

## CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY



# Th 5.5a

Date filed: May 6, 1998  
 90th day: August 4, 1998  
 Staff: Steve Scholl *SS*  
 Staff Report: May 28, 1998  
 Hearing Date: June 11, 1998  
 Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director  
 Steve Scholl, Deputy Director  
 Bob Merrill, North Coast District Manager

SUBJECT: Del Norte County LCP Amendment No. 1-98 Major (Fugate RCA Rezone); for Commission consideration at the meeting of June 11, 1998 in Santa Barbara

## Synopsis

### Proposed Amendment:

Del Norte County requests that a 1-acre parcel located near Crescent City be rezoned from:

*RRA-2-MFH (Residential and Agriculture, 1 unit per 2 acres, manufactured homes allowed) and RCA-1 (Resource Conservation Area - General)*

to:

*RRA-2-MFH and RCA-2(r) (Designated Resource Conservation Area: riparian)*

### Summary of Staff Recommendation:

The staff recommends that the Commission **approve** the LCP amendment as submitted. The amendment, which consists of a change in the Zoning Map, is proposed in accordance with the County's certified Local Coastal Program (LCP)

RCA rezone procedures. The LCP provides that riparian and other sensitive habitats be identified and mapped, as well as rezoned, prior to development of property with the General Resource Conservation (RCA-1) designation applied to it. That general designation was applied to the subject property at the time the LCP was originally certified. The identification and mapping of riparian resources on the subject property has now occurred, and that identification is proposed to be incorporated into the Zoning and Implementation Plan portion of the LCP by means of this amendment.

**Analysis Criteria:**

To approve the Zoning Amendment, the Commission must find that the Zoning and Implementation Plan, as amended, conforms with and is adequate to carry out the certified Land Use Plan (LUP) of the County's LCP.

**Additional Information:**

For further information, please contact Steve Scholl at the North Coast District office at the above address. Correspondence regarding this proposed LCP amendment should be sent to the District Office.

**I. STAFF RECOMMENDATION ON THE LCP AMENDMENT**

Staff recommends that, following a public hearing, the Commission adopt the following resolution and related findings:

**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 #1-98 (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 vote (yes) on the motion by a majority of the Commissioners present would result in rejection of the amendment.

**Resolution:**

The Commission hereby certifies LCP Amendment No. 1-98 Major to the Implementation Plan 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 will not have a significant adverse impact on the environment with the meaning of the California Environmental Quality Act.

## II. FINDINGS TO APPROVE THE ZONING MAP AMENDMENT AS SUBMITTED

### A. Site Description

The subject property is a 1-acre parcel located northeast of Crescent City (Exhibits 1 and 2) in an existing residential subdivision where parcels range in size from approximately 1 acre to 3 acres. Vegetation on the site is a young growth timber stand approximately 30 years of age, according to the forestry report prepared by the applicant's registered professional forester (Exhibit 3). The property is generally flat. It contains two distinct vegetation types: a small area of riparian vegetation and redwood forest. The riparian habitat has formed as a result of a seasonal drainageway that appears to begin on an adjacent property. The drainageway appears to contain water only during periods of heavy rain.

Vegetation types within the riparian area include salal (*Gaultheria shallon*), evergreen huckleberry (*Vaccinium ovatum*), cascara (*Rhamnus purshiana*), thimbleberry (*Rubus parviflorus*), salmonberry (*Rubus spectabilis*), sedge (*Carex sp.*), red alder (*Alonus rubra*) and a few scattered Sitka spruce (*Picea sitchensis*) trees. The forestry report indicates that species normally associated with wetter sites such as skunk cabbage (*Lysichitum americanum*) and horse-tail (*Equisetum sp.*) were not found on the property.

Vegetation types within the redwood forest include redwood (*Sequoia sempervirens*), Sitka spruce, a few western red cedar (*Thuja plicata*), red alder, evergreen huckleberry, salal, swordfern (*Polysticum munitum*), and thimbleberry. No western lilies (*Lilium occidentale*) were found within or immediately adjacent to the parcel. The forestry report indicates that the boundary between the riparian and redwood forest vegetation types, which is reflected in the proposed zoning amendment, has been delineated based on species composition, soil saturation characteristics, and elevation.

