

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 826-8950
FAX (707) 826-8960



Click to go to
original staff report

Th8a

MEMORANDUM

Date: September 8, 2015

To: Commissioners and Interested Persons

From: Alison Dettmer, Deputy Director
Bob Merrill, District Manager
Melissa Kraemer, Supervising Planner

Subject: Addendum to Commission Meeting for Thursday, September 10, 2015
North Coast District Item Th8a
LCP-1-HUM-15-0011-2 (Big Lagoon Park Company, Humboldt County)

This staff report addendum makes substantive changes to the August 28, 2015 staff report for the subject LCP amendment application. As submitted, the proposed LCP amendment would reconfigure the boundary lines between the existing Residential Estates (RE) and Coastal Commercial Timberland (TC) land use and zoning designations on a single 13-acre lot owned by the Big Lagoon Park Company. The LCP amendment as submitted also would reconfigure the existing urban limit line on the property to run coincident with the reconfigured RE area.

Although the LCP amendment is proposed to accommodate a specific development proposal involving the relocation of existing cabins on commonly owned contiguous lots, the proposed amendment will affect the future development of the site whether or not the property owners carry through with the proposed cabin relocation. Staff originally recommended certification of the LCP amendment as submitted because the proposed amendment could be found consistent with the applicable Coastal Act standards. However, upon review of the local CDP for the relocation of the cabins that will be subject to appeal once the Commission receives a notice of final local action, staff has discovered that its recommendation of approval as submitted will not accomplish the County's desired objective of accommodating the potential relocation of up to 14 cabins subject to ongoing bluff retreat hazards. Staff therefore recommends that the Commission deny the proposed LUP and IP amendments as submitted and certify the proposed amendments with three suggested modifications that will achieve the County's desired objective.

Staff continues to support the redesignation and rezoning of portions of the subject 13-acre parcel that can facilitate the potential relocation of up to 14 existing cabins from near the bluff

9/8/2015

edge. As discussed in the staff recommendation of August 28, 2015, the redesignation of a 4.8-acre portion of the 13-acre lot is supported by evidence that the redesignated area can be developed for residential use in a manner that will avoid geologic hazards, the need for future shoreline protective devices, and other significant impacts to coastal resources. However, upon further review of the density and non-conforming use provisions of the certified LCP, staff has determined that relocation of up to 14 cabins to the subject property would not be consistent with the density provisions of the certified LCP, even as proposed to be amended by the County. In addition, staff believes that the suggested modifications to the LUP are needed for consistency with Sections 30250 and 30253 of the Coastal Act.

To ensure that: (1) the contemplated relocation of cabins can be developed consistent with all provisions of the certified LCP as amended, including the density provisions; (2) the LCP is not implemented in a manner that could lead to unintended increases in development potential that exceed the level of development that can be accommodated in the area inconsistent with Section 30250 of the Coastal Act; and (3) development is not approved that would engender the need for future shoreline protective devices inconsistent with Section 30253 of the Coastal Act, staff believes that three suggested modifications are needed. These suggested modifications would modify the density provisions of the certified LCP to allow for the relocation of the existing cabins to the subject property provided that: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential because the commonly owned lots are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (2) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (3) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.

The County has already approved a CDP for the relocation of up to 14 existing cabins to the subject property, which would become effective upon certification of the LCP amendment by the Commission. As approved, the CDP does not contain conditions safeguarding against increases in development potential that exceed the level of development that can be accommodated in the area, inconsistent with Section 30250 of the Coastal Act (which is incorporated as a policy of the certified LCP). In addition, the approved permit does not contain prohibitions against the future development of shoreline protective devices to protect the relocated cabins, which would substantially alter natural landforms along bluffs and cliffs in a manner that would be inconsistent with Section 30253 of the Coastal Act (which also is incorporated as a policy of the certified LCP). Therefore, both to ensure consistency with the certified LCP as suggested to be modified and to avoid a potential appeal of the permit, staff has recommended to the County and the property owner that the approved permit be amended to include these kinds of conditions.

Commission staff has discussed the suggested modifications and the need to amend the previously approved permit for the relocation of the cabins with planning staff from Humboldt

County and with the Big Lagoon Park Company. Neither the County staff nor the Big Lagoon Park Company has objected to the suggested modifications or to amending the CDP.

The Commission's procedures require that if the Commission wishes to certify an amendment with modifications, the Commission must first deny the LCP amendment request as submitted and then certify the amendment if modified as suggested incorporating the recommended changes. Therefore, staff recommends, per the revised motions shown below, that the Commission, upon completion of the public hearing, deny the LCP amendment as submitted and then certify the amendment if modified as suggested.

The recommended revised motions and resolutions are shown on pages 4-6 of this staff report addendum. The recommended suggested modifications are shown on pages 6-7.

RECOMMENDED REVISIONS TO THE STAFF REPORT

The recommended changes, introduced in boxed text, include 1) revisions to motions and resolutions, 2) added suggested modifications, 3) revisions to the LUP findings, 4) revisions to the IP findings, 5) revisions to the CEQA findings, and 6) corresponding revisions as needed to report section headings and to the Table of Contents. Text to be deleted is shown in ~~striketrough~~, and text to be added appears in **bold double-underline**.

1) Revisions to Motions and Resolutions

Supersede and replace the two motions, recommendations and resolutions shown on page 4 of Section I, “Motions, Recommendations & Resolutions,” of the August 28, 2015 staff report with the four motions recommendations, and resolutions shown below.

A. DENIAL OF LUP AMENDMENT NO. LCP-1-HUM-15-0011-2 AS SUBMITTED

Motion A:

I move that the Commission certify Land Use Plan Amendment No. LCP-1-HUM-15-0011-2 as submitted by the County of Humboldt.

Staff recommends a **NO** vote. Following the staff recommendation will result in rejection of the Land Use Plan Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution A to Deny Certification the LUP Amendment as submitted: *The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-HUM-15-0011-2 as submitted by the County of Humboldt and adopts the findings set forth below on the grounds that the land use plan as amended does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan 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 Land Use Plan Amendment.*

B. CERTIFICATION OF LUP AMENDMENT NO. LCP-1-HUM-15-0011-2 WITH SUGGESTED MODIFICATIONS

Motion B:

I move that the Commission certify Land Use Plan Amendment No. LCP-1-HUM-15-0011-2 for the County of Humboldt if it is modified as suggested in this staff report.

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Resolution B to Certify the LUP Amendment with suggested modifications: *The Commission hereby certifies the Land Use Plan Amendment No. LCP-1-HUM-15-0011-2 for the County of Humboldt if modified as suggested and adopts the findings set forth*

below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment 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 plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment if modified.

C. DENIAL OF IP AMENDMENT NO. LCP-1-HUM-15-0011-2 AS SUBMITTED

Motion C:

I move that the Commission reject Implementation Program Amendment No. LCP-1-HUM-15-0011-2 for the County of Humboldt as submitted.

Staff recommends a YES vote. Passage of the motion will result in rejection of the implementation plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution C to Deny Certification of the IP Amendment as submitted: *The Commission hereby denies certification of the Implementation Program Amendment No. LCP-1-HUM-15-0011-2 as submitted by the County of Humboldt on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan 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 implementation program amendment as submitted.*

D. CERTIFICATION OF IP AMENDMENT NO. LCP-1-HUM-15-0011-2 WITH SUGGESTED MODIFICATIONS

Motion D:

I move that the Commission certify Implementation Program Amendment No. LCP-1-HUM-15-0011-2 for the County of Humboldt if it is modified as suggested in this staff report.

Staff recommends a YES vote. Passage of the motion will result in rejection of the implementation plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

9/8/2015

Resolution D to Certify the IP Amendment with suggested modifications: *The Commission hereby certifies of the Implementation Program Amendment No. LCP-1-HUM-15-0011-2 for the County of Humboldt if modified as suggested on grounds that the Implementation Program as amended, conforms with and is adequate to carry out the provisions of the Land Use Plan, as certified. Certification of the Implementation Plan Amendment will comply with 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 or mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

2) Added Suggested Modifications

Add the following subsection on suggested modifications to Section I (Motions, Recommendations, and Resolutions) of the August 28, 2015 staff report.

E. SUGGESTED MODIFICATIONS

Land Use Plan

SUGGESTED MODIFICATION 1: The “Gross Density” of the RE land use designation description within LUP Section 5.20 (Urban Plan Designation) shall be amended to read as follows:

...

Gross Density: 0-2 units per acre or as designated on Map 2A.

SUGGESTED MODIFICATION 2: Map 2A of the LUP shall be amended to depict (1) the reconfigured RE and TC land use designations as submitted, (2) the reconfigured urban limit line as submitted, and (3) the following notation applicable to the RE-designated area on the subject lot only:

“Notwithstanding the otherwise applicable density provisions of the Land Use Plan, the 4.8-acre area designated RE on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three

APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”

Implementation Plan

SUGGESTED MODIFICATION 3: The “Maximum Density” standards of the RS: Residential Single Family zone district standards listed in Section 313-6.1 of the Coastal Zoning Regulations shall be amended as follows:

...

<i>Maximum Density</i>	<i>Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit, <u>or as designated in Note 1 below for APN 517-121-010 in the Big Lagoon area.</u> In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.</i>
-------------------------------	---

...

“Note 1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations, the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”

3) Revisions to the LUP Findings

Make the following revisions to the LUP findings beginning on page 5 of the 8/28/15 staff report.

II. FINDINGS FOR CERTIFICATION DENIAL OF THE LUP AMENDMENT AS SUBMITTED AND CERTIFICATION IF MODIFIED AS SUGGESTED

The Commission finds and declares as follows for proposed Land Use Plan (LUP) amendment LCP-1-HUM-15-0011-2:

...

