

CALIFORNIA COASTAL COMMISSION

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Filed: February 16, 2006
60th Day: April 15, 2006
Staff: Jim Baskin
Staff Report: February 17, 2006
Hearing Date: March 10, 2006
Commission Action:

TO: Commissioners and Interested Parties

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

SUBJECT: **County of Del Norte LCP Amendment No. DNC-MAJ-1-05 (Henderson)**
(Meeting of March 10, 2006, in Monterey)

SYNOPSIS:

Amendment Description:

Del Norte County is requesting certification of LCP Amendment No. DNC-MAJ-1-05 (Henderson) to the County's certified Implementation Plan (IP) to rezone an approximately 800-square-foot area of the 1.91-acre portion of a 2.02-acre parcel currently zoned with a General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Riparian Vegetation (RCA2(r)) designation for the portions of a fifty-foot-wide buffer area extending outward from the outer edge of the riparian corridor bracketing a third-order tributary of Elk Creek. The 1.89-acre portion of the lot to immediate northwest this area would be rezoned to a Medium Density Rural Residential Agriculture – One Dwelling Unit per Two Acres Density with Manufactured Housing Combining Zone (RRA-2-MFH), to match the adjoining upland zoning designation.

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Summary of Staff Recommendation:

The staff recommends that the Commission, upon completion of a public hearing: **(1) deny the IP amendment request as submitted; and (2) certify the IP amendment request with suggested modifications.**

In reviewing the County's proposal for amending the Implementation Plan, staff found that the proposal to designate the portions of the project parcel within 100 feet of the forested wetland areas situated offsite to Low Density Rural Residential - Agriculture with Density and Coastal-Special Development Pattern Area Combining Zone designations would not conform with and carry out the Land Use Plan (LUP) policies regarding the protection of environmentally sensitive habitat areas. The Suggested Modifications to the Implementation Plan (IP) Amendment recommended by staff would correct this inconsistency and make the IP amendments conform with and carry out the LUP by rezoning all areas within 100 feet of the riparian habitat with a habitat buffer designation. The requested rezoning requires no associated changes to text or maps of the Land Use Plan of the County LCP as the location and extent of environmentally sensitive areas on the LUP maps and ESHA descriptions therein are acknowledged as being only diagrammatic in nature, with the rezoning process from general to designated conservation area designations at the time a specific development project is proposed being the identified mechanism for resolving these ambiguities.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 2-4.

Analysis Criteria:

To certify the amendment to the Implementation Program (IP) portion of the LCP, the Commission must find that the IP, as amended, conforms with and is adequate to carry out the LUP.

Additional Information:

For additional information about the LCP Amendment, please contact Jim Baskin at the North Coast District Office at (707) 445-7833. Please mail correspondence to the Commission at the above address.

PART ONE: RESOLUTIONS AND SUGGESTED MODIFICATIONS

I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR LCP AMENDMENT NO. DNC-MAJ-1-05

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A. DENIAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. DNC-MAJ-1-05, AS SUBMITTED:

MOTION I: I move that the Commission reject Implementation Program Amendment No. DNC-MAJ-1-05 for the County of Del Norte as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION I TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program submitted for the County of Del Norte and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

B. APPROVAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. DNC-MAJ-1-05 WITH SUGGESTED MODIFICATIONS:

MOTION II: I move that the Commission certify the Implementation Program Amendment No. DNC-MAJ-1-05 for the County of Del Norte if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION II TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

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Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

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B. APPROVAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. DNC-MAJ-1-05 WITH SUGGESTED MODIFICATIONS:

MOTION II: I move that the Commission certify the Implementation Program Amendment No. DNC-MAJ-1-05 for the County of Del Norte if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION II TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

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The Commission hereby certifies the Implementation Program Amendment for the County of Del Norte if modified as suggested on the grounds that the Implementation Program Amendment with the suggested modifications conforms with and is adequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN AMENDMENT:

Section 21.06.050 of the County of Del Norte's Local Coastal Program Zoning Enabling Ordinance (i.e., Coastal Zoning Map B-9) shall be modified as follows:

a. Wetlands Buffer

That portion of the real property situated at 811 Mayas Land, Crescent City, California (APN 112-020-46) lying within 100 horizontal feet to the north of the outer extent of the 20-foot-wide riparian vegetation bracketing the Aquatic Bed, Emergent Persistent, Emergent Non-Persistent, Scrub-Shrub, and/or Forested wetlands associated with the unnamed intermittent third-order tributary of Elk Creek lying southeast of the subject property shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation.

b. Areas Outside of Wetlands ESHA Buffer

That portion of the real property situated at 811 Mayas Land, Crescent City, California (APN 112-020-46) located northerly of the northerly wetland buffer area described in sub-part a shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to Medium Density Rural Residential Agriculture – One Dwelling Unit per Two Acres Density with Manufactured Housing Combining Zone designation (RRA-2-MFH) designation.

PART TWO: AMENDMENTS TO IMPLEMENTATION PLAN

I. ANALYSIS CRITERIA

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified Implementation Programs (IP). Section 50513 states, in applicable part:

...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are

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inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

To approve the amendment, the Commission must find that the amended Implementation Plan will conform with and adequately carry out the provisions of the LUP as certified. For the reasons discussed in the findings below, the proposed amendment to the Implementation Program is not consistent with or adequate to carry out the certified Land Use Plan. As modified, the proposed amendment to the Implementation Program would be consistent with and adequate to carry out the certified Land Use Plan.

II. FINDINGS FOR DENIAL OF IP AMENDMENT NO. DNC-MAJ-1-05 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as following for Amendment No. DNC-MAJ-1-05:

A. Background.

The County of Del Norte's LCP amendment is proposed at the behest of Glen and JoAnne Henderson, owners of an approximately 2.02-acre parcel located within the Elk Valley Road Community Area located approximately 2¼ mile northeast of the City of Crescent City (see Exhibit Nos. 1 and 2). The amendment is proposed pursuant to the requirements of Section 21.11.010 of the Del Norte County Local Coastal Program which requires that prior to new or additional development on properties designated General Resource Conservation Area (RCA1), for those areas containing environmentally sensitive habitat whose location have not been formally demarcated, the precise extent of such areas shall be delineated and designated with appropriately detailed resource area zoning designation (RCA2), with the remaining areas beyond the environmentally sensitive areas reclassified to zoning designation that is determined to be in conformance with the policies of the Land Use Plan. As the applicants are proposing to make improvements to the existing residential structure, a precise delineation of the environmentally sensitive areas on the property must first be undertaken through the RCA1 to RCA2 rezoning process.

B. Amendment Description.

The rectangular Henderson property is situated in an area of open, relatively flat grassland surrounded by tree cover on adjoining lots on its southern, western, and northern sides. The outer edge of an approximately 40-foot-wide band of riverine wetlands and adjoining riparian corridor associated with a tributary of the Elk Creek watercourse lies approximately 22 feet off the property from its southeastern corner. The majority of the Henderson property and the lands offsite adjoining the watercourse are currently designated RCA1, while the remaining approximately 1/10-acre in the property's southwestern corner is currently zoned (RRA-2-MFH).

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The site is developed with a 12' x 64' mobilehome, onsite water well and sewage disposal system, a looped gravel driveway, accessory buildings, and curtilage fencing (see Coastal Development Permit No. 1-81-23, Walter Ivestor, Applicant). The western two-thirds of the property are used as horse pasture.

The County has applied to the Commission for certification of an amendment to the zoning maps portions of its Implementation Plan (IP). The proposed amendment would revise the zoning designation of an approximately 800-square-foot area on the southeastern corner of the 2.02-acre Henderson parcel closest to the Elk Creek tributary from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Riparian Vegetation (RCA2(r)) designation. The 1.89-acre portions of the lot to the north and west of this area would be rezoned from RCA1 to a Medium Density Rural Residential Agriculture – One Dwelling Unit per Two Acres Density with Manufactured Housing Combining Zone designation (RRA-2-MFH) designation.

The County reclassification of the subject RCA1 areas to RCA2(r) and RRA-2-MFH designation is proposed to implement policies within the certified land use plan that direct that such zoning refinements occur before development is undertaken on lands that have been preliminarily identified with an RCA1 designation as containing, or being in close proximity to, environmentally sensitive habitat areas. These policies provide that the precise extent of ESHA on a property and the buffers needed to protect these areas from uses on adjoining lands is to be ascertained based on collected biological data and field mapping. The areas that have been preliminarily identified with an RCA1 designation are then to be reclassified with the RCA2 designation and appropriate suffixes detailing the type of ESHA or buffer involved. Those areas found to lie outside of the areas delineated as ESHA or ESHA buffer are to be concurrently rezoned to a non-RCA zoning designation that has been found to be consistent with the policies and standards of the LUP.

