

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8TH STREET • SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



F7a

DATE: February 23, 2018

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Cristin Kenyon, Supervising Analyst

SUBJECT: **County of Del Norte LCP-1-DNC-17-0019-1 (Hambro Forest Products, Inc.)**
For the Commission meeting of March 9, 2018 in Port Hueneme

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the proposed Del Norte County LCP Amendment No. LCP-1-DNC-17-0019-1 as submitted. No modifications are necessary because the proposed amendment to the Implementation Plan (IP), as submitted, conforms with and is adequate to carry out the provisions of the certified Land Use Plan (LUP). The motion to accomplish this recommendation is found on [Page 4](#) of this staff report.

LCP Amendment LCP-1-DNC-17-0019-1 would amend the County's certified IP to rezone an undeveloped, forested, 1.25-acre parcel that is currently split-zoned RCA1 (General Resource Conservation Area) and RRA-1 (Rural Residential Agriculture, 1-acre minimum parcel size). Under the proposed amendment, a wetland on the southwestern portion of the subject parcel would be rezoned as RCA2(w) [Designated Resource Conservation Area – wetland], a 100-foot-wide buffer around the wetland would be rezoned as RCA2(wb) [Designated Resource Conservation Area – wetland buffer], and the remaining area on the northeastern portion of the parcel would retain its RRA-1 zoning designation (Exhibit 5).

The subject parcel is located at 600 Tedsen Lane off of Lake Earl Drive north of Crescent City (Exhibits 1 & 3). The landowner, Hambro Forest Products, Inc., wishes to develop the northeastern portion of the parcel, which is zoned and designated for rural residential development, with a single-family residence, well, and septic system. The County's proposed reclassification of the southwestern portion of the parcel from RCA1 to RCA2(w) and RCA2(wb) is proposed, in part, to implement Chapter 21.11 of the certified IP that directs that such zoning refinements occur prior to new or additional development on parcels or portions of parcels adjacent to or within the RCA1 designation. Chapter 21.11 provides that the precise

extent of wetlands on a property and the buffer needed to protect the wetlands from uses on adjoining lands is to be ascertained based on collected biological data and field mapping.

Commission staff believes that based upon the information submitted with the LCP amendment request, the RCA2 rezoning as proposed would be fully inclusive of all wetlands and include those adjoining areas needed to adequately protect the wetlands from adjacent future development in the RRA-1 zoned portion of the property.

In addition, the proposed rezoning would carry out the provisions of the LUP that: (1) require environmentally sensitive habitat areas (ESHA) to be protected against any significant disruption of habitat values, and only allow resource-dependent uses in ESHA; and (2) require development in areas adjacent to ESHA to be sited and designed to prevent impacts which could significantly degrade such areas, and be compatible with the continuance of such habitat areas. Finally, the amendment maintains consistency with and carries out the land use provisions of the certified LUP by confining residential zoning to the portion of the parcel located outside of the wetland and wetland buffer areas, to allow for the orderly development of a rural home site, consistent with both the residential land use designation on the northeastern portion of the parcel and the ESHA policies of the certified LUP.

Therefore, staff recommends that the Commission find that the IP amendment as submitted conforms with and is adequate to carry out the LUP and **approve** LCP-1-DNC-17-0019-1 **as submitted**.

DEADLINE FOR COMMISSION ACTION

The LCP amendment submittal was determined to be complete and submitted by the North Coast District Office on May 16, 2017. On June 8, 2017, the Commission granted a one-year extension to the 60-day time limit for Commission action on the requested certification of the proposed LCP amendment application. The new date by which the Commission must act upon the amendment is July 15, 2018.

ADDITIONAL INFORMATION

For additional information about the LCP amendment, please contact Cristin Kenyon at the North Coast District Office at (707) 826-8950. Please mail correspondence to the Commission at the letterhead address.

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APPENDICES

[Appendix A](#) – Excerpts from the County’s Certified LCP & Categorical Exclusion Order E-86-5

[Appendix B](#) – Table Identifying Allowable Uses in the Implicated Zoning Districts

EXHIBITS

[Exhibit 1](#) – Regional Location Map

[Exhibit 2](#) – County Resolution of Transmittal and Ordinance of Adoption of IP Amendment

[Exhibit 3](#) – Project Vicinity Map

[Exhibit 4](#) – Assessor Parcel Map

[Exhibit 5](#) – Site Plan: Existing and Proposed Zoning

[Exhibit 6](#) – Land Use Map

[Exhibit 7](#) – Existing Zoning Map

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[Exhibit 9](#) – Excerpts from the Biological Assessment

[Exhibit 10](#) – Portion of Area Zoned RRA-1 outside Required Setbacks

[Exhibit 11](#) – CDFW and Public Comment

I. MOTION, RECOMMENDATION, & RESOLUTION

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to take one vote on the proposed amendment in order to act on this recommendation.

Motion:

I move that the Commission reject Implementation Plan Amendment No. LCP-1-DNC-17-0019-1 as submitted by the County of Del Norte.

Staff recommends a **NO** vote on the foregoing motion. Failure of this motion will result in certification of the Implementation Plan Amendment No. LCP-1-DNC-17-0019-1 as submitted 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 to certify the implementation plan amendment as submitted:

The Commission hereby certifies Del Norte County Implementation Plan Amendment LCP-1-DNC-17-0019-1 as submitted and adopts the findings set forth below on grounds that the Implementation Plan amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment will meet the requirements of 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 Plan 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. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are 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 the 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. (Section 30513)

The Commission may suggest modifications... (Section 30513)

The standard of review for the proposed amendment to the implementation plan (IP) of the Del Norte County certified Local Coastal Program (LCP), pursuant to Section 30513 and 30514 (regarding amendments) of the Coastal Act, is whether the IP as amended would be in conformance with, and adequate to carry out, the provisions of the certified land use plan (LUP).

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. Del Norte County's Planning Commission held a public hearing on the proposed amendment on December 7, 2016. The County Board of Supervisors held a public hearing on the proposed amendment on February 14, 2017, and adopted the ordinance on the amendment on February 28, 2017. All hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, the County resolution for submittal may specify that a LCP amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, the County's resolution of transmittal of the LCP amendment to the Commission for certification (Resolution No. 2017-014) states that it will take effect immediately (Exhibit 2). Therefore, if the Commission certifies the LCP amendment as submitted, no further Board of Supervisor action will be necessary. Should the Commission certify the LCP amendment subject to suggested modifications, final approval by the Del Norte County Board of Supervisors and a determination by the Executive Director of compliance with Section 13544 of the Commission's regulations will be required in order for the amendment to take effect. Should the Commission deny the LCP amendment as submitted without suggested modifications, no further action is required by either the Commission or the County, and the proposed LCP amendment will not become effective.

III. FINDINGS FOR APPROVAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

The following findings support the Commission's approval of the proposed IP amendment as submitted. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

The County has applied to the Commission for certification of an amendment to the zoning map portion of its IP to rezone an undeveloped 1.25-acre parcel at 600 Tedsen Lane off of Lake Earl

Drive north of Crescent City (Exhibits 1 & 3). No changes to the text of the IP are proposed. The subject parcel is currently split-zoned with the southwestern approximately 0.47 acres zoned RCA1 (General Resource Conservation Area), and the northeastern approximately 0.78 acres zoned RRA-1 (Rural Residential and Agriculture, 1-acre minimum parcel size).