The subject property is undeveloped, although it includes a clearing apparently used in the past as a log landing. Adjacent parcels are either developed with residences or are vacant.

## **B. Description of the Proposed LCP Amendment**

The Del Norte County Board of Supervisors approved a resolution and ordinances adopting a new zoning map for the subject property on February 10, 1998 (Exhibits 4 and 5). The resolution and ordinance provide that the LCP amendment will take effect after approval by the Coastal Commission.

The current Land Use Plan designation for the subject property is RR-1: Rural Residential, 1 unit per 2 acres. That plan designation allows single-family residential use, along with the keeping of horses for use by the owner, light agriculture, and accessory buildings appropriate to residential use.

The existing certified LCP includes two zoning designations for the property. Part of the property, approximately 1/3 of the total, is zoned RRA-2-MFH, whereas the remainder is designated RCA-1 (Resource Conservation General) (Exhibit 6). The RRA-2-MFH designation is for medium-density residential use outside urban areas. This designation allows one single-family dwelling with home occupations, certain accessory structures, and small-scale agriculture. The MFH suffix indicates that a manufactured home is allowed. The RCA-1 designation is a general resource protection category used at the time the LCP was certified (see below).

The RCA-2(r) designation that is proposed to replace the existing RCA-1 designation is the Resource Conservation zoning category applied to property that has received site-specific biological review and that has been determined to contain riparian habitat resources. Allowable uses in RCA-2(r) zones include nature study, fish and wildlife management, hunting and fishing, firewood removal by the owner for on-site residential use, commercial timber harvest of conifers subject to state Forest Practice Rules for stream protection zones, wells, maintenance of existing flood-control and drainage channels, and roads and road maintenance.

The forestry report submitted by the applicant delineates the location of the riparian habitat that exists on the property. This delineation is the basis for this LCP amendment request, which would conform the boundary of the Designated Resource Conservation - Riparian zone district to a line approximately 30 to 40 feet from the low point of the drainageway. Thus, the RCA-2(r) zone district will include the riparian resources present on the site, as well as a narrow buffer. The remainder of the property will be designated with the same zoning category as before, RRA-2-MFH.

### C. Applicable LCP Policies

The RCA rezone process perhaps is unique to Del Norte County's Local Coastal Program. Because the County's coastal zone includes extensive wetland, riparian, and other environmentally sensitive habitat areas, it was not possible for the County to prepare precise maps of each and every resource at the time of LCP preparation. Instead, the County prepared generalized resource maps, and applied a zoning category of Resource Conservation Area - General (RCA-1) to such areas. The zoning designation thus acts as a transition zone until additional data have been collected and maps have been prepared indicating the actual location of environmentally sensitive habitat resources.

The Zoning Ordinance provides that prior to development or intensification of development of any parcel containing the generalized resource designation (RCA-1), the applicant must provide maps of sufficient scale to indicate vegetation and soil types, property boundaries, wetland areas, and related information. (Section 21.11.060) The ordinance provides further that the information submitted shall be submitted to the Department of Fish and Game for their review.

Where the additional information indicates that riparian or other resource areas are present on the site, the property is rezoned to the category of RCA-2 (Resource Conservation Area - Designated), with a suffix indicating the type of resource present (for instance, "r" for riparian). The remainder of the property which does not contain sensitive resources is rezoned to the abutting category, which in this instance is RRA-2-MFH.

Furthermore, Policy 4.f. (p. 65) of the County's Land Use Plan states that:

*Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce the above impacts around wetlands between the development and the edge of the wetland shall be a buffer of one-hundred feet in width. A buffer of less than one-hundred feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than one-hundred feet shall be done in cooperation with the California Department of Fish and Game and the County's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. Firewood removal by owner for on site use and commercial timber harvest pursuant to CDF timber harvest requirements are to be considered as allowable uses within one-hundred foot buffer areas.*

In this instance, the Department of Fish and Game and the County agree that a buffer of less than 100 feet is adequate to protect the resources of the seasonal drainageway which is a minor feature supporting only scattered riparian vegetation.