The specific zoning map revisions to the County's coastal zoning ordinance proposed for amendment are included in the County-approved zoning ordinance amendment attached as Exhibit No. 5. The existing zoning map is included in Attachment No. 8.

C. Subject Property,

The subject site consists of a roughly rectilinear 2.02-acre parcel located at the end of Mayas Lane, a private road off of Elk Valley Road, approximately 2¼ miles northeast of the City of Crescent City and 3½ miles inland from the open shoreline of Pebble Beach (see Exhibit Nos.1-3). The parcel was created by deed prior to the 1972 Coastal Initiative (Proposition 20).

The property is situated on the eastern side of the Crescent City Coastal Plain at an elevation of approximately 40 feet above mean sea level and has flat to gently southward sloping topography. The outermost portion of the roughly 40-foot-wide riparian corridor bracketing an unnamed intermittent creek tributary of Elk Creek that flows across adjoining properties lies across the parcel's southeastern side (see Exhibit No. 4).

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There are two distinct vegetation types currently within this subject parcel; a grassland/forest clearing type and a mixed redwood-hemlock, second-growth forest type. The majority of the two-acre parcel is comprised of the grassland/forest clearing type. The vegetation within the grassland/forest clearing type consists primarily of a mixture of native and non-native upland grasses and forbs. The redwood-hemlock forest type comprises approximately 0.1 acre and consists of clusters of residual trees retained or stump-sprouted after past logging operations in the area.

There is a distinct break in slope located at the outer edge of the tributary stream approximately 22 feet from the southeast corner of the property where riparian vegetation corridor begins. The riparian area is the result of a watercourse and wet areas associated with the watercourse. Vegetation species within this riparian area consists of salal, evergreen huckleberry, cascara (Rhamnus purshiana), thimbleberry, salmonberry (Rubus spectabilis), red alder (Alnus rubra), and a few scattered Sitka spruce (Picea sitchensis) and Douglas-fir (Psuedotsuga douglasii) trees. At the bottom of the six- to eight-foot-vertical slope down into the creek south, obligate hydrophytic plants, such as rushes (Juncus sp.), skunk cabbage (Lysichitum americanum), horsetail (Equisetum sp.) sedge (Carex sp.), bulrushes (Scirpus sp.), buttercup (Ranunculus sp.), became more evident, indicative of more persistent wetland hydrology and soils conditions than that on the side slopes of the gully.

The subject site lies within the LCP's "Elk Valley Road" sub-region and is subject to the specific area policies for "Planning Area No. 4, Crescent City Surrounding Area." The subject property is designated in the Land Use Plan as Rural Residential – One Dwelling Unit per Two Acres (RR 1/2) and Resource Conservation Area (RCA), certified by the Commission on October 12, 1983. The subject property is not within any viewpoint, view corridor, or highly scenic area as designated in the Visual Resources Inventory of the LCP's Land Use Plan. Due to the property's inland location, no views to and along the ocean exist across the property.

D. Consistency of Zoning Designation Changes with the Policies of the LUP.

1. Consistency with Marine and Water Resources Policies of the LUP.

a. Summary of Pertinent LCP Policies and Standards:

Policy 6 of the LUP's Marine and Water Resources Chapter states:

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. [Emphasis added.]

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Section VII.D.4 of the LUP's Marine and Water Resources chapter sets policy directives for the review of development in a variety of biologically significant areas and types, stating in particular regard to the establishment of wetland buffers:

...

f. 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.

g. Due to the scale of the constraints maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over the boundary or location of an environmentally sensitive habitats area, the following may be requested of the applicant:

- i.) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.*
- ii.) Vegetation map.*
- iii.) Soils map.*

Review of this information shall be in cooperation with the Department of Fish and Game and the County's determination shall be based upon specific findings as to whether an area is or is not an environmentally sensitive habitat area based on land use plan criteria, definition, and criteria included in commission guidelines for wetland and other wet environmentally sensitive habitat areas as adopted February 4, 19 81. The Department of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.
[Emphases added.]

The Marine and Water Resources chapter of the LUP includes “riparian vegetation systems” and “riparian vegetation” among its list of “sensitive habitat types,” defining such as areas, respectively, as:

The habitat type located along streams and river banks usually characterized by dense growths of trees and shrubs is termed riparian. Riparian systems are

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necessary to both the aquatic life and the quality of water courses and are important to a host of wildlife and birds;

and

Riparian vegetation is the plant cover normally found along water courses including rivers, streams, creeks and sloughs. Riparian vegetation is usually characterized by dense growths of trees and shrubs.

Marine and Water Resources Policy VII.E.4.a of the County of Del Norte LUP states:

Riparian vegetation shall be maintained along streams, creeks and sloughs and other water courses within the Coastal Zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization. [Emphasis added.]

Section IV.D.1.f of the LUP's Marine and Water Resources chapter establishes other standards for buffers, stating that:

Natural vegetation buffer strips may be incorporated to protect habitat areas from the possible impacts of adjacent land uses. These protective zones should be sufficient along water courses and around sensitive habitat areas to adequately minimize the potential impacts of adjacent land uses. [Emphasis added.]

With regard to the delineation of environmentally sensitive areas for the purpose of rezoning property from a general conservation resource area (RCA1) to a designated conservation resource area (RCA2), Section 21.11.060 of the certified coastal zoning ordinance states:

The rezoning of a parcel or parcels designated as RCA may be considered subject to the requirements of Chapters 21.50 and 21.50B and the special requirements listed in this section.

A. Mapping. In order to determine the actual boundary of the resource conservation area and the location of any buffer zone which may be required for it, supplemental mapping shall be submitted as a part of the rezoning application, including:

1. Topographic Base Map. The base map should be at a scale sufficiently large to permit clear and accurate depiction of vegetation associations and soil types in relation to any and all proposed development (normally the scale required will be one inch equals two hundred feet). Contour intervals should be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date). The map should show the following information:

a. Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as

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well as the boundaries of any tidelands, submerged lands or public trust lands, per Section 21.50.040;

b. Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features such as streams, bluffs or steep slopes;

c. Location and elevation of any levees, dikes or flood-control channels;

d. Location, size and invert elevation of any culverts or tide gates;

e. Existing development (structures, agricultural areas, etc.)

2. Inundation Map. For nontidal wetlands, a map should be prepared indicating permanent or seasonal patterns of inundation (including sources) in a year of normal rainfall.

3. Vegetation Map. Location and names of dominant plant species (e.g., Salicornia Virginica) and vegetation associations (e.g., saltmarsh).

4. Soils Map. If no soil survey is available, a soils map should be prepared and should show the location of soil types and include a physical description of their characteristics.

B. Supplemental Information. Where development is proposed in conjunction with the rezoning, a supplement information report may be required pursuant to Section 21-11A.050.

C. Review. Upon receipt of a complete rezoning application and prior to any public hearing the county shall submit the above information to the California Department of Fish and Game for review. The Department of Fish and Game shall have up to fifteen days upon receipt of the county notice to review and comment. This requirement does not supersede any other review requirements, such as those of the California Environmental Quality Act, and may be carried out in conjunction with any other review which meets or exceeds the fifteen-day time period.

D. Findings and Disposition.

1. The county's determination regarding the rezoning shall be based upon specific findings as to whether the area is or is not a resource conservation and/or a wetland buffer area based on the General Plan Coastal Element Criteria and California Coastal Commission's "Statewide Interpretive Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas" as adopted February 4, 1981.

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 RCA2 with a parenthetical reference as

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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 21.51A and 21.51B.

4. *Where parcels totally within the RCA2 zone are contiguous with a parcel outside or partly outside of the RCA2 area, and where all of these parcels have a single owner, said parcels shall be merged at the time the RCA2 zoning is placed in effect upon the properties. [Emphases added.]*

Section 21.11A.020B goes on to state that with regard to the extent of any contemplated RCA2 designation :

This zone shall also be applied to buffer areas which shall be established around wetlands between the edge of the wetland and any future and/or existing development. Such wetland buffers shall be one hundred feet in width unless a determination of no adverse impact upon the wetland is made, in which case a buffer of less than one hundred feet may be utilized. Such a determination is to be made based upon data submitted pursuant to Section 21.11.060 and shall include consideration of the following factors:

1. *That the most sensitive species of plants and/or animals will not be significantly disturbed based upon:
 - a. *Habitat requirements of resident and/or migratory fish and wildlife for nesting, feeding, breeding, etc.;*
 - b. *Assessment of short and long term ability of plant or animal species to adapt to human disturbance.**
2. *That where erosion impacts from the project may occur, adequate buffer is provided to allow for interception of eroded materials outside of the wetland area.*
3. *That where natural or cultural features such as bluffs, hills, roads, dikes or irrigation canals exist they should be utilized in establishing the location of the buffer area and in separating development wetland areas. Natural features should be included within the buffer area i.e., a buffer boundary which follows an embankment should be located at the top of the bank rather than the bottom. Cultural features should be located outside of the buffer boundary to avoid conflict regarding actions such as repair and maintenance.*

