

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501
VOICE (707) 445-7833
FACSIMILE (707) 445-7877



Th17b

DATE: December 23, 2011

TO: Commissioners and Interested Parties

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, District Manager – North Coast District
James R. Baskin AICP, Coastal Program Analyst – North Coast District

SUBJECT: **COUNTY OF DEL NORTE LCP AMENDMENT NO. DNC-MAJ-1-10 (URBAN SERVICES EXTENSION EXCEPTIONS):** Concurrence with the Executive Director's determination that the action of the County of Del Norte accepting the Commission's certification of LCP Amendment No. DNC-MAJ-1-10 is legally adequate. (For Commission review at the meeting of January 12, 2012 in Santa Monica)

A. BACKGROUND:

The Commission acted on County of Del Norte LCP Amendment No. DNC-MAJ-1-10 on June 17, 2011. The proposed amendment as submitted amended the County's Land Use Plan (LUP) text 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.

The Commission rejected the amendment as submitted, but certified the proposed amendment to the LCP if modified to extend the scope of the services extension prohibition exceptions. The suggested modification entailed expanding the exception to include the site of the adjoining former Ocean Way Motel, also owned by the Rancheria, to allow the motel to be connected to community water supply and wastewater treatment systems and eliminate dependence on antiquated onsite water supply and wastewater treatment systems that could fail at some future time and cause significant adverse impacts to water quality and environmentally sensitive habitat areas within the neighboring Crescent City Marsh Wildlife Area.

B. EFFECTIVE CERTIFICATION:

On November 22, 2011, the County of Del Norte Board of Supervisors held a public hearing and adopted Resolution No. 2011-068 acknowledging receipt of the Commission's resolution of

certification, accepted and agreed to the Coastal Commission's modifications, agreed to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the City's Local Coastal Program (see Attachment No. B).

As provided in Section 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the County of Del Norte's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of County of Del Norte LCP Amendment No. DNC-MAJ-1-10 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Natural Resources, as provided in Public Resources Code Section 21080.5.

C. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the County of Del Norte to accept the Commission's certification of County Del Norte LCP Amendment No. DNC-MAJ-1-10 to adopt the necessary changes to the County's Land Use Plan are legally adequate, as noted in the attached letter, Attachment A (to be sent after Commission concurrence).

Attachments:

1. Draft Notification of Effective Certification Letter
2. Resolution No. 2011-68

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January __, 2012

Kevin Hamblin AICP, Director
County of Del Norte – Community Development Department
981 H Street, Suite 110
Crescent City, CA 95531

**SUBJECT: Effective Certification of the County of Del Norte's Local Coastal Program
Amendment No. DNC-MAJ-1-10 (Urban Services Extension Exception)**

Dear Mr. Hamblin:

The Executive Director of the Coastal Commission has reviewed County Board of Supervisors Resolution No. 2011-68 for effective certification of Del Norte County LCP Amendment No. DNC-MAJ-1-10. The County's resolution indicate that the County acknowledges receipt of and accepts the Commission's resolution for certification with suggested modifications and that the County agrees to issue permits in conformance with the modified Land Use Plan.

The Executive Director has found that the County's resolution fulfills the requirements of Section 13544.5(a) of the California Code of Regulations. In accordance with Sections 13544(b) and 13544.5(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of July 14, 2004 in Costa Mesa. Commission approval and the amendment process area now complete. If you have any questions, please contact Jim Baskin in our Eureka office.

Sincerely,

ROBERT S. MERRILL
North Coast District Program Manager

ATTACHMENT 1



COUNTY OF DEL NORTE
COMMUNITY DEVELOPMENT DEPARTMENT

981 "H" Street, Suite 110
Crescent City, California 95531

Fax (707) 465-0340

Planning
(707) 464-7254

Engineering & Surveying
(707) 464-7229

Roads
(707) 464-7238

Building Inspection
(707) 464-7253

Environmental Health
(707) 465-0426

November 23, 2011

Jim Baskin, AICP, Coastal Planner
California Coastal Commission
710 E Street, Suite 200
Eureka, CA 95501

Re: Modification Resolution for the County of Del Norte Local Coastal Program
Amendment No. DNC-MAJ-1-10 (Extension of Urban Services)

Dear Jim:

At the Board of Supervisors meeting of November 22, 2011, the Board adopted Resolution 2011-068 acknowledging California Coastal Commission modification to County of Del Norte Local Coastal Program No. DNC-MAJ-1-10. A copy of the resolution is included with this letter. Please forward this resolution to the Commission to finalize the effective certification of the amendment.

If you have any questions you may reach me by phone at (707) 464-1426 or by e-mail at hkunstal@co.del-norte.ca.us.

