

CALIFORNIA COASTAL COMMISSION

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DATE: November 18, 2011

TO: Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
Robert S. Merrill, District Manager – North Coast District
James R. Baskin AICP, Coastal Planner

SUBJECT: **COUNTY OF DEL NORTE LCP AMENDMENT NO. DNC-MAJ-1-10 (EXTENSION OF URBAN SERVICES)**, Extension of time for Del Norte County to acknowledge and accept the modifications suggested by the Coastal Commission on Del Norte County LCP Amendment No. DNC-MAJ-1-10. For the Commission meeting of December 9, 2011.

At the June 17, 2011 Coastal Commission meeting in Marina Del Rey, the Commission denied, and then approved if modified by the Commission's suggested modifications, Del Norte County LCP Amendment No. DNC-MAJ-1-10 (Extension of Urban Services) as submitted. This LCP amendment involved changing the provisions within the County's Land Use Plan to allow for limited extension of community water supply and sewer collection and conveyance infrastructure along Humboldt Road beyond the Urban Services Boundary to serve the relocation site for the Elk Valley Rancheria's casino and hotel development project and an adjoining former motel site, also owned by the Rancheria, should onsite water and/or wastewater systems on that property fail at some future time.

Pursuant to Title 14 California Code of Regulations Section 13544(a), the certification of an LCP amendment shall not be deemed effective until the local government with jurisdiction over the area governed by the certified local coastal program, by action of its governing body, acknowledges receipt of the Commission's resolution of certification including any terms or modifications which may have been suggested for final certification; accepts and agrees to any such terms and modifications; and takes whatever formal action is required to satisfy the terms and modifications. The County has six months from the date of Commission action to accept the Commission's suggested modifications, in this case by December 17, 2011 (Title 14 CCR Section 13537(b) and 13542(b)). If the County has not accepted and taken action to satisfy the suggested modifications by that time, then the Commission's approval with suggested modifications expires at that time, and only the Commission's denial stands.

Coastal Act Section 30517 and Title 14 CCR Section 13535(c) provide that the Commission may extend, for good cause, time limits related to LCPs for a period not to exceed one year. Therefore, the County must accept and agree to the Commission's certification of LCP Amendment No. DNC-MAJ-1-10 with suggested modifications and taken action to satisfy the suggested modifications within six months of the Commission's June 17, 2011 action unless the Coastal Commission extends the six-month deadline.

The County has scheduled a hearing on November 22, 2011 before its Board of Supervisors with the stated intent to accept the Commission's suggested modifications to LCP Amendment No. DNC-MAJ-1-10 and formally adopt the amendment to the LUP with the modifications. However, as the County has not taken the necessary actions as of the date of this report, and until the County acts, Commission staff will not be able to assess whether the actions taken are legally adequate, the County may need additional time to schedule and hold the necessary public hearings for consideration of acceptance and satisfaction of the modifications.

Summary of the Staff Recommendation

Staff recommends that the Commission extend, for a period of one year (to December 17, 2012), the expiration date of its approval with suggested modifications, and the six month time limit that applies to the County's acceptance and adoption of the Commission's suggested modifications.

MOTION. I move that the Commission extend, for a period of one year, the expiration date of its approval with suggested modifications of Del Norte County LCP Amendment No. DNC-MAJ-1-10 and the six month time limit for Del Norte County to accept and adopt those suggested modifications.

STAFF RECOMMENDATION. 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 action to effectively certify LCP Amendment No. DNC-MAJ-1-10 as modified to December 17, 2012. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.