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4. *That where existing adjacent development is located closer to the wetland than one hundred feet or where the configuration of a legally created parcel is such that a building area of less than four thousand two hundred square feet would remain, reduction of the buffer could occur, however alternative mitigation measures (such as the planting or reversion to native vegetation) should be provided to ensure additional protection.*

The cited 1981 *Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas* enumerates seven factors that should be considered in establishing wetland buffers to ensure their adequacy to protect the wetland resources:

1. *Biological significance of adjacent lands;*
2. *Sensitivity of species to disturbance;*
3. *Susceptibility of parcel to erosion;*
4. *Use of natural topographic features to locate development;*
5. *Use of existing cultural features to locate buffer zones;*
6. *Lot configuration and location of existing development; and*
7. *Type and scale of development proposed.*

b. Analysis:

The Marine and Water Resources Chapter of the County of Del Norte's LUP contains numerous policies for the protection and conservation of aquatic natural resources. Chief among these are Policy 6, cited above, which requires that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas. In addition, Section VII of the LUP's Marine and Water Resources chapter sets forth a variety of specific provisions, cited above, including provisions regarding: (1) the delineation of wetlands; (2) considerations as to the adequacy of wetland buffers; and (3) the protection of riparian vegetation. These policies in turn are further implemented through the various detailed provisions of the "Local Coastal Program Zoning Enabling Ordinance of the County of Del Norte" (LCPZEO), the County's certified coastal zoning ordinance, particularly in the General and Designated Resource Conservation Area Zoning District standards of Chapters 21.11 and 21.11A, also cited above.

The application initially submitted by the County for the subject LCP amendment either omitted many of the biological information items enumerated in Section VII.D.4 of the LUP's Marine and Water Resources Chapter, as further detailed in the RCA1 and RCA2 zoning district regulations, or contained vague or confusing statements as to the presence and precise extent of

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wetlands on or near the subject Henderson property. The landowner's consulting biologist (Galea Wildlife Consulting, September 28, 2004) summarily stated that:

The county assessor's parcel map shows a branch of Elk Creek bisecting the property. The field investigation showed this to be incorrect.

A small stream, assumably the fork of Elk Creek shown on the assessor's map, intersects the extreme southeast corner of this property... Assuming that a fence corner and metal pole if the southeast corner of this property, the stream is 42 feet south of this corner. The west-flowing stream then turns in a southerly direction, away from the property line. At 100 feet west of the southeast corner, the stream is 90 feet from the property, having crossed under East Jefferson, a private roadway, via a culvert. Therefore, this small watercourse is on or immediately adjacent to the property for a very short distance.

Along the south border of the property there is a gentle slope leading to the watercourse. The property is mowed and open up to the edge of the slope... There was no evidence of wetland along the slope. The slope was steep enough to provide good drainage down to the watercourse.

Riparian habitat was found within 20 feet of the watercourse. Above that, vegetation became more upland in nature, in the form of conifers and other upland species, which provided additional screening to the watercourse. The riparian zone, therefore, was limited to approximately 20 feet of the watercourse. Although the parcel map shows a stream bisecting the property, I found this to be completely incorrect. No other watercourse, wetland, or other resource was found on the property. [Emphases added.]

Field review by Commission staff confirmed that wetland ESHA are generally recognized as being present in the vicinity of the subject property: First, that portion of the adjoining property crossed by the intermittent tributary of Elk Creek is demarcated on the "Crescent City" 7½-minute quadrangle of the U.S. Fish and Wildlife Service's National Wetland Inventory as containing temporarily-flooded Palustrine-Forested-Broadleaf Deciduous (PFOIA) wetlands.¹ Secondly, a site visit conducted by the staff on February 16, 2006 found the Elk Creek tributary portion of the property to be experiencing low volume but sustained late season flows within its roughly four- to eight-foot-wide channel, typical of a intermittent riverine wetland setting. Accordingly, while Commission staff concurs with the consultant's statement regarding the lack of wetlands on the site, staff does not similarly agree that a setback of 50 feet from the outer extent of the riparian vegetation would necessarily afford adequate protection to the riverine wetlands within the creek bed at the core of the riparian corridor.

Although supplemental information has been provided by the property owner's consulting biologist (Galea Wildlife Consulting, September 2004) addressing the extent of the riparian

¹ See Classification of Wetlands and Deepwater Habitats of the United States, Cowardin, et al., U.S. Fish and Wildlife Service, December, 1979

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vegetation on the site, accompanied by a recommendation for a 50-foot-wide buffer area around the outer edges of the vegetated riparian corridor, the adequacy of the proposed buffer's width to protect the riparian vegetation ESHA from any adjacent future development is based upon the facts that: (1) riparian buffers in mesic northern California are less distinct than those in drier portions of the state; (2) the California Department of Fish and Game generically recommends a setback of 25 feet from the outer edge of second-order tributaries; and (3) consistent with the Coastal Commission recommendations for providing a 50-foot-wide buffer outward from riparian corridors,² the owners of the subject property are willing to accept an RCA2 designation extending some 28 feet onto their parcel, that when combined with the 22-foot distance across the adjoining property would provide a 50-foot wide riparian buffer.

Notwithstanding the considerations given to protecting the riparian corridor resources, no analysis was provided in the County's submittal as to how the proposed 70-foot-wide (28 feet on parcel, 22 feet on adjoining property, 20-foot riparian corridor) separation between the developable portions of the property and the creek would adequately protect the wetlands therein from the adverse impacts of adjacent future development, based upon the criteria enumerated within the Commission's 1981 *Statewide Guidelines*, as incorporated-by-reference in the County's LCP.

Further, with regard to coordinated review with the California Department of Fish and Game (CDFG), the Commission notes that the County did submit a request for comments regarding the adequacy of the proposed area to be designated as RCA2(r) to the CDFG, pursuant to LUP Section VII.g and LCPZEO Section 21.11.060.C, and no response was received within the specified fifteen-day period. Staff notes that the LCP provisions only require that review of the zoning amendment be conducted in cooperation with the CDFG and that the County is to make its own determination based upon specified findings. While no comments were received by the specified deadline from CDFG, this does not mean that the zoning amendment process becomes suspended and that the County cannot move forward in considering the proposed rezoning. Nonetheless, staff also notes that the lack of a response should not be interpreted as the CDFG concluding that the area proposed to be rezoned to RCA2 would adequately protect the wetland and riparian ESHAs as required by the LCP. This determination is to be made independently by the County based upon specified findings and factual evidence.

Thus, based upon the information submitted with the amendment request, there is no factual basis to conclude that the proposed amendment would adequately protect the ESHA on the site against any significant disruption of habitat values, that only uses dependent on such resources shall be allowed within such areas, and/or assurances have been made that future development in areas adjacent to the ESHA would be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas as required by Policy 6 of the LUP's Marine and Water Resources chapter. Therefore, the

² It is unclear what serves as the basis for the wildlife consultant's statement that the Commission has a standing policy to recommend a static 50-foot-wide buffer for riparian areas. Neither the 1981 *Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas* or any specific comments submitted to the local agency regarding this LCP amendment address a specific setback distance from riparian corridor ESHA.

COUNTY OF DEL NORTE LCP AMENDMENT (HENDERSON)

NO. DNC-MAJ-1-05

PAGE 15

Commission finds that the LCP amendment as submitted would not conform with and would not adequately carry out the provisions of the certified land use plan and must be denied.

c. Amendment Approvable if Modified.

For the proposed amended zoning designation to be found in conformance with, and to effectively carry out, the policies of the LUP's Marine and Water Resources chapter regarding the protection of designated environmentally sensitive habitat areas (ESHA) and ensuring that development in areas in or in proximity to such environmentally sensitive areas would be appropriately sited and designed to avoid significant impairment to the ESHA, the zoning amendment must be shown to: (1) include all areas within 100 feet of the riparian vegetation bracketing the creek's riverine and palustrine wetlands within the bounds of a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation; and (2) redesignate all areas located beyond the outward extent of these environmentally sensitive areas to a non-RCA zoning designation that is found to be in conformance with the policies of the LUP.

As discussed above, the Commission has determined that based upon the information submitted with the LCP amendment request, the rezoning as proposed would not be fully inclusive of all ESHA and include those adjoining areas needed to adequately protect the ESHA from adjacent future development. Thus, in-lieu of factual information substantiating the adequacy of the proposed 70-foot-wide wetland buffer, to conform with the default 100-foot-wide wetland setback required under Section VII.D.4.f of the LUP's Marine and Water Resources Chapter, the roughly 800-square-foot, 40' x 40' right-triangular area in the parcel's southeastern corner proposed for rezoning to Designated Resource Conservation Area – Riparian Vegetation (RCA2(r)) should: (1) be expanded in a northwesterly direction an additional 50 feet laterally from the outer edge of the riparian corridor to encompass an approximately 110' x 110' right-triangular area, comprising approximately 6,050 square feet of the lot's southeastern corner; and (2) be rezoned instead to Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)).

