

## 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-2-04 (RURAL LAND DIVISION STANDARDS)** 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-2-04 with suggested modifications.  
(For the Commission meeting of March 16-18, 2005)

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On June 9, 2004, the Coastal Commission denied Del Norte Co. LCP Amendment No. DNC-MAJ-2-04 (Rural Land Division Standards) 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 Land Use Plan (LUP) and Implementation Plan (IP) to modify procedures for determining compliance of proposed rural land division with the LCP's rural land division standards; amend the Density Combining Zone and Subdivision Ordinance to be consistent with the changed LUP and IP procedures for determining compliance with the rural land division criteria; and rezone a 9.4-acre parcel near the mouth of the Smith River from Rural Residential (RR-1) to Rural Residential with Density Combining Zone (RR-1-D).

### Effective Certification Process

Pursuant to Section 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 Sections 13537(b) and 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 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-2-04 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.

### **Staff Recommendation**

Staff recommends that the Commission vote to extend the deadline for the local government to accept and agree to the 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-2-04 (Rural Subdivision Standards) 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 suggested modifications from December 9, 2004, to December 9, 2005.