Make the following revisions to the last paragraph of LUP Finding C, “Proposed LCP Amendment” findings on page 7 of the 8/28/15 staff report.

...

Of the sites authorized by the CDPs described above for relocated development within the 28-acre property, only six remain available for use today (the others have already been used for cabin relocations or have already been identified as relocation sites for nearby cabins). Currently there are at least 10 existing cabins on the 28-acre property near the bluff edge that will be subject to geologic hazard risks over the next 50 years. Thus, the proposed LCP amendment is contemplated in order to plan for the creation of up to 14 additional relocation sites on the adjacent 13-acre lot as part of the Big Lagoon Park Company’s long-term planning effort to address ongoing bluff retreat concerns for the existing cabins (Exhibit 6).

The County already approved County CDP No. 03-62 for the relocation of 14 cabins from the 28-acre lot onto the subject lot. The CDP was approved in 2004 but noted as not effective unless and until the Coastal Commission certifies the proposed LCP amendment. The County plans to submit a Notice of Final Local Action for the approved CDP to the Commission upon effective certification of the subject LCP amendment application. The CDP authorizes the relocation of up to 14 cabins to the subject site on an as needed basis over a 5-year period from the date of permit effectiveness. Permit conditions allow for the permit to be renewed in 5-year increments subject to approval of requests for renewal if (1) the development has not changed from that for which the permit was granted; and (2) the findings made when the permit was granted can still be made (Section 312-11.3.2 of the

County Zoning Regulations). If the findings for renewal cannot be made per one or both conditions, the property owner must apply for an amendment to the CDP to reauthorize the master relocation plan. No change to the total number of Big Lagoon Park Company member cabins (76) is proposed under the CDP or under the LCP amendment as submitted, nor is an increase in the total number of cabins allowed according to the Big Lagoon Park Company bylaws.

In addition to the CDP approval, the County has drafted and is prepared to enter into a binding agreement with the Big Lagoon Park Company to hold all three lots owned by the Big Lagoon Park Company as one parcel. Under the agreement, the property owner agrees to hold the three lots as one parcel and agrees not to sell any portion of the subject lots separately until such time as the three parcels are voluntarily merged into one parcel and a Notice of Merger recorded. The County and the Big Lagoon Park Company also have a Conveyance Agreement for development restrictions on the subject 13-acre lot. The draft agreement would relinquish and grant to the County all of the owner's right, power, and privilege to develop the subject property for purposes other than relocation of existing cabins. However, the protections afforded by these side agreements are neither included in the LCP amendment proposal as submitted nor are they required to be executed and recorded as a condition of the approved CDP for the cabin relocation plan.

Although the LCP amendment is proposed to accommodate a specific development proposal involving the relocation of existing cabins, the amendment will affect future development of the site whether or not the property owners carry through with the proposed cabin relocation. Under the proposed LCP amendment as submitted, given the LCP's existing limitations on density and the restrictions of the X-combining zone discussed in the Implementation Plan findings below that prohibit further division of the subject parcel, the reconfigured RE-designated area could alternatively be developed with up to one single family residence and one secondary dwelling unit in the proposed 4.8-acre RE-designated area.

...

Make the following revisions to LUP Finding D(i), "Planning and Locating New Development" findings beginning in the last full paragraph appearing on page 8 of the 8/28/15 staff report.

...

The purpose of the RE land use designation in the North Coast Area Plan is "*To allow residential development of areas within Urban Limits where community objectives, including resource protection, limit density of potential development, but where urban services are required.*" Principal uses under the RE designation include detached single family residences.

With respect to the urban limit line in the Big Lagoon area, the North Coast Area Plan (Section 4.42) states that the urban limit line should correspond to areas served by the existing water

9/8/2015

systems in the area. These include the Big Lagoon Park Company's private water system, which provides service to the 76 existing cabins on its northern lot, and the water service provided by the Big Lagoon Community Services District to approximately 140 residents of the Big Lagoon Estates subdivision located west and southwest of the subject site. The Big Lagoon Park Company's existing water system is located in part on the 28-acre lot that currently is developed with 76 residential structures and in part on the adjacent undeveloped 15-acre lot designated TC that also is owned by the Big Lagoon Park Company. The existing urban limit line is drawn around the Big Lagoon Park Company lot where the 76 existing cabins are located and around the Big Lagoon Estates subdivision, which consists of approximately 35 developed lots and a few undeveloped lots. Approximately 7.2 acres of the subject property that currently is designated and zoned for residential uses also is within the existing urban limit line.

Under the proposed LCP amendment, the urban limit line will be shifted to include the 4.8-acre area on the subject lot proposed to be redesignated RE and to exclude the areas of the lot that are proposed to be redesignated for TC uses. As a result, there will be a net decrease of 2.4 acres of land on the subject site that is designated RE and that is within the urban limit line. The proposed shift in the urban limit line is consistent with the limitations on expansion of "serviceable areas" specified in the North Coast Area Plan, which defines the serviceable area within the North Coast Planning Area to include in part areas within 300 feet, by the shortest distance, from the existing water line. The subject site is located approximately 120 feet from the Big Lagoon Park Company's water service line, which currently serves the existing 76 cabins on the adjacent 28-acre site.

Given the density limitations specified in the existing certified LCP, both the existing 7.2 acre area currently designated RE and the proposed 4.8 acre area proposed to be redesignated RE could be developed with up to one new single family residence and one new secondary dwelling unit (provided the development could be approved consistent with all other applicable LCP policies and standards). The application includes evidence demonstrating that the area proposed to be redesignated for RE uses is capable of supporting on-site sewage disposal systems¹¹ and capable of being served by the Big Lagoon Park Company's existing water system. The existing water system contains two wells that supply two water storage tanks, one of which is 10,000 gallons and the other holds 25,000 gallons. The two wells provide around 20 gallons/minute or 28,800 gallons/day, which is adequate to serve the existing level of residential development on the Big Lagoon Park Company lands plus one additional single family residence, which would require about 300 gallons/day.

As discussed above, ~~this area~~ the subject lot is contemplated to serve as a relocation site for up to 14 existing cabins on the lot to the north that are located closer to the eroding bluff and which will need to be relocated in the future to minimize risks from geologic hazards. The County has already approved County CDP No. 03-62 for the relocation of up to 14 cabins from the 28-acre lot onto the subject lot. The CDP was approved in 2004 but noted as not effective unless and until the Coastal Commission certifies the proposed LCP amendment. The

¹¹ SHN 2001

County plans to submit a Notice of Final Local Action for the approved CDP to the Commission upon effective certification of the subject LCP amendment application. The CDP authorizes the relocation of up to 14 cabins to the subject site on an as needed basis over a 5-year period from the date of permit effectiveness. Whether the lot is developed in the future with one new single family residence or with The relocated cabins, residential development on the lot will continue to be served by the Big Lagoon Park Company's private water system. As the 4.8-acre RE area to be enclosed within the urban limit line is immediately adjacent to the current urban services area covering other portions of the Big Lagoon Park Company property and is limited to the RE area planned for cabin relocation, the modified urban limit line would concentrate residential development within an area with services able to accommodate the contemplated development consistent with Section 30250 of the Coastal Act.

The County indicates that it approved the LCP amendment as being consistent with the density limitations on the basis that the legal non-conforming density of the 28-acre lot with the 76 cabins would extend to the 13-acre subject lot. However, the non-conforming use provisions of the certified LCP that allow the continuance of the higher than permissible level of density on the 28-acre parcel, Section 313-131.5 of the Coastal Zoning Regulations (CZR), will not sufficiently authorize the contemplated relocation because such provisions provide that non-conforming uses may only occupy the same area that is occupied by the existing nonconforming use. As the subject 13-acre lot is a separate legal lot, the nonconformity provisions of Section 313-131 of the CZR that permit the continuance of a higher than permissible level of residential density on the 28-acre lot would not extend to the subject 13-acre lot. The density limitations for RE-designated lands under the existing LUP limit density on the subject lot to 1 dwelling unit per acre. In addition, the existing certified CZR limits the principally permitted use of land zoned Residential Single Family (RS) to one primary residence per lot, and the X combining zone, which currently applies to the site and will continue to apply to the site under the proposed LCP amendment as submitted, prohibits any further subdivision of the lot. The same density limitations apply to the adjoining 28-acre lot that is developed with 76 existing cabins. Therefore, it is not possible to permit the relocation of up to 14 cabins to the proposed 4.8-acre RE-designated area on the subject lot consistent with the currently certified LCP or the LCP as it is proposed to be amended by the County.

The County has attempted to address the Big Lagoon Park Company's density nonconformance issue in part by drafting a binding agreement to be entered into with the Big Lagoon Park Company to hold all three lots owned by the Big Lagoon Park Company as one parcel. Under the agreement, the property owner agrees to hold the three lots as one parcel and agrees not to sell any portion of the subject lots separately until such time as the three parcels are voluntarily merged into one parcel and a Notice of Merger recorded. The County and the Big Lagoon Park Company also have a Conveyance Agreement for development restrictions on the subject 13-acre lot. The draft agreement would relinquish and grant to the County all of the owner's right, power, and privilege to develop the subject property for purposes other than relocation of existing cabins. However, even with the execution of these agreements, the proposed LUP amendment as submitted does not accomplish the County's desired objective of accommodating the relocation of up to 14

9/8/2015

residences within the proposed 4.8-acre RE-designated area, because (1) the continuance of the non-conforming density would impermissibly be extended to a different area, and (2) the agreements are not part of the LCP amendment proposal as submitted, nor are they required to be executed and recorded as a condition of the approved CDP for the cabin relocation plan that the County approved in 2004.

