

CALIFORNIA COASTAL COMMISSION

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Th10b

Staff Report: February 25, 2010
Hearing Date: March 11, 2010
Commission Action:

TO: Commissioners and Interested Parties

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

SUBJECT: **County of Humboldt LCP Amendment Application No. HUM-MAJ-3-09 (Race Investments, LLC):** Zoning amendment application to rezone approximately 45 acres of land east of Eureka from Coastal Commercial Timberland (TC/F,R) to Timberland Production Zone (TPZ/F,R). Meeting of March 11, 2010 in Santa Cruz.

SYNOPSIS:

1. Description of Proposed LCP Amendment & Background

On April 24, 2009, the Commission received an LCP amendment transmitted by Humboldt County known as the Race Investments, LLC amendment. As submitted, Humboldt County LCP Amendment No. HUM-MAJ-3-09 would amend the current zoning designation of approximately 45 acres of land east of Eureka shown on Zoning Map F-16, certified as Section 311-7 of the Coastal Zoning Regulations, from Coastal Commercial Timberland (TC) to Timber Production Zone (TPZ). The existing "Flood Hazard Area" (F) and "Streams and Riparian Corridor Protection" (R) Combining Zone designations that currently apply to the subject site would not change. There would be no changes to the text of the IP, and the existing designation of the property in the certified Land Use Plan (LUP) as Coastal Commercial Timberland (TC) would remain unchanged.

The subject site is located approximately one mile south of the intersection of Mitchell Road and Myrtle Avenue. The site is surrounded by agricultural and timberland resources as well as areas planned and zoned for rural residential development. An effect of the amendment would be to eliminate "*General Agriculture*" as both a principally permitted use type and a conditional use type for the property. The proposed TPZ zoning designation limits the principally permitted uses to the "*Timber Production Principally Permitted Use*," which, as defined in Section 313-

163.1.9.11 of the Humboldt County certified Coastal Zoning Regulations (CZR), includes “*Single Family Residential*,” “*Timber Production*,” “*Cottage Industry*,” and “*Minor Utilities to serve these uses*,” whereas the “*Commercial Timber Principally Permitted Use*” includes all of the same uses listed above plus “*General Agriculture*” (Section 313-163.1.9.10 of the CZR). The TPZ zone also does not allow “*General Agriculture*” as a conditionally permitted use.

2. Timeline for Commission Action

The Humboldt County Board of Supervisors locally approved the zoning reclassification for the property on September 2, 2008 and submitted the subject LCP amendment for certification by the Commission on April 24, 2009. After receiving additional information from Humboldt County, the LCP Amendment was deemed submitted (filed) on July 13, 2009. On September 9, 2009 the Commission approved a one-year extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from September 11, 2009 to September 11, 2010.

3. Summary of Staff Recommendation

The staff recommends that the Commission, upon completion of a public hearing, deny the requested LCP amendment as submitted, but certify the amendment if modified as suggested by staff. Staff recommends one suggested modification, which is to retain the existing Coastal Commercial Timberland (TC) zoning designation over the approximately 6 acres of prime agricultural land on the subject site, around the tributary to Ryan Creek. Retaining the TC zoning district on this portion of land, which, according to the County has been used for grazing purposes in the past, will maintain “*General Agriculture*” as an allowable and principally permitted use in the area, thereby protecting the agricultural resources of the site and avoiding a conversion of prime agricultural land to other uses inconsistent with the certified Land Use Plan (LUP). The TC land use designation that applies to the site under the certified LUP includes the “*General Agriculture*” use type as a principal permitted use. In addition, the agricultural policies of the LUP incorporate the agricultural conversion policies of the Coastal Act, Sections 30241 and 30242, which require that the maximum amount of prime agricultural land be maintained in agricultural production, and these policies greatly limit conversions of agricultural lands to non-agricultural uses. Furthermore, LUP Policy 3.24-B-1-a also requires that prime agricultural lands outside the urban limit line, such as the subject site, be planned for continued agricultural use. With this suggested modification, staff believes that the proposed zoning amendment would conform with and adequately carry out the policies of the LUP, as the prime agricultural lands on the subject property could continue to be used for agricultural use in the future, consistent with the agricultural protection policies of the LUP, while the timberlands on the property could continue to be used for timber production, consistent with the standards of the TC land use designation.

The two motions to adopt the staff recommendation are found on pages 3 and 4.

4. Analysis Criteria

The relationship between the Coastal Act and a local government’s Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines

Coastal Act policies for the local jurisdiction, giving guidance as to the kinds, locations, and intensities of coastal development. The Implementation Program (IP) of an LCP typically sets forth zone districts and site development regulations through legally enforceable ordinances, which are further refinements specifying how coastal development is to proceed on a particular parcel. The LUP must be consistent with the Coastal Act. The IP must conform with and be adequate to carry out the policies of the LUP.

In this case, the proposed LCP amendment affects only the IP component of the Humboldt County LCP. The proposed IP amendment would effectuate changes to the zoning of the subject property as illustrated on the certified Coastal Zoning Map No. F-16, certified as Section 311-7 of the Coastal Zoning Regulations, changing the zoning district from Coastal Commercial Timber (TC) to Timberland Production Zone (TPZ). No changes to the text of the IP would result from the proposed LCP amendment, and the existing designation of the property in the certified Land Use Plan (LUP) as TC would remain unchanged.

This analysis evaluates the policies and standards of the Coastal Act and the LCP directly affected by the subject zoning changes. Subsequent development that might be proposed will require a coastal development permit and will need to be reviewed by the County for conformance to the certified LCP, as amended.

4. Additional Information.

For further information, please contact Melissa Kraemer at the North Coast District Office at (707) 445-7833. Correspondence should be sent to the District Office at the above address.

**PART ONE:
MOTIONS, RECOMMENDATIONS, & RESOLUTIONS**

I. MOTIONS, STAFF RECOMMENDATIONS, & RESOLUTIONS FOR LCP AMENDMENT NO. HUM-MAJ-3-09

A. DENIAL OF IP AMENDMENT NO. HUM-MAJ-3-09 AS SUBMITTED:

MOTION I: *I move that the Commission reject Implementation Program Amendment No. HUM-MAJ-3-09 for the County of Humboldt as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of the motion via a “yes” vote, thereby adopting the staff recommendation, will result in a denial of the Implementation Program Amendment 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 I: TO REJECT CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment submitted for the County of Humboldt and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the of the Implementation Program as submitted.

B. APPROVAL OF IP AMENDMENT NO. HUM-MAJ-3-09 WITH SUGGESTED MODIFICATIONS:

MOTION II: *I move that the Commission certify Implementation Program Amendment No. HUM-MAJ-3-09 for the County of Humboldt if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a YES vote. Passage of this motion via a YES vote, thereby adopting the staff recommendation, will result in certification of the Implementation Program with suggested modifications 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 II: TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the County of Humboldt if modified as suggested on the grounds that the Implementation Program Amendment with the suggested modifications conforms with and is adequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program if modified as suggested complies with 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 Program 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. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PROGRAM AMENDMENT

SUGGESTED MODIFICATION NO. 1: Retain the Coastal Commercial Timberland (TC) zoning district, as currently certified, on the approximately 6-acre portion of the subject site, around the tributary to Ryan Creek, which contains prime agricultural soils, as generally shown on Exhibit No. 4 of the Coastal Commission staff recommendation report.

PART TWO: AMENDMENTS TO THE IMPLEMENTATION PROGRAM

I. ANALYSIS CRITERIA

The standard of review for the proposed amendment to the Implementation Plan (IP) of the Humboldt County LCP is whether the IP, as amended, conforms with and is adequate to carry out the certified LUP.

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified IP. Section 30513 states, in applicable part, as follows:

...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions 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 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.

II. FINDINGS FOR DENIAL OF IP AMENDMENT NO. HUM-MAJ-3-09 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as follows for IP Amendment No. HUM-MAJ-3-09:

A. AMENDMENT DESCRIPTION & SITE CONDITIONS

The proposed LCP amendment would amend the current zoning designation of approximately 45 acres of land east of Eureka shown on Zoning Map F-16 (Exhibit No. 6), certified as Section 311-7 of the Coastal Zoning Regulations (Exhibit No. 8), from Coastal Commercial Timberland (TC) to Timber Production Zone (TPZ). The existing “Flood Hazard Area” (F) and “Streams and Riparian Corridor Protection” (R) Combining Zone designations that currently apply to the subject site would not change. There would be no changes to the text of the IP, and the existing designation of the property in the certified Land Use Plan (LUP) as Coastal Commercial Timberland (TC) would remain unchanged (Exhibit No. 5).