The IP amendment is proposed at the behest of the owner of the subject parcel, who wishes to develop the parcel with a single-family residence, septic system, and well. Pursuant to the certified “Local Coastal Program Zoning Enabling Ordinance of the County of Del Norte,” (hereinafter LCPZEO), and more specifically Chapter 21.11 (RCA1 District) of the LCPZEO, when new or additional development is proposed in the vicinity of the RCA1 zone, supplemental mapping of the resource area and its buffer are necessary. Once this mapping is completed and the precise boundaries are established, the parcel or portion of the parcel located within the resource conservation area and buffer zone are rezoned to Designated Resource Conservation Area (RCA2). At the time of application of the RCA2 District to a parcel or a portion of a parcel, a parenthetical reference as to the type of resource conservation area is noted, i.e., wetland (w), wetland buffer (wb), farmed wetland (fw), estuary (e), riparian vegetation (r), or coastal sand dunes (sd).

Under the proposed amendment, a wetland on the southwestern portion of the parcel would be rezoned as RCA2(w) [Designated Resource Conservation Area – wetland], a 100-foot-wide buffer around the wetland would be rezoned as RCA2(wb) [Designated Resource Conservation Area – wetland buffer], and the remaining area on the northeastern portion of the parcel would retain its RRA-1 zoning designation (See Exhibits 5, 7, & 8 for the existing and proposed zoning).

B. SETTING & BACKGROUND

1. Setting

The subject parcel is located at 600 Tedsen Lane, approximately 3.5 miles north of Crescent City within the “Lake Earl Area” sub-region identified by the certified LUP (APN 110-400-15). Tedsen Lane is an approximately 1,000-foot-long, dead-end road off of Lake Earl Drive accessing twelve rural residential lots ranging from approximately 1 to 1.5 acres in size (Exhibit 4). Ten of the lots are currently developed with single-family residences. The undeveloped parcel that is the subject of the proposed rezone is located at the western end of the dead-end road (Exhibit 3). The lands to the west and south of the subject parcel are covered in a forested wetland complex associated with Jordan Creek, the primary tributary to Lake Earl. Land to the west of the subject property is zoned RCA1 and land directly to the south is zoned RCA2(w) and RCA2(wb). Land to the north of Tedsen Lane is zoned and used for agriculture (Agricultural General-20 Acre Minimum District). See Exhibit 7, pg. 2 for a map of existing zoning on surrounding parcels.

Jordan Creek is located approximately 300 feet southwest of the southwest corner of the subject parcel and flows to Lake Earl, approximately one-half mile to the northwest. The property itself slopes downward from the northeast corner to the southwest corner from approximately 32 feet to 12 feet above mean sea level (See Exhibit 9, pg. 3). A well-defined slope exists between an upper terrace area on the northeastern approximately two-thirds of the lot and the lower wetland

area associated with Jordan Creek on the southwestern third of the parcel. The upper terrace area is dominated by a second-growth Sitka spruce forest with a sword fern and salal-dominated understory. The southwestern corner of the parcel contains a shallow draw with wetland attributes dominated by red alder and native blackberry. A small portion of the parcel along the southeastern property line is dominated by cedar with an open understory (See Exhibit 9, pgs. 4-5).

The subject 1.25-acre parcel was created through a minor subdivision¹ approved by Del Norte County Planning Commission on June 3, 1987.² A five-acre parcel with an existing residence was subdivided into four parcels each over one acre in size. The creation of the subject parcel, comprised of approximately 0.47 acres of RCA1 zoning and 0.78 acres of RRA-1 zoning, was found consistent with LCPZEO §21.11A.050 which allows the creation of a parcel that includes resource conservation area as long as the non-RCA area on the parcel totals at least fifty percent of the minimum lot size (in this case, at least 0.5 acres for a 1-acre minimum lot size).

2. Background on Applicable Zoning and Land Use Designations

The northeastern portion of the subject parcel is zoned RRA-1. The RRA-1 district classification is designed for the orderly development of rural homesites on parcels less than two acres in size (LCPZEO §21.17.010). A one-family residence with appurtenant and accessory uses and structures, including agricultural uses that are incidental and secondary to the use of the property for dwelling purposes, are principally permitted in the RRA-1 District.

To protect a wetland feature on the southwestern portion of the property associated with Jordan Creek, approximately 0.47 acres of the subject parcel is zoned RCA1. The principally permitted uses in the RCA1 zone include fish and wildlife management, nature study, and hunting and fishing. Typically local coastal jurisdictions require mapping of wetlands and ESHA and establishment of a buffer during the coastal development permitting process when development is proposed in the vicinity of a resource area. This delineation of resource areas and buffers is development-specific and is not incorporated into the local coastal program. In contrast, Del Norte County uses an additional zoning tool to map resource areas and their buffers prior to or in conjunction with new development. Del Norte County has used the National Wetlands Inventory to map the general area of wetlands in the County which have been zoned RCA1. When development is proposed in the vicinity of the RCA1 zone, wetlands and their buffers are delineated in the field through a site-specific wetland delineation, and the wetlands and their buffers are rezoned RCA2.

Under the proposed amendment, the wetland would be rezoned RCA2(w) [Designated Resource Conservation Area – Wetland] and a 100-foot-wide area around the wetland would be rezoned RCA2(wb) [Designated Resource Conservation Area – Wetland Buffer]. The remainder of the parcel would remain RRA-1. Table 1 in Appendix B outlines the permitted and conditional uses allowed in the RCA1, RCA2(w), RCA2(wb), and RRA-1 zoning districts.

Because the RCA1 zone is based on a conservative estimate of potential wetlands and the RCA2 zone reflects more precise mapping, the RCA2 zone is usually smaller than the RCA1 zone that

¹ The approved minor subdivision also served as a coastal development permit.

² Local Permit No. MS8728; Applicant: Karin Sonnenberg; APN 110-040-01

it replaces, and the remainder of the land is rezoned consistent with the adjacent zoning district. In this case, precise mapping of the wetland and its buffer has resulted in the expansion of the resource conservation area, so that the RCA2 zone is larger than the RCA1 zone it is replacing, resulting in an approximately 15,000-square-foot reduction in the RRA-1 zone on the subject parcel.

C. CONSISTENCY ANALYSIS

To approve the proposed zoning map amendment to the IP, the Commission must find that the IP, as amended, conforms with, and is adequate to carry out, the provisions of the LUP pursuant to Section 30513 of the Coastal Act. As explained in the Findings below, the proposed IP amendment is in full conformity with, and would adequately carry out, the policies of the LUP.

1. Compatibility with Land Use Designations

Rural Residential Designation

The portion of the parcel currently zoned RRA-1 has a land use designation of RR 1/1 (Rural Residential, one dwelling unit per acre; see Exhibit 6 for the applicable land use map). Section I (Land Use Categories), Part C (Non-Urban Land Use Categories) of the certified LUP's Land Use Chapter, in relevant part, describes the intent of and allowable uses in the Rural Residential designation:

....