The application includes evidence demonstrating that the area proposed to be redesignated for RE uses is capable of supporting on-site sewage disposal systems and capable of being served by the Big Lagoon Park Company's existing water system. In addition, the amendment will not create any additional demand on coastal resources nor result in significant adverse cumulative impacts. Furthermore, as discussed in more detail below, the amendment will not result in any significant adverse effects on visual resources, water quality, environmentally sensitive riparian areas and streams, and other coastal resources. Thus, the proposed LUP amendment as submitted is consistent with Section 30250 of the Coastal Act.

As discussed above, the Big Lagoon Park lots have sufficient septic capacity and water resources to accommodate at least 77 primary residences. An LCP amendment that accommodates the relocation of some of the cabins to the subject lot from the 28-acre lot in a manner that is consistent with all other provisions of the LCP and which does not increase, the overall development potential under the certified LCP in the RE designated area, could be found consistent with the requirements of Section 30250 of the Coastal Act that new residential development be located within or contiguous with existing developed areas able to accommodate it.

Therefore, the Commission finds that only if modified as suggested below to include certain specific provisions to ensure consistency with all LCP provisions and to prevent an increase in overall development potential of the commonly-owned property comprising the Big Lagoon Park area can the LUP amendment be found consistent with Section 30250 of the Coastal Act. The specific provisions include requirements that (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising on APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs. Therefore, the Commission attaches Suggested Modifications 1 and 2 as follows:

SUGGESTED MODIFICATION 1: The "Gross Density" of the RE land use designation description within LUP Section 5.20 (Urban Plan Designation) shall be amended to read as follows:

...

Gross Density: 0-2 units per acre or as designated on Map 2A.

...

SUGGESTED MODIFICATION 2: Map 2A of the LUP shall be amended to depict (1) the reconfigured RE and TC land use designations as submitted, (2) the reconfigured urban limit line as submitted, and (3) the following notation applicable to the RE-designated area on the subject lot only:

“Notwithstanding the otherwise applicable density provisions of the Land Use Plan, the 4.8-acre area designated RE on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”

Therefore, the Commission finds the amendment as modified will only allow for residential development within or contiguous with an existing developed area able to accommodate it. Furthermore, as discussed in more detail below, the amendment as modified will not result in any significant adverse effects on visual resources, water quality, environmentally sensitive riparian areas and streams, and other coastal resources. Thus, the proposed LUP amendment as modified is consistent with Section 30250 of the Coastal Act.

...

Make the following revisions to LUP Finding D(ii) “Minimizing Hazard Risks,” beginning with the first full paragraph on page 9 of the 8/28/15 staff report.

...

The 4.8-acre area to be redesignated for residential uses (RE) will be located a minimum distance of 355 feet inland from the existing bluff edge (as measured in 2014) at an elevation of

9/8/2015

approximately 80 feet above mean sea level (Exhibit 6). Based on the best available science and using conservative bluff retreat rate estimates that have been applied to other bluff top development that has been approved along the bluffs between Big Lagoon and Patrick's Point, the RE-designated area at this time is sufficiently set back from the bluff edge to minimize geologic hazard risks consistent with Section 30253 of the Coastal Act.² **The LCP amendment as submitted does not specifically provide for relocated development to be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs. In fact, the County has already approved a CDP authorizing the relocation of 14 cabins onto the subject site from the adjacent 28-acre site (though submittal of the final local action notice is pending certification of this LCP amendment application) with no conditions prohibiting the future construction of a shoreline protective device, which would substantially alter natural landforms along the bluff adjacent to the subject site.** The County and the Commission on appeal will be able to review the consistency of any CDP application submitted in the future for the relocation or development of new houses with the geologic hazard policies of the certified LCP, which include Section 30253 of the Coastal Act. Thus, the Commission finds that **while** the proposed LCP amendment as submitted to redesignate a portion of the site RE will facilitate the removal of existing development out of geologically hazardous areas to more resilient areas further setback from the bluff edge,³ **subsection (4) of Suggested Modification 2, described above, is needed to ensure that the LCP amendment conforms to Section 30253's requirement that development shall be sited and designed to assure stability and structural integrity and at no time engender the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs** consistent with Section 30253 of the Coastal Act. **Therefore, the Commission finds that the proposed LCP amendment as modified is consistent with Section 30253 of the Coastal Act.**

...

Make the following revisions to LUP Finding D(viii), "Conclusion," beginning on page 17 of the 8/28/15 staff report.

i. Conclusion: Certify as Submitted

In conclusion, for all of the reasons discussed above, the Commission finds that the proposed LUP amendment as submitted is consistent with all applicable Chapter 3 policies of the Coastal Act. **As discussed herein, Suggested Modifications have been identified to both the land use maps themselves, and other portions of the LUP, to ensure such Coastal Act consistency.**

² E.g., see Busch Geotechnical Consultants 2006; LACO Associates 2011; and LACO Associates 2012, which were conducted in support of a CDP application for a single-family residence located 800 feet southwest of the subject site, approved by the Commission in February of 2014 ([CDP 1-12-023 \(Winget\)](#)).

³ The LCP amendment as submitted incorporates general and specific adaptation included in Chapter 7 of the Commission's [Final Sea Level Rise Policy Guidance](#).

The Commission finds that if modified as suggested above, the proposed amendment would be consistent with the policies and standards of the Coastal Act.

...

4) Revisions to the IP Findings

Make the following revisions to the IP findings beginning on page 17 of the 8/28/15 staff report.

III. FINDINGS FOR CERTIFICATION DENIAL OF THE IP AMENDMENT AS SUBMITTED AND CERTIFICATION IF MODIFIED AS SUGGESTED

The Commission finds and declares as follows for proposed Implementation Program (IP) amendment number LCP-1-HUM-15-0011-2:

...

Make the following revisions to IP finding B, "IP Amendment Description," beginning at the bottom of page 17 of the 8/28/15 staff report.

...

The existing RS zoning on the property includes two overlay or "combining" zones: "X," designating the area as "No Further Subdivision Allowed," and "D," designating the area as requiring "Design Review." The existing TC-zoned portion of the property also includes the D combining zone. The proposed IP amendment will retain the D combining zone across the entire property as well as retain the X combining zone across the RS portion of the property. In addition, the Planned Unit Development ("P") combining zone also will be added to the RS portion of the property to provide for clustered development (multiple cabin relocation sites) on the subject lot. **The purpose of the "P" combining zone, as described below, is to encourage planned developments and to allow flexibility in the administration of development standards. The P combining zone regulations are applicable to any site where more than four dwelling units are proposed.** In sum, the proposed IP amendment as submitted would result in 4.8 acres of the property zoned RS-X/D/P and 8.2 acres of the property zoned TC-D.

The purpose of the "D" combining zone is (CZR Section 313-19 in part):

...to provide design review for conformance of new development with the policies and standards of the General Plan and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.

The purpose of the "P" combining zone is (CZR Section 313-31 in part):

...to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of:

Permitting more flexibility to cope with difficulties due to topography and other natural or manmade features.

Providing for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services;

Encouraging a more creative approach to land development through waiver of development standards and application of less rigid development criteria where such flexibility can better provide for the protection and enhancement of designated sensitive habitats and cultural resources provided all the required findings for approving subdivisions can be made.

The "X" combining zone is described in CZR Section 313-39 in part as follows:

...where the development standards are modified for the sole purpose of prohibiting further subdivisions of any lots within the zone.

At the time that the County approved CDP No. 03-62 for the relocation of up to 14 cabins from the 28-acre lot onto the subject lot, the County also approved a Planned Unit Development permit for the relocated development. The PUD permit was requested by the Big Lagoon Park Company not for the purpose of seeking an increase in applicable residential density standards but rather to conform to the specified design guidelines for planned unit developments with respect to circulation considerations, parking standards, common areas, and other considerations.

C. IMPLEMENTATION CONFORMITY

For any proposed change to a property's zoning designation to be certifiable, the implementing zoning designation must be shown to conform with its LUP counterpart and adequately carry out all applicable LUP policies. In this case, the proposed RS-X/D/P zoning district ~~will~~ **must** implement the proposed RE land use designation **as amended**, and the proposed TC-D zoning district ~~will~~ **must** implement the proposed TC land use designation for the site. The boundaries of the adjusted zoning districts match the boundaries of the redesignated land use designations. The RS-zoning district allows for the same range of uses as the RE land use designation, in particular single family residential uses, but with the X, D, and P combining zones, the development of the site for future residential uses must also conform to the designated combining zone standards. The TC-zoning district allows for the same range of uses as the TC land use designation, in particular timber production and related uses, agricultural uses, and

single family residential uses. The D standards must also be applied. The proposed reconfiguration of zoning district boundaries on the site will not significantly change the kind or intensity of land use that is currently allowed under the current RS and TC district standards.

In addition, the application of the P combining zone to the RS portion of the site will not lead to any increase in allowable density on the site because (1) the density of the base zone, which allows for one dwelling unit per acre, must be adhered to, (2) the “X” combining zone applied to the 13-acre lot prohibits any future subdivision of the lot, and (3) even if the property owner of the subject lot was not otherwise precluded from seeking an increase in density standards for the lot in the future, the P combining zone only allows for an increase of up to 25% above the applicable residential density standards (which in this case would allow for a maximum of 1.25 dwelling units on the subject lot).

However, because the RS zone district with its attached X combining zone only allows for the construction of one new single family residence on the subject lot, the proposed IP amendments would not conform with or be adequately carry out the LUP’s provisions as modified as described above. Because the IP amendment as submitted does not adequately carry out the provisions of the LUP as modified, it must be denied pursuant to Section 30513 of the Coastal Act. However, with the suggested modification shown below, the zoning districts and land use classifications will remain in conformance with the LUP as modified.