The subject property is located east of Eureka approximately one mile south of the intersection of Mitchell Road and Myrtle Avenue (Exhibit Nos. 1 and 2). The site is surrounded by agricultural and timberland resources as well as areas planned and zoned for rural residential development (Exhibit No. 3). The site is on the edge of the coastal zone, and the subject parcel extends out of the coastal zone and covers a total of approximately 151 acres. The County processed a local general plan amendment for the portion of the site outside the coastal zone at the same time it processed the LCP amendment, changing the local zoning designation for the approximately 106-acre area outside the coastal zone from Agriculture Exclusive (AE) to TPZ. Elevations across the site range from approximately 40 to 200 feet above mean sea level. The

majority of the 45-acre subject area (all but approximately 6 acres) is timbered, with soil types classified as high to very high for timber production. Dominant trees across the property include primarily (second-growth) redwood (*Sequoia sempervirens*), with scattered red alder (*Alnus rubra*), Douglas-fir (*Pseudotsuga menziesii* var. *menziesii*), and Sitka spruce (*Picea sitchensis*). According to the County, the approximately 6 acres of grassland along the tributary to Ryan Slough have not been actively farmed but may have been used for livestock grazing in the past. The soils in this area are classified as prime (Exhibit No. 4).

Under the certified LCP, the TPZ and TC zone districts differ only in their principally permitted use types. The TPZ zone district provides for the “*Timber Production Principally Permitted Use*,” which, as defined in Section 313-163.1.9.11 of the CZR, includes “*Single Family Residential*,” “*Timber Production*,” “*Cottage Industry*,” and “*Minor Utilities to serve these uses*.” The TC zone district provides for the “*Commercial Timber Principally Permitted Use*,” which includes all of the same principally permitted uses listed above for the TPZ zone district plus “*General Agriculture*” (Section 313-163.1.9.10 of the CZR). The two zoning districts are identical in their conditionally permitted use types, compatible uses permitted with a special permit, and development standards. Thus, the effect of the proposed LCP amendment would be to eliminate “*General Agriculture*” both as a principally permitted use type for the property and as a conditional use.

Table 1: Comparison of Coastal Commercial Timberlands (TC) and Timberland Production Zone (TPZ) zoning district development regulations in the certified Humboldt County LCP.

Development Regulation Category	CURRENT Zoning of Subject Property: Coastal Commercial Timberland (TC)	PROPOSED Zoning of Subject Property: Timberland Production Zone (TPZ)
Principally Permitted Uses	<p><u>Commercial Timber Principal Permitted Use:</u> <i>The Commercial Timber Principally Permitted Use includes the following uses: Single Family Residential, General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. (CZR Section 313-163.1.9.10)</i></p>	<p><u>Timber Production Principal Permitted Use:</u> <i>The Timber Production Principally Permitted Use includes the following uses: Single Family Residential, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act. (CZR Section 313-163.1.9.11)</i></p>
Conditionally Permitted Uses	<ul style="list-style-type: none"> • <u>Residential Use Types:</u> <ul style="list-style-type: none"> ○ <i>Single Family Residential.</i> • <u>Civic Use Types:</u> <ul style="list-style-type: none"> ○ <i>Essential Services;</i> ○ <i>Solid Waste Disposal;</i> ○ <i>Oil & Gas Pipelines;</i> ○ <i>Major Electrical Distribution Lines;</i> ○ <i>Minor Generation & Distribution Facilities.</i> • <u>Industrial Use Types:</u> <ul style="list-style-type: none"> ○ <i>Tiber Products Processing;</i> ○ <i>Aquaculture;</i> ○ <i>Cottage Industry.</i> 	<ul style="list-style-type: none"> • <u>Residential Use Types:</u> <ul style="list-style-type: none"> ○ <i>Single Family Residential.</i> • <u>Civic Use Types:</u> <ul style="list-style-type: none"> ○ <i>Essential Services;</i> ○ <i>Solid Waste Disposal;</i> ○ <i>Oil & Gas Pipelines;</i> ○ <i>Major Electrical Distribution Lines;</i> ○ <i>Minor Generation & Distribution Facilities.</i> • <u>Industrial Use Types:</u> <ul style="list-style-type: none"> ○ <i>Tiber Products Processing;</i> ○ <i>Aquaculture;</i> ○ <i>Cottage Industry.</i>

Development Regulation Category	CURRENT Zoning of Subject Property: Coastal Commercial Timberland (TC)	PROPOSED Zoning of Subject Property: Timberland Production Zone (TPZ)
	<ul style="list-style-type: none"> • <u>Agricultural Use Types:</u> <ul style="list-style-type: none"> ○ <i>Agricultural Related Recreation.</i> • <u>Extractive Use Types:</u> <ul style="list-style-type: none"> ○ <i>Surface Mining;</i> ○ <i>Oil & Gas Drilling & Processing;</i> ○ <i>Metallic Mineral Extraction.</i> • <u>Natural Resources Use Types:</u> <ul style="list-style-type: none"> ○ <i>Coastal Access Facilities.</i> • <u>Use Types not Listed in This Table:</u> <ul style="list-style-type: none"> ○ <i>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.</i> 	<ul style="list-style-type: none"> • <u>Agricultural Use Types:</u> <ul style="list-style-type: none"> ○ <i>Agricultural Related Recreation.</i> • <u>Extractive Use Types:</u> <ul style="list-style-type: none"> ○ <i>Surface Mining;</i> ○ <i>Oil & Gas Drilling & Processing.</i> • <u>Natural Resources Use Types:</u> <ul style="list-style-type: none"> ○ <i>Coastal Access Facilities.</i> • <u>Use Types not Listed in This Table:</u> <ul style="list-style-type: none"> ○ <i>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.</i>
Compatible Uses Permitted with a Special Permit	<ul style="list-style-type: none"> • <u>Residential Use Types:</u> <ul style="list-style-type: none"> ○ <i>Labor Camp.</i> • <u>Commercial Timber Use Types:</u> <ul style="list-style-type: none"> ○ <i>Timber Related Recreation.</i> • <u>Natural Resources Use Types:</u> <ul style="list-style-type: none"> ○ <i>Fish & Wildlife Management;</i> ○ <i>Watershed Management;</i> ○ <i>Wetland Restoration.</i> 	<ul style="list-style-type: none"> • <u>Residential Use Types:</u> <ul style="list-style-type: none"> ○ <i>Labor Camp.</i> • <u>Commercial Timber Use Types:</u> <ul style="list-style-type: none"> ○ <i>Timber Related Recreation.</i> • <u>Natural Resources Use Types:</u> <ul style="list-style-type: none"> ○ <i>Fish & Wildlife Management;</i> ○ <i>Watershed Management;</i> ○ <i>Wetland Restoration.</i>
Minimum Lot Size	40 acres	40 acres
Minimum Lot Width	(As determined during subdivision review & approval)	(As determined during subdivision review & approval)
Maximum Lot Depth	(None specified)	(None specified)
Maximum Density	(None specified)	(None specified)
Maximum Total Conversion of Timberland for Non-Timber Production Uses	2 acres of contiguous or non-contiguous land	2 acres of contiguous or non-contiguous land
Minimum Front Yard Setback	20 feet; 30 feet for flag lot	20 feet; 30 feet for flag lot
Minimum Rear Yard Setback	30 feet	30 feet
Minimum Interior Side Yard Setback	30 feet	30 feet
Minimum Exterior Side Yard Setback	20 feet	20 feet
Minimum Flag Lots Yard Setback	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.

Development Regulation Category	CURRENT Zoning of Subject Property: Coastal Commercial Timberland (TC)	PROPOSED Zoning of Subject Property: Timberland Production Zone (TPZ)
Minimum Double Frontage Lots Yard Setback	Front and rear yards shall be 20 feet, except that the rear yard setback may be reduced to 10 feet where such yard abuts an alley.	Front and rear yards shall be 20 feet, except that the rear yard setback may be reduced to 10 feet where such yard abuts an alley.
Maximum Ground Coverage	(None specified)	(None specified)
Maximum Structure Height	35 feet	35 feet
Permitted Main Building Types	<ul style="list-style-type: none"> • Residential Single Detached; Ancillary Residential; Manufactured Home. • Detached Nonresidential 	<ul style="list-style-type: none"> • Residential Single Detached; Ancillary Residential; Manufactured Home. • Detached Nonresidential

B. IMPLEMENTATION CONFORMITY

For any proposed change to a property’s zoning designation to be certifiable, the implementing zoning designation must be shown to conform to its LUP counterpart and adequately carry out all applicable LUP policies.