6. *Rural Residential: This category is intended to maintain the character of rural areas and minimize the services required by smaller lot development. The primary use of these lands is single-family residential (one unit per specified minimum parcel). Uses permitted within residential areas include single-family residences, the keeping of horses for use by the owner, light agricultural activities, and accessory buildings appropriate to the residential use.*

....

The Land Use Chapter of the County of Del Norte's LUP, Section I (Land Use Categories), Part C (Non-Urban Land Use Categories), Subpart 6 (Rural Residential) states that the rural residential category is intended to maintain the character of rural areas and minimize the services required by smaller lot development, and that the primary use of the land is a single-family residence (one unit per specified minimum parcel; in this case, one dwelling unit per acre). The proposed rezone will refine the limits of the area suitable for rural residential development, decreasing the RRA-1 area of the parcel by approximately 15,000 square feet to a total RRA-1 area of 19,000 square feet. The proposed rezone will thus result in a smaller developable area on the parcel, which will serve to maintain the rural character and minimize the services required consistent with the RR 1/1 land use designation.

In addition, the proposed rezone will not affect the use of the parcel for a single-family residence. Pursuant to LCPZEO §21.17.050, the minimum lot area in the RRA-1 district is one acre. The proposed rezone will not change the size of the 1.25-acre parcel, and as discussed below, the RRA-1 zone will continue to be large enough to accommodate one dwelling unit per acre, consistent with the RR 1/1 land use designation.

As described above, the proposed rezone will result in an approximately 15,000-square-foot reduction in the RRA-1-zoned portion of the parcel suitable for residential development. The need to accommodate front and rear yard setbacks required by the zoning ordinance as well as fuel clearance fire safety requirements of Calfire further constrain and reduce the feasible development area. The property owner's consultant has submitted a site map showing the possible future location of a residence, well, and septic system within the proposed RRA-1 portion of the site (Exhibit 9, pg. 3). However, this mapped location of a possible future house is infeasible because the house is shown sited directed adjacent to the RCA2(wb) boundary, and the minimum rear yard setback in the RRA-1 district is 20 feet (LCPZEO §21.17.060). Pursuant to LCPZEO §21.46.090(O), when a portion of a parcel is zoned RCA2, any yard or setback requirements within the non-RCA area shall be measured from the zoning district boundary line. Therefore, to be consistent with the certified LCP, any future house would need to be set back at least 20 feet from the RCA2(wb) boundary.

In addition, any future house would also require an additional 10-foot setback from the RCA2(wb) boundary to accommodate a 30-foot-wide fuel clearance area around the residence for fire safety purposes without encroaching into the wetland buffer area. Section 19.20.020 of the Del Norte County Code requires a 30-foot setback for structure defensible space on parcels greater than one-acre in size. As the upper two-thirds of the subject 1.25-acre parcel are covered with Sitka spruce trees with a dense understory, and defensible space guidelines require removal of all flammable vegetation and any dead or dying plants within 30 feet of a structure, major vegetation removal would be required to establish defensible space around any future residence on the property.

Both the certified LUP and Conditions A and G of the approved Categorical Exclusion order also require a 30-foot setback from the RCA2(wb) boundary to ensure vegetation removal for defensible space purposes would not occur within the wetland buffer area. Any encroachment into the RCA2(wb) zone would require a coastal development permit,³ and removal of vegetation for the purpose of establishing defensible space around a residence is not an allowable use in the RCA2(wb) zone.⁴ Therefore any future residence would need to be setback from the RCA2 wetland buffer zone an adequate distance to accommodate the entire fire safe clearing zone outside of the wetland buffer.

In addition to this 30-foot setback from the RCA2(wb) boundary line, any future residence would need to be setback 25 feet from the front of the parcel (north property line) to meet RRA-1

³ Condition A of the County's adopted categorical exclusion order (Categorical Exclusion Order E-86-5) states that the order does not apply to any development located within 100 feet, measured horizontally, of a coastal stream or wetland. Therefore any proposed major vegetation removal within the 100-foot wetland buffer area [zoned RCA2(wb)] would require a coastal development permit.

⁴ With regards to vegetation removal, the allowable uses within designated wetland and wetland buffer resource conservation areas includes removal of windblown trees which threaten existing structures (LUP Land Use Chapter I-D). In addition, MWR Section VII-D(4)(f) states that 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 100-foot wetland buffer areas. However, vegetation removal to create a fire-safe clearing around a residence does not fall within any of these three categories, as the purpose is not to remove windblown trees or collect firewood and the vegetation removal would not be undertaken pursuant to a Timber Harvest Plan.

front yard setback requirements (LCPZEO §21.17.060). The need to accommodate a well and septic system further constrain where development could feasibly occur. As shown on the submitted site map (Exhibit 9, pg. 3), the well would likely be sited at the northwest corner of the property as the County requires wells to be located at least 100 feet away from all adjacent wells, and the septic system would likely be sited to the east of any future residence to avoid any conflict with the location of the well.

The parcel is 282 feet long and the RRA-1 portion of the parcel ranges from 75 to 149 feet long. Given the length of the RRA-1 zoned portion of the parcel and the required front and rear setbacks of 25 and 30 feet respectively, there would be enough room to accommodate a residence within the RRA-1 zone (20 to 94 feet of width for the residence; see Exhibit 10 for a site plan depicting the area in the RRA-1 zone outside of the required setbacks). The sewage disposal system and water well could be accommodated closer to the RCA2(wb) zone as no defensible space would be required for these features. While the potential future residence depicted in the property owner's submittal is not feasible, a residence of a different size, shape, and/or configuration (e.g. less front yard setback, sited further east on the parcel, with a smaller area or a narrower width, etc.) would be feasible.

Finally, LCPZEO §21.50B.020 specifies that consistency of zoning with the LUP shall be as set forth in Table A of the LCPZEO. Pursuant to Table A, the RRA-1 zoning district is consistent with the RR 1/1 land use designation. Under the proposed rezone, the RRA-1 zoning district will continue to implement the RR 1/1 land use designation.

For all the reasons outlined above, the proposed rezone, as submitted, is consistent with and adequate to carry out the rural residential land use designation provisions of the certified LUP.

Resource Conservation Area Designation

The portion of the parcel currently zoned RCA1 has a RCA (Resource Conservation Area) land use designation (Exhibit 6). Pursuant to LUP Land Use Chapter, Part D (Resource Conservation Areas), applicable allowable uses in the RCA land use designation in wetlands and wetland buffer areas are limited to resource-dependent uses (fish and wildlife management, nature study, wetland restoration, hunting, and fishing); the maintenance of flood drainage control and drainage channels; and the removal of windblown trees threatening existing structures. LUP Land Use Chapter Part D also specifies that no single family residences or other structures are permitted within an RCA unless denial of such would result in denial of substantially all reasonable use of the land. See Appendix A for a full list of relevant policies pertaining to the RCA land use designation.

Under the proposed rezone, the entire area of the parcel covered by the RCA land use designation would be protected by an RCA2 zoning designation. The permitted and conditional uses in the RCA2 zoning designation are consistent with the aforementioned allowable uses in the RCA land use designation (LCPZEO, Chapter 21.11A, §§21.11A.030 & 21.11A.040). In particular, the RCA2 zoning designation does not allow single-family residences or appurtenant structures unless denial of such would otherwise substantially deny all reasonable use of the parcel.

