

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE

1385 8<sup>TH</sup> STREET • SUITE 130

ARCATA, CA 95521

VOICE (707) 826-8950

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# W12a

**DATE:** January 24, 2014

**TO:** Coastal Commissioners and Interested Persons

**FROM:** Alison Dettmer, Deputy Director  
Robert S. Merrill, North Coast District Manager  
Melissa B. Kraemer, Coastal Planner

**SUBJECT:** Concurrence with the Executive Director's determination that the action of Del Norte County accepting the Commission's certification of LCP Amendment No. LCP-1-DNC-13-0210-1 is legally adequate.

For the Commission meeting of February 12, 2014 in Pismo Beach

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## BACKGROUND

The Commission acted on Del Norte County LCP Amendment (LCPA) No. LCP-1-DNC-13-0210-1 on December 11, 2013. As submitted, the subject LCPA would amend the County's certified Land Use Plan (LUP) policy prohibiting the extension of urban services (water and sewer) beyond the urban-rural boundary to add a sixth exception to the policy to allow for water and sewer infrastructure to extend outside the urban-services boundary along Pebble Beach Drive to serve the Del Norte County Regional Airport located inside the urban services boundary. The LCPA would allow for the extension of public utilities infrastructure beyond the urban services boundary, but solely to support the airport located inside the urban services boundary, with no lateral connections granted to any adjacent lands.

The Commission rejected the LCPA as submitted but certified it if modified with one suggested modification. The suggested modification would ensure that the proposed sewer and water line extensions would be developed in a manner that avoids encroachment into environmentally sensitive habitat areas. A recent rare plant survey of the service line extension located populations of four different rare plant species along the length of proposed extension lines adjacent to Pebble Beach Drive. One means of avoiding encroachment into the ESHA would be to install the utility lines underneath the rare plant habitat using horizontal directional drilling as has been proposed by the Border Coast Regional Airport Authority. The Commission found that the suggested modification would ensure consistency with Section 30240 of the Coastal Act by prohibiting the use of ESHA for the utility line extensions, a non-resource-dependent use prohibited under Section 30240, and protecting the ESHA against significant disruption of habitat values.

**EFFECTIVE CERTIFICATION**

On January 14, 2014, the Del Norte County Board of Supervisors held a public hearing and adopted Resolution No. 2014-004 acknowledging receipt of the Commission’s resolution of certification, accepting and agreeing to the Coastal Commission’s modifications, agreeing to issue permits in conformance with the modified LCP, and formally approving the necessary changes to the County’s Local Coastal Program (see Attachment 2).

As provided in Section 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that Del Norte County’s actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of Del Norte County LCP Amendment No. LCP-1-DNC-13-0210-1 shall become effective upon the filing of a Notice of Certification for the LCPA with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

**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 Del Norte County LCP Amendment No. LCP-1-DNC-13-0210-1 to adopt the necessary changes to the County’s Local Coastal Program are legally adequate, as noted in the attached letter, Attachment 1 (to be sent after Commission concurrence).

**ATTACHMENTS**

1. Draft Notification of Effective Certification Letter
2. Board Resolution No. 2014-004

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February \_\_, 2014

Heidi Kunstal, Interim Director  
County of Del Norte – Community Development Department  
981 H Street, Suite 110  
Crescent City, CA 95531

RE: Effective Certification of Del Norte County Land Use Plan Amendment No.  
LCP-1-DNC-13-0210-1 (Airport Services Extension)

Dear Ms. Kunstal:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Resolution No. 2014-004 for effective certification of the Del Norte County LCP Amendment No. LCP-1-DNC-13-0210-1 (Airport Services Extension).

The County's resolution indicates that the County acknowledges receipt of and accepts the Commission's resolution for certification and that the County agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the County's resolution fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(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 February \_\_, 2014 in Pismo Beach. Commission approval and the amendment process are now complete. If you have any questions, please contact me at (707) 826-8950.