Therefore, the Commission finds that it is necessary to modify the precise areas being proposed for rezoning so as to ensure consistency with the LUP. **Suggested Modification No. 1** adjusts the proposed zoning map changes by modifying the specific areas proposed to be zoned from General Resource Conservation Area (RCA1) as well as those areas on the property currently designated for Rural Residential Agriculture to be fully inclusive of all environmentally sensitive habitat areas, including all wetland areas and functionally-related riparian corridor vegetation³, and required buffer areas on the subject property. Under the proposed Suggested Modification, the proposed area to be rezoned RCA2 would be expanded and further refined to: (a) include all areas within 100 horizontal feet of the Elk Creek tributary riparian corridor as wetland buffer (RCA2(wb)); and (b) rezone only those remaining areas lying beyond the environmentally

³ For a discussion of the important adjoining riparian land cover plays in to protecting stream habitat within anadromous fish-bearing second- and third-order tributaries in urbanizing areas, see "Assessing and Restoring the Health of Urban Streams in the Puget Sound Basin," in *Conservation Biology*, Vol. 16, No. 6, December 2002, pp. 1498-1509.

COUNTY OF DEL NORTE LCP AMENDMENT (HENDERSON)

NO. DNC-MAJ-1-05

PAGE 16

sensitive areas on the parcel for medium-density rural residential development, subject to special standards for the development of manufactured housing (RRA-2-MFH).

The submitted LCP amendment request with the inclusion of the above-described Suggested Modification would result in the IP, as amended, being found to be in conformance with, and adequate to carry out the LUP for the following reasons:

- (1) All areas within 100-feet of the outer extent of the wetland and riparian ESHA providing a spatial buffer between the wetlands and sites for potential future development sites to the north and east would be designed as RCA2(wb). This action would serve to ensure that the amended IP carries out the provisions of Policy 6 of the LUP's Marine and Water Resources Chapter which require that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas, and the provisions of LUP Section IV.D.4.f, which require that a buffer of one-hundred feet in width be established around the periphery of the identified palustrine wetland ESHA. Including the adjacent second-growth forested areas to the north and east of the gullied wetlands would also serve to carry out LUP Section IV.D.1.f which requires that sufficiently wide protective zones be established along water courses and around sensitive habitat areas by incorporating natural vegetation buffer strips so as to protect habitat areas from the possible impacts of adjacent land uses. The buffer that would be established under the suggested modification would incorporate the riparian and open grassland areas within 100-feet of the northwesterly riparian corridor bracketing the gullied reach of the creek on the adjoining property to the south. Inclusion of the riparian and grassland areas would also be consistent with the criteria within the 1981 *Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas* by incorporating natural topographic or existing cultural features into the location of the wetland and/or buffer boundaries that further serve to locate and demarcate the permissible extent of potential development sites on the property. Section 21.11.060 of the LCP Zoning Enabling Ordinance specifically requires that a determination as to whether an area should be considered a wetland buffer area be based, in part, on the *Interpretive Guidelines*. Furthermore, a buffer area of a 100-foot-width, as prescribed in the LCP, would provide spatial separation between this environmentally sensitive resource area and building sites on the more upland portions of the parcel, which would serve to shield the area from the potential adverse impacts associated with future development at such upland building sites (i.e., human activity, lighting, noise, sediment-laden runoff from impervious surfaces).

- (2) The remaining portions of the parcel that would be designated RRA-2-MFH would be limited to those remaining areas on the property lying beyond the environmentally sensitive habitat areas and their buffers. This action would ensure that the amended IP would be consistent with the requirements of LUP Section VII.D.4.f that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which could significantly degrade such areas, and be compatible with the continuance of such habitat areas.

COUNTY OF DEL NORTE LCP AMENDMENT (HENDERSON)

NO. DNC-MAJ-1-05

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The amendment as modified would therefore conform with and adequately carry out the LUP's New Development, and Marine and Water Resources policies.

2. Conclusion

The zoning code amendments as modified would conform with and be adequate to carry out the provisions of the County's Land Use Plan, particularly as relate to the protection of environmentally sensitive habitat areas as articulated in the Marine and Water Resources Chapter. Therefore, the Commission finds the County's Implementation Program as modified would conform with and be adequate to carry out the requirements of the certified Land Use Plan as amended consistent with Section 30513 of the Coastal Act.

PART THREE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed in the findings above, the amendment request as modified is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

EXHIBITS:

1. Location Map
2. Vicinity Map
3. County of Del Norte Assessor's Parcel Map 112-02
4. Site Plan Map
5. County Resolution of Submittal and Zoning Ordinance
6. Excerpt, *Land Use Map*, Crescent City Sub-region
7. Excerpt, *Land Use Constraints Map*, Crescent City Sub-region
8. Existing Coastal Zoning Map B-9
9. Proposed Coastal Zoning Map B-9
10. Report of Resource Attributes

A B C D E F G H I J K L M N O

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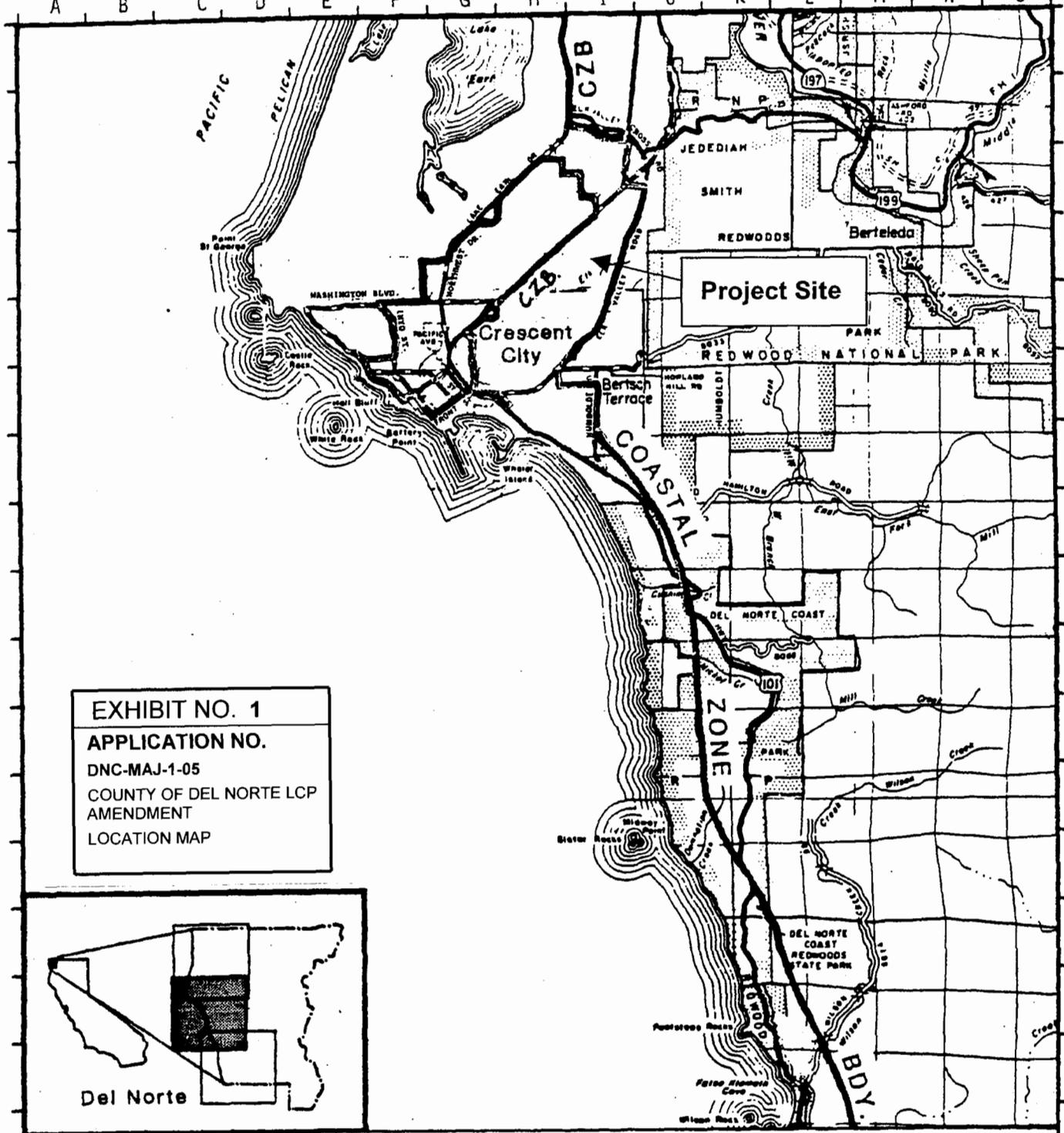
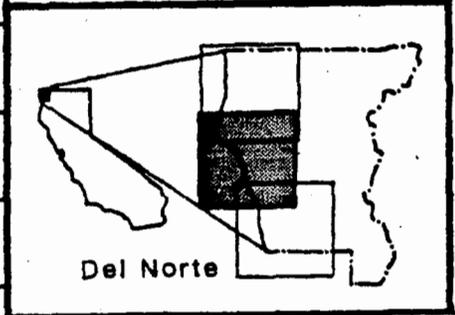