In addition to Land Use maps, the certified LUP contains “Land Use Constraints Maps” that indicate the locations where hazards or special resources including wetlands place constraints on development. Pursuant to LUP Land Use Chapter, Part D (Resource Conservation Areas) the RCA land use designation is intended to cover areas mapped on the Land Use Constraints Maps as wetlands and farmed wetlands, riparian, estuaries, and coastal sand dunes. However, Section II (Additional Provisions), Part C (Constraints), Subpart 3 (Constraints Mapping) of the Land Use Chapter acknowledges that due to the scale of the constraints maps, questions may arise as to the specific boundary limits of an identified sensitive habitat area, at which point the resource may be mapped in the field. The proposed rezone utilizes this mapping provision to extend the resource conservation area zoning beyond the boundary mapped on the constraints map to encompass the entire wetland resource and its buffer consistent with the LUP.

Finally, Section II (Additional Provisions), Part C (Constraints), Subpart 4 (Constraints Map) of the LUP’s Land Use Chapter specifies that parcels partly in and partly out of a constraints area shall have development located outside of the constraints boundary unless consistent with other policies of the County’s LUP. Under the proposed rezone, the portion of the parcel zoned RRA-1 would be entirely outside of the resource constraints area, while all land within the resource constraints area would be zoned RCA2. This proposed zoning will ensure that any future residential development will be located outside of the constraints boundary, and only development for those limited uses allowed in the RCA land use designation and corresponding RCA2 zoning district could occur within the constraints boundary.

For all the reasons outlined above, the proposed rezone, as submitted, is consistent with and adequate to carry out the RCA land use designation provisions of the certified LUP.

2. Consistency with ESHA Protection Policies

The Marine and Water Resources Chapter (hereafter “MWR”) of the County of Del Norte’s LUP contains numerous policies for the protection and conservation of aquatic resources. See Appendix A for a full list of relevant policies from the Marine and Water Resource Chapter of the certified LUP. Below is a summary of the relevant provisions:

- Wetlands are defined as lands within the coastal zone which may be covered periodically or permanently with water [MWR Section VII (Specific Area Policies and Recommendations), Subsection D (Wetlands)];
- Jordan Creek and Lake Earl are identified as major wetland areas in the coastal zone (MWR Section VII-D);
- The land use category for wetlands is Resource Conservation Area (MWR Section VII-D);
- Wetlands are identified as a sensitive habitat type [MWR Section IV-C (Sensitive Habitat Types)];
- MWR Section VI (General Policies), Subsection C (LCP Policies), Policy “6” states that 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;
- MWR Section VI-C, Policy “6” and MWR Section VII-D, Part 4 (Policies and Recommendations), Policy “f” require that development in areas adjacent to environmentally sensitive habitat areas (1) be sited and designed to prevent impacts that

could significantly degrade such areas, and (2) be compatible with the continuance of such habitat areas;

- MWR Section VII-D(4), Policy “f” states that the primary tool to reduce the above impacts is a buffer of one-hundred feet in width around wetlands between the edge of the wetland and the development;⁵ and
- MWR Section VII-D(4) Policy “g” outlines the process for delineating wetlands where questions arise as to the specific boundary limits of an identified environmentally sensitive habitat area.

Wetland Resources

The wetland protection policies of the MWR Chapter of the LUP are implemented through various detailed provisions of the LCPZEO, particularly in the General and Designated Resource Conservation Area Zoning District standards of Chapters 21.11 and 21.11A. LCPZEO §21.11.060 details the supplemental mapping necessary under a RCA2 rezoning to determine the actual boundary of the resource conservation area and the location of any buffer zone which may be required for it. Once the precise boundaries are established, the parcel or portion of the parcel located within the resource conservation area and buffer zone are rezoned from “general” resource conservation area (RCA1) to “designated” resource conservation area (RCA2). See Appendix A for the relevant text of Chapters 21.11 and 21.11A of the certified IP.

In July 2016, the property owner hired a biological consultant to conduct the supplemental mapping necessary for the rezone, including inundation mapping, vegetation mapping, and soils data required by the RCA rezoning chapter (LCPZEO §21.11.060). The consultant conducted a wetland delineation of the site, and identified a small wetland draw containing a shallow drainage stream in the southwestern third of the property. Skunk cabbage (*Symplocarpus foetidus*) and slough sedge (*Carex obnupta*) were the primary wetland indicators in and near the watercourse, with native blackberry (*Rubus ursinus*) and red alder (*Alnus rubra*) along the edges and up the slope of the draw. The consultant recommended a 100-foot buffer between the wetland and any future development.

The parcel slopes downward from the northeastern corner to the southwestern corner from approximately 32 feet to 12 feet above mean sea level, with a well-defined slope between an upper terrace area on the northeastern approximately two-thirds of the parcel and the lower wetland area (Exhibit 9, pg. 3). The consultant noted that any future development associated with the rural-residential-zoned portion of the parcel would be located at a much higher elevation than the wetland, with a forested buffer with dense ground cover between the wetland and development to shield the resource from the potential adverse impacts of future development on the northern portion of the parcel such as noise and light pollution, human and domestic animal encroachment, and sediment and other polluted runoff from impervious surfaces. In addition, the wetland buffer may provide necessary habitat for organisms that spend only a portion of their life in the wetland such as amphibians, reptiles, and birds.

⁵ MWR Section VII-D(4)(f) also includes provisions for utilizing a buffer of less than one-hundred feet if it can be determined, based on specific findings and in cooperation with the California Department of Fish and Wildlife, that there is no adverse impact on the wetland.

Pursuant to LCPZEO §21.11.060(C), one of the requirements of the RCA rezone process is to submit the mapping of the resource conservation area and buffer zone to California Department of Fish and Wildlife (CDFW) for review, consistent with LUP MWR Section VII-D(4), Policy “g.” CDFW staff was consulted as part of the CEQA review process, visited the site with Commission staff on June 21, 2016, and submitted a comment letter dated November 21, 2016 with a number of comments and recommendations (Exhibit 11). Although the letter included a number of concerns with the biological assessment and the anticipated future development of the site (discussed further below), no issue was raised with the wetland delineation and proposed 100-foot buffer. With respect to the buffer width, the letter states:

Because the onsite creek and wetland are part of a larger wetland complex that drains to Lake Earl, the largest coastal lagoon on the west coast, and important habitat for a variety of sensitive and special status aquatic species, CDFW asserts that a minimum 100-foot buffer is appropriate.