Sincerely,

Heidi Kunstal
Deputy Director of Building and Planning

ATTACHMENT 2

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

RESOLUTION NO. 2011-068

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS, WHICH
ACKNOWLEDGES RECEIPT OF THE COASTAL COMMISSION ACTION AND
ACCEPTS AND AGREES TO LOCAL COASTAL PROGRAM AMENDMENT NO. DNC-
MAJ-1-10 AS MODIFIED**

WHEREAS, on November 9, 2010, the Del Norte County Board of Supervisors, at a noticed public hearing, adopted Local Coastal Program Amendment No. DNC-MAJ-1-10 (Resolution 2010-060); and

WHEREAS, on June 17, 2011, the Coastal Commission considered and approved the amendment with one suggested modification, and forwarded a letter stating that the Commission would complete certification of Land Use Amendment No. DNC-MAJ-1-10 if modified by the County as suggested in Suggested Modification No. 1;

WHEREAS, on November 22, 2011, the Board of Supervisors evaluated the one suggested modification and in its evaluation of the one Coastal Commission suggested modification, has considered whether to accept and agree to the modification, and agree to take whatever action is necessary to implement the modifications, and further agree to issue coastal development subject to the approved Local Coastal Program.

NOW, THEREFORE, the Board of Supervisors of the County of Del Norte does hereby resolve as follows:

Section 1. The Board of Supervisors has accepted and reviewed the staff report, dated May 27, 2011, and hereby acknowledges receipt of the Coastal Commission's Resolutions and Suggested Modifications, as adopted by the Coastal Commission on June 17, 2011.

Section 2. The Board of Supervisors hereby accepts and agrees to the Coastal Commission's modifications, and agrees to take whatever action is necessary to implement the modifications and further agrees to issue coastal development permits subject to the approval Local Coastal Program.

Section 3. The Board of Supervisors hereby adopts the Findings of Approval, as described in the staff report, and hereby acknowledges that the modifications required by the Coastal Commission are consistent with the County's Local Coastal Program.

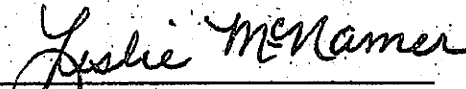
Section 4. The Board of Supervisors hereby certifies and adopts amended General Public Works LCP Policy No. 1 with the modifications suggested by the Coastal Commission as shown in Exhibit A to the County's Local Land Use Plan, and directs staff to forward this resolution to the Coastal Commission consistent with the Commission's Resolutions and Suggested Modification of June 17, 2011.

PASSED AND ADOPTED this 22nd day of November, 2011, by the following polled vote of the Board of Supervisors of the County of Del Norte:

AYES: Supervisors McNamer, McClure, Sullivan, Hemmingsen & Finigan

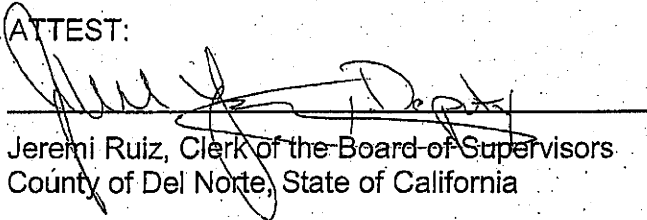
NOES: None

ABSENT: None



Leslie McNamer, Chair
Del Norte County Board of Supervisors

ATTEST:



Jeremi Ruiz, Clerk of the Board of Supervisors
County of Del Norte, State of California

Date: November 22, 2011

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

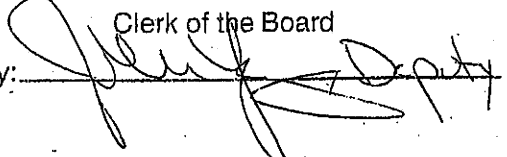
Clerk of the Board
By: 

Exhibit A

General Public Works LCP Policy No. 1 of the Public Works Chapter of the County of Del Norte Land Use Plan is hereby amended to read as follow:

"There shall be no extension of urban services (water or sewer) beyond the urban-rural boundary as designated in the final certified land use plan. The only exceptions to this policy shall be:

- 1) the extension of water services beyond the Ship Ashore area;
- 2) the alternate Crescent City water line booster pump No. 1 to the urban area crossing Jordan Creek at Lake Earl Drive, southerly on the Lake Earl Drive and into Northcrest Drive and the urban area;
- 3) the extension of water service south of Crescent City approximately ½ mile to serve a pocket of visitor serving commercial development on Highway 101 which include an existing motel, restaurant, residence, shop and two vacant parcels (shown on Page 3 of Assessors Parcel Book 115.);
- 4) the extension of community services district water outside of the Crescent City Urban Area to the Rural Neighborhood 2 units per acre density on the west side of Elk Valley Road at the Norris Avenue intersection; and
- 5) **The extension of public water and public sewer services outside the Crescent City Urban Area to serve the Elk Valley Rancheria resort/casino project on the Martin Ranch property (APN 115-020-28) and the adjoining two-acre parcel that was the former site of the Ocean Way Motel (APN 115-020-20.) This exception specifically confines the public utility extension to only those activities proposed on the Martin Ranch property (APN 115-020-28) and the former site of the Ocean Way Motel (APN 115-020-20) with no lateral connections granted to adjacent lands."**