1. Conformity with the TC Land Use Plan Designation

The proposed TPZ zoning district, as described in Table 1 above, would implement the existing TC land use plan designation for the site. The TC land use designation lists the following under “Principal Use” (as appears in Chapter 4, Page 7 of the LUP): “*Timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as proved in Section 3.23 of this document, and principal uses permitted under AE, except second dwelling.*” The referenced “*principal uses permitted under AE [Agriculture Exclusive/Prime and Non-Prime Lands], except second dwelling*” are as follows: “*Production of food, fiber or plants, with residence as a use incidental to this activity..., and the principal uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures*” (Chapter 4, Page 7 of the LUP). For the majority of the property, which is timbered, the proposed change from a TC to a TPZ zone district would allow for the same range of timber-related uses and would not significantly change the kind or intensity of land use that is currently allowed under the current TC district standards or change the permissible dwelling-unit density or other development standards. However, applying the TPZ zone district to the approximately 6 acres of prime agricultural land on the property would result in a discrepancy between the new zone district and its LUP counterpart with respect to principally permitted uses. As Table 1 shows, the TPZ zone district does not include “*General Agriculture*” as a principally permitted use type for the zone, while the corresponding TC land use designation does include “*principal uses permitted under AE, except second dwelling*” as a principal use type. In addition, “*General Agriculture*” is also not allowed as a conditional use within the TPZ zoning district. Thus, applying the TPZ zone district to the subject property’s 6 acres of prime agricultural land would not adequately implement the TC land use designation in this non-timbered area, because the TC land use designation permits “*General Agriculture*” as a principally permitted use while the TPZ zone district does not expressly allow for “*General Agriculture*” use at all.

The County has stated the view that even though the “General Agriculture” use type is not listed as a principal use type in the TPZ zone district, such agricultural uses not involving timber production may be found accessory to the growing and harvesting of timber and other compatible uses as set forth for lands zoned TPZ. The County cites Section 313-43.1.6 of the certified Coastal Zoning Regulations, which provides that certain accessory agricultural uses shall be permitted as accessory uses I the TPZ zone district if they are “*necessary and customarily associated with, and are appropriate, incidental, and subordinate to agricultural activity, as determined by the Director.*” The County maintains that customary grazing and other similar general agricultural uses which do not convert timberland have been found by the Director to be accessory to TPZ pursuant to this provision, and once determined to be accessory, these agricultural uses may be continued and are permitted by right. Although this view may be a reasonable interpretation, the Commission finds that additional clarification is needed, as described in the suggested modification below, to ensure that the General Agriculture use type is expressly included as an allowable use on the 6 acres of prime agricultural land and to ensure that the ability to use the prime agricultural lands for general agricultural use is fully protected.

Therefore, to ensure that the implementing zoning designation for the subject property conforms with and adequately carries out its LUP counterpart, the Commission imposes Suggested Modification No. 1 (see subsection 3 below). This suggested modification retains the TC zone district on the approximately 6 acres of agricultural land on the property as currently certified, while the TPZ zone district will be applied to the remaining approximately 39 acres of the property within the coastal zone as proposed (see Exhibit No. 4).

2. Conformity with the Agriculture Protection Policies of the LUP

Section 30241 and 30242 of the Coastal Act, specifically incorporated into Section 3.24 of the certified Land Use Plan (Humboldt Bay Area Plan or HBAP), require the protection of prime agricultural lands¹ and set limits on the conversion of all agricultural lands to non-agricultural uses. Furthermore, HBAP Policy 3.24-B-1-a directs that lands outside the urban limit line that are prime agricultural lands should be planned for continued agricultural use.

Coastal Act Section 30241 appears in part in HBAP Section 3.24 as follows:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

¹ Coastal Act Section 30113 defines “prime agricultural land” through incorporation-by-reference of paragraphs (1) through (4) of Section 51201(c) of the California Government Code. Prime agricultural land entails land with any of the follow characteristics: (1) a rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or (2) a rating 80 through 100 in the Storie Index Rating; or (3) the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or (4) the ability to normally yield in a commercial bearing period on an annual basis not less than two hundred dollars (\$200) per acre of unprocessed agricultural plant production of fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years.

- (a) *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) *By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) *By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) *By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) *By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

Coastal Act Section 30242 appears in its entirety in HBAP Section 3.24 as follows:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

HBAP Section 3.24-B-1-a states as follows:

Lands outside Urban Limit Lines that are prime agricultural lands based on the adopted definition of prime lands of the State of California shall be planned for continued agricultural use, and no division or development of such lands shall be approved which would lower the economic viability of continued agricultural operations on them.

As submitted, the IP amendment is inconsistent with the above LUP policies, as it would no longer expressly allow the “General Agriculture” use type as a principal or conditional use on the 6 acres of prime agricultural lands on the site. Suggested Modification No. 1 (see below) would retain the TC zone district on the portion of the site containing prime agricultural land (see Exhibit No. 4), and thus would be consistent with the LUP, as it would expressly provide for agricultural uses to continue to be principally permitted over the 6 acres of prime agricultural land on the subject site.

3. Suggested Modifications

The Commission suggests the following modifications to the proposed IP amendment:

SUGGESTED MODIFICATION NO. 1: Retain the Coastal Commercial Timberland (TC) zoning district, as currently certified, on the approximately 6-acre portion of the subject site, around the tributary to Ryan Creek, which contains prime agricultural soils, as generally shown on Exhibit No. 4 of the Coastal Commission staff recommendation report.

III. CONCLUSION

As discussed above, the proposed IP amendment as submitted would not conform with and be adequate to carry out the provisions of the certified LUP. However, retaining the TC zone district across the property's approximately 6 acres of agricultural land as modified by the Commission in Suggested Modification No. 1, which allows for "General Agriculture" as a principal permitted use type, would ensure that the implementing TC zoning designation for this portion of the subject property would conform with and adequately carry out the TC land use plan designation for the site and conform with and carry out the agricultural protection policies of the certified LUP.

Therefore, the Commission finds the proposed amendment to the County's Implementation Program as modified conforms with and is adequate to carry out the certified Land Use Plan, consistent with Section 30513 of the Coastal Act.

IV. PUBLIC PARTICIPATION & COMMISSION REVIEW

The proposed LCP amendment was the subject of local public hearings before the Humboldt County Planning Commission and the County Board of Supervisors. All of these public hearings were properly noticed to provide for adequate public participation. The LCP amendment submittal was determined to be complete and deemed submitted by the North Coast District Office on July 13, 2009. Copies of the Board of Supervisors' adopting ordinances and resolution of transmittal to the Commission are attached as Exhibit No. 9. On September 9, 2009 the Commission approved a one-year extension of the deadline on which the Commission must act on the proposal, changing the deadline for Commission action from September 11, 2009 to September 11, 2010.

PART THREE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed in the findings above, the amendment request, with incorporation of the suggested modification, is consistent with the California Coastal Act. The modification ensures consistency between the land use plan designation of the subject site and its implementing zone district, which must conform with and be adequate to carry out the provisions of the certified LUP.