#### **D. Analysis**

This amendment request raises two potential issues in terms of conformity of the proposed zoning change to the certified Land Use Plan. One potential issue is whether the change would result in a change in the intensity or nature of development which could occur on the property. The second issue is whether the rezone is consistent with LUP policies governing development adjacent to environmentally sensitive habitat areas.

Concerning the first point, the proposed rezone will have no effect on the nature of allowable uses. The property will remain zoned for one single-family residence, with light agriculture and related uses allowed. Although this proposed rezone will change the size of the property on which residential use could occur, the rezone will not, in itself, change the nature or intensity of the use. The Commission has previously found that the RRA-2-MFH zoning conforms with and is adequate to carry out the RR-1 Land Use Plan designation. The Commission finds, therefore, that the proposed rezoning conforms with and is adequate to carry out the Land Use Plan.

Concerning the size of the riparian buffer, the applicant has provided information indicating that riparian resources on the site are very limited, and that a setback of 30 to 40 feet from the low point of the drainageway would be sufficient to protect those resources. The Department of Fish and Game has reviewed this proposal and concurred with it, and Commission staff has visited the site and observed the limited nature of riparian resources. Future development proposals will be subject to coastal permit review by the County, and LCP policies regarding protection of adjacent environmentally sensitive habitat will be applied to the specific development proposal at that time. Based on these facts, the Commission finds that in this instance a buffer of less than 100 feet is consistent with the Land Use Plan Policy #4.f. regarding wetland resources. The proposed zoning thus conforms with and is adequate to carry out the LUP policy.

### **E. California Environmental Quality Act (CEQA)**

As lead agency, the County prepared and adopted a Negative Declaration of environmental impact for this RCA rezone. Furthermore, the Coastal Commission's Local Coastal Program process has been designated by the Secretary for Resources as the functional equivalent of the EIR process. The Commission finds that the LCP amendment, as submitted, conforms with and is adequate to carry out the land use and resource protection policies of the County's LCP. The Commission finds furthermore that the amendment will not result in adverse impacts on the environment, within the meaning of CEQA, and therefore the Commission finds that it need not consider alternatives to the project or mitigation measures.

