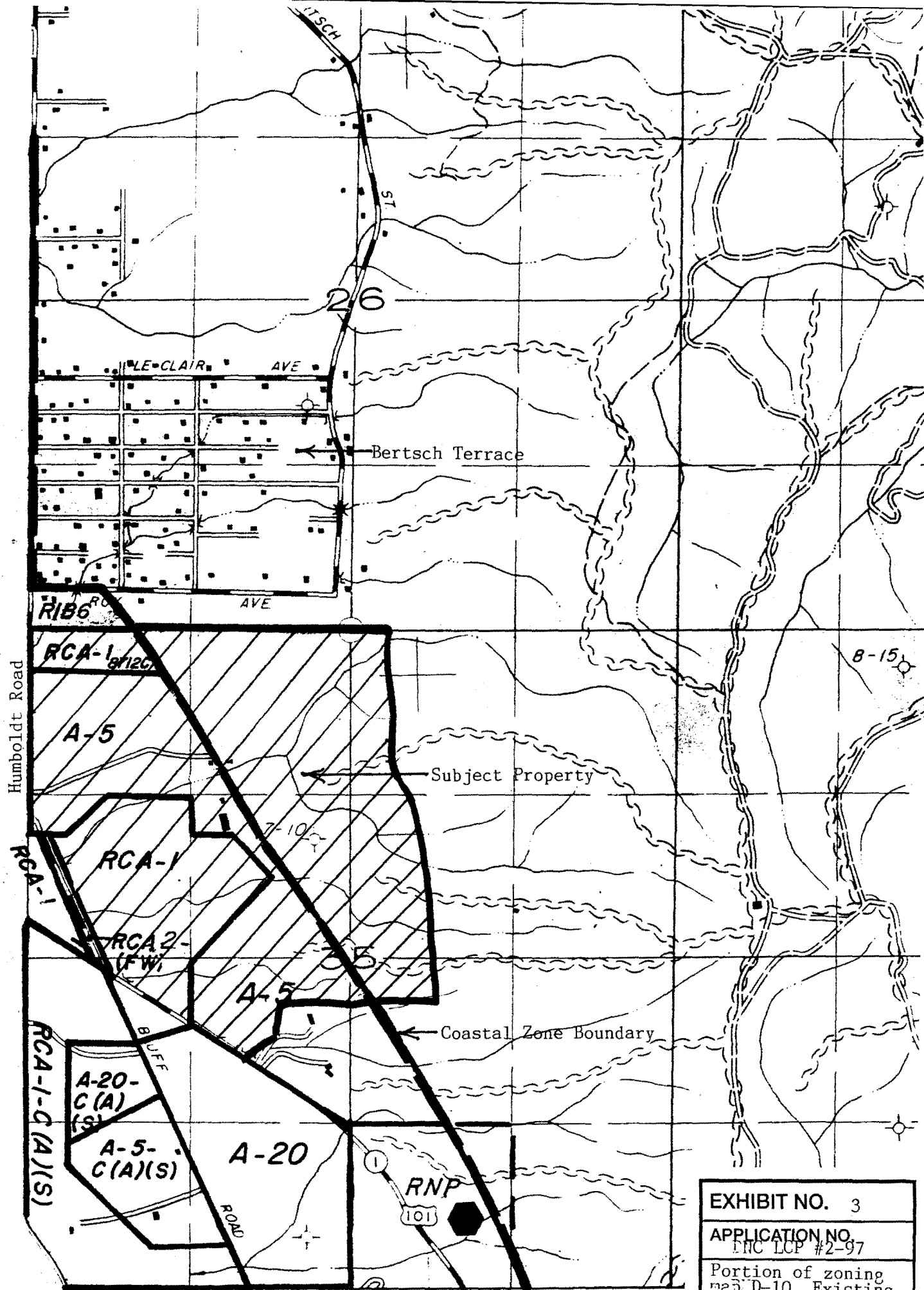
The Commission also finds that the proposed zoning designations under the amendment of A-5 and RCA-2(fw) are consistent with the A-5 and RCA Land Use Plan designations for the property. All of the 32.8 acres of mapped wetlands on the property were determined to be farmed wetlands and will be zoned under the proposed amendment as RCA-2(fw), the zoning district classification that is appropriate for farmed wetlands. All of the remaining land, the portion of the property found not to contain wetlands, will be zoned under the proposed amendment as A-5. This zoning of the non-wetland area as A-5 is consistent with Section 21.11.060(D)(3) of coastal zoning ordinance which states that where it is found that all or a portion of a parcel is not in a resource conservation area and/or any required wetland buffer, a finding shall be made that the non-RCA area is within the abutting General Plan land use classification and said parcel or portion of parcel shall be rezoned to another zoning classification which is in accord with the General Plan.