EXHIBIT NO. 1
 APPLICATION NO.
 DNC-MAJ-1-05
 COUNTY OF DEL NORTE LCP
 AMENDMENT
 LOCATION MAP



Del Norte



LOCATION MAP

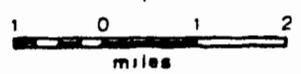
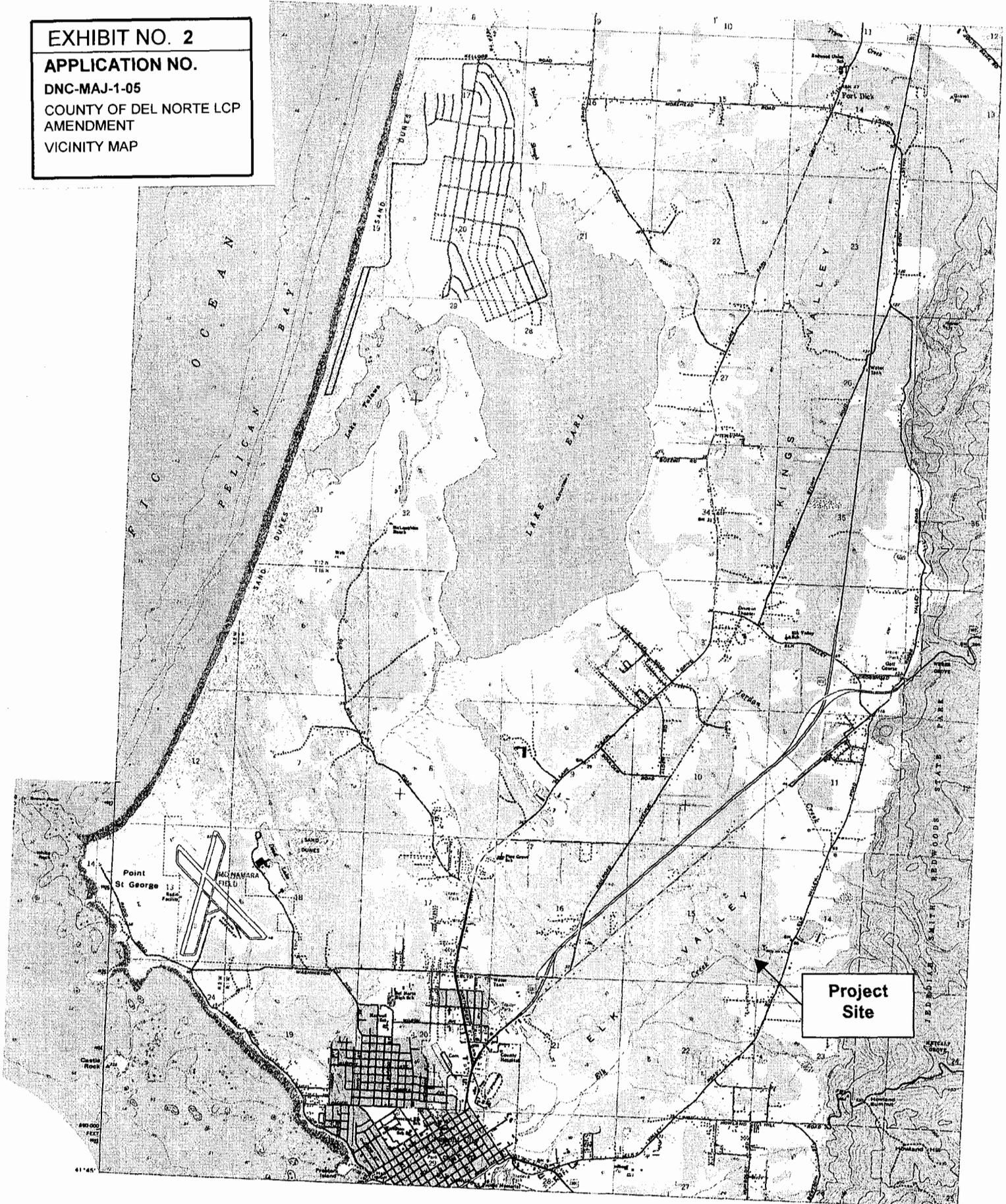


EXHIBIT NO. 2
APPLICATION NO.
DNC-MAJ-1-05
COUNTY OF DEL NORTE LCP
AMENDMENT
VICINITY MAP



12-02



EXHIBIT NO. 1

APPLICATION NO.

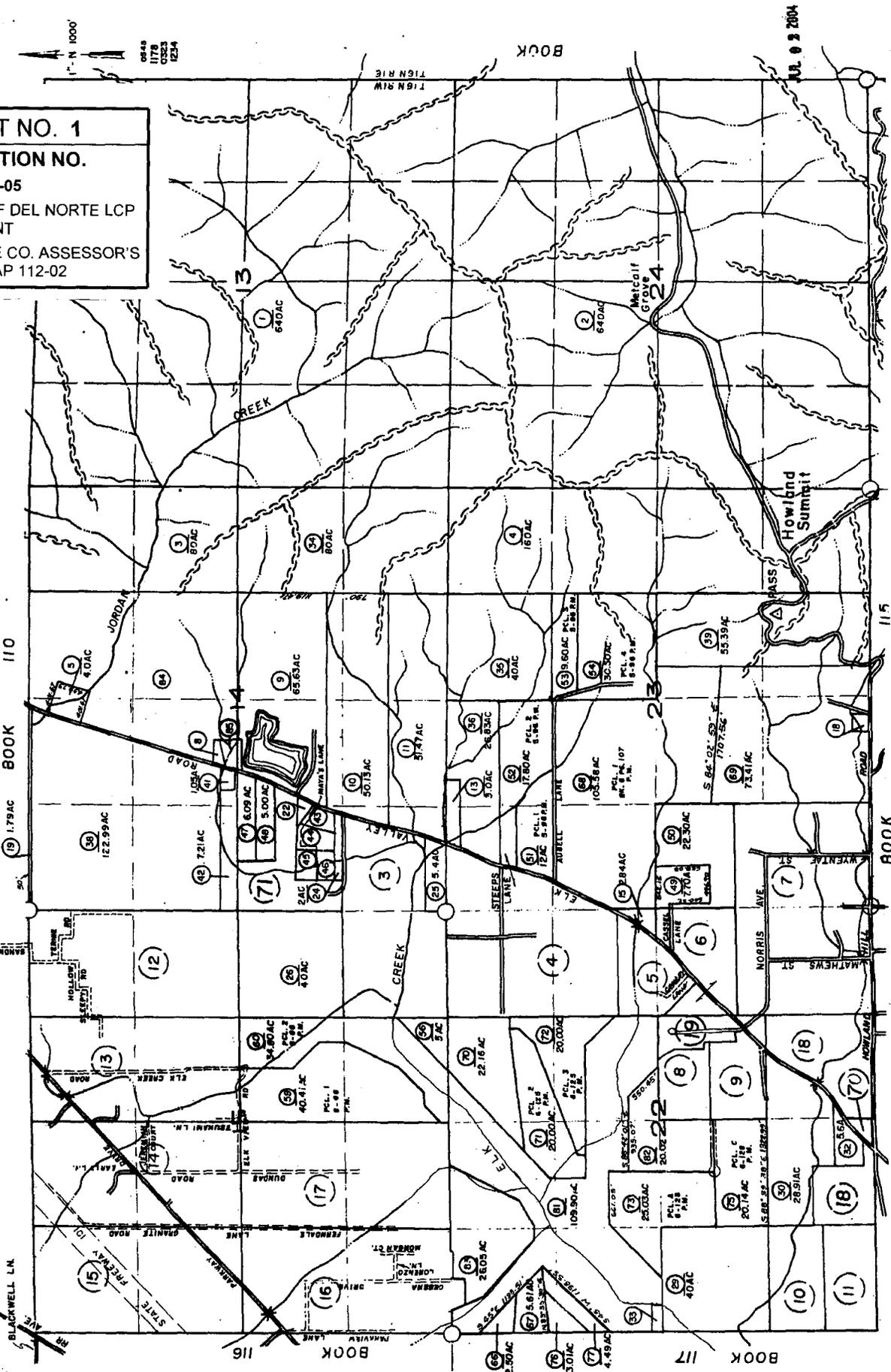
DNC-MAJ-1-05

COUNTY OF DEL NORTE LCP
AMENDMENT

DEL NORTE CO. ASSESSOR'S
PARCEL MAP 112-02

T. 16N., R. 1W., H.B. 8M.

THIS IS NOT AN OFFICIAL MAP
FOR ASSESSMENT PURPOSES ONLY



BOOK

11.5

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BOOK

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BOOK

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BOOK

Mayas Lane

Elk Valley Rd

RCA1 (C)
RCA2 (M) (P)