SUGGESTED MODIFICATION 3: The “Maximum Density” standards of the RS: Residential Single Family zone district standards listed in Section 313-6.1 of the Coastal Zoning Regulations shall be amended as follows:

<i>Maximum Density</i>	<i>Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit, <u>or as designated in Note 1 below for APN 517-121-010 in the Big Lagoon area.</u> In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.</i>
------------------------	---

“Note 1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations, the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing

9/8/2015

residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”

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

~~Therefore, the Commission finds that given this consistency between the LUP and zoning designations, the proposed TC zoning classification will conform with and be adequate to carry out the policies and standards of the LUP, as amended.~~

5) Revisions to the CEQA Findings

Replace the CEQA findings beginning on page 19 of the 8/28/15 staff report with the findings set forth below.

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (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 LCPA. 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 alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

The County’s LCP Amendment consists of a Land Use Plan amendment (LUP) and an Implementation Plan (IP) amendment. The Commission incorporates its findings on Coastal Act and land use plan conformity into this CEQA finding as it is set forth in full. As discussed herein, the LUP amendment as originally submitted cannot be found to be consistent with the

Coastal Act. The Implementation Plan amendment as originally submitted does not conform with and is not adequate to carry out the policies of the certified LUP. The Commission, therefore, has suggested modifications to bring the Land Use Plan into full conformance with the Coastal Act and the Implementation Plan amendment into full conformance with the certified Land Use Plan. As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

The Commission finds that the Local Coastal Program Amendment, as modified, will not result in significant unmitigated adverse environmental impacts under the meaning of the CEQA. Further, future individual projects would require coastal development permits, issued by the County, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

6) Additional “Global” Changes

<p>Update the Table of Contents to reflect the updated Sections and Headings per the above revisions. Except for as revised above, in all instances where the words “as submitted” appear in the 8/28/2015 staff report, replace the words “as submitted” with the words “as modified.”</p>

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 826-8950
FAX (707) 826-8960



Th8a

DATE: August 28, 2015

TO: Coastal Commissioners and Interested Parties

FROM: Alison Dettmer, Deputy Director
Bob Merrill, North Coast District Manager
Melissa Kraemer, Supervising Planner

SUBJECT: **Humboldt County LCP Amendment LCP-1-HUM-15-0011-2**
(Big Lagoon Park Company LUP and IP amendments)

For the Commission meeting of September 10, 2015

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission, upon completion of a public hearing, certify both portions of the requested LCP amendment **as submitted**.

As submitted, the amendment would amend the North Coast Area Plan segment of the Land Use Plan and the Implementation Plan of the Humboldt County LCP to reconfigure the boundary lines between the existing Residential Estates (RE) and Coastal Commercial Timberland (TC) land use and zoning designations that apply to a single approximately 13-acre lot owned by the Big Lagoon Park Company. The result of the LCP amendment as submitted would be a net shift of approximately 2.4 acres from RE to TC, and an adjustment of the urban limit line to run coincident with the new RE-designated/zoned area. The subject site is located adjacent to the south end of Big Lagoon in northern Humboldt County, approximately eight miles north of the City of Trinidad (Exhibits 1-2). The property is partially forested and is surrounded by rural residential development, commercial timberlands, County and State park and recreation lands, a public school, and trust lands of the Big Lagoon Rancheria.

The anticipated purpose of the LCP amendment is to use one of three lots owned by Big Lagoon Park Company for managed retreat, as bluff erosion and geologic instability pose current and future risks to existing structures on one of the three bluff top lots owned by the Big Lagoon Park Company. The bluffs between the south end of Big Lagoon and Patrick's Point have been subject to extraordinary rates of bluff retreat in the past. Geologic studies of the area have documented that episodic erosional events occur about every 40 years and result in the loss of approximately

50 to 70 feet of bluff. Sudden catastrophic bluff failure events have led to approximately 30 emergency relocations of homes along the bluffs between Big Lagoon and Patrick's Point between 1940 and 2013. The impetus for the proposed LCP amendment is to plan for the creation of up to 14 relocation sites within the proposed 4.8-acre RE-designated area, to be utilized by existing cabins that will be moved from a commonly-owned adjacent lot as part of the Big Lagoon Park Company's long-term planning effort to address ongoing bluff retreat concerns for the existing cabins.

Staff believes that the proposed LCP amendment, as submitted, is consistent with all applicable Chapter 3 policies of the Coastal Act. The proposed LCP amendment as submitted will facilitate the relocation of existing development out of geologically hazardous areas to more resilient areas, consistent with Section 30253 of the Coastal Act. In addition, as a forestry evaluation has determined that the subject lot does not contain coastal commercial timberland of commercial size, the proposed redesignation and rezoning of 4.8 acres of land on the lot from TC to RE is consistent with the limitations of Section 30243 regarding the permissibility of conversion of commercial timberlands. Furthermore, staff believes that the LCP amendment as submitted would protect the long-term productivity of timberlands consistent with Section 30243 of the Coastal Act by redesignating to TC uses those forestlands on the property not currently designated for TC uses and by increasing the total size of the area available for TC uses. Finally, as the existing certified LCP contains numerous policies to govern the siting of development and protect ESHA, ESHA buffers, visual resources, water quality, and other coastal resources from the impacts of development, including logging, these policies will continue to regulate, through the CDP process, all development as defined by Section 30106 of the Coastal Act in a manner consistent with the requirements of the Coastal Act.

The appropriate motions and resolutions to adopt the staff recommendation are on page 4.

DEADLINE FOR COMMISSION ACTION

The LCP amendment submittal was determined to be complete and submitted by the North Coast District Office on April 22, 2015. On July 8, 2015, the Commission granted a one-year extension to the 90-day time limit for Commission action on the requested certification of the proposed LCP amendment application to enable the public hearing on the amendment to be held in the local area at the September 2015 meeting. The new date by which the Commission must act upon the amendment is July 21, 2016.

ADDITIONAL INFORMATION

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

TABLE OF CONTENTS

I.	MOTIONS, RECOMMENDATIONS & RESOLUTIONS.....	<u>4</u>
	A. CERTIFICATION OF LUP AMENDMENT AS SUBMITTED.....	<u>4</u>
	B. CERTIFICATION OF IP AMENDMENT AS SUBMITTED.....	<u>4</u>
II.	FINDINGS FOR CERTIFICATION OF THE LUP AMENDMENT AS SUBMITTED.....	<u>5</u>
	A. STANDARD OF REVIEW.....	<u>5</u>
	B. AMENDMENT DESCRIPTION AND AFFECTED AREA.....	<u>5</u>
	C. PROPOSED LCP AMENDMENT.....	<u>5</u>
	D. CONSISTENCY WITH RELEVANT COASTAL ACT POLICIES.....	<u>7</u>
	i. PLANNING AND LOCATING NEW DEVELOPMENT.....	<u>7</u>
	ii. MINIMIZING HAZARD RISKS.....	<u>9</u>
	iii. TIMBERLAND RESOURCES.....	<u>11</u>
	iv. WATER QUALITY AND ESHA.....	<u>12</u>
	v. VISUAL RESOURCES.....	<u>15</u>
	vi. ARCHAEOLOGICAL RESOURCES.....	<u>16</u>
	vii. PUBLIC ACCESS.....	<u>16</u>
	viii. CONCLUSION.....	<u>17</u>
III.	FINDINGS FOR CERTIFICATION OF THE IP AMENDMENT AS SUBMITTED.....	<u>17</u>
	A. ANALYSIS CRITERIA.....	<u>17</u>
	B. IP AMENDMENT DESCRIPTION.....	<u>17</u>
	C. IMPLEMENTATION CONFORMITY.....	<u>18</u>
IV.	CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	<u>19</u>

APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1](#) – Location map

[Exhibit 2](#) – Vicinity map

[Exhibit 3](#) – Existing land use designation and zoning

[Exhibit 4](#) – Proposed land use designation and zoning changes

[Exhibit 5](#) – Site photos

[Exhibit 6](#) – Planned cabin relocation plan

[Exhibit 7](#) – Forestry analysis

[Exhibit 8](#) – Resolutions 15-35 and 15-36

[Exhibit 9](#) – Ordinance 2528

I. MOTIONS, RECOMMENDATIONS & RESOLUTIONS

A. CERTIFICATION OF LUP AMENDMENT NO. LCP-1-HUM-15-0011-2 AS SUBMITTED

Motion A:

I move that the Commission certify Land Use Plan Amendment No. LCP-1-HUM-15-0011-2 as submitted by the County of Humboldt.

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution A to Certify the LUP Amendment: *The Commission hereby certifies the Land Use Plan Amendment No. LCP-1-HUM-15-0011-2 as submitted by the County of Humboldt and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment 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 plan on the environment; or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.*

B. CERTIFICATION OF IP AMENDMENT NO. LCP-1-HUM-15-0011-2 AS SUBMITTED

Motion B:

I move that the Commission reject Implementation Program Amendment No. LCP-1-HUM-15-0011-2 for the County of Humboldt as submitted.

Staff recommends a **NO** vote. Failure of this motion will result in certification of the IP 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 B to Certify the IP Amendment: *The Commission hereby certifies the Implementation Program Amendment No. LCP-1-HUM-15-0011-2 for the County of Humboldt as submitted and adopts the findings set forth below on grounds that the Implementation Program as amended, conforms with and is adequate to carry out the provisions of the Land Use Plan, as amended and certified, and certification of the Implementation Program 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 Program Amendment on the environment; or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.*

II. FINDINGS FOR CERTIFICATION OF THE LUP AMENDMENT AS SUBMITTED

The Commission finds and declares as follows for proposed Land Use Plan (LUP) amendment LCP-1-HUM-15-0011-2:

A. STANDARD OF REVIEW

The applicable LUP segment governing the subject property is the North Coast Area Plan, one of six LUP segments certified as part of the Humboldt County LCP. To certify the amendment to the LUP portion of the County of Humboldt LCP, the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act.