There are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment. The Commission finds that approval of the LCP amendment with the incorporation of the suggested modifications will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Aerial Photo
4. Map of Prime Agricultural Land & Land To Be Retained in TC Zoning
5. Land Use Plan Map
6. Zoning Map
7. Excerpts, Humboldt County Land Use Plan (Humboldt Bay Area Plan)
8. Excerpts, Humboldt County Coastal Zoning Regulations
9. County Resolution and Ordinance for the Race Investments LCP Amendment

A B C D E F G H I J K L M N O

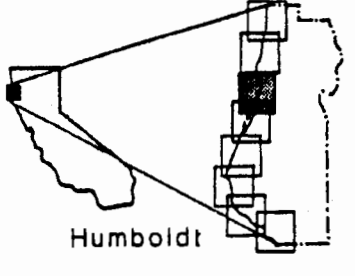
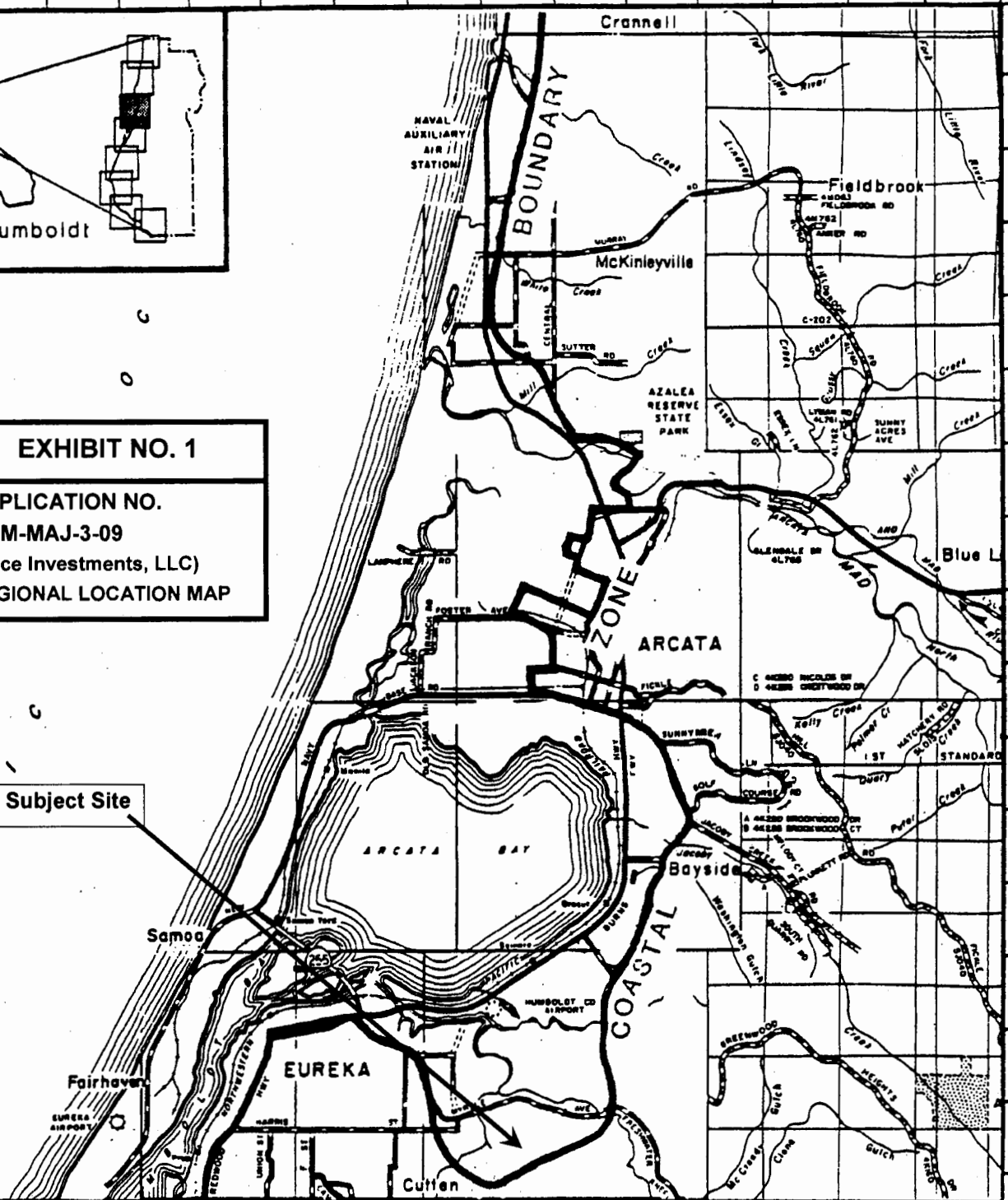
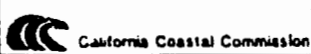


EXHIBIT NO. 1
APPLICATION NO.
HUM-MAJ-3-09
(Race Investments, LLC)
REGIONAL LOCATION MAP

Subject Site



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LOCATION MAP



County of Humboldt

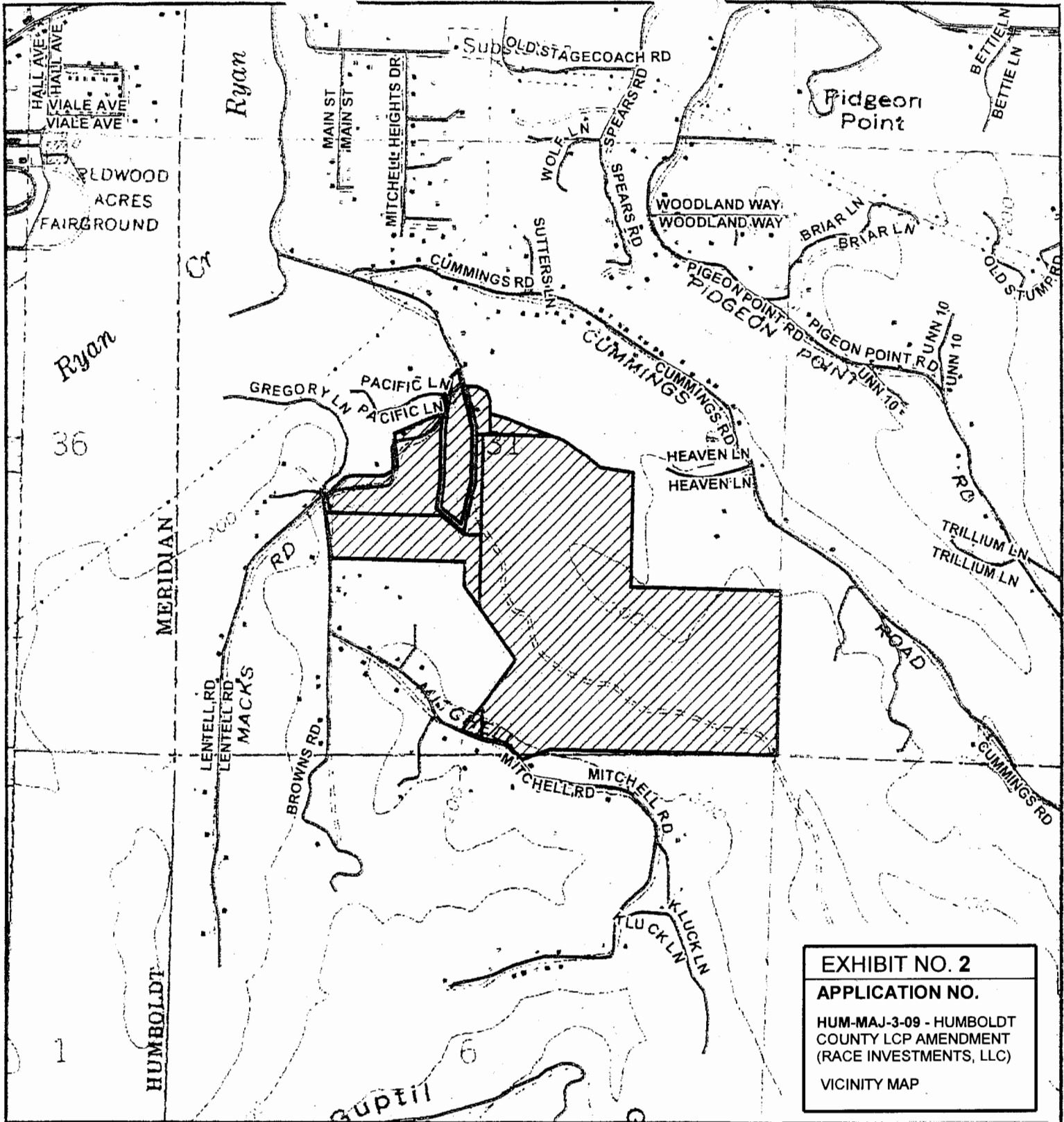


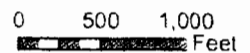
EXHIBIT NO. 2
APPLICATION NO.
 HUM-MAJ-3-09 - HUMBOLDT
 COUNTY LCP AMENDMENT
 (RACE INVESTMENTS, LLC)
 VICINITY MAP

TOPO MAP

**PROPOSED RACE INVESTMENTS LLC
 ZONE RECLASSIFICATION**

Project Site = 

EUREKA AREA
 ZR-07-01
 APN: 017-191-003 et al.
 T05N R01E.S31 H B & M





Tributary to
Ryan Creek and
Agricultural Soils

EXHIBIT NO. 3
APPLICATION NO.