E. Jefferson Ave

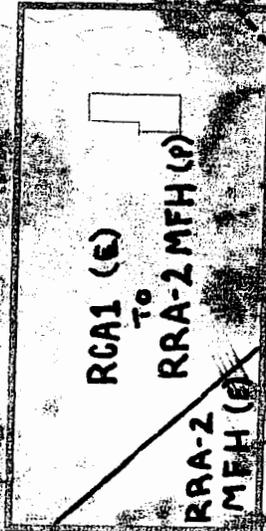


EXHIBIT NO. 4
APPLICATION NO.
DNC-MAJ-1-05
COUNTY OF DEL NORTE LCP
AMENDMENT
SITE PLAN MAP

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

RESOLUTION NO. 2005 - 24

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
SUBMITTING AN ORDINANCE AMENDING ORDINANCE NO. 83-03 AND
COUNTY CODE TITLE 21 BY ADOPTING NEW COASTAL ZONING MAP D-9
(Henderson) 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, a negative declaration has been prepared for rezone in compliance with 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

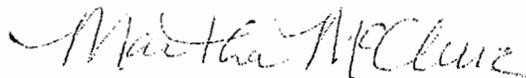
BE IT FURTHER RESOLVED, that by submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendments be identified as requiring rapid and expeditious action.

PASSED AND ADOPTED this 22nd day of March 2005, by the following polled vote:

AYES: Supervisors McClure, Sampels, Finigan, Blackburn and McNamer

NOES: None

ABSENT: None



, Chair
Board of Supervisors

ATTEST:



Donna M. Walsh, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

EXHIBIT NO. 5
APPLICATION NO.
DNC-MAJ-1-05 COUNTY OF DEL NORTE LCP AMENDMENT COUNTY RESOLUTION OF SUBMITTAL & ZONING ORDINANCE (1 of 3)

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

DEL NORTE COUNTY ORDINANCE NO. 2005-06

**AN ORDINANCE AMENDING ORDINANCE NO. 83-03
AND COUNTY CODE TITLE 21 BY ADOPTING NEW COASTAL ZONING MAP D-9 (Henderson) TO
THE COASTAL COMMISSION AS AN LCP AMENDMENT**

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

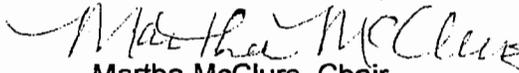
Section II: This ordinance shall take effect and be enforced thirty (30) days after the date of its passage or approval of the rezone by the Coastal Commission, whichever is the latter.

**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).

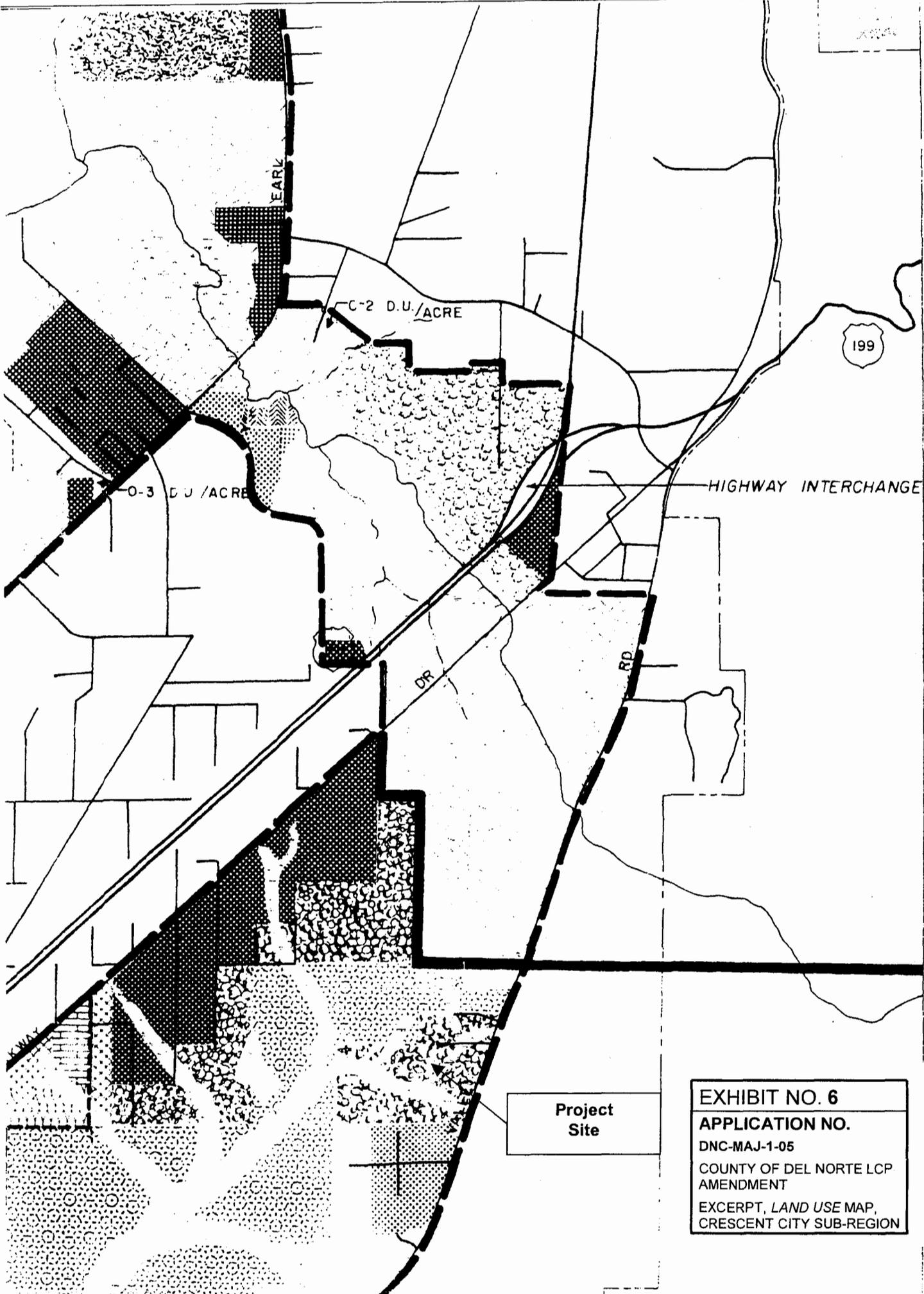
PASSED AND ADOPTED this 22nd day of March 2005 by the following polled vote:

AYES: Supervisors McClure, Sampels, Finigan, Blackburn and McNamer
NOES: None
ABSENT: None
ABSTAIN: None