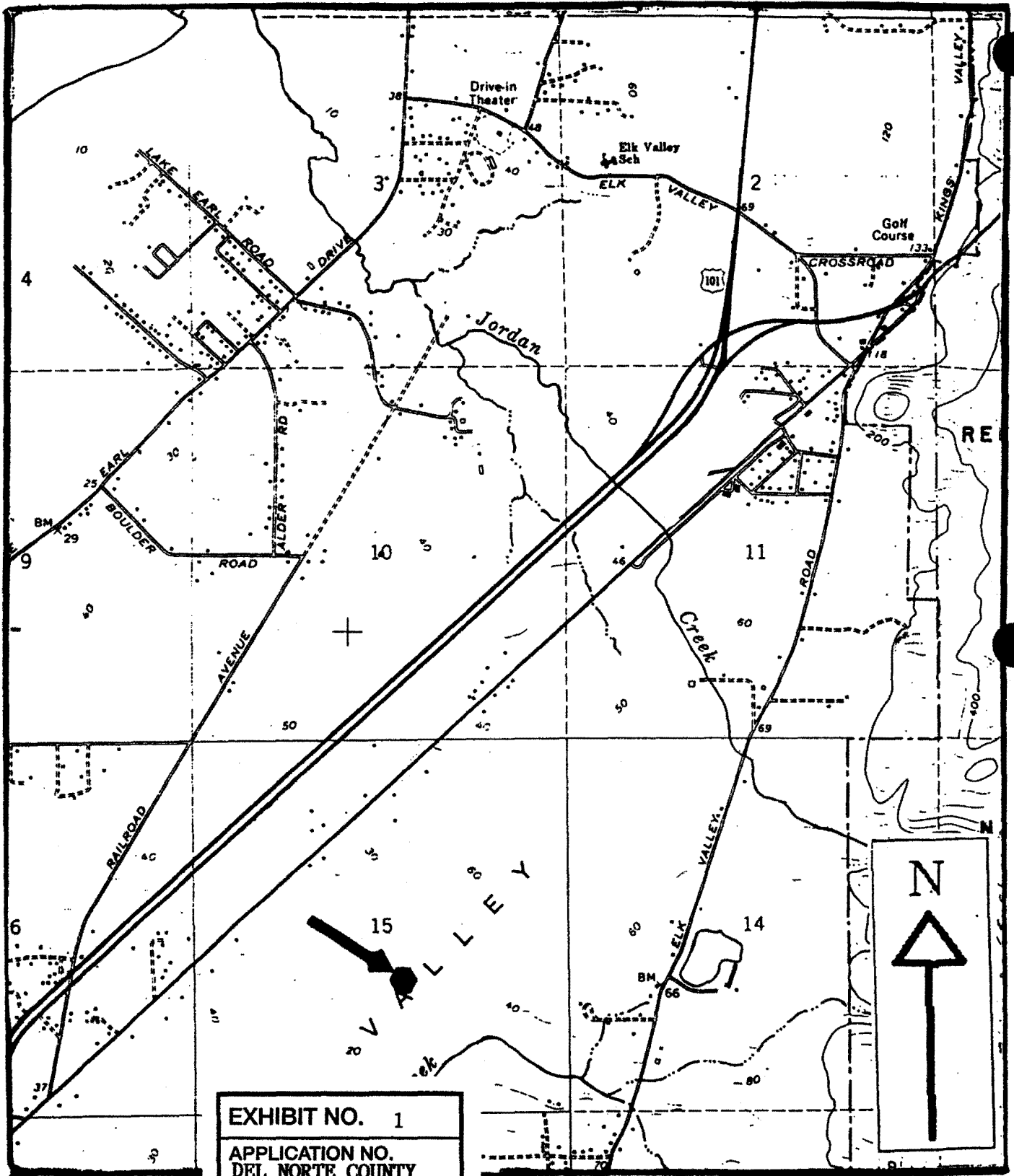


EXHIBIT NO. 1
APPLICATION NO.
DEL NORTE COUNTY
LCP AMENDMENT 1-98
(FUGATE)