B. AMENDMENT DESCRIPTION AND AFFECTED AREA

On April 22, 2015, Humboldt County transmitted to the Commission an LCP amendment that will affect a 13-acre lot owned by the Big Lagoon Park Company (Exhibits 1-2). The single lot is currently split designated with Residential Estates (RE) and Coastal Commercial Timberland (TC) land use and zoning designations (Exhibit 3). The TC designated area covers a rectangular area on the northeast side of the 13.9 acre lot. The RE designated area covers the remainder of the lot. As submitted, LCP-1-HUM-15-0011-2 will reconfigure the boundary lines between the existing RE and TC land use and zoning designations of the subject property. As reconfigured, the RE designation will cover most of the middle of the lot with the TC designation surrounding the RE designated area in a horseshoe-like fashion. The redesignation will result in a net shift of approximately 2.4 acres from RE to TC and an adjustment of the urban limit line to run coincident with the new RE-designated/zoned area (Exhibit 4).

The subject site (APN 517-121-010) is located at the south end of Big Lagoon in northern Humboldt County, approximately eight miles north of the City of Trinidad (Exhibits 1-2). The subject lot is part of an uplifted marine terrace with elevations ranging from approximately 40-90 feet above mean sea level. The lot is partially forested and is surrounded by rural residential development, commercial timberlands, County and State park and recreation lands, a public school, and trust lands of the Big Lagoon Rancheria. Roundhouse Creek flows across the western end of the property in a deeply incised canyon approximately 35 feet below a relatively level, approximately 4.8-acre open grassy area in the center of the property. This open grassy area is currently planned for TC uses and would be redesignated to RE. The creek corridor and other forested portions of the property, comprising approximately 7.2 acres, currently are planned for RE uses and would be redesignated to TC under this LUP amendment. In sum, the portion of the property designated RE will decrease in area from 7.2 to 4.8 acres, and the portion of the property designated TC will increase in area from 5.8 to 8.2 acres (see Exhibits 3 and 4). Photos of the site are included as Exhibit 5.

C. PROPOSED LCP AMENDMENT

Big Lagoon Park Company is a consortium of residential cabin owners who jointly own three lots: (1) the subject 13-acre undeveloped lot (APN 517-121-010), (2) a 28-acre lot to the immediate north (APN 517-131-009), which is developed with a total of 76 residential cabins/cottages, and (3) a 15-acre lot northeast of the subject site (APN 517-131-011), which is forested and planned and zoned for commercial timberland uses.

The majority of the 76 cabins on the 28-acre lot adjacent to the subject site were constructed in 1929 as a recreational community. Between 1929 and 1965, this 28-acre lot was owned by various lumber companies, which leased the land to Humboldt County, which in turn leased the cabins on the lot to individuals. In 1965, the cabin lessees formed the Big Lagoon Park Company, incorporated, bought the land, and set the total number of home sites at 76 (according to company bylaws). The cabins, which average approximately 900 square feet in size, are individually owned single family residences, though many are used as vacation cabins with seasonal/weekend occupancy. Each of the 76 cabin owners is allocated one share in the company. The members of the Big Lagoon Park Company, Inc. own the land in common and share in all expenses generated in maintaining the property. All of the cabins are served by on-site individual sewage disposal systems and by two wells located within the Park Company property.

Bluff erosion and geologic instability pose current and future risks to existing structures on the property where the 76 existing Big Lagoon Park Company cabins are located. The bluffs along the south end of Big Lagoon have been subject to extraordinary rates of bluff retreat in the past. The bluffs are composed of poorly consolidated terrace sands, and the bedrock layer (Franciscan formation) lies below sea level. Episodic rapid bluff retreat typically occurs when factors such as large waves, high tides, and loss of beach sand expose the bluffs to direct wave attack (e.g., during El Niño events). Rapid rates of bluff erosion have been measured in the area from aerial photographs¹ for the 1930s (58 feet of bluff retreat in a decade),² winter 1941/1942 (30 feet in a season),³ 1980s (at least 55 feet),⁴ and winter 1997/1998 (60 feet in a season).⁵ Sudden catastrophic bluff failure events have led to emergency relocations of homes along the bluffs between Big Lagoon and Patrick's Point on several occasions, including emergency relocations of cabins on the Big Lagoon Park Company property in the 1940s (12 cabins),⁶ 1980s (12 cabins),⁷ three cabin relocations in the last 15 years (most recently in 2013),⁸ and three emergency relocations of single family residences in the Big Lagoon Estates subdivision immediately west and southwest of the subject site between 1999 and 2003.⁹

In January of 1985, prior to effective certification of the Humboldt County LCP in 1986, the Commission approved CDP 1-84-222, which authorized a "master relocation plan" for the adjacent 28-acre Big Lagoon Park Company lot where the 76 cabins are now located (APN 517-131-009, immediately north of the lot that is the subject of this LCP amendment). Specifically, CDP 1-84-222 authorized the creation of 23 new home sites within the 28-acre property to serve as future relocation sites for existing cabins threatened with imminent bluff erosion risks and a

¹ E.g., see Tuttle 1981

² Cited in findings for approval of CDP 1-84-222 (Big Lagoon Park Co.)

³ Ibid.

⁴ Cited in findings for approval of CDP 1-85-130 (Haddock)

⁵ Cited in findings for approval of CDP [1-98-075 \(Wall\)](#) and in *de minimis* Waiver CDP 1-99-066-W (Kavich)

⁶ Cited in County of Humboldt July 6, 2004

⁷ Ibid.

⁸ Don Tuttle, President, Big Lagoon Park Co. Board of Directors, pers. comm. 8/13/15

⁹ Authorized under [CDP 1-98-075 \(Wall\)](#), *de minimis* waiver 1-99-066-W (Kavich), and emergency permit 1-03-027-G and [CDP 1-03-028 \(Rohner\)](#)

new 350-foot-long roadway extension to serve the new home sites. The plan used a 20-year bluff erosion projection to determine which cabins to prioritize for relocation. In addition to considering bluff erosion hazards in selecting appropriate relocation sites within the 28-acre lot, the master relocation plan also considered leach field feasibility for on-site septic systems, drainage, the number of trees that would have to be removed, view impacts on existing cabins and relocated cabins, access to relocation sites, and various other factors.

In the mid-1990s, the Big Lagoon Park Company Board of Directors continued to take proactive steps to implement a long-term coastal bluff retreat management program for the cabins by purchasing two parcels adjacent to the original parcel – one to the south (the 13-acre lot that is the subject of this LCP amendment) and one to the east (the 15-acre lot referenced above). The company plans to use these in the next 100 to 200 years for the relocation of cabins that have to be removed from the eroding bluff.

In 2001, Humboldt County approved CDP-00-28,¹⁰ which authorized a revised master relocation plan for the 28-acre Big Lagoon Park Company property containing the 76 cabins. A geologic study conducted in 2000 in support of the permit application analyzed historical bluff erosion in the area from 1850 to 2000 and determined that episodic erosional events occur about every 40 years and result in the loss of approximately 50 to 70 feet of bluff. The supplemental master relocation plan considered necessary cabin and infrastructure relocations over the next two anticipated catastrophic erosion events (approximately 2025 and 2065). It was determined that at least 15 cabins would need to be relocated by 2065. The County's approval authorized the development of 14 relocation sites on the property to be developed on an as-needed basis in response to imminent bluff erosion hazards. An amendment to the County's permit was approved in 2006 approving two new relocation sites on the property.

Of the sites authorized by the CDPs described above for relocated development within the 28-acre property, only six remain available for use today (the others have already been used for cabin relocations or have already been identified as relocation sites for nearby cabins). Currently there are at least 10 existing cabins on the 28-acre property near the bluff edge that will be subject to geologic hazard risks over the next 50 years. Thus, the proposed LCP amendment is contemplated in order to plan for the creation of up to 14 additional relocation sites on the adjacent 13-acre lot as part of the Big Lagoon Park Company's long-term planning effort to address ongoing bluff retreat concerns for the existing cabins (Exhibit 6). No change to the total number of Big Lagoon Park Company member cabins is proposed or allowed according to the Big Lagoon Park Company bylaws.

D. CONSISTENCY WITH RELEVANT COASTAL ACT POLICIES

i. Planning and Locating New Development

Section 30250 of the Coastal Act states as follows:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close

¹⁰ Commission File No. 1-HUM-00-393.

proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

As discussed above, the area that is the subject of this LUP amendment application includes one legal lot that is approximately 13 acres in size. The lot is undeveloped and has split land use designations. Currently under the certified LUP (the North Coast Area Plan segment of the County LCP), approximately 7.2 acres of the lot is planned for Residential Estates uses (RE), and approximately 5.8 acres of the lot is planned for commercial timberland uses (TC). The 7.2-acre RE area consists of a portion of Roundhouse Creek and its associated wetlands and riparian habitats. The 5.8-acre TC area consists of relatively level open, grassy habitat with only a narrow strip of forest vegetation along the eastern and northern sides of the property. Surrounding land uses include rural residential development, commercial timberlands, County and State park and recreation lands, a public school, and trust lands of the Big Lagoon Rancheria.

As submitted, LCP-1-HUM-15-0011-2 will reconfigure the boundary lines between the existing RE and TC land use designations, resulting in a net shift of approximately 2.4 acres from RE to TC, and an adjustment of the urban limit line to run coincident with the new RE-designated/zoned area. The portion of the property designated RE will decrease in area from 7.2 to 4.8 acres, and the portion of the property designated TC will increase in area from 5.8 to 8.2 acres (Exhibits 3-4).