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 wetlands and wetland buffers, the zoning amendment must be shown to include all wetlands and adjoining buffer areas needed to protect such wetlands from adjacent development within the bounds of the RCA2 District, and to ensure that all areas located beyond the outward extent of these environmentally sensitive areas have a non-RCA zoning designation that is found to be in conformance with the policies of the LUP. The Commission finds that the submitted IP amendment request is in conformance with, and adequate to carry out the LUP for the following reasons:

1. All wetlands on the parcel would be designated as RCA2(w). The Commission has determined that based upon the information submitted with the LCP amendment request, including, but not limited to the wetland delineation and the comments from CDFW described above, the RCA2 rezoning as proposed would be fully inclusive of all wetlands. Therefore, the amendment as submitted will serve to carry out the provisions of LUP MWR Section VII-D(4), Policy “g” that require that the specific boundary limits of an identified environmentally sensitive habitat area be accurately delineated.
2. All areas within 100 feet of the outer extent of the wetland ESHA providing a spatial buffer between the wetlands and sites for potential future development would be designated as RCA2(wb). The Commission finds that RCA2 rezoning as proposed would include those adjoining areas needed to adequately protect the wetland from adjacent future development, including a full 100-foot buffer. Therefore, the amendment as submitted will serve to carry out the provisions of LUP MWR Section VII-D(4), Policy “f,” which require that a buffer of one-hundred feet in width be established around the periphery of the identified wetland ESHA to protect the wetland against any significant disruption of habitat values.
3. The portion of the parcel that would be zoned RRA-1 would be limited to that remaining area on the property lying beyond the environmentally sensitive habitat area and its buffer. The Commission finds that the remaining RRA-1 zoning on the parcel is located entirely outside of the wetland and wetland buffer. Therefore, the amendment as

submitted will ensure consistency with LUP MWR Section VII-D(4), Policy “f” and Section VI-C, Policy “6” that require 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.

Therefore, the proposed zoning map amendment, as submitted, conforms with and is adequate to carry out the wetland protection provisions of the certified LUP.

Habitat for rare and sensitive species

Another type of ESHA that has the potential to exist on the subject property is habitat for rare or otherwise sensitive species, which is also protected under the Marine and Water Resources chapter of the certified LUP. As described above, MWR Section VI-C, Policy “6” requires environmentally sensitive habitat areas (ESHA) to be protected against any significant disruption of habitat values, and only allows resource-dependent uses in ESHA. In addition, MWR Section VII-D(4), Policy “f” requires development in areas adjacent to ESHA to be sited and designed to prevent impacts which could significantly degrade such areas, and be compatible with the continuance of such habitat areas.

In addition to conducting a wetland delineation, the biological consultant hired by the property owner also conducted a biological assessment to determine the potential impacts of the project on sensitive plant and wildlife species, including federally- and state-listed species. In a field review of the property conducted in February 2016, the consultant found no habitat for listed species.

The northern red-legged frog (*Rana aurora*) and a number of rare plant species including bear sedge (*Carex arcata*), western lily (*Lilium occidentale*), Lyngbye’s sedge (*Carex lyngbyei*), and marsh violet (*Viola palustris*), have the potential to occur in the wetland on the southwestern portion of the property. None of these species were observed by the consultant during the July wetland delineation, and if any did occur on the subject property, they would be protected from development impacts by the proposed 100-foot buffer around onsite wetlands.

The RRA-1 zoned portion of the property where future residential development may occur is at a higher elevation than the wetland and is covered with second growth Sitka spruce and a dense ground cover of primarily sword ferns with red elderberry, redwood sorrel, huckleberry, salal and coast red elderberry. The invasive plants cotoneaster and English ivy are also present. The rare twisted horsetail lichen has been identified in the Crescent City area and is found in spruce forests. The consultant did not observe the lichen in any of the spruce trees growing on the property. During his field review of the upland portion of the site, the consultant also did not observe any nest structures in any trees, most of which were relatively young with no substantial lateral limbs. The consultant did however recommend a pre-construction nesting survey immediately prior to construction activities to avoid disturbance of active nests.

Therefore, the proposed zoning map amendment, as submitted, conforms with and is adequate to carry out the ESHA protection provisions of the certified LUP with respect to rare or otherwise sensitive species as future development of the RRA-1 zoned portion of the site as amended can

be sited and designed to avoid such habitat and prevent impacts that would significantly degrade such habitat on adjacent areas.

Response to other comments related to ESHA protection

During local review of the proposed IP amendment, the County of Del Norte received comment letters from CDFW and Eileen Cooper with concerns about wetland and ESHA resource protection (Exhibit 11). The above findings address concerns raised about vegetation clearing within the wetland buffer. Other concerns raised in the letters are addressed below.

1. Road Development in the Wetland Buffer:

CDFW and Eileen Cooper raised concerns about a road along the eastern boundary of the parcel having a significant negative impact on ESHA by infringing into the 100-foot wetland buffer. Although this unpaved access road intrudes into the wetland buffer, it was already approved and developed under a separate coastal development permit and no improvements to the road are proposed at this time. A 40-foot-wide road easement straddles the subject property and the lot to the east, providing access from Tedsen Lane to the 13.8 acre property to the south. In December 2006, the owner of the property to the south secured a grading permit, use permit, and coastal development permit from the County to grade and clear vegetation to construct a 20-foot-wide unimproved roadway through this access easement.^{6,7} The roadway as approved encroaches into a small area of RCA1 zone on the southeastern corner of the subject parcel. After the proposed rezone, the approved roadway would encroach into the RCA2(wb) zone.

2. Impacts to Sensitive Species Including Rare Plants:

CDFW raised concerns that the biological assessment did not adequately evaluate impacts to sensitive species as there were discrepancies in the biological assessment document, the document did not include an adequate scoping list for rare plants, and the consultant did not conduct protocol-level floristic surveys for rare plants where suitable habitat exists. The biological consultant has since responded to CDFW's comments, correcting the discrepancies in the biological assessment (see Exhibit 9, pgs. 1-5). As described above in the section on habitat for rare and sensitive species, any rare plants occurring within the portions of the site zoned for RCA2 in either the wetland or wetland buffer areas will be protected by the limitations against development in those zones. In addition, the biological consultant responded to the CDFW comment at the local level indicating that the upland portions of the site outside of the wetland and wetland buffer area that could be developed are within a second growth Sitka spruce forest with dense ground cover with no potential for sensitive plants that require specific habitat needs. Furthermore, Commission Staff has conducted multiple site visits to the subject property, including one with CDFW staff and no rare plants were observed during any of these site visits. No evidence of rare plants existing on the site has been presented.

3. Recommendations for Future Development:

CDFW's comment letter also included a number of recommended conditions for future development of the parcel, including recommendations that (1) tree removal and

⁶ The grading permit and use permit served as the coastal development permit pursuant to the certified IP.

⁷ Local Permit Nos. CGP06-83C & UP0716C; Applicant: Karin Sonnenberg; APN 110-032-06

vegetation clearing associated with any future project be conducted outside of the bird breeding season, (2) exterior lighting fixtures associated with any future project be fully-shielded and designed and installed to minimize off-site glare and light pollution, and (3) the wetland buffer boundary be demarcated with symbolic fencing. These recommendations apply to the future development of the portion of the site to be rezoned as RRA-1 and not to the proposed IP amendment.