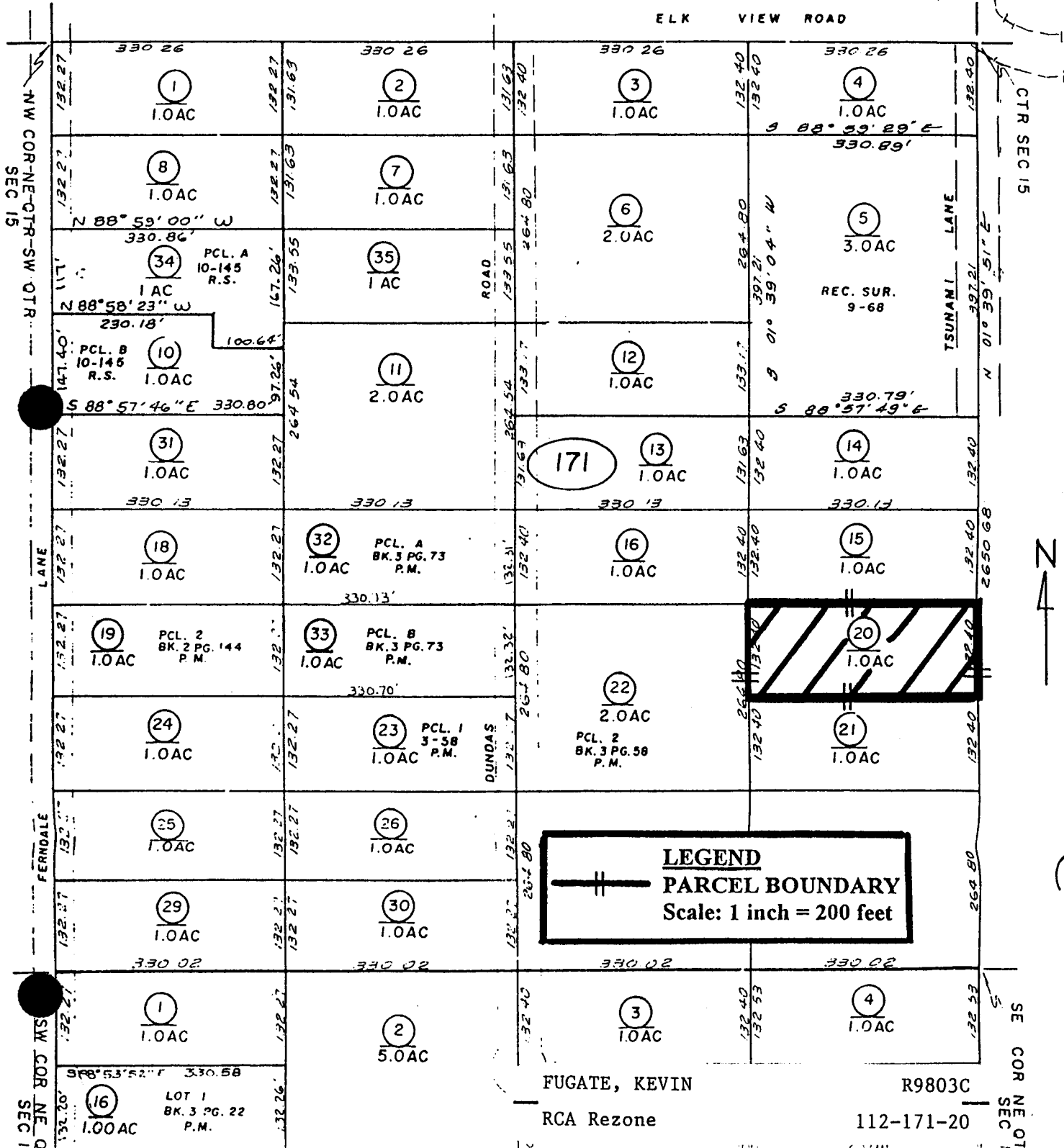
FUGATE, KEVIN	R9803C
RCA Rezone	112-171-20

# LOCATION MAP

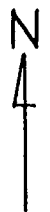


**EXHIBIT NO. 2**  
**APPLICATION NO.**  
**DEL NORTE COUNTY**  
**LCP AMENDMENT 1-98**  
**(FUGATE)**

(14)



**LEGEND**  
**PARCEL BOUNDARY**  
**Scale: 1 inch = 200 feet**



(02)

FUGATE, KEVIN R9803C  
RCA Rezone 112-171-20

EXHIBIT NO.	3
APPLICATION NO.	
DEL NORTE COUNTY	
I.C.P. AMENDMENT 1-98 (FUGATE)	
(page 1 of 2)	

320 N. Bradford Ave.  
 Smith River, CA 95567

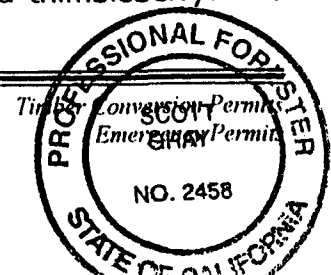
**SITE DESCRIPTION  
 FOR APN 112-171-20**

The parcel is located in a portion of Section 15, T16N-R1W, H.B.M. in Del Norte county. This approximately 1.0 acre parcel is well vegetated, young growth timberstand which is estimated to be approximately 30 years of age. No old-growth or elements associated exclusively with an old-growth forest are present. The property has flat to slight topography and is between approximately 20 to 50 feet above sea level. Elevations were obtained using the Pathfinder Pro XR GPS receiver. The results of the data collection and interpretation of said results are depicted on the attached map. This map is displayed to demonstrate the general trends that exist within this parcel and to identify the location of the riparian-redwood forest type transition area..