The purpose of the TC land use designation in the North Coast Area Plan is “*to protect productive timberlands for long-term production of merchantable timber.*” Principal uses under the TC designation include “*Timber production as provided in section 3.34 including all necessary site preparation, road construction and harvesting, and residential use incidental to this use...*” and principal uses permitted under AEP (Agriculture Exclusive Prime) “*...except second dwelling.*” The principal uses permitted under AEP include “*Production of food, fiber or plants, as provided in Section 3.54 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 a parent or child or the owner/operator, including barns, storage sheds, and similar agricultural structures and principal structures and principal uses permitted under TC.*”

The purpose of the RE land use designation in the North Coast Area Plan is “*To allow residential development of areas within Urban Limits where community objectives, including resource protection, limit density of potential development, but where urban services are required.*” Principal uses under the RE designation include detached single family residences.

With respect to the urban limit line in the Big Lagoon area, the North Coast Area Plan (Section 4.42) states that the urban limit line should correspond to areas served by the existing water systems in the area. These include the Big Lagoon Park Company’s private water system, which

provides service to the 76 existing cabins on its northern lot, and the water service provided by the Big Lagoon Community Services District to approximately 140 residents of the Big Lagoon Estates subdivision located west and southwest of the subject site. The existing urban limit line is drawn around the Big Lagoon Park Company lot where the 76 existing cabins are located and around the Big Lagoon Estates subdivision, which consists of approximately 35 developed lots and a few undeveloped lots. Under the proposed LCP amendment, the urban limit line will be extended solely to include the adjacent 4.8-acre area on the subject lot to be redesignated RE. As discussed above, this area is contemplated to serve as a relocation site for up to 14 existing cabins on the lot to the north that are located closer to the eroding bluff and which will need to be relocated in the future to minimize risks from geologic hazards. The relocated cabins will continue to be served by the Big Lagoon Park Company's private water system. As the 4.8-acre RE area to be enclosed within the urban limit line is immediately adjacent to the current urban services area covering other portions of the Big Lagoon Park Company property and is limited to the RE area planned for cabin relocation, the modified urban limit line would concentrate residential development consistent with Section 30250 of the Coastal Act.

The application includes evidence demonstrating that the area proposed to be redesignated for RE uses is capable of supporting on-site sewage disposal systems¹¹ and capable of being served by the Big Lagoon Park Company's existing water system. In addition, the amendment will not create any additional demand on coastal resources nor result in significant adverse cumulative impacts. Furthermore, as discussed in more detail below, the amendment will not result in any significant adverse effects on visual resources, water quality, environmentally sensitive riparian areas and streams, and other coastal resources. Thus, the proposed LUP amendment as submitted is consistent with Section 30250 of the Coastal Act.

ii. Minimizing Hazard Risks

Section 30253 of the Coastal Act states in applicable part as follows:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs....*

As discussed above, the purpose of the LCP amendment is to plan for managed retreat, as bluff erosion and geologic instability pose current and future risks to existing structures on the lot where the 76 existing Big Lagoon Park Company cabins are located. The bluffs along the south end of Big Lagoon have been subject to extraordinary rates of bluff retreat in the past, and geologic studies of the area have determined that episodic erosional events occur about every 40 years and result in the loss of approximately 50 to 70 feet of bluff. Sudden catastrophic bluff

¹¹ SHN 2001

failure events have led to approximately 30 emergency relocations of homes between 1940 and 2013.

The 4.8-acre area to be redesignated for residential uses (RE) will be located a minimum distance of 355 feet inland from the existing bluff edge (as measured in 2014) at an elevation of approximately 80 feet above mean sea level (Exhibit 6). Based on the best available science and using conservative bluff retreat rate estimates that have been applied to other bluff top development that has been approved along the bluffs between Big Lagoon and Patrick's Point, the RE-designated area at this time is sufficiently set back from the bluff edge to minimize geologic hazard risks consistent with Section 30253 of the Coastal Act.¹² The County and the Commission on appeal will be able to review the consistency of any CDP application submitted in the future for the relocation or development of new houses with the geologic hazard policies of the certified LCP, which include Section 30253 of the Coastal Act. Thus, the Commission finds that the proposed LCP amendment as submitted to redesignate a portion of the site RE will facilitate the removal of existing development out of geologically hazardous areas to more resilient areas further setback from the bluff edge consistent with Section 30253 of the Coastal Act.¹³

In addition to bluff instability hazards, portions of the Big Lagoon region, including beach areas northwest of the subject lot, are shown on emergency planning maps published in 2009 by the California Emergency Management Agency, California Geologic Survey, and University of Southern California as being within the zone of potential inundation by a tsunami. If the region experiences megathrust earthquake along the Cascadia Subduction Zone offshore, a local tsunami could hit the Big Lagoon shoreline within minutes. Maximum predicted tsunami wave run-up levels for this area may reach approximately 32 feet above mean sea level.¹⁴ As the specific area proposed to be redesignated RE is located approximately 80 feet to 90 feet above mean sea level, the area currently is above maximum potential flood hazard levels of Roundhouse Creek, which flows across the western portion of the property in an incised canyon at an elevation approximately 35 feet lower than the proposed RE-designated area.

Finally, the subject site is located in a seismically active area, with the active Trinidad Fault located approximately 6.5 miles to the south (capable of generating an earthquake of magnitude 7.3) and the Cascadia Subduction Zone located approximately 50 miles offshore (capable of generating an earthquake of magnitude 8.3 on its southern, or Gorda, extent).¹⁵ The Big Lagoon Park Company commissioned a geologic investigation of the area proposed to be designated RE, which determined the potential for liquefaction-related hazards to be low. The report includes various recommendations for future development of the site (e.g., for site preparation, foundation design, grading, and other development) to reduce the risks associated with seismic hazards. Existing policies and standards of the certified LCP, including Section 30253 of the Coastal Act,

¹² E.g., see Busch Geotechnical Consultants 2006; LACO Associates 2011; and LACO Associates 2012, which were conducted in support of a CDP application for a single-family residence located 800 feet southwest of the subject site, approved by the Commission in February of 2014 ([CDP 1-12-023 \(Winget\)](#)).

¹³ The LCP amendment as submitted incorporates general and specific adaptation included in Chapter 7 of the Commission's [Final Sea Level Rise Policy Guidance](#).

¹⁴ USGS 1999; CalEMA et al. 2009

¹⁵ LACO Associates May 2001

which is codified in Sections 3.26 and 3.38 of the North Coast Area Plan, require new development in hazardous areas to be consistent with seismic safety and other recommendations given in required soil engineering and geological engineering investigations. The County and the Commission on appeal will be able to review the consistency of any CDP application submitted for the relocation or development of new houses with these policies.

Therefore, the Commission finds that the LUP amendment as submitted will minimize risks to life and property in this high geologic hazard area consistent with Section 30253 of the Coastal Act.

iii. Timberland Resources

Section 30243 of the Coastal Act states as follows:

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

The property that is the subject of this LCP amendment application is characterized in part by the presence of forest habitat dominated by Sitka spruce trees. Spruce trees grow across nearly the entirety of the area currently designated for residential uses (about 7 acres), as well as in areas currently designated for commercial timberland uses.

Section 30243 of the Coastal Act requires that (1) conversions of coastal commercial timberlands in units of commercial size shall be limited to providing for necessary timber processing and related facilities, and (2) the long-term productivity of soils and timberlands shall be protected. Even though all of the land area that currently supports mature forest vegetation will be within the redesignated TC area, thereby increasing the total area of TC-designated land by 2.4 acres, the LCP amendment as submitted constitutes a conversion of commercial timberland, because some areas currently designated as timberlands TC will be redesignated and rezoned for residential use.

According to a forestry analysis completed for the property by a registered professional forester (Exhibit 7),¹⁶ the market for Sitka spruce lumber has fluctuated over the decades, but currently there is demand for the species in log exports to China. The forester calculated that the entire property contains approximately 7 acres of spruce-dominated forest outside of the riparian habitat buffer areas around Roundhouse Creek. At today's market prices, the analysis concludes that timber from this acreage would be worth approximately \$40,000. However, the analysis concludes that the entire lot does not constitute commercial timberlands of a commercial size, because harvesting of the timber would produce no net revenue to the landowner due to the cost of the necessary timber harvesting plan that would be required to log the timber (conservatively estimated at \$40,000). Therefore, the Commission finds that the proposed conversion of the acreage that is being redesignated from TC to RE is not a conversion of coastal commercial timberlands in a unit of commercial size.

¹⁶ Baldwin, Blomstrom, Wilkinson and Associates, Inc. May 5, 2014

Nonetheless, the LCP amendment as submitted will protect the productivity of timberlands, as (1) virtually all of the land area that currently supports mature forest vegetation will be within the redesignated TC area, (2) the land designated for TC will actually expand by 2.4 acres, and (3) the designation will protect those lands for commercial harvesting in the future if market conditions change again. Even if market conditions do not change, the designation will allow the Big Lagoon Park Company to conduct small scale timber harvesting to supplement their income, even if the harvesting will not be on a commercial scale large enough to support ongoing commercial harvesting. In addition, the reconfigured RE designation that would apply to the 4.8- acre portion of the lot will continue to allow for residential use, such as the relocated cabins.

Therefore, the Commission finds that the proposed LUP amendment as submitted is consistent with the requirements of Section 30243 of the Coastal Act, as the long-term productivity of soils and timberland will be protected, and coastal commercial timberlands of commercial size will not be converted.

iv. Water Quality and Adjacent ESHA

Section 30230 of the Coastal Act states as follows:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states as follows:

- (a) 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.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which*

would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

As discussed above, Roundhouse Creek flows across the western end of the property in a deeply incised canyon approximately 35 feet below the relatively level, open grassy area in the center of the property. Roundhouse Creek and its associated wetland and riparian habitats constitute environmentally sensitive habitat areas (ESHA) under the certified LUP and under the Coastal Act. The existing certified LCP contains numerous policies and standards to protect ESHA, ESHA buffers, and water quality. These policies and standards will continue to regulate, through the CDP process, all development as defined in Section 30106 of the Coastal Act in a manner that protects ESHA and water quality.