The abutting, non-RCA LUP map designation for the coastal zone portion of the ranch property is A-5 (Agriculture General, 5 acre minimum lot size). The A-5 zone is in accord with the A-5 LUP map designation. Consequently, the proposed zoning for the coastal zone portion of the ranch is consistent with the LUP designations for the site.

As a result of the amendment, the amount of acreage designated as A-5 will increase by 14.7 acres and the amount designated as RCA will decrease by the same amount. The description of the A-5 Land Use Plan designation in the LUP specifies that the minimum lot size for purposes of land division shall be five acres. Thus, increasing the amount of A-5 zoned land by 14.7 acres suggests that two or three additional 5-acre lots could be created on the property over densities previously planned in the LCP. However, the number of lots that could be created on the property actually does not increase as a result of the zoning amendment because of an existing provision of the Coastal Zoning Ordinance. Section 21.11A.050 already provides that acreage zoned as RCA can be applied to minimum parcel sizes in the adjoining zoning district. Thus, whether the amount of RCA zoned area on a property increases or decreases as a result of an RCA rezone amendment, the same number of parcels could be created. Therefore, the proposed Implementation Plan amendment will not lead to future increases in the intensity or density of use of the property not already contemplated by the County and the Commission when the LCP was certified.

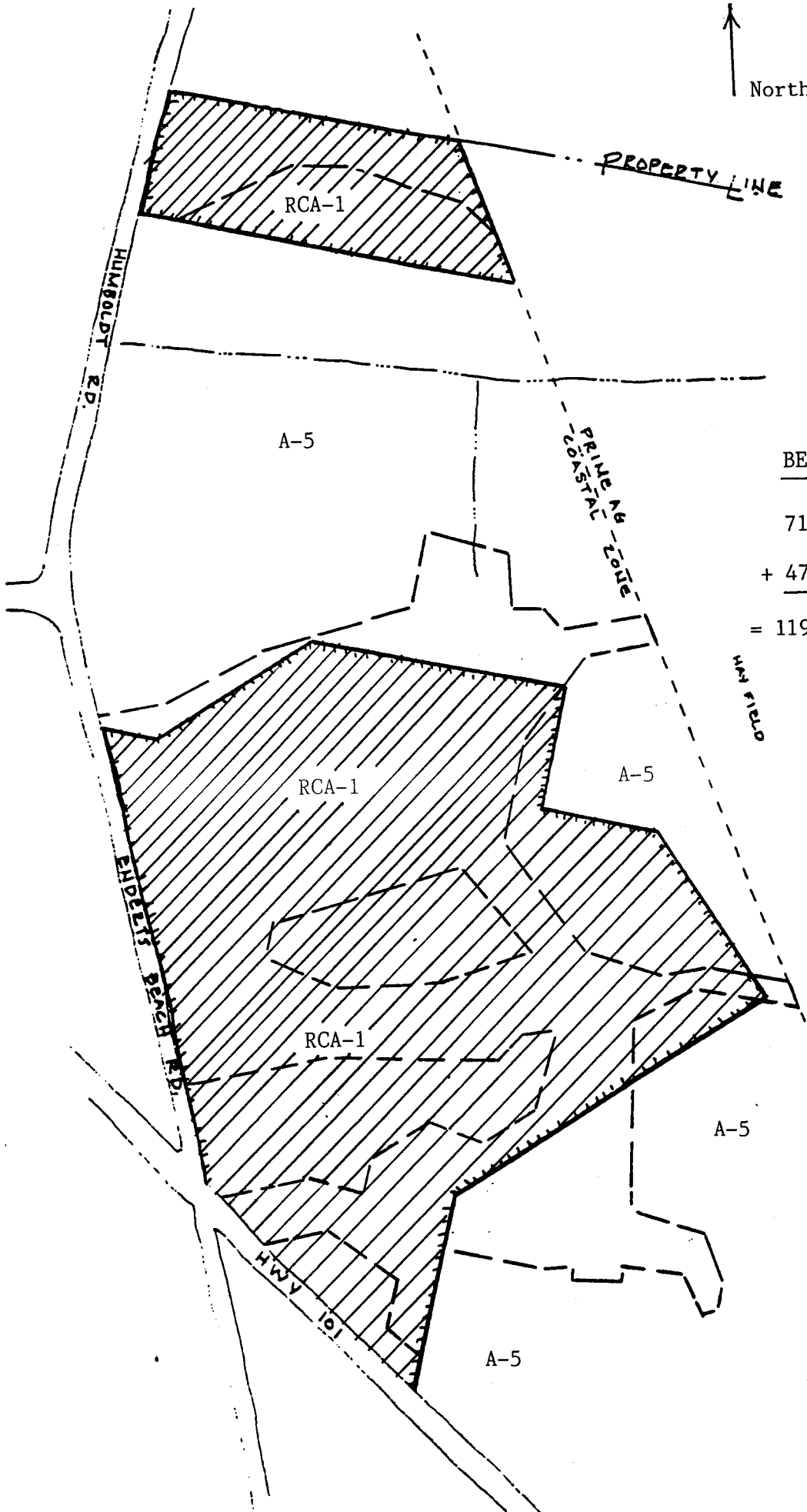
D. California Environmental Quality Act.