The soil type found on the property is Tolowa. This soil has a fine sandy loam texture, is well-drained, and permeability is moderate to rapid. Access to this property is provided by Tsunami Lane. The rezone applicant is attempting to obtain a secured right-of-way from the adjacent landowner.

There are two distinct vegetation types within this subject parcel; a riparian type and a redwood forest type. The riparian habitat has formed as a result of drainage that appears to begin on an adjacent property. Within the riparian type in this subject parcel, there is very little gradient in the area receiving drainage. This has resulted in surface water to stand for extended periods during the winter. However, it has been communicated to me and the on-site conditions indicate, that the area receives water only during periods of heavy rain. As of June 17, 1997, there was no water present at it appeared that water had not been present for quite some time. There is only marginal, if any, aquatic habitat present within this riparian area. Vegetation species within this riparian area consists of salal (Galtheria shallon), evergreen huckleberry (Vaccinium ovatum), cascara (Rhamnus purshiana), thimbleberry (Rubus parviflorus), salmonberry (Rubus spectabilis), sedge (Carex sp.), red alder (Alnus rubra) and a few scattered Sitka spruce (Picea sitchensis) trees. Within the riparian area species that are normally associated with wetter sites such as skunk cabbage (Lysichitum americanum) and horse-tail (Equisetum sp.) were not found on the property.

The vegetation within the redwood forest type consists of redwood (Sequoia semprevirens), Sitka spruce, a few western redcedar (Thuja plicata), red alder, evergreen huckleberry, salal, swordfern (Polystichum munitum) and thimbleberry. No



**Scott Gray**  
**Registered Professional Forester #2458**

Phone: (707) 487-8206  
EMail: nco10167@mail.telis.org

320 N. Bradford Ave.  
Smith River, CA 95567

western lilies (Lilium occidentale) were found within or immediately adjacent to the parcel. The soils within the redwood forest type appear to be well drained.

The boundary between the riparian type and the redwood forest type has been flagged by myself with blue and white stripped ribbon. The basis for establishing the boundary between these two forest types included species composition, evidence of soil saturation and stand water, and elevation.



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

**RECEIVED**  
FEB 17 1998

CALIFORNIA  
COASTAL COMMISSION

**RESOLUTION NO. 98- 013**

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS  
SUBMITTING AN ORDINANCE AMENDING ORDINANCE NO. 83-08 AND  
COUNTY CODE TITLE 21 BY ADOPTING NEW COASTAL ZONING MAP C-9 (FUGATE)  
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 10th day of February 1998, by the following polled vote:

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

**NOES:** None

**ABSENT:** None

  
CLYDE ELLER, 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.	
DEL NORTE COUNTY	
LCP AMENDMENT 1-98	
(FUGATE)	

BOOK PAGE



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

**ORDINANCE NO. 98- 001**

**AN ORDINANCE AMENDING ORDINANCE NO. 83-08  
AND COUNTY CODE TITLE 21 BY DELETING  
COASTAL ZONING AREA MAP C-9 AND ADOPTING  
NEW COASTAL ZONING AREA MAP C-9 (FUGATE)**

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-9 and amending same with a new Coastal Zoning Area Map C-9 as specified in attached Exhibit "A" and subject to the following condition:

**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 10th day of February, 1999, by the following polled vote:

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

  
CLYDE ELLER, Chairman  
Board of Supervisors

**ATTEST:**

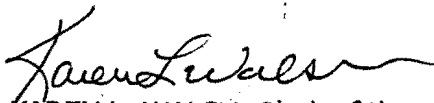
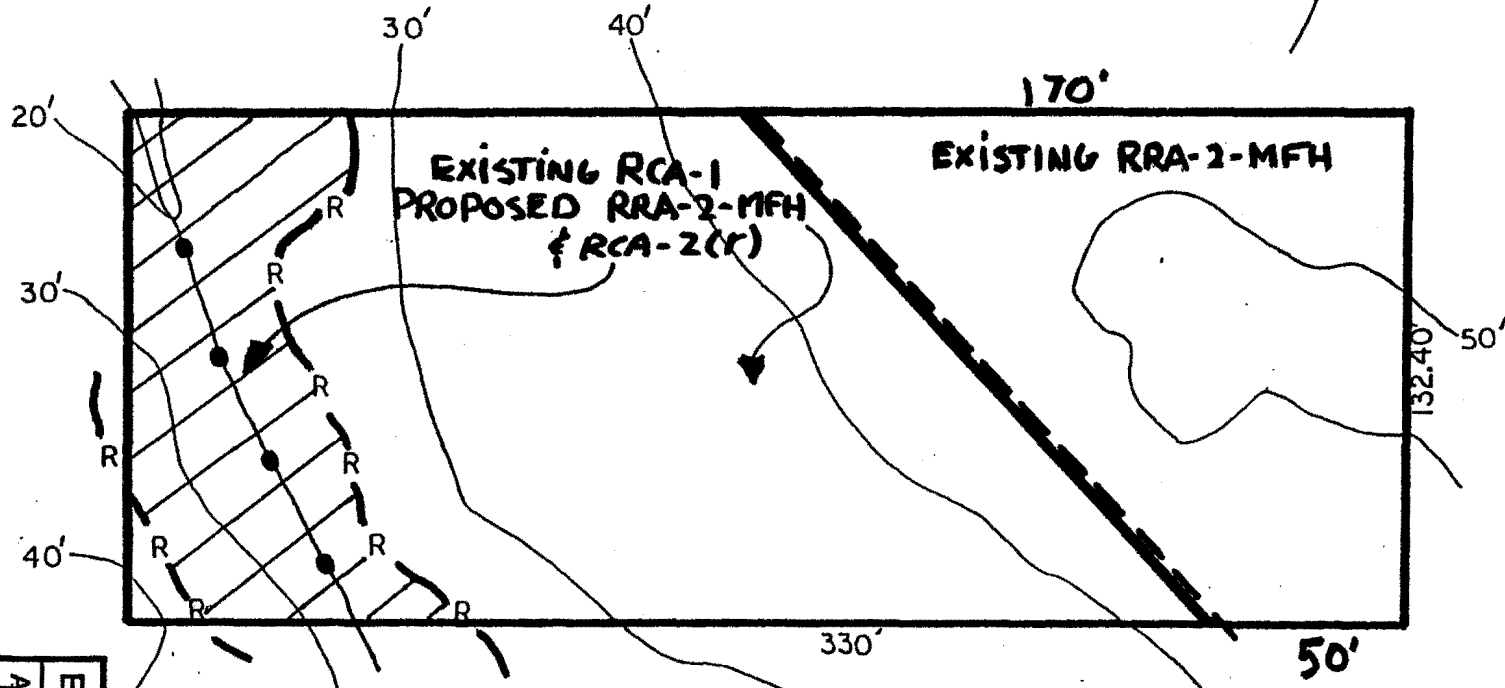
  
KAREN L. WALSH, Clerk of the  
Board of Supervisors, County  
of Del Norte, State of California

EXHIBIT NO.	5
APPLICATION NO.	DEL NORTE COUNTY
	LCP AMENDMENT 1-98 (FUGATE)

BOOK PAGE

46

TO TSUNAMI LANE



STAFF REVISED

LEGEND	
	PARCEL BOUNDARY
	RIPARIAN TRANSITION BOUNDARY
	CENTERLINE OF RIPARIAN AREA
	APPROXIMATE ELEVATION LINE
Scale: 1 inch = 50 feet	

EXHIBIT NO.	6
APPLICATION NO.	08
DEL NORTE COUNTY	
LCP AMENDMENT 1-98	
(FUGATE)	