The Big Lagoon Park Company commissioned a biological study of the property in support of the LCP amendment application.¹⁷ The biological study delineates the creek and its associated wetlands and riparian habitat as ESHA and notes that the creek may support breeding habitat for northern red-legged frog (*Rana aurora*), a California Fish and Game Species of Concern.¹⁸ The study found no sensitive species or habitats within the area planned to be redesignated for residential uses. The biological report recommends a minimum 100-foot buffer width between future residential development (cabin relocation sites) on the property and riparian and creek ESHA on the property as adequate to protect ESHA resources.

As discussed above, the existing creek corridor and associated riparian and wetland habitats currently are designated for Residential Estates (RE) uses. This portion of the property that contains Roundhouse Creek and its associated riparian and wetland habitats will be redesignated for commercial timberland (TC) uses under the proposed LCP amendment as submitted. The area planned to be redesignated for RE uses will be a minimum of 100 feet from the outer edge of riparian habitat around Roundhouse Creek (Exhibit 6). Therefore, the Commission finds that the proposed LCP amendment as submitted is consistent with Section 30240 of the Coastal Act, because the proposed reconfiguration of the RE-designated lands on the property (1) protects ESHA against significant disruption of habitat values, and (2) ensures that future residential development on the site will be sited and designed to prevent impacts that would significantly degrade the adjacent riparian and creek ESHA resources and will be compatible with the continuance of the ESHA resources.

In addition to Sections 30230, 30231, 30233, 30236, and 30240 of the Coastal Act, which are codified in Section 3.41 of the certified North Coast Area Plan (NCAP), the existing certified LUP also includes several specific policies to protect creeks, riparian habitat, and water quality from potential impacts related to timber harvesting. These include, but are not limited to, the following:

NCAP Section 3.41.G.5.a.3 states in applicable part:

...heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line, and shall not be permitted in other

¹⁷ NRM Corp. June 24, 2010 and May 13, 2014

¹⁸ California Natural Diversity Database (CNDDDB), RareFind 5. July 2015. California Department of Fish and Wildlife, Biogeographic Data Branch, Sacramento.

portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.

NCAP Section 3.41.G.5.a.4 states that “*All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.*”¹⁹

NCAP Section 3.41.G.5.b, which pertains to development involving timber harvests smaller than 3 acres of merchantable timber 18 inches diameter at breast height (dbh) or greater, harvest practices shall be “*...consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas.*”²⁰

Thus, future timber harvesting activities that may occur under the proposed TC land use designation will include appropriate measures to protect water quality and ESHA resources, including Roundhouse Creek and its associated wetland and riparian habitats. These measures will apply regardless of whether the future timber removal activities are permitted under the CDP process with the certified LCP as the standard of review or are exempt from the definition of development²¹ and are only regulated under the Forest Practice Rules cited above.

Furthermore, the certified coastal zoning regulations also contain numerous standards to protect streams and riparian corridors, which are applicable to all perennial and intermittent streams delineated on U.S. Geological Survey 7.5-minute quadrangles. Roundhouse Creek is a perennial stream delineated on a USGS 7.5-minute quadrangle map, and therefore the additional stream and riparian corridor protection standards specified in Section 313-33 of the certified IP will apply to future development on the subject site. These include, but are not limited to, (1) limitations on the types of development allowed within stream channels and riparian corridors, (2) specific limitations on timber management activities allowed within riparian corridors, and (3) required mitigation for development within riparian corridors, such as replanting of disturbed areas with riparian vegetation.

Therefore, the Commission finds that the proposed LUP amendment as submitted is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

¹⁹ The current [California Forest Practices Rules 2015](#), Title 14 CCR Chapters 4, 4.5 and 10, January 2015 version, Sections 931 thru 949.7, includes numerous aquatic life and water quality protection measures, including, but not limited to, measures to (1) prevent the degradation of the quality and beneficial uses of water (Section 934), (2) prevent substantial adverse effects to soil resources and to fish and wildlife habitat (Section 935), (3) protect the beneficial uses of water and riparian functions (Section 936), and (4) protect wildlife habitat (Section 939).

²⁰ The referenced forest practices rules for stream protection zones in Coastal Commission special treatment areas (STAs) require establishment of a 150-foot-wide stream protection zone (measured from the stream transition line) where (a) no more than 50% of the trees can be removed at any one time, and the remaining trees *shall be vigorous, healthy and well-distributed*; (b) there shall be no soil displacement within 50 feet of the stream *that would lead to degradation of the natural resource*; and (c) *every effort should be made to protect and preserve conifer vegetation within 50 feet of the stream.*

²¹ Coastal Action Section 30106 defines “development” subject to CDP requirements as including, in applicable part, **(emphasis added)** “*...the removal or harvesting of major vegetation **other than** for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511) .”*

v. Protection of Visual Resources

Section 30251 of the Coastal Act states in applicable part as follows:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The land that will be affected by the proposed LCP amendment abuts portions of two public roads, Big Lagoon Park Road and Roundhouse Creek Road. Views through the subject and adjoining parcels from the public roads are limited due to intervening forest vegetation. Portions of the property, including portions of the property proposed to be redesignated for residential uses, may be partially visible from the public beach. However, views of the property from much of the beach are blocked by bluff topography, as the beach is at least 40 feet lower in elevation than the subject site. Some of the existing cabins on the 28-acre lot owned by the Big Lagoon Park Company property north of the subject site are visible to the public from the different public vantage points.

The portion of the property that abuts Big Lagoon Park Road currently is designated for TC uses and will continue to be designated for TC uses under the proposed LUP amendment as submitted. The portions of the property that abut Roundhouse Creek Road and that are adjacent to the bluff edge above the beach currently are designated for RE uses and will be redesignated for TC uses under the proposed LUP amendment as submitted. The portions of the property along Roundhouse Creek Road and along the bluff edge above the beach include a stretch of Roundhouse Creek and its associated riparian habitat.

Section 30251 of the Coastal Act, which is included in Section 3.42 of the North Coast Area Plan, requires that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. The existing certified NCAP also includes several specific visual resource protection policies requiring development to be compatible with the physical scale of surrounding development and requiring the protection of natural landforms.

It will be possible to site future residential development on the portion of the site proposed to be redesignated for RE uses under the proposed LUP amendment as submitted so that it will not interfere with views to and along the ocean or scenic coastal areas due to intervening forest vegetation and the site's distance (over 350 feet) from the bluff edge. In addition, as the area planned to be redesignated for RE uses is relatively flat, future residential development in the area will involve minimal grading and no land form alteration. Furthermore, as the portion of the property that abuts Big Lagoon Park Road currently is designated for TC uses and will continue to be designated for TC uses under the proposed LUP amendment as submitted, there will be no change to the character of this portion of the site. Moreover, as residential development is

currently and will continue to be visible from other public vantage points, the partially developed character of the site as viewed from other vantage points will be largely unaffected. Finally, the numerous policies and standards applicable to the site under the existing certified LCP that provide for the protection of creeks and riparian habitats, the forested character of the portions of the site along Roundhouse Creek Road and along the bluff above the beach will continue to apply to future development facilitated by the proposed LCP amendment as submitted.

Therefore, the Commission finds that the proposed LUP amendment as submitted is consistent with Section 30251 of the Coastal Act.

vi. Archaeological Resources

Section 30244 of the Coastal Act states as follows:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project site is located within the ancestral lands of the Yurok Tribe. A cultural resources study was completed for the subject parcel and for the parcel to the north by Roscoe and Associates in 2003. The report concludes that no archaeological resources are present on the site. In addition, Commission staff referred the project to the Big Lagoon Rancheria, Trinidad Rancheria, and Yurok Tribe for comment on August 14, 2015 and received no comments from the tribes to date.

Existing policies of the certified LCP include Section 30244 of the Coastal Act (Sections 3.27 and 3.39 of the North Coast Area Plan), which requires that reasonable mitigation be required where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer. The County and the Commission on appeal will be able to review the consistency of any CDP application submitted for the relocation or development of new houses with these policies and impose mitigation measures as necessary. Thus, the Commission finds that the proposed LUP amendment as submitted is consistent with Coastal Act Section 30244, as future development on the site can be conditioned to include mitigation measures to ensure that development will not adversely impact archaeological resources.

vii. Public Access

The subject site is located between the first through public road (Highway 101) and the sea on an uplifted marine terrace approximately 40-90 feet above mean sea level. The northwest corner of the property is adjacent to the existing bluff edge, and the inland extent of the subject property is approximately 400 feet inland from the bluff edge. As discussed above, the site abuts two public roads, Big Lagoon Park Road, and Roundhouse Creek Road. Big Lagoon Park Road connects with other County roads (A Road and B Street), which lead to Big Lagoon County Park, Big Lagoon, and the ocean shoreline. Roundhouse Creek Road leads to another County road – Ocean View Drive – which leads to the County Park and ocean shoreline.

The public access policies of the Coastal Act are included in Section 3.50 of the certified North Coast Area Plan. The closest access points to the subject site identified in the NCAP are Big Lagoon County Park (site #13) and “Big Lagoon Park” (site #14), both located about ¼-mile north of the property. In addition, the northwest corner of the property, where Roundhouse Creek flows from the property down the bluff to the beach, is adjacent to an eroded away section of Ocean View Drive, which currently affords public access to the shoreline.

The proposed LUP amendment as submitted will have no effect on lateral or vertical beach access. There is no evidence that the property has been used by the public to gain access to the ocean, and as mentioned above, there are multiple public access points west and north of the site. Therefore, the Commission finds that the LUP amendment as submitted will not adversely affect public access, and the amendment as submitted is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

viii. Conclusion: Certify as Submitted

In conclusion, for all of the reasons discussed above, the Commission finds that the proposed LUP amendment as submitted is consistent with all applicable Chapter 3 policies of the Coastal Act.