The County prepared and adopted a Negative Declaration as lead agency for the RCA rezone 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, conforms with and is adequate to carry out the wetland and agricultural policies of the County's LUP. 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.



1000 FT.

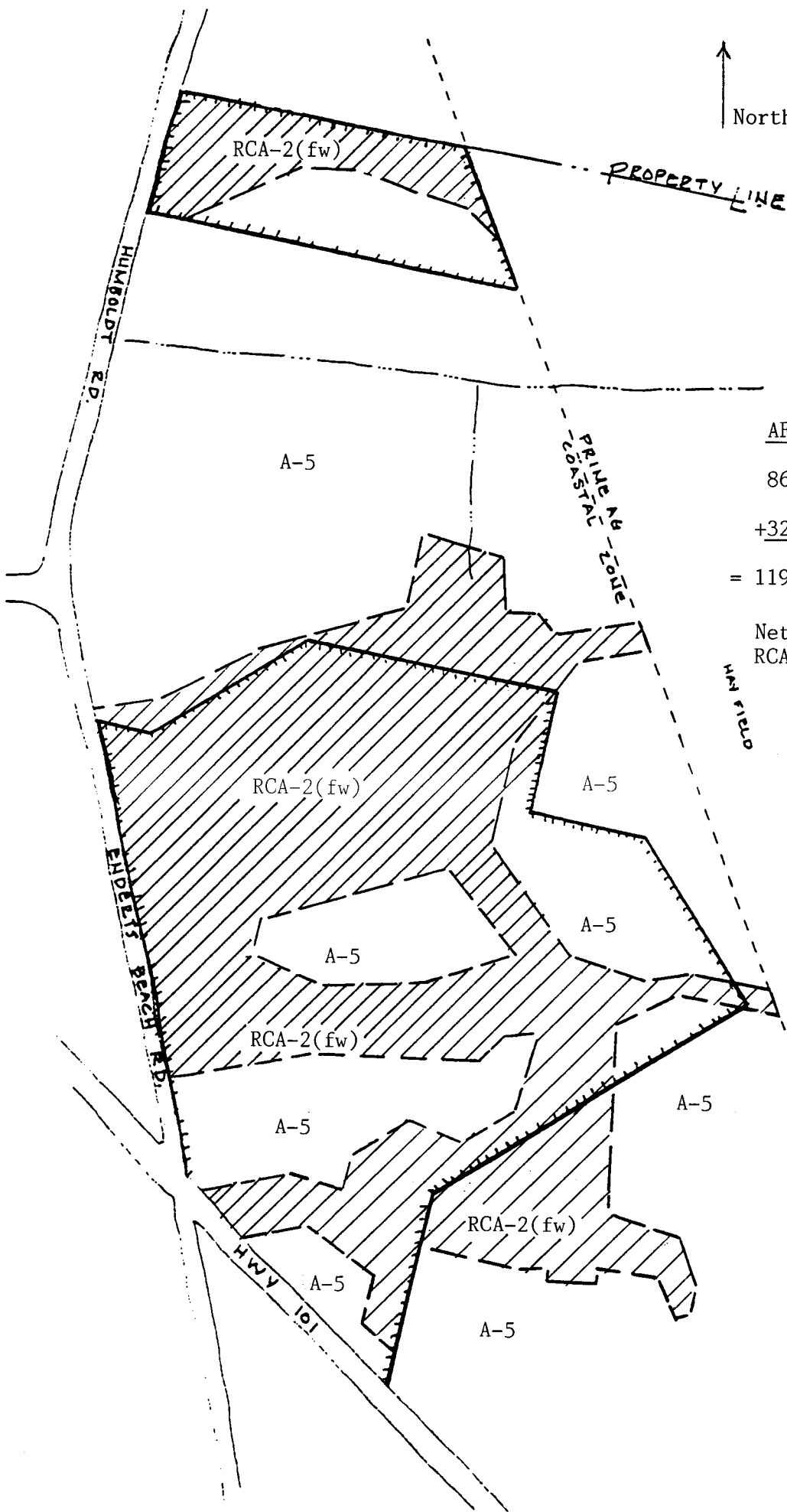
EXHIBIT NO. 3
APPLICATION NO. LNC LCP #2-97
Portion of zoning map D-10, Existing Zoning
California Coastal Commission