Martha McClure, Chair
Del Norte County
Board of Supervisors

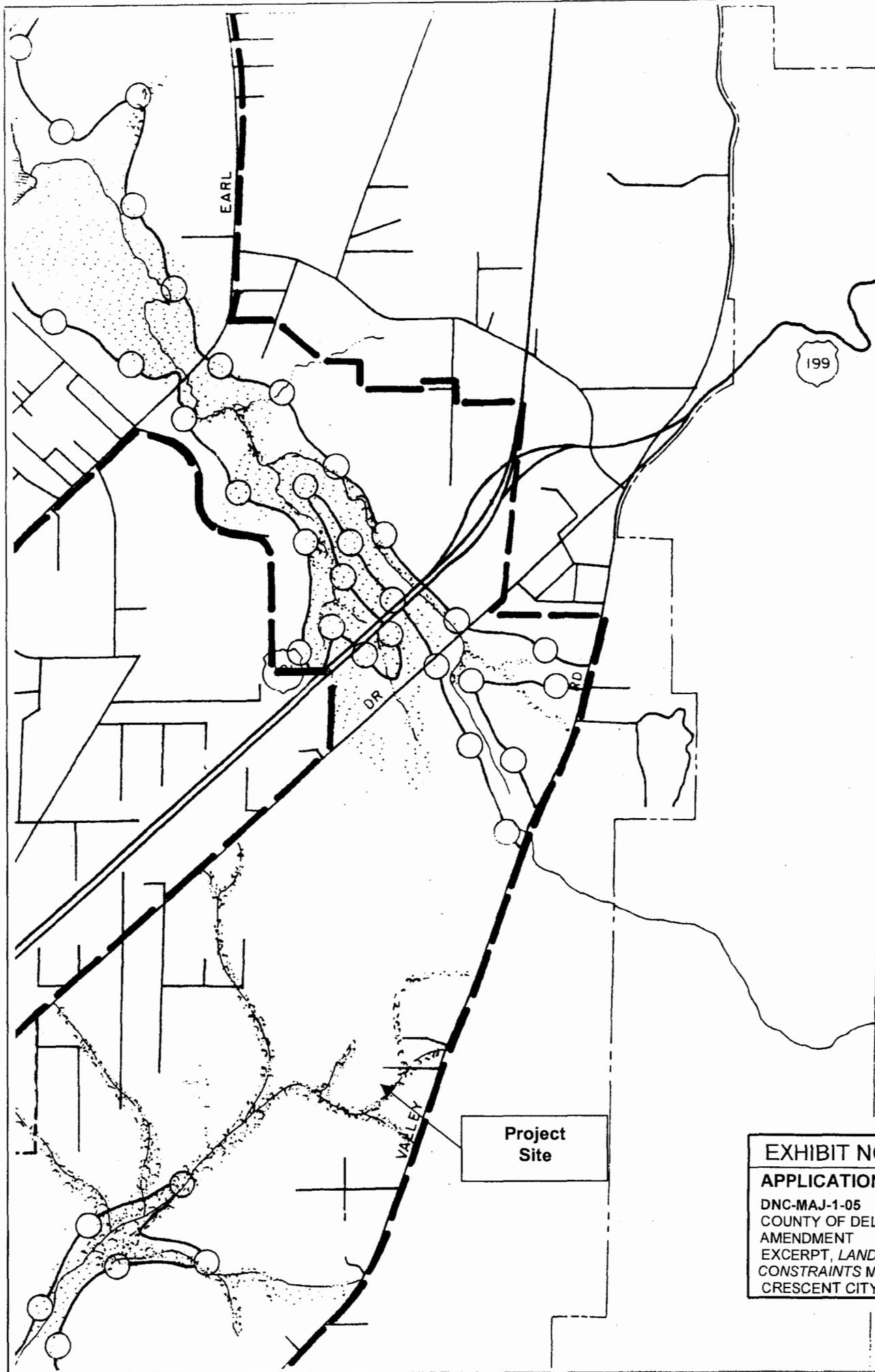
ATTEST:


DONNA M. WALSH, Clerk of the
Board Of Supervisors, County of
Del Norte, State of California



Project Site

EXHIBIT NO. 6
APPLICATION NO.
DNC-MAJ-1-05
COUNTY OF DEL NORTE LCP
AMENDMENT
EXCERPT, LAND USE MAP,
CRESCENT CITY SUB-REGION



Project Site

EXHIBIT NO. 7
APPLICATION NO.
DNC-MAJ-1-05
COUNTY OF DEL NORTE LCP
AMENDMENT
EXCERPT, LAND USE
CONSTRAINTS MAP,
CRESCENT CITY SUB-REGION

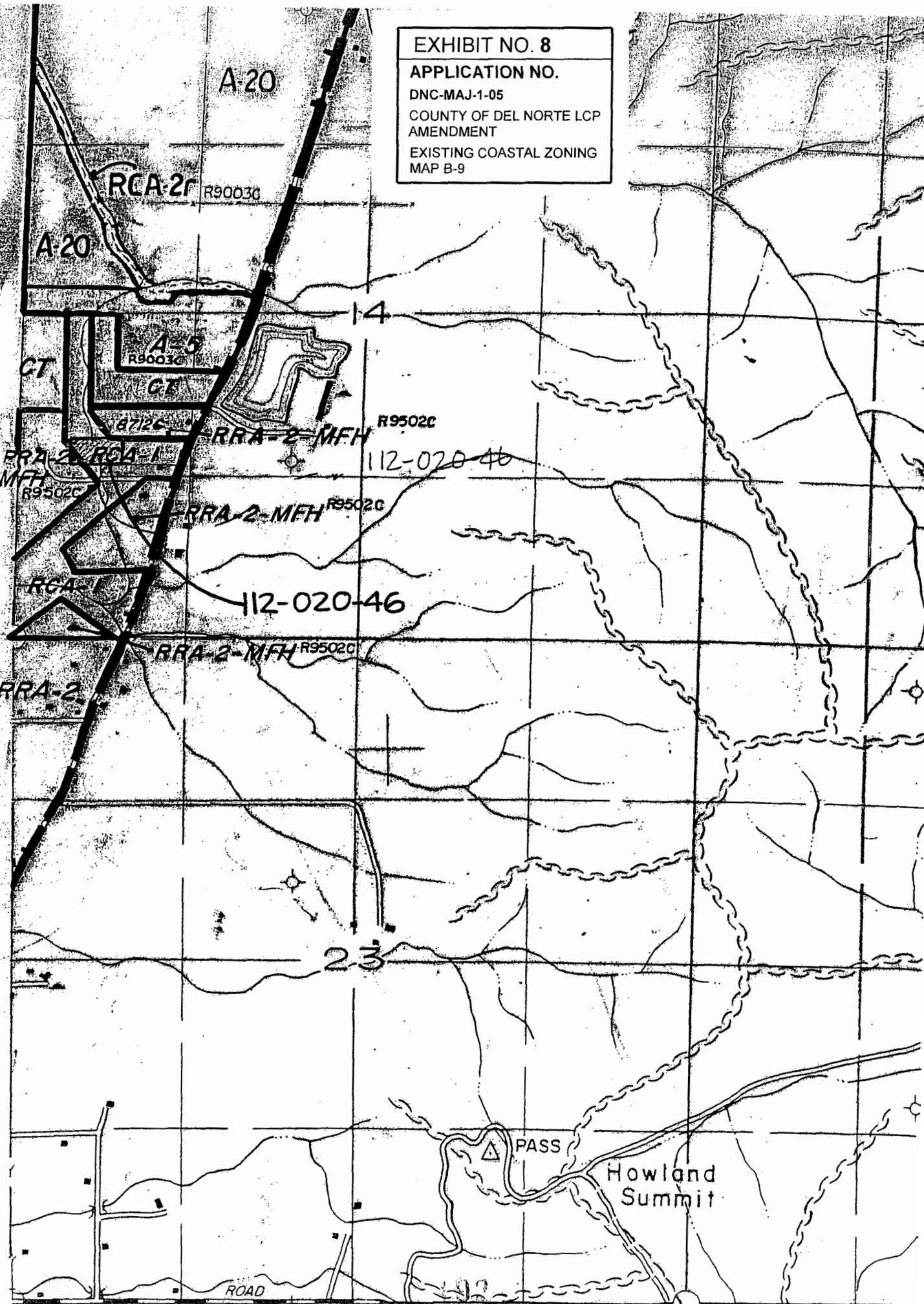
EXHIBIT NO. 8

APPLICATION NO.