**HUM-MAJ-3-09 - HUMBOLDT
COUNTY LCP AMENDMENT
(RACE INVESTMENTS, LLC)**

AERIAL PHOTO

800 0 800 1600 Feet

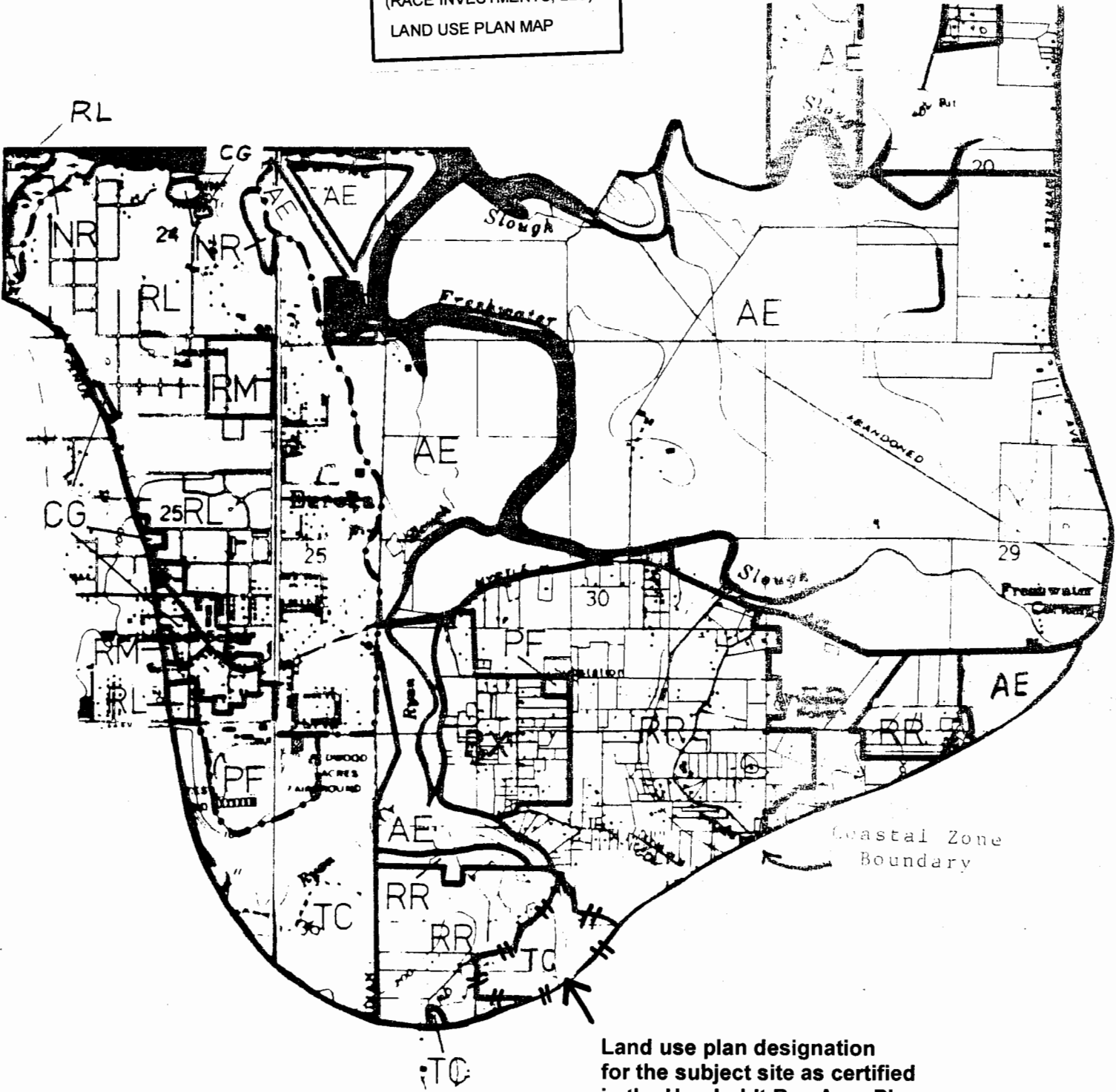
RF -- 1:13703

RACE Investments LLC

Map Disclaimer:
While every effort has been made to assure the accuracy
of this information, it should be understood that it does
not have the force and effect of law, rule, or regulation.
Should any difference or error occur, the law will take precedence



EXHIBIT NO. 5
APPLICATION NO.
 HUM-MAJ-3-09 - HUMBOLDT
 COUNTY LCP AMENDMENT
 (RACE INVESTMENTS, LLC)
 LAND USE PLAN MAP



**Land use plan designation
 for the subject site as certified
 in the Humboldt Bay Area Plan**

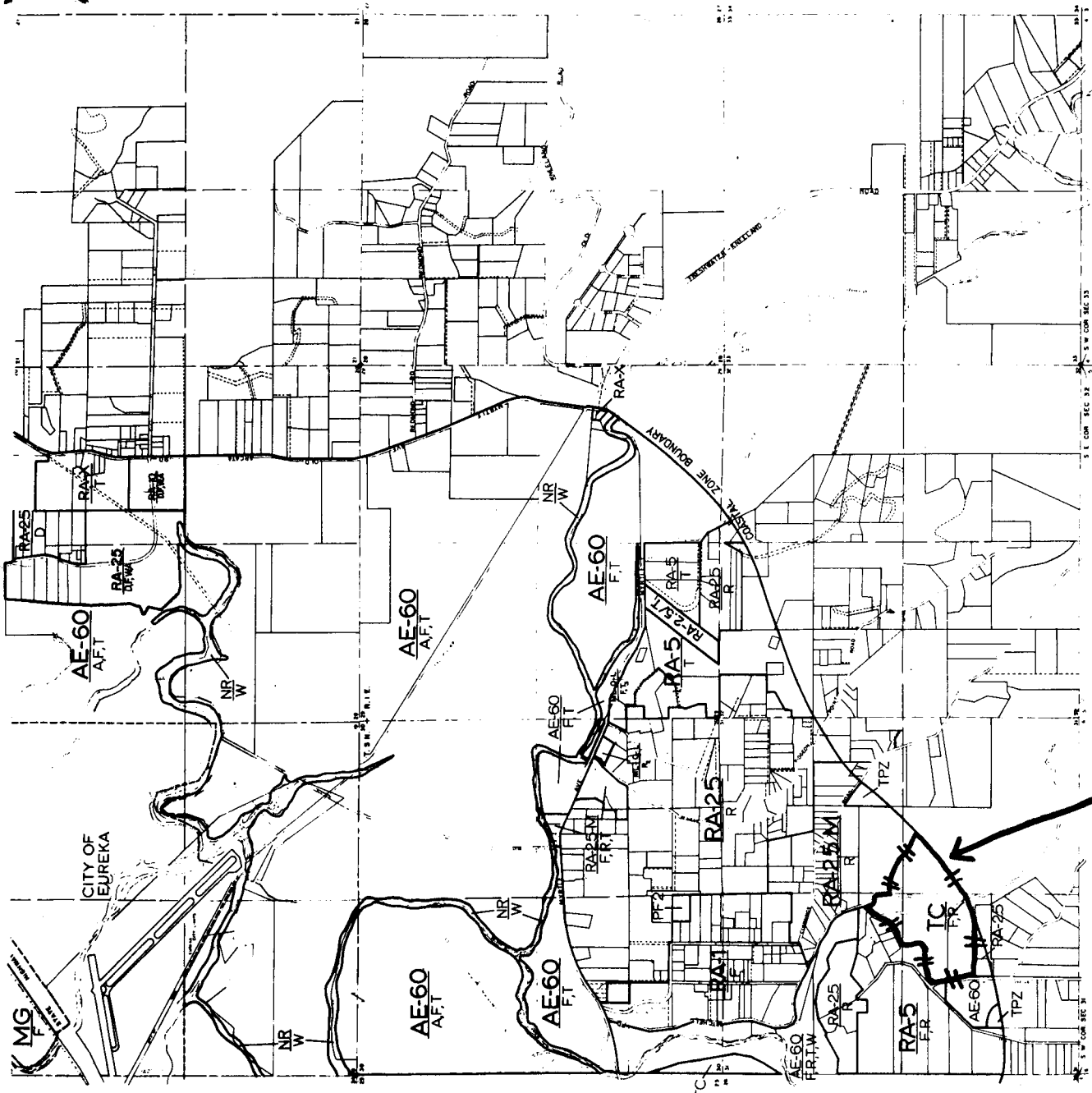


EXHIBIT NO. 6
APPLICATION NO.
 HUM-MAJ-3-09 - HUMBOLDT
 COUNTY LCP AMENDMENT
 (RACE INVESTMENTS, LLC)
 ZONING MAP

County of Humboldt
ZONING MAP
 Sec's 19-21, 28-33 T5N., R1E., M.S.A.M.