3. Conclusion

The proposed IP amendment is limited to a zoning map amendment and does not lessen or otherwise affect existing coastal development permitting requirements, development standards, and coastal resource protections of the certified LCP. The amendment maintains consistency with and carries out the land use and resource protection provisions of the certified LUP by rezoning the onsite wetland RCA2(w) and rezoning a 100-foot-wide buffer around the wetland RCA2(wb) in order to protect ESHA against any significant disruption of habitat values, prohibit uses other than resource-dependent uses within ESHA, and ensure that any future development of the site will be sited and designed to prevent impacts that could significantly degrade ESHA, and be compatible with the continuance of ESHA. The amendment also maintains consistency with and carries out the land use provisions of the certified LUP by retaining RRA-1 zoning on the portion of the parcel located outside of the wetland and wetland buffer areas, allowing for the orderly development of a rural homesite in the one-acre category, consistent with the R-1/1 land use designation. Therefore, the Commission finds the County's IP, as submitted, conforms with and is adequate to carry out the requirements of the certified LUP, consistent with Section 30513 of the Coastal Act.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Del Norte County, acting as lead CEQA agency, prepared an initial study that resulted in Negative Declaration (State Clearinghouse No. 2016102054). A comment letter was received from the California Department of Fish and Wildlife, as described in the findings above.

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures

available which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

As discussed throughout the staff report and hereby incorporated by reference, the Local IP amendment has been found to be in conformity with, and adequate to carry out, the provisions of the LUP portion of the certified LCP. This staff report has discussed the relevant coastal resource issues with the proposal and has addressed issues raised by public comment, and concludes that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

The Commission finds therefore that for all of the reasons discussed in this report, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any significant adverse environmental impacts. The Commission thereby finds that the proposed LCP amendment is consistent with CEQA.

APPENDIX A:
Excerpts from the Del Norte County Certified LCP & Cat. Ex. E-86-5
(Emphasis added)

I. RELEVANT LAND USE PLAN (LUP) POLICIES AND STANDARDS

A. Land Use Chapter

Section I (Land Use Categories) of the certified LUP's Land Use Chapter, in relevant part, describes the intent of and allowable uses in the Rural Residential and RCA designations:

C. Non-Urban Land Use Categories

....

6. *Rural Residential: This category is intended to maintain the character of rural areas and minimize the services required by smaller lot development. The primary use of these lands is single-family residential (one unit per specified minimum parcel). Uses permitted within residential areas include single-family residences, the keeping of horses for use by the owner, light agricultural activities, and accessory buildings appropriate to the residential use.*

....

D. Resource Conservation Areas: Resource Conservation Areas (RCA) are areas mapped on the accompanying constraint maps as wetlands and farmed wetlands, riparian, estuaries, and coastal sand dunes. Development within these areas is subject to the policies of the certified land use plan. No single family residences or other structures shall be permitted within an RCA unless that would result in denial of substantially all reasonable use of the land. In this event, the land owner should consider participating in Transfer of Development Credits (T.D.C.) system when such a system exists, as approved by the State Coastal Commission, in order to allow this development to occur at a more suitable location.

Where parcels totally within the RCA category are contiguous with a parcel outside (or partly outside) the RCA category, and where all of these parcels have a single owner, these parcels shall be merged as a condition of approving development on the non-RCA parcel. Development type and intensity on the non-RCA portion of the resulting parcel shall be that specified by other LUP policies.

The allowable uses within designated RCA's shall be limited to:

1. *Fish and wildlife management.*
2. *Nature study.*
3. *Wetland restoration.*
4. *Hunting and fishing including development of duck blinds and similar minor facilities.*
5. *In estuaries, maintenance and improvement of boating facilities consistent with other land use plan policies.*

6. *In Farmed Wetlands or agriculturally used parcels, agricultural operations are a principal use but such uses should maintain long-term habitat values and, where feasible, minimize short-term degradation.*
7. *Those recreational facilities included in a State Park and Recreation / Department of Fish and Game Master Plan submitted and approved as an amendment to the Local Coastal Program.*
8. *In riparian habitat areas the following uses are allowed:*
 - (i) *Recreational trails.*
 - (ii) *Hunting and fishing.*
 - (iii) *Timber harvesting of conifers where heavy equipment is not used and where at least 50% of the coniferous tree canopy and where all of the hardwood tree canopy is retained and removal is otherwise consistent with forest practices rules for special treatment areas and stream protection zones.*
 - (iv) *Maintenance of existing flood control and drainage channels.*
 - (v) *Wells within rural areas.*
 - (vi) *Firewood removal by owner, for use in residence on site.*
 - (vii) *Road maintenance and repair of existing roads. New stream crossings shall be limited when feasible to right angle crossings of streams and stream corridors.*
9. *In all resource areas, the maintenance of flood drainage control and drainage channels.*
10. *In all resource areas, removal of windblown trees which threaten existing structures.*

....

Section II (Additional Provisions) of the LUP's Land Use Chapter, in relevant part, discusses environmentally sensitive habitat area (ESHA) mapping:

....

- C. *Constraints: These designations indicate locations where the presence of hazards or special resources places constraints on development. These designations are derived from the policies contained in each of the 'constraint' oriented components. Special policies may be contained in each land use designation.*
 1. *Resource Habitat*
 - A. *Wetlands – refer to marine resources component...*
 3. *Constraint Mapping*

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:

...

- A. A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.
- B. Vegetation map.
- C. Soils map.

Review of this information shall be in cooperation with the Department of Fish & Game and the county's determination shall be used 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, 1981. The Department of Fish & Game shall have up to 15 days upon receipt of county notice to provide review and cooperation.

- 4. Constraint Maps
Environmental constraint maps shall have precedent over actual land use designations. Parcels partly in and partly out of these constraint areas shall have development located outside of constraints boundary unless consistent with other policies of the county's land use plan. No development parcels shall be created totally within an environmental constraint area except for agricultural parcels (not including residential development) subject to the minimum parcel size and all applicable policies of the certified land use plan.

....

B. Marine and Water Resources Chapter

The Marine and Water Resources Chapter of the certified LCP, Section IV (Sensitive Habitat Types) states in part as follows:

... ..

- C. Sensitive Habitat Types: Several biologically sensitive habitat types, designated through the application of the above criteria, are found in the Coastal Zone of Del Norte County. These include: offshore rocks; intertidal areas; estuaries; wetlands; riparian vegetation systems; sea cliffs; and coastal sand dunes. A brief description of these sensitive habitat types is given below:

... ..

- 4. Wetlands: Also termed marshes, swamps and bogs, wetlands in the coastal zone vary from brackish to freshwater and range from seasonally flooded swales to year round shallow lakes. Like estuaries, wetlands tend to be highly productive regions and are important habitats and feeding grounds for numerous wildlife species.

Section VII (Specific Area Policies and Recommendations), Part D (Wetlands) of the Marine and Water Resources Chapter of the certified LUP includes a definition of wetlands, information on

their distribution in the county, a discussion of wetland planning issues, and policy directives for the review of development in and adjacent to wetlands. Below are relevant excerpts from the section:

1. Definition: "Wetland" means lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, bogs, and fens. The land use category will be Resource Conservation Area.

....
2. Principal Distributions: Wetland habitats are found through- out the generally flat-lying coastal plain of Del Norte County. The following identifies the major wetland areas of the Coastal Zone.
 - g. Lake Earl

....
 - o. Jordan Creek

....
4. Policies and Recommendations:
 - a. The diking, filling, or dredging of wetlands shall be permitted in accordance with other applicable provisions of this program, where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects. Such projects shall be limited to those identified in Section 30233 of the Coastal Act.