DNC-MAJ-1-05

COUNTY OF DEL NORTE LCP
AMENDMENT

EXISTING COASTAL ZONING
MAP B-9



A-20

RCA-2r R90030

A-20

A-5 R90030

CT

CT

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RRA-2-MFH R9502C

R9502C

112-020-46

RRA-2-MFH R9502C

RRA-2-MFH R9502C

RCA-1

112-020-46

RRA-2-MFH R9502C

RRA-2

23

PASS

Howland Summit

ROAD

EXHIBIT NO. 9
APPLICATION NO. DNC-MAJ-1-05
COUNTY OF DEL NORTE LCP AMENDMENT
PROPOSED COASTAL ZONING MAP B-9

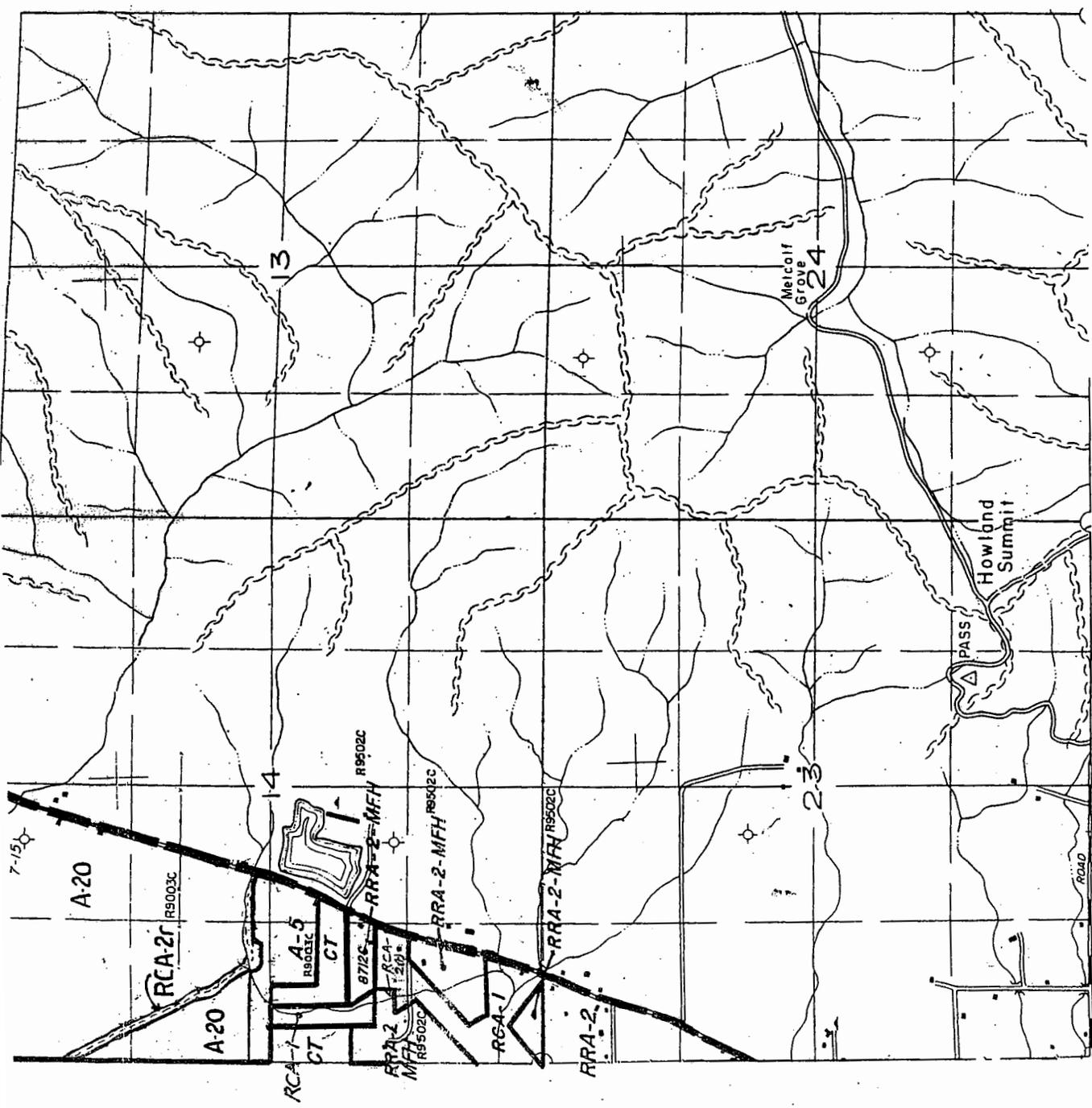
EXHIBIT A

Section 21.05.060 Ordinance 21-0
DEL NORTE CO. ZONING MAP B-9

AREA D-9

SECTIONS 13, 14, 23, 24
 TWP 16 N RGE 1W HB & M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION *[Signature]*
 APPROVED BY BOARD OF SUPERVISORS *[Signature]*
 COUNTY OF DEL NORTE, CALIFORNIA





GALEA WILDLIFE CONSULTING

200 Raccoon Court . Crescent City . California 95531

Tel: 707-464-3777 . Fax: 707-464-6634

E-mail: galea@cc.northcoast.com . Web: cc.northcoast.com

RECEIVED

OCT 26 2004

PLANNING
COUNTY OF DEL NORTE
Applicants

Report of Resource Attributes, RCA Zoned Property, APN# 112-020-46, 811 Mayas. Applicants Glenn and JoAnne Henderson. Report Completed September 28, 2004.

Introduction

The Applicants intend to improve the property, and require an assessment of resource conditions on and near the property. In September of 2004 Biologist Frank Galea conducted a review of this property to determine the extent of riparian, wetland or other resource attributes located on or near the property. A complete examination of the entire property plus all adjacent properties where access was possible, was conducted.

Existing Conditions This one acre parcel is located just east of Elk Valley Road in an established neighborhood. This property is zoned RCA-1. The county assessor's parcel map shows a branch of Elk Creek bisecting the middle of the property. The field investigation showed this to be incorrect.

A small stream, assumably the fork of Elk Creek shown on the assessor's map, intersects the extreme southeast corner of this property (see attached map). Assuming that a fence corner and metal pole is the southeast corner of this property, the stream is 42 feet south of this corner. The west-flowing stream then turns in a southerly direction, away from the south property line. At 100 feet west of the southeast corner, the stream is 90 feet from the property, having crossed under East Jefferson, a private roadway, via a culvert. Therefore, this small watercourse is on or immediately adjacent to the property for a very short distance.

Along the south border of the property there is a gentle slope leading to the watercourse. The property is mowed and open up to the edge of the slope. The slope is covered with vegetation, including Douglas-fir and spruce trees, salal, blackberry and other endemic vegetation. There was no evidence of wetland along the slope. The slope was steep enough to provide good drainage down to the watercourse.

Riparian habitat was found within 20 feet of the watercourse. Above that, vegetation became more upland in nature, in the form of conifers and other upland species, which provided additional screening to the watercourse. The riparian zone, therefore, was limited to approximately 20 feet of the watercourse.

EXHIBIT NO. 10
APPLICATION NO.
DNC-MAJ-1-05
COUNTY OF DEL NORTE LCP
AMENDMENT
REPORT OF RESOURCE
ATTRIBUTES (1 of 4)

Although the parcel map shows a stream bisecting the property, I found this to be completely incorrect. No other watercourse, wetland or other resource was found on the property.

Definition of Riparian Habitat

In September, 2003 the California Department of Fish and Game released "Biological Protection Recommendations" which included definitions and recommendations for wetland and riparian protection and buffers. These guidelines were created for the entire Northern California area, including inland areas.

Riparian habitat was defined as "an association of plant species growing adjacent to fresh-water courses, including perennial and intermittent streams, lakes and other bodies of fresh water...in most cases the plants are here only because the water is there" (page 4). The document also lists a number of reasons why riparian habitats are important to biological resources (Page 2).

While this definition may work in some areas, it may not be an ideal definition for coastal northern California. In Southern California these boundaries are usually obvious; the riparian vegetation grows immediately adjacent to watercourses and only extends a short distance away from the watercourse. In northern California, however, the boundaries are much less distinct; vegetation that occurs alongside a stream may also be found on hillsides and far away from a watercourse. Therefore, for north coastal California determining what is riparian habitat is subjective, and the abnormally "wet" conditions found along the north coast need to be taken into consideration. Riparian determinations should include an assessment of resource protection and "screening" by vegetation as a value in determining buffer recommendations.

Agency Recommendations

Recommended buffers to watercourses and /or riparian habitats were based upon those used for the Sacramento River, the largest river system in California. As an example, the agency recommended a 150 foot buffer from top of bank for large rivers or 75 feet of buffer from the outside edge of existing riparian. Lesser buffers are recommended for main and secondary tributaries (Page 4), using increments of 50 feet less buffer per order of stream size. For a secondary tributary as found just south of the property, a buffer of 25 feet from the outside edge of riparian habitat is recommended. These are recommendations for the most pristine conditions, in situations where sensitive resources require protection from development and disturbance.

The California Coastal Commission recommends a 50 foot buffer from riparian areas. Although such a wide buffer may not be necessary to protect the resources associated with the drainage in this case, the Applicant is willing to accept such a riparian buffer in the southeast corner of the property for the sake of expediting the application.

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Proposed Development and Riparian Buffer Recommendations

The Applicant seeks to build a home and barn on the property. As a buffer of 50 feet to the outside edge of the riparian habitat is the agency recommendation, and the riparian habitat ends 20 feet from the watercourse, the Applicant is willing to have 28 feet of riparian buffer located at the southeast corner of the property (see attached map). As the stream heads immediately away from the property to the southwest, no other portion of the property is affected but the extreme southeast corner. The designation of the property as "Resource Conservation Area", or RCA, is likely not justified for the remainder of this property.

Potential for Sensitive Wildlife or Plant Species

The property was visited by wildlife biologist Frank Galea in September of 2004. A complete review of the property was conducted. Trees were searched with binoculars to search for bird nests, and the ground beneath larger trees was searched for sign of avian nesting in the area. No evidence for nesting birds was observed in the trees or on the ground.

Inn the area with trees, canopy closure was relatively open. No preferred habitats for sensitive plant or animal species was observed; the vegetation was typical for second-growth conifer forest in the area.

The remainder of the property was examined for resource value, such as wetland attributes or riparian areas. No additional indications of watercourses, wetlands, drainages, low spots or any other areas with any wetland potential were found. The remainder of the property consisted of mowed grass, except where the dwelling and driveway was located at the east end of the property.

Overall, this property has little potential for sensitive plant or animal species. No additional surveys should be necessary for this property before further development.



Frank Galea
Certified Wildlife Biologist

3094
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Parcel D 112-020-46

scale = 1" = 100'