Number	Ordinance	Date
1	1948	12-19-50
2	1947	12-19-54
3		

REVISIONS

SCALE: 1" = 1000'
 0 500 1000
 Feet

North Arrow

Model: F-16
 Date of Adoption: 9/10/05
 Ordinance: 7705

Certified zoning for the subject site as seen on Zoning Map F-16 certified as Section 311-7 of the Coastal Zoning Regulations

- (9) Reforestation activities including site preparation under the authority of the California Department of Forestry and Fire Protection (CDF) and other State Agencies having regulatory jurisdiction.

3.24 AGRICULTURE

*** 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

*** 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

A. PLANNED USES

Approximately 10,600 acres within the planning area are planned for agricultural use, which includes all land currently in agricultural production except for the following:

1. Arcata fringe (north of Samoa Blvd.): This area is surrounded on three sides by development, and due to its small size and interference from adjacent land uses is no longer feasible for agricultural production.
2. Indianola: Several parcels at the north end of the area planned for rural residential development also contain agricultural bottomland that will be protected by conservation easements. Concentration of development on the

EXHIBIT NO. 7

APPLICATION NO.

HUM-MAJ-3-09 - HUMBOLDT
COUNTY LCP AMENDMENT
(RACE INVESTMENTS, LLC)

EXCERPTS, HUMBOLDT
CO. LAND USE PLAN (1 of 3)

upland areas of these easements will serve to protect agricultural uses on the bottomlands.

3. Spruce Point: Several small parcels in this area are currently in agricultural use, although these uses are severely restricted by the wet nature of these parcels. This area has been proposed for a Resource-Dependent designation so that a unified wetland restoration plan can be prepared that would consolidate upland areas for development purposes.

B. DEVELOPMENT POLICIES

1. Identification of Agricultural Lands - Prime/Non Prime
 - a. Lands outside Urban Limit Lines that are prime agricultural lands based on the adopted definition of prime lands of the State of California shall be planned for continued agricultural use, and no division or development of such lands shall be approved which would lower the economic viability of continued agricultural operations on them.
 - b. Lands outside Urban Limit Lines that are not prime agricultural land, but are in agricultural use, have present or future potential for significant agricultural production, and/or are contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize the agricultural use of adjacent agricultural lands shall be planned for continued agriculture.
 - c. Non prime agricultural land may be converted to other types of land use only when the long term economic unfeasibility of continued agricultural operation is shown to exist; and no division of or development of such lands shall be permitted which would lower the viability of continued agricultural operations on adjacent agricultural lands.
 - d. Within areas planned for long term productive agricultural use, no agricultural land division will be approved where any parcel created thereby is less than 60 acres. However, divisions of these agricultural lands to a minimum size of 20 acres otherwise consistent with this Chapter may be approved pursuant to rezoning and parcel map procedures, subject to the below conditions, if the County or Commission on appeal, finds that the division is necessary for a specific agricultural purpose (e.g. to provide for a separate starter farm for a family member), the division will not adversely affect the area's agricultural economy or habitat resources. The rezoning and parcel map may be approved only upon satisfaction of all the following conditions:
 - (1) Execution of an Agricultural Preserve Contract (Williamson Act Contract) with the County.
 - (2) Acknowledgment either on the parcel map or in a covenant within the chain of title that although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, except to other open space or habitat restoration use, will be

AE AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

PURPOSE: to protect prime and non-prime agricultural lands for long term productive agricultural use.

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, and the principle uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures.

CONDITIONAL USES: hog production, watershed management, management for fish and wildlife habitat, recreation (such as hunting camps and stables except those requiring non-agricultural development), utility transmission lines, farm labor housing, greenhouses, feed lots and similar confined livestock operations.

GROSS DENSITY: 60 acre minimum parcel size, except that divisions to 20 acres may be permitted where the parcel is subject to an Agricultural Preserve contract and rezoning (see Section 3.24).

AEG AGRICULTURE EXCLUSIVE/GRAZING LANDS

PURPOSE: to protect coastal grazing lands for long-term productive grazing use.

PRINCIPAL USE: production of food, fibre or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, and principle permitted uses under TC.

CONDITIONAL USES: same as AE.

GROSS DENSITY: 160 acre minimum parcel size as permitted by Section 3.24C & E.

TC COASTAL COMMERCIAL TIMBERLAND

PURPOSE: to protect productive timberlands for long-term production of merchantable timber.

PRINCIPAL USE: timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.23 of this document, and principle uses permitted under AE, except second dwelling.

CONDITIONAL USES: management of watershed, management for fish and wildlife, utility and transmission lines, second dwellings, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

GROSS DENSITY: 160 acre minimum, except that with a joint timber management plan parcels to 40 acres may be created.

NR NATURAL RESOURCES

PURPOSE: to protect and enhance valuable fish and wildlife habitats, and provide for public and private use of their resources, including hunting, fishing and other forms of recreation.

COMBINING ZONES - INLAND		
COMBINING ZONE	DESIGNATION	CODE SECTION
Special Building Site	B	314-17
Design Control	D	314-19
Flood Hazard Areas	F	314-21
Alquist-Priolo Fault Hazard	G	314-22.1
Greenway and Open Space	GO	314-22.2
Landscaping and Design Control	L	314-27
Manufactured Home Development Standard	M	314-28
Planned Development	P	314-31
Qualified	Q	314-32
Recreation	R	314-33
Development Standard	S	314-34
Development Standard - Standards in Addition to Manufactured Home Building Types are Modified	SM	314-34.2
Development Standards - Minimum Lot Size and Minimum Average Lot Size are Both Specified	SY	314-34.3
Development Standards Where Standards in Addition to Minimum Lot Size are Modified	SZ	314-34.4
Manufactured Home	T	314-35.1
Vacation Home Rental	V	314-37.1
Recreation	X	314-39.1
Specified Minimum and Average Lot Size	Y	314-40.1
No Further Subdivision Allowed	Z	314-41.1

311-7 DESIGNATION AND ADOPTION OF ZONING MAPS

- 7.1 The designation, location and boundaries of the zones shall be made by written description or by delineation on zoning maps which may be adopted or amended as provided in Chapter 2 of this Division. (Former Section CZ#A311-8; Ord. 1705, 9/10/85)
- 7.2 The maps and all notations, references, data and other information shown thereon shall be a part of, and subject to all of the requirements of this Code, and shall supersede all maps, notations, references, data and other information which are incorporated or referenced in any prior zoning maps of the County Code. Although the zoning maps and written legal descriptions of property within the County of Humboldt are not included in the text of this Code, they are incorporated herein by reference. (Former Section INL#313-3, INL#313-4; CZ#A311-8, CZ#A311-9; Ord. 519, Sec. 303, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

EXHIBIT NO. 8
APPLICATION NO.
 HUM-MAJ-3-09 – HUMBOLDT
 COUNTY LCP AMENDMENT
 (RACE INVESTMENTS, LLC)
 EXCERPTS, HUMBOLDT
 COUNTY COASTAL ZONING
 REGULATIONS (1 of 6)

313-7.2	TC: Commercial Timber
	Principal Permitted Use
	Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description)
	Conditionally Permitted Use
Use Type	Single Family Residential. A Use Permit is required for a second single family residence.
Residential Use Types	Essential Services
Civic Use Types	Solid Waste Disposal; subject to the Solid Waste Disposal Regulations
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Industrial Use Types*	Minor Generation and Distribution Facilities
	Timber Products Processing
	Aquaculture
	Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Agricultural Related Recreation
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
	Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations
	Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Type	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.
	Compatible Uses Permitted with a Special Permit
Use Type	Labor Camp
Residential Use Types	Timber Related Recreation
Commercial Timber Use Type	Fish and Wildlife Management
Natural Resource Use Types	Watershed Management
	Wetland Restoration

*See, Industrial Performance Standards, Section 313-103.1.