Sincerely,

Melissa B. Kraemer  
Coastal Planner

**Attachment 1**  
LCP-1-DNC-13-0210-1  
Effective Certification



**Board of Supervisors  
County of Del Norte  
State of California**

**Attachment 2**  
LCP-1-DNC-13-0210-1  
Board Resolution No.  
2014-004

**RESOLUTION NO. 2014-004**

A Resolution of the Del Norte County Board of Supervisors Approving a Land Use Plan Text Amendment of the Del Norte County Local Coastal Program

WHEREAS, the adopted General Plan and Local Coastal Program of the County of Del Norte provide for an amendment process.

WHEREAS, the Border Coast Regional Airport Authority has petitioned for a Land Use Plan Amendment to Local Coastal Program General Public Works Policy.

WHEREAS, this amendment has been reviewed and processed and is intended to be carried out in manner fully consistent with the provisions of the California Coastal Act and the Del Norte County Local Coastal Program.

WHEREAS, a Mitigated Negative Declaration (SCH #2013032068) was adopted for this project pursuant to the California Environmental Quality Act.

WHEREAS, public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission on said proposed amendments in duly noticed public hearings pursuant to Sections 65353 of the Government Code, and the Planning Commission has sent out their written recommendation to the Board pursuant to Section 65354 of the Government Code.

WHEREAS, this Board has noticed the public hearing, as required by Section 65355 and 65856 of the Government Code, on the proposed amendment, a hearing at which the amendment was explained and comments invited from persons in attendance.

WHEREAS, the Coastal Commission has reviewed an original version of this resolution and have suggested a modification to the language as originally submitted.

WHEREAS, the County agrees to take whatever formal action is necessary to implement the modification.

WHEREAS, the County agrees to issue Coastal Development Permits subject to the approved Local Coastal Program.

WHEREAS, this amendment shall take effect upon receipt of the resolution by the Secretary of Resources after being reviewed by the Executive Director of the California Coastal Commission.

NOW THEREFORE, BE IT RESOLVED the Board of Supervisors of the County of Del Norte, State of California do hereby approve the changes to the text of the Del Norte County Local Coastal Program Public Works Policy (see Exhibit A).

BE IT FURTHER RESOLVED, that this adopted Resolution be submitted to the California Coastal Commission along with whatever other application materials may be required for the Coastal Commission to process this amendment.

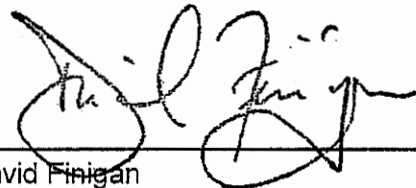
BE IT FURTHER RESOLVED, that by submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendment be identified as requiring rapid and expeditious action.

PASSED AND ADOPTED this 14<sup>th</sup> day of January, 2014 by the following polled vote:

AYES: Supervisors Finigan, Hemmingsen, Sullivan, Gitlin and McClure.

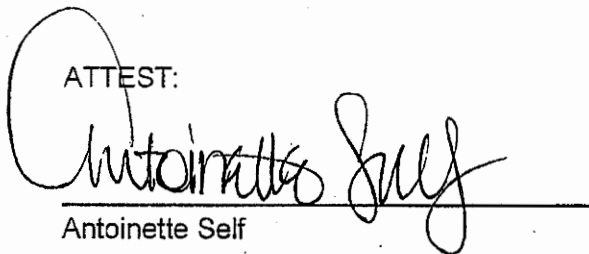
NOES: None.

ABSENT: None



David Finigan  
Chair of the Board of Supervisors

ATTEST:



Antoinette Self  
Clerk of the Board

Date: 01/14/14

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

Del Norte County LCP, General Public Works Policy, Pg. 291 (*Proposed text amendment in bold type*)

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

1. the extension of water services beyond the Ship Ashore area;
2. the alternative Crescent City water line from booster pump No. 1 to the urban area crossing Jordan Creek at Lake Earl Drive, southerly on 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 the Assessors Park 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.
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). The proposed text amendment 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.
6. **The extension of public water and public sewer services along Pebble Beach Drive (between Hemlock Lane and Dale Rupert Road) to serve the Del Norte County Regional Airport. This exception allows for the extension of public utilities solely to the Airport with no lateral connections granted to any adjacent lands. Development associated with the services extensions shall be undertaken in a manner (such as by horizontal directional drilling) that avoids encroachment into environmentally sensitive habitat areas and prevents impacts which would significantly degrade adjacent environmentally sensitive habitat areas.**