

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:
710 E STREET • SUITE 200 P. O. BOX 4908
EUREKA, CA 95501-1865 EUREKA, CA 95502-4908
VOICE (707) 445-7833
FACSIMILE (707) 445-7877



RECORD PACKET COPY

W16a

DATE: October 28, 2005

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
 Robert S. Merrill, District Manager – North Coast District
 Jim Baskin, Coastal Planner – North Coast District

SUBJECT: **COUNTY OF DEL NORTE LCP AMENDMENT NO. DNC-MAJ-2-00
(FERNANDES RESOURCE CONSERVATION AREA REZONING)**
Extension of time for Del Norte County to accept and agree to the Commission's certification of Del Norte County LCP Amendment No. DNC-MAJ-2-00 with suggested modifications.
(For the Commission meeting of November 16, 2005, Item 16a)

On March 17, 2005, the Coastal Commission denied Del Norte Co. LCP Amendment No. DNC-MAJ-2-00 (Fernandes Resource Conservation Area Rezoning) as submitted by Del Norte County, and then certified the amendment if modified as suggested to incorporate various revisions. Staff is recommending that the Commission extend the time for Del Norte County to accept and agree to the Commission's certification of the amendment with suggested modifications.

Proposed LCP Amendment

The amendment as modified would revise the County's certified Implementation Plan (IP) zoning district classification on Assessor's Parcel Number (APN) 112-172-02, located at 2005 Dundas Road, Crescent City, County of Del Norte to re-designate: (a) those portions of the property consisting of Unconsolidated Bottom, Aquatic Bed, Unconsolidated Shore, Emergent Persistent, Emergent Non-Persistent, Scrub-Shrub, and/or Forested Wetlands associated with the unnamed intermittent watercourse traversing the southwesterly corner of the property from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Wetland (RCA2(w)) designation; (b) those portions of the property lying within 100 horizontal feet to the north and east of the outer extent of all Unconsolidated Bottom, Aquatic Bed, Unconsolidated Shore, Emergent Persistent, Emergent Non-Persistent, Scrub-

Shrub, and/or Forested wetlands associated with the unnamed intermittent watercourse traversing the southwesterly corner of the property from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation; and (c) those portions of the property located northerly and easterly of the wetland buffer area described in sub-part b above, from General Resource Conservation Area (RCA1) zoning designation to Medium Density Rural Residential - Agriculture (RRA-2 zoning designation, matching the designation of the adjoining upland area.

Effective Certification Process

Pursuant to Section 13544 of the Commission's regulations, the certification of an LCP amendment shall not be deemed final and effective until: (a) the local government acknowledges receipt of the Commission's resolution, accepts and agrees to the modifications, takes whatever formal action is required to satisfy the modifications, and agrees to issue coastal development permits for the total area included in the certified local coastal program; (b) the Executive Director determines in writing that the local government's actions take to satisfy the above requirements are legally adequate, (c) the Executive Director reports the determination to the Commission and the Commission does not object to the determination, and (d) notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency. Pursuant to Section 13542(b), the Commission's certification of an LCP amendment with suggested modifications shall expire six months from the date of the Commission's action. Therefore, the local government must accept and agree to the Commission's certification of an LCP amendment with suggested modifications within six months unless the Commission extends the six-month deadline. Section 13535(c) of the Commission's Regulations provide that the Commission may extend for good cause any time limit within the subchapter of regulations on LCPs for a period not to exceed one year.

Reasons for Proposed Extension

It has been difficult for the County to take the required actions under Section 13544 of the Commission's regulations within the six-month time frame because the County's Community Development Department has experienced extraordinary circumstances in the form of reduced allocations to its budget for personnel and related office resources. As a result, a processing back-log has occurred wherein the remaining Planning Division staff have had to prioritize their workload accordingly, giving greater precedence to those matters with imminent public health and safety implications and/or development project permitting and environmental review subject to the Permit Streamlining Act and/or the California Environmental Quality Act. The County needs more time to take the required actions to accept the Commission's suggested modifications and take final action to implement the amendment as modified.

Staff Recommendation

Staff recommends that the Commission vote to extend the deadline for effective certification for up to a year.

MOTION:

I move that the Commission extend the six-month time limit for Del Norte County to accept and agree to the Commission's certification of Del Norte County LCP Amendment No. DNC-MAJ-2-00 (Fernandes Resource Conservation Area Rezoning) with suggested modifications for a period not to exceed one year.

Staff recommends a YES vote. An affirmative vote of a majority of the Commissioners present is needed to pass the motion. Passage of this motion will result in the an extension of the period in which the County must accept and agree to the suggested modifications and take further action to implement the amendment as modified to September 16, 2006.