BEFORE (existing zoning)

71.5 acres of A-5
 + 47.5 acres of RCA-1
 = 119.0 acres in the coastal zone

EXHIBIT NO. 4
APPLICATION NO. DNC LCP #2-97
Existing Zoning
California Coastal Commission



North ↑

PROPERTY LINE

AFTER (proposed rezoning)
 86.2 acres of A-5
 +32.8 acres of RCA-2(fw)
 = 119.0 acres in the coastal zone

Net change: 14.5 acres of
 RCA-1 is rezoned to A-5.

EXHIBIT NO. 5
APPLICATION NO. DNC LCP #2-97
Proposed Zoning
California Coastal Commission

DEPARTMENT OF FISH AND GAME

601 LOCUST STREET
REDDING, CA 96001
(916) 225-2300

February 18, 1997



RECEIVED
FEB 21 1997

Ms. Diane Mutchie
Del Norte County Planning Department
700 Fifth Street
Crescent City, California 95531

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Mutchie:

SCH #97012060 - Richard Martin Rezone Application #R9703C,
Crescent City Area, Del Norte County

The Department of Fish and Game (Department) have reviewed the subject application which proposes the rezone of portions of the 203-acre parcel from generally designated resource conservation area (RCA-1) to designated RCA-2(fw) farmed wetlands and general agriculture 5-acre minimums. The proposed rezoning is based on wetland mapping studies pursuant to Del Norte County's adopted local coastal program. No development is proposed as part of this project.

We have reviewed the wetland investigation report entitled, **Martin Ranch Wetlands Investigation, Crescent City, California, January 1997**, prepared by Karen Theiss and Associates. As indicated within this report, consultation with Department staff occurred on a number of occasions as the wetlands investigation progressed. As such, our questions, comments and suggestions were resolved with the applicant's consultant Ms. Karen Theiss. We, therefore, concur with the report's conclusions and proposed rezone.


If you have any questions regarding the above comments, please contact staff biologist Ms. Karen Kovacs at (707) 441-5789.

Sincerely,

Robert P. Corn
for Richard L. Elliott
Regional Manager

cc: Mr. James Muth ✓
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2530

Ms. Karen Kovacs
Department of Fish and Game
619 Second Street
Eureka, California 95501

EXHIBIT NO. 6
APPLICATION NO. DNC LCP #2-97
CA. Dept of Fish and Game concurrence letter
 California Coastal Commission

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

RESOLUTION NO. 97- 046

A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
SUBMITTING ORDINANCE NO. 97-006 AN ORDINANCE AMENDING
ORDINANCE NO. 83-08 AND COUNTY CODE TITLE 21 BY DELETING
COASTAL ZONING AREA MAP D-10 AND ADOPTING NEW COASTAL
ZONING AREA MAP D-10 (MARTIN) TO THE COASTAL COMMISSION
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, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Plan and Title 21 (Coastal Zoning); and

WHEREAS, the project is exempt from the California Environmental Quality Act; 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 13th day of May 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

EXHIBIT NO. 7

APPLICATION NO.
DNC LCP #2-97

County resolution

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

ORDINANCE NO. 97- 006

AN ORDINANCE AMENDING ORDINANCE NO. 83-08
AND COUNTY CODE TITLE 21 BY DELETING
COASTAL ZONING AREA MAP D-10 AND ADOPTING
NEW COASTAL ZONING AREA MAP D-10 (MARTIN)

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 D-10 and amending same with a new Coastal Zoning Area Map D-10 as specified in attached Exhibit "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 13th day of May, 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:

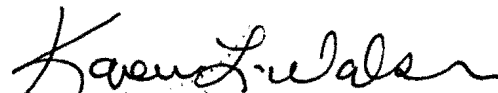


KAREN L. WALSH, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

EXHIBIT NO.	2
APPLICATION NO.	DNC LCP #2-97
County ordinance	
 California Coastal Commission	