....
 - 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, 1981. The Department of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.

The LUP's Marine and Water Resources Chapter, Section VI (General Policies), Part C (LCP Policies) also includes marine and water resource policies that apply to wetlands. Policies 1, 3, and 6 state:

1. *The County seeks to maintain and where feasible enhance the existing quality of all marine and water resources.*
....
3. *All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters.*
....
6. *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.*

....

II. RELEVANT IMPLEMENTATION PLAN (IP) REGULATIONS

A. Chapter 21.11: General Resource Conservation Area District (RCA1)

The intent, applicability, allowable uses, and special zoning requirements of the RCA1 zone are as follows:

21.11.010 Intent.

Resource conservation areas are those environmentally sensitive habitat areas which are identified by the General Plan Coastal Element as wetlands, farmed wetlands, riparian vegetation, estuary and coastal sand dunes. The general resource conservation area zone is intended to designate those resource conservation areas which require further data, particularly mapping, prior to new or additional development and to serve as a transition zone until such data is made available, reviewed and adopted by the county. Changes of zone from general resource conservation area to another classification are to be made subject to the requirements of Section 21.11.060 herein and only where such uses are in accord with the General Plan or adopted specific plan.

....

21.11.020 Applicability.

This zone shall be applied to those parcels or portions of parcels adjacent to or within the resource conservation areas which are identified by the General Plan Coastal Element for which the requirements of Section 21.11.060 have not been met.

21.11.030 The principal permitted use.

The principal permitted resource conservation area general use includes:

- A. Fish and wildlife management;
- B. Nature study;
- C. Hunting and fishing including development of duck blinds and similar minor facilities.

21.11.040 Uses permitted with a use permit.

Uses permitted with a use permit include:

- A. Wetland restoration per Section 21.11A.070.

....

21.11.060 Special rezoning requirements.

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 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 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. (Ord. 83-03 (part))

B. Chapter 21.11A: Designated Resource Conservation Area District (RCA2)

The intent, applicability, principally permitted use, conditionally permitted uses, and minimum lot size of the RCA2 zone are as follows:

21.11.A.010 Intent.

Resource conservation areas are those environmentally sensitive habitat areas which are identified by the General Plan Coastal Element as wetlands, farmed wetlands, riparian vegetation, estuary and coastal sand dunes. The designated resource conservation area zone is intended to designate the location and type of resource conservation areas for which specific data has been reviewed, set forth uses and development guidelines for the various sensitive habitat areas and establish any special requirements for development permits in order to protect and enhance the quality and productivity of these sensitive resource areas as mandated by state and federal regulations.

....

21.11A.020 Applicability.

- A. This zone shall be applied to those parcels and/or portion of parcels located within the resource conservation areas which are identified by the General Plan Coastal Element and for which the requirements of Section 21.11.060 have been met.
- B. 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.*
 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.*
- C. *At the time of application of the RCA2 district to a parcel a parenthetical reference as to the type of resource conservation area shall be noted, i.e., wetland (W), wetland buffer (WB), farmed wetland (FW), estuary (E), riparian vegetation (R), or coastal sand dunes (SD). Where more than one type exists the distinction shall be noted on the zoning map. (Ord. 83-03 (part))*

21.11A.030 The principal permitted use.

- A. *The principal permitted designated resource conservation area (wetland) use includes uses such as:*
 1. *Nature study, fish and wildlife management and hunting and fishing, including the development of minor facilities such as duck blinds.*
- B. *The principal permitted designated resource conservation area (wetland buffer) use includes uses such as:*
 1. *Nature study, fish and wildlife management and hunting and fishing, including the development of minor facilities such as duck blinds;*
 2. *Firewood removal by the owner for on-site residential use;*
 3. *Commercial timber harvesting pursuant to California Department of Forestry timber harvest requirements.*

....

21.11A.040 Uses permitted with a use permit.

Uses permitted with a use permit include:

- A. *In all designations, a single-family residence and appurtenant structures where denial of such would otherwise substantially deny all reasonable use of the parcel and where such development will be sited and designed to prevent impacts which would significantly degrade the environmentally sensitive habitat area, except that where a transfer of development credit or system has been adopted as part of this title, no residential development shall be permitted.*
- B. *In all designations, those recreational facilities included in a State Park and Recreation/Department of Fish and Game Master Plan which has been submitted and approved as an amendment to the General Plan Coastal Element.*
- C. *In all designations, wetlands restoration subject to Section 21.11A.080.*
- D. *In the wetlands, farmed wetlands, and estuary designations, diking, filling, or dredging shall be permitted in accordance with the provisions of the General Plan Coastal Element and Section 21.11A.070(B), where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to...*

....

21.11A.050 Minimum lot areas.

....

- C. *Where a portion of a parcel is partly outside of the RCA2 zone, only the acreage not in the RCA2 zone may be used in determining development density based on the non-RCA designation, except that those areas designated as a wetland buffer may be used in determining the development density.*
- D. *Parcels may be created which include RCA land areas subject to the provision of a non-RCA area totaling at least fifty percent of the minimum lot size (as required by the non-RCA zone) for parcels designated as one unit/two acres or higher in density or a minimum of one acre for parcels designated as one unit/three acres or lower in density. (Ord. 83-03 (part))*

C. Chapter 21.17: Rural Residential Agriculture District (RRA) describes the intent, principally and conditionally permitted uses and minimum density and setback requirements of the RRA zone in applicable part as follows:

21.17.010 Intent -- Applicability.

This district classification is designed for the orderly development of rural homesites in the one to five acre category, to encourage a suitable environment for family life for those who desire rural residential land.

....

The following regulations shall apply in all RRA districts, subject to the provisions of Chapters 21.02 through 21.60.

21.17.020 The principal permitted use.

The principal permitted rural residential agriculture use includes:

- A. *A one-family residence with appurtenant uses including home occupations and appurtenant accessory structures subject to Section 21.04.140;*

- B. *Animal husbandry, where no more than one horse, mule, cow or steer, nor more than five goats, sheep or similar small livestock are kept for each twenty thousand square feet of lot area;*
- C. *The keeping of one hog or pig;*
- D. *Agricultural uses, including the sale of agricultural products produced on the premises where the sales activity:*
 - 1. *Is clearly incidental and secondary to the use of the property for dwelling purposes,*
 - 2. *Does not display any visual evidence from surrounding roads and/or properties such as a separate sales stand, employees, traffic and/or parking beyond that normal to the neighborhood in which it is located, etc., except that one unlighted sign not exceeding eight square feet in size may be erected. (Ord. 94-19 §13, 1995; Ord. 86-04 (part), 1986; Ord. 83-03 (part))*

21.17.030 Uses permitted with a use permit.

- A. *On parcels of land five acres or greater in size, the following may be considered subject to the approval of the county sanitarian:*
 - 1. *Animal husbandry, where more than one horse, mule, cow or steer, or more than five goats, sheep or similar livestock are kept for each twenty thousand square feet of lot area;*
 - 2. *More than one hog or pig.*
- B. *Guest lodging where it is an integral part of the principal one-family residential use;*
- C. *Home enterprises.*

....

