

CALIFORNIA COASTAL COMMISSION

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W6b

DATE: July 22, 2010

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District
Melissa B. Kraemer, Coastal Planner – North Coast District

SUBJECT: **COUNTY OF MENDOCINO LCP AMENDMENT NO. MEN-MAJ-1-08 (DELAMOTTE)** Extension of time for Mendocino County to accept and agree to the Commission's certification of Mendocino County LCP Amendment No. MEN-MAJ-1-08 with suggested modifications. For the Commission meeting of August 11, 2010.

On February 11, 2010, the Coastal Commission (1) certified the amendment to the Land Use Plan (LUP) as submitted by Mendocino County; (2) rejected the amendment to the Implementation Program (IP) as submitted by Mendocino County; and (3) approved the IP amendment with one suggested modification. Staff is recommending that the Commission extend the time for Mendocino County to accept and agree to the Commission's certification of the amendment with suggested modifications.

Proposed LCP Amendment

The amendment as modified would change symbols on the Coastal Land Use Map designation for 92 acres of property to reflect that the lands are zoned for Timber Production, and to rezone the parcel from Forest Lands District (FL-160) to Timberland Production District (TP-160). The subject site is located on the south side of the Navarro River, approximately one mile east of the Highway One bridge over the river, off of Cameron Road, approximately four miles southeast of Albion (APNs 126-180-10 & -11). The impetus for the change is long-term tax benefits to the property owner. Suggested Modification No. 1 would clarify that coastal development permits granted by the County for development on the subject property of the listed principal permitted uses of "Family Residential: Single Family;" "Vacation Home Rental;" "Tree Crops;" and "Passive Recreation" are appealable to the Commission under Section 30603(a)(4), whereas coastal development permits granted for development of the "Forest Production & Processing: Limited" use are not appealable.

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 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 limit within the subchapter of regulations on LCPs for a period not to exceed one year.

Reasons for Proposed Extension

The County attempted to take, but did not complete, the required actions under Section 13544 of the Commission's regulations within the six-month time frame, which ends on August 11, 2010. On June 22, 2010, the Mendocino County Board of Supervisors passed a motion to accept the Commission's actions and suggested modification as acted upon on February 11, 2010. However, the Board did not adopt an ordinance that would effectively carry out the Implementation Program as modified by the Commission. The County needs additional time to schedule, provide notice, and hold the necessary public hearings for adoption of the required ordinance.

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 expiration date of its approval with suggested modifications and the six-month time limit for Mendocino County to accept and agree to the Commission's certification of Mendocino County LCP Amendment No. MEN-MAJ-1-08 with suggested modifications for a period not to exceed one year.

STAFF RECOMMENDATION TO GRANT EXTENSION:

Staff recommends a YES vote. Passage of this motion will result in an extension of the period in which the County must accept and agree to the suggested modifications and take further action to effectively certify the amendment as modified to August 11, 2011. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

The Commission hereby extends the limit for Mendocino County to accept and agree to the Commission's certification of Mendocino County LCP Amendment No. MEN-MAJ-01-08 with suggested modifications, and take further actions to implement the amendment, for a period of one year, to August 11, 2011.