**See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(From Section CZ#A314-11(B); CZ#A313-30(A-C); amended by Ord. 1853, 12/20/88, amended by Ord. 2167, Sec. 22, 4/7/98; amended by Ord. 2376A, 7/25/06)

2 of 6

313-7.2 TC: COMMERCIAL TIMBER	
Development Standards	
Minimum Lot Size	Forty acres (40a).
Minimum Lot Width	(As determined during subdivision review and approval).
Maximum Lot Depth	(None specified.)
Maximum Density	(None specified.)
Maximum Total Conversion of Timberland for Non-Timber Production Uses	Two acres (2a) of contiguous or non-contiguous land.
Minimum Yard Setbacks***	
Front	Twenty feet (20'); Thirty feet (30') for flag lot.
Rear	Thirty feet (30').
Interior Side	Thirty feet (30').
Exterior Side	Twenty feet (20').
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Maximum Ground Coverage	(None specified.)
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Ancillary Residential; Manufactured Home. Detached Nonresidential

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.
 (From Section CZ#A314-11(B); CZ#A313-30(A-C); amended by Ord. 1853, 12/20/88)

3 of 6

313-7.3	TPZ: Timberland Production Zone
<p>Use Type Residential Use Types Civic Use Types Industrial Use Types* Agricultural Use Types Extractive Use Type Natural Resource Use Type Use Types Not Listed in This Table**</p>	<p>Principal Permitted Use Timber Production Principal Permitted Use (See Section 313-163.1.9 for description)</p> <p>Conditionally Permitted Use Single Family Residential. A Use Permit is required for a second single family residence. Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations Agriculture-Related Recreation Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Coastal Access Facilities Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.</p>
<p>Use Type Residential Use Types Commercial Timber Use Type Natural Resource Use Types</p>	<p>Compatible Uses Permitted with a Special Permit Labor Camp Timber Related Recreation Fish and Wildlife Management Watershed Management Wetland Restoration</p>

*See, Industrial Performance Standards, Section 313-103.1.

**See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(Former Section CZ#A313-31(A-C); Section CZ#A314-11(B); amended by Ord. 1853, 12/20/88; amended by Ord. 2167, Sec. 23, 4/7/98; amended by Ord. 2376A, 7/25/06)

4 of 6

313-7.3 TPZ: TIMBERLAND PRODUCTION ZONE	
Development Standards	
Minimum Lot Size	Forty acres (40a).
Minimum Lot Width	(As determined during subdivision review and approval).
Maximum Lot Depth	(None specified.)
Maximum Density	(None specified.)
Maximum Total Conversion of Timberland for Non-Timber Production Uses	Two acres (2a) of contiguous or non-contiguous land.
Minimum Yard Setbacks***	
Front	Twenty feet (20'); Thirty feet (30') for flag lots.
Rear	Thirty feet (30').
Interior Side	Thirty feet (30')
Exterior Side	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Maximum Ground Coverage	(None specified.)
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Ancillary Residential; Manufactured Home. Detached Nonresidential.

***Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11. (Former Section CZ#A313-31(A-C); Section CZ#A314-11(B); amended by Ord. 1853, 12/20/88)

(313-8 through 313-14: Sections Reserved for Future Use)

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential (on lots sixty (60) acres or larger in size, two single detached dwellings are permitted), General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act. (Added by Ord. 2367A, 7/25/06, Amended by Ord. 2383, 2/27/07)

163.1.9.10 Commercial Timber

The Commercial Timber Principally Permitted Use includes the following uses: Single Family Residential, General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. (Added by Ord. 2367A, 7/25/06)

163.1.9.11 Timber Production

The Timber Production Principally Permitted Use includes the following uses: Single Family Residential, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act. (Added by Ord. 2367A, 7/25/06, Amended by Ord. 2383, 2/27/07)



313-164 HOW TO DETERMINE AND CLASSIFY ALLOWED USES WHEN MORE THAN ONE USE TYPE MIGHT APPLY

The following rules shall apply when a lot or building site contains multiple uses which constitute or resemble two or more different use types, and which are not classified as accessory uses pursuant to the Accessory Use Regulations. (Former Section CZ#A313-3)

164.1 Separate Classifications of Several Establishments. The uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types. (Former Section CZ#A313-3(A))

164.2 Classification and Limitation of Different Uses Within Same Category of Use Types Conducted by Individual Establishment. If uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types within the same category of use types, all such uses shall be classified in the use type whose description most closely portrays the overall nature of such uses. However,

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on September 2, 2008

RESOLUTION NO. 08-78

EXHIBIT NO. 9

APPLICATION NO.
HUM-MAJ-3-09 - HUMBOLDT
COUNTY LCP AMENDMENT
(RACE INVESTMENTS, LLC)
COUNTY RESOLUTION &
ORDINANCE FOR THE RACE
INVESTMENTS LCP
AMENDMENT (1 of 7)

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVING THE RACE INVESTMENTS
LLC APPLICATION, AND AUTHORIZING THE TRANSMITTAL OF THE LOCAL COASTAL
PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION: CASE NUMBERS
ZR-07-01; ASSESSOR PARCEL NUMBER 017-191-03 ET AL.

WHEREAS, Race Investments LLC submitted an application and evidence in support of approving a Local Coastal Program Amendment and Zone Reclassification for lands in the Eureka area, that is, reclassifying approximately 45 acres from Coastal Commercial Timberland with Flood Hazard Areas and Streams and Riparian Corridor Protection combining zones into Timberland Production Zone with said combining zones and approximately 106 acres from Agriculture Exclusive into Timberland Production Zone; and

WHEREAS, the proposed project may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; (3) The proposed change is consistent with the policies of Chapter 3 commencing with Section 30200 of the Public Resources Code, and the implementing ordinances are in conformity with and carry out the provisions of the certified Humboldt Bay Area Plan; (4) The proposed change is consistent with the California Environmental Quality Act; and (5) The proposed change is consistent with the Forest Taxation Reform Act of 1976 and Article 4 of the California Government Code Section 51133; and

WHEREAS, the Community Development Services Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is statutorily exempt from environmental review pursuant to Section 15264 of the California Environmental Quality Act and Section 51119 of the California Government Code; and

WHEREAS, the Community Development Services Planning Division has provided a report which includes evidence in support of making all of the required findings for approving the proposed LCP Amendment and Zone Reclassification application for Case No.: ZR-07-01; and

WHEREAS, the Community Development Services Planning Division has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the project; and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on May 15, 2008 on this matter to receive other evidence and testimony; and

WHEREAS, at their May 15, 2008 meeting, the Planning Commission resolved, determined, and ordered that the following findings be and are hereby made:

1. The Planning Commission found that the project is statutorily exempt per Section 15264 of California Environmental Quality Act and Section 51119 of the California Government Code, and that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission made the findings in Attachment 2 of the Planning Commission staff report for Case No.: ZR-07-01 based on the submitted evidence; and


BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on September 2, 2008

NOW, THEREFORE, BE IT RESOLVED, determined, and ordered by the Board of Supervisors of the County of Humboldt that:

1. The Board of Supervisors finds the project is statutorily exempt per Section 15264 of California Environmental Quality Act and Section 51119 of the California Government Code, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. The Board of Supervisors makes the findings for Case No.: ZR-07-01 based on the submitted evidence and further finds that the Local Coastal Program Amendment will be carried out in accordance with the Coastal Act.
3. The Board of Supervisors approves and adopts the Local Coastal Program Amendment and Zone Reclassification as recommended by the Planning Commission at their May 15, 2008 meeting for Case No.: ZR-07-01 and authorizes the amendment to be submitted to the California Coastal Commission.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. The Community Development Services – Planning Division is hereby directed to transmit the Local Coastal Program Amendment and Zone Reclassification to the California Coastal Commission for certification in accordance with the Coastal Act, the Local Coastal Program Amendment to become effective upon approval by the Coastal Commission;
2. The Community Development Services Planning Division is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research pursuant to California Environmental Quality Act; and
3. The Clerk of the Board is hereby directed to give notice of the decision to the applicant/owner, the Assessor's office and any other interested party.
4. The Clerk of the Board is hereby directed to publish the Summary of the Ordinance.
5. The Clerk of the Board is hereby directed to record the Certification for Rezoning (Notice of Timberland Production Status) pursuant to Sections 51117 and 51141 of the California Government Code, giving notice that the rezoning shall become effective upon certification of the Local Coastal Program Amendment and Zone Reclassification by the California Coastal Commission.



