

CALIFORNIA COASTAL COMMISSION

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DATE: February 25, 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-1-04 (Walters)**
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-1-04 with suggested modifications.
(For the Commission meeting of March 16-18, 2005)

On October 14, 2004, the Coastal Commission denied Del Norte Co. LCP Amendment No. DNC-MAJ-1-04 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.

LCP Amendment

The amendment as modified would revise the County's certified Implementation Plan (IP) to rezone the 10.24-acre parcel that is currently zoned Low Density Rural Residential – Agriculture and General Resource Conservation Area (RCA1) to a combination of Designated Resource Conservation Area zones including designating (a) those areas within the Gilbert Creek bank-full channel as wetlands (RCA2(w)); (b) those areas within 100 horizontal feet of these wetlands and those areas comprising the functionally-related heavily-sloped forested hillside on the southern half of the property as wetland buffer (RCA2(wb)); and (c) those areas lying outside of the wetland and wetland buffer areas containing riparian vegetation or within the recommended 50-foot-wide riparian buffer area as riparian ESHA (RCA2(r)). The amendment as modified would also rezone those remaining areas lying beyond the environmentally sensitive areas on the parcel for clustered low-density rural residential development, subject to special development area constraints associated with the open space easement (RRA-5-D-C(s)).

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Effective Certification Process

Pursuant to Sections 13544 and 13551 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 implement the amendment as modified, 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 taken 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 limits within the subchapter on LCP regulations, including the deadline for a local government to accept and agree to suggested modifications, 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. The Department has not been able to fill vacancies and for much of the time since certification of the LCP Amendment No. DNC-MAJ-1-04 with suggested modifications has operated with a staff consisting only of the Community Development Director and one planner. As a result, a processing backlog has occurred and the County needs more time to take the required actions to accept the Commission's suggested modification and take formal action to implement the amendment as modified.

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Staff Recommendation

Staff recommends that the Commission vote to extend the deadline for the local government to accept and agree to suggested modifications, for 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-1-04 (Walters) with suggested modifications for 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 an extension of the period in which the local government must accept and agree to the suggested modifications from April 14, 2005, to April 14, 2006.