21.17.050 Minimum lot area.

Minimum lot area shall be as required by the planning commission, but in no case less than:

- One acre in the RRA-1 district;
- Two acres in the RRA-2 district;
- Three acres in the RRA-3 district;
- Five acres in the RRA-5 district.

21.17.060 Minimum lot width, yard, and maximum building coverage requirements.

Minimum lot width, front, rear and side yard requirements and the maximum percentage of building coverage on any one lot shall be as set forth in the table below and as set forth in Chapter 21.45.

Zoning District	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Requirements		
			Front	Rear*	Side**
<u>RRA-1</u>	<u>100 ft.</u>	<u>20%</u>	<u>25 ft.</u>	<u>20 ft.</u>	<u>10 ft.</u>
<u>RRA-2</u>	<u>200 ft.</u>	<u>15%</u>	<u>25 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<u>RRA-3</u>	<u>200 ft.</u>	<u>15%</u>	<u>25 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<u>RRA-5</u>	<u>200 ft.</u>	<u>15%</u>	<u>25 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>

* Rear yard for a detached accessory building shall be five feet except where Section 21.17.070 applies.

** Where the lot width is less than required, the side yards shall be each ten percent of the lot width, but in no case less than five feet. (Ord. 83-03 (part))

D. Chapter 21.46 General Provisions

With regards to building setbacks, §21.46.090(O) states:

21.46.090(O). Where a portion of a parcel is designated as an RCA2 zoning district, any yard or setback requirements within the non-RCA area shall be measured from the zoning district boundary line.

E. Chapter 21.50B: California Coastal Zone Entitlement Procedures Zoning Amendments

With regards to processing LCP amendments, Chapter 21.50B states in applicable part:

....

21.50B.020 General Plan consistency.

Chapters 21.02 through 21.60 and any amendment thereto shall be consistent with the County's General Plan. Within the California coastal zone consistency of zoning with the General Plan Coastal Element shall be as set forth in Table A, following this chapter.

....

21.50B.060 Local Coastal Program amendments (LCP -- Zoning amendments).

C. Any zoning map amendment involving the application or removal of Chapters 21.37 through 21.39 (flood zone combining districts), Chapter 21.35 (coastal area combining district), or the removal of Chapter 21.11A (designated resource conservation area) shall be considered a major amendment of the local coastal program and, if approval is recommended by the county upon completion of local review, shall be submitted as such to the California Coastal Commission for review. A rezoning from RCA1 to RCA2 pursuant to Section 21.11.060 shall be considered a minor amendment and shall be submitted as such to the California Coastal Commission.

....

III. EXCERPTS FROM CATEGORICAL EXCLUSION ORDER E-86-5

....

I. CATEGORIES OF EXCLUDABLE DEVELOPMENT

The following is a list of principal permitted uses permitted for each of the zoning districts identified as eligible for categorical exclusion. These districts are cited from the Del Norte County Zoning Code and are part of the certified Local Coastal Program. Final determination as to whether the use is excludable would be based upon its geographic location.

....

5. RRA (RRA-1, RRA-2, RRA-3, RRA-5)
Rural Residential Agriculture Zone
21.17.020 The principal permitted use. The principal permitted rural residential agriculture use includes:
- A. *A one-family residence with appurtenant uses including home occupations and appurtenant accessory structures subject to Section 21.04.140;*
 - B. *Animal husbandry and small livestock farming, provided that no more than one horse, milk cow or steer nor more than three goats, sheep or similar small livestock shall be kept for each twenty thousand square feet of lot area. Where the parcel is two acres or greater in size the number of goats, sheep or similar livestock may be increased to five animals per twenty thousand square feet of lot area;*
 - C. *The keeping of one hog or pig;*
 - D. *Agricultural uses, including the sale of agricultural products produced on the premises where the sales activity:*
 - 1. *Is clearly incidental and secondary to the use of the property for dwelling purposes, and*
 - 2. *Does not display any visual evidence from surrounding roads and/or properties such as a separate sales stand, employees, traffic and/or parking beyond that normal to the neighborhood in which it is located, etc., except that one unlighted sign not exceeding eight square feet in size may be erected.*

....

IV. CONDITIONS

The following conditions apply to all categories of development excluded under this order:

- A. Streams and Wetlands. This order shall not apply to any development located within 100 feet, measured horizontally, of a coastal stream or wetland.

....

- G. Conformity with LCP. Development under this exclusion shall conform with the Del Norte County LCP in effect on the date of this exclusion as adopted by the Commission or to the terms and conditions specify more restrictive development criteria.

....

APPENDIX B

Table 1. Allowable Uses in the Implicated Zoning Districts		
	Principally Permitted Uses	Conditionally Permitted Uses
General Resource Conservation Area (RCA1)	<ul style="list-style-type: none"> • Fish and wildlife management; • Nature study; • Hunting and fishing including development of duck blinds and similar minor facilities. 	<ul style="list-style-type: none"> • Wetland restoration pursuant to established criteria.
Designated Resource Conservation Area - Wetlands (RCA2(w))	<ul style="list-style-type: none"> • Nature study, fish and wildlife management and hunting and fishing, including the development of minor facilities such as duck blinds. 	<ul style="list-style-type: none"> • A single-family residence and appurtenant structures where denial of such would otherwise substantially deny all reasonable use of the parcel and where such development will be sited and designed to prevent impacts which would significantly degrade the environmentally sensitive habitat area, except that where a transfer of development credit or system has been adopted as part of this title, no residential development shall be permitted; • Recreational facilities included in a State Park and Recreation / Department of Fish and Game Master Plan which has been submitted and approved as an amendment to the General Plan Coastal Element; • Wetland restoration pursuant to established criteria; • Uses enumerated in PRC §30233(a).
Designated Resource Conservation Area – Wetland Buffer (RCA2(wb))	<ul style="list-style-type: none"> • Nature study, fish and wildlife management and hunting and fishing, including the development of minor facilities such as duck blinds; • Firewood removal by the owner for on-site residential use; • Commercial timber harvesting pursuant to California Department of Forestry timber harvest requirements. 	<ul style="list-style-type: none"> • A single-family residence and appurtenant structures where denial of such would otherwise substantially deny all reasonable use of the parcel and where such development will be sited and designed to prevent impacts which would significantly degrade the environmentally sensitive habitat area, except that where a transfer of development credit or system has been adopted as part of this title, no residential development shall be permitted; • Recreational facilities included in a State Park and Recreation / Department of Fish and Game Master Plan which has been submitted and approved as an amendment to the General Plan Coastal Element; • Wetland restoration pursuant to established criteria.
High Density Rural Residential Agriculture 1 unit per acre density (RRA-1)	<ul style="list-style-type: none"> • A one-family residence with appurtenant uses including home occupations and appurtenant accessory structures subject to Section 21.04.140; • Animal husbandry, where no more than one horse, mule, cow or steer, nor more than five goats, sheep or similar small livestock are kept for each twenty thousand square feet of lot area; • The keeping of one hog or pig; • Agricultural uses, including the sale of agricultural products produced on the premises pursuant to established criteria. 	<ul style="list-style-type: none"> • Guest lodging where it is an integral part of the principal one-family residential use; • Home enterprises.