Chair, Humboldt County Board of Supervisors

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on September 2, 2008

Adopted on motion by Supervisor Woolley, seconded by Supervisor Neely and the following vote:

AYES: Supervisors: Rodoni, Neely, Geist, Smith, Woolley

NOES: Supervisors:

ABSENT: Supervisors:

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF HUMBOLDT

On this 2 day of September 2008, before me, Nikki Turner
Personally appeared Jill Geist

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in hi/her/their authorized capacity(ies), and that by his/her/their signature(s) on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Nikki Turner



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

B-1

For the meeting of: September 9, 2008

Date: September 2, 2008

To: Board of Supervisors

From: Kirk Girard, Director of Community Development Services

Subject: Adoption of Ordinance Amending Section 311-7 of the Humboldt County Code by Reclassifying Approximately 45 Acres in the Eureka Area from Coastal Commercial Timberland with Flood Hazard Areas and Streams and Riparian Corridor Protection Combining Zones into Timberland Production Zone with Said Combining Zones and Approximately 106 Acres from Agriculture Exclusive into Timberland Production Zone, to Become Effective upon California Coastal Commission Certification of the Proposed Local Coastal Program Amendment

RECOMMENDATIONS:

That the Board of Supervisors adopt Ordinance No. 2398, amending Section 311-7 of the Humboldt County Code, pursuant to the attached Board order.

SOURCE OF FUNDING:

Community Development Services - Current Planning Trust (#277)

DISCUSSION:

On September 2, 2008, your Board introduced the above ordinance for adoption and directed the Clerk of the Board to publish a pre-adoption summary of the ordinance and set the ordinance for adoption today.

The ordinance amends Section 311-7 of the Humboldt County Code by reclassifying property amending Section 311-7 of the Humboldt County Code by reclassifying approximately 45 acres in the Eureka area [ZR-07-01, Race

Prepared by Anita Punla

CAO Approval

T. L. F. R.

REVIEW:

Auditor _____ County Counsel WBC Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

- X Consent
Departmental
Public Hearing
Other

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor NEELY
Seconded by Supervisor SMITH
And unanimously carried by those members present,

PREVIOUS ACTION/REFERRAL:

Board Order No. K-1 _____

Meeting of: September 2, 2008

The Board hereby adopts the recommended action contained in this report.

Dated: September 9, 2008
Kathy Hayes, Clerk of the Board

By: Y. Turner

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on September 15, 2008

ORDINANCE NO. 2398

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE EUREKA AREA
[ZR-07-01 (RACE INVESTMENTS LLC)]

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying the property described in the attached Exhibit A as follows: an approximate 151 acres, consisting of an approximate 45 acres of Coastal Commercial Timberland with Flood Hazard Area, Streams and Riparian Corridor Protection combining zones into Timberland Production Zone with Flood Hazard Area, Streams and Riparian Corridor Protection combining zones , and an approximate 106 acres of Agricultural Exclusive into Timberland Production Zone . The area described is also shown on the Humboldt County Coastal Zoning Map F-16 and the Freshwater Community Plan Zoning Map and on the map attached as Exhibit B.


SECTION 2. This ordinance shall take effect and be in full force thirty (30) days from the date of its passage or on the date of final certification by the California Coastal Commission, whichever occurs later. A summary shall be published at least five (5) days before the date for adoption and again fifteen days after passage of this ordinance. It shall be published at least once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 2nd day of September 2008, on the following vote, to wit:

AYES: Supervisors: Rodoni, Neely, Geist, Smith


NOES: Supervisors:

ABSENT: Supervisors: Woolley


Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:
Nikki Turner
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California


Nikki Turner

547

Race Investments Rezone

File No. APN: 017-191-03 et al.

EXHIBIT "A"

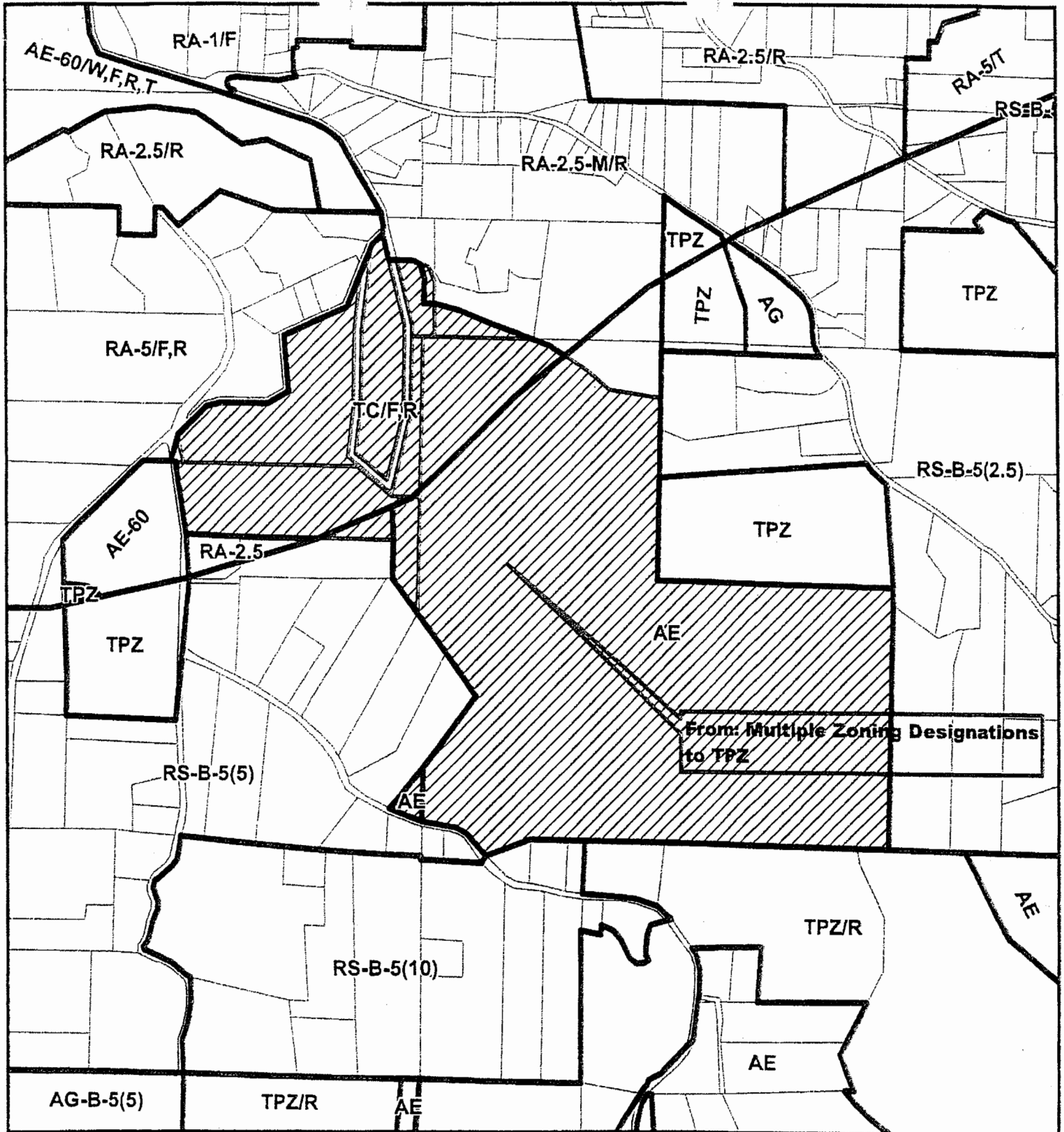
PROPERTY DESCRIPTION

All that real property situate in the County of Humboldt, State of California, in Sections 31, Township 5 North, Range 1 East, Humboldt Meridian, as follows:

The Remainder Parcel as shown on Parcel Map No. 2117. Filed in Book 18 of Parcel Maps, Pages 117 & 118, Humboldt County Records.

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Exhibit "A"



ZONING MAP DETAIL

PROPOSED RACE INVESTMENTS LLC
ZONE RECLASSIFICATION,

7097

EUREKA AREA

ZR-07-01

APN: 017-191-003 et al.

Project Site = 