III. FINDINGS FOR CERTIFICATION OF THE IP AMENDMENT AS SUBMITTED

The Commission finds and declares as follows for proposed Implementation Program (IP) amendment number LCP-1-HUM-15-0011-2:

A. ANALYSIS CRITERIA

To certify the amendment to the Implementation Plan (IP) portion of the County of Humboldt LCP, the Commission must find that the amended IP will conform with and adequately carry out the provisions of the certified LUP (in this case the North Coast Area Plan segment), as amended.

B. IP AMENDMENT DESCRIPTION

The proposed IP amendment will rezone the boundary lines between the existing Residential Single Family (RS) and Coastal Commercial Timberland (TC) zoning designations of the subject property, resulting in a net shift of approximately 2.4 acres from RS to TC, and an adjustment of the urban limit line to run coincident with the new RS-zoned area. Under the certified coastal zoning regulations (CZR), the principally permitted uses allowed within the RS zone include Single Family Residential, Second Residential Unit, Cottage Industry, and Minor Utilities to serve these uses. The principally permitted uses allowed within the TC zone include Single Family Residential (including residential occupancy of a single detached main building by one family), General Agriculture, Timber Production, Cottage Industry, and Minor Utilities to serve these uses.

The existing RS zoning on the property includes two overlay or “combining” zones: “X,” designating the area as “No Further Subdivision Allowed,” and “D,” designating the area as requiring “Design Review.” The existing TC-zoned portion of the property also includes the D

combining zone. The proposed IP amendment will retain the D combining zone across the entire property as well as retain the X combining zone across the RS portion of the property. In addition, the Planned Unit Development (“P”) combining zone also will be added to the RS portion of the property to provide for clustered development (multiple cabin relocation sites) on the subject lot. In sum, the proposed IP amendment as submitted would result in 4.8 acres of the property zoned RS-X/D/P and 8.2 acres of the property zoned TC-D.

The purpose of the “D” combining zone is (CZR Section 313-19 in part):

...to provide design review for conformance of new development with the policies and standards of the General Plan and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area’s historical, cultural or scenic values.

The purpose of the “P” combining zone is (CZR Section 313-31 in part):

...to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of:

Permitting more flexibility to cope with difficulties due to topography and other natural or manmade features.

Providing for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services;

Encouraging a more creative approach to land development through waiver of development standards and application of less rigid development criteria where such flexibility can better provide for the protection and enhancement of designated sensitive habitats and cultural resources provided all the required findings for approving subdivisions can be made.

The “X” combining zone is described in CZR Section 313-39 in part as follows:

...where the development standards are modified for the sole purpose of prohibiting further subdivisions of any lots within the zone.

C. IMPLEMENTATION CONFORMITY

For any proposed change to a property’s zoning designation to be certifiable, the implementing zoning designation must be shown to conform with its LUP counterpart and adequately carry out all applicable LUP policies. In this case, the proposed RS-X/D/P zoning district will implement the proposed RE land use designation, and the proposed TC-D zoning district will implement the proposed TC land use designation for the site. The boundaries of the adjusted zoning districts match the boundaries of the redesignated land use designations. The RS-zoning district allows for the same range of uses as the RE land use designation, in particular single family residential uses, but with the X, D, and P combining zones, the development of the site for future residential uses must also conform to the designated combining zone standards. The TC-zoning district allows for the same range of uses as the TC land use designation, in particular timber production and related uses, agricultural uses, and single family residential uses. The D standards must also

be applied. The proposed reconfiguration of zoning district boundaries on the site will not significantly change the kind or intensity of land use that is currently allowed under the current RS and TC district standards.

Therefore, the Commission finds that given this consistency between the LUP and zoning designations, the proposed TC zoning classification will conform with and be adequate to carry out the policies and standards of the LUP, as amended.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT

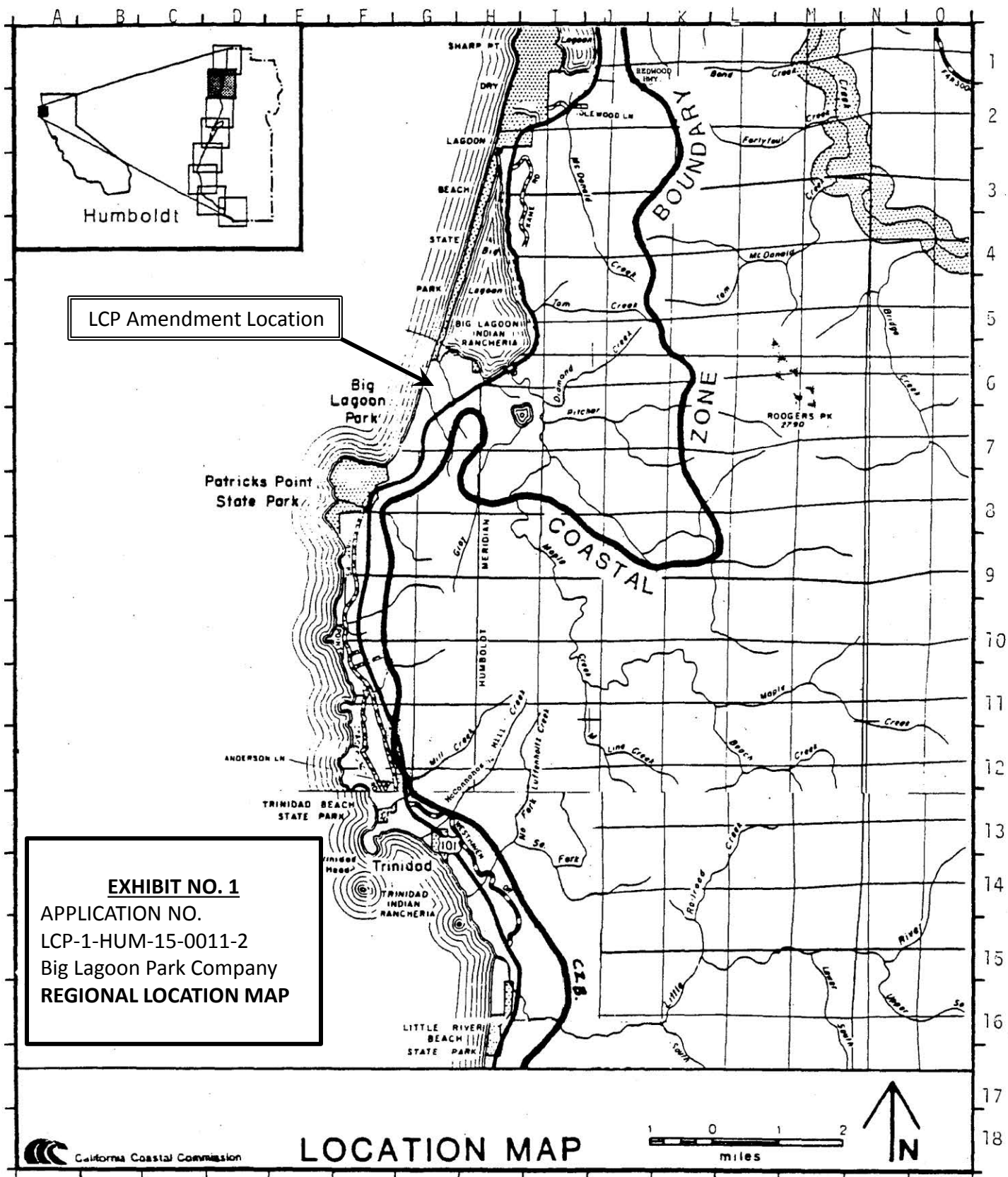
As part of its local action on the subject LCP amendment, on October 19, 2004, the County of Humboldt Board of Supervisors, per Title 14, Section 15074 of the California Code of Regulations (“CEQA Guidelines,”) adopted a Mitigated Negative Declaration for the proposed LCP amendment. Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (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 LCPA. 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 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

The County’s LCP Amendment consists of a Land Use Plan amendment (LUP) and an Implementation Plan (IP) amendment. The Commission incorporates its findings on Coastal Act and land use plan conformity into this CEQA finding as it is set forth in full. As discussed herein, the LUP amendment request as submitted is consistent with the Coastal Act. The IP amendment as submitted conforms with and is adequate to carry out the policies of the certified LUP. There are no other feasible alternatives or mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment. The Commission finds that approval of the LCP amendment as submitted will not result in significant environmental effects within the meaning of CEQA.

APPENDIX A
SUBSTANTIVE FILE DOCUMENTS

- Application File for LCP Amendment No. LCP-1-HUM-15-0011-2 (County of Humboldt).
Baldwin, Blomstrom, Wilkinson and Associates, Inc. May 5, 2014. 1 p. letter signed by G. Blomstrom (RPF 1877).
- Busch Geotechnical Consultants. 2006. "Recommended Setback for a Bluff-top Home Based on Erosion-Rate and Factor-of-Safety Considerations, 254 Roundhouse Creek Road, Big Lagoon Park Subdivision, Humboldt County, California [Lot 18, Melvin, APN 517-251-018]." 27 pp. unpublished report signed by B. Whitney, M. Woodward and R.E. Busch, Jr., Ph.D. (CEG 1448).
- California Coastal Commission. August 12, 2015. *Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits*.
- California Coastal Records Project: <http://www.californiacoastline.org/>
- California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDB). *RareFind* (Version 5, government subscription). Accessed on July 31, 2015.
- California Emergency Management Agency, California Geological Survey, and University of Southern California. June 1, 2009. "Tsunami Inundation Map for Emergency Planning." Rodgers Peak Quadrangle/Trinidad Quadrangle. State of California, County of Humboldt.
- California Forest Practice Rules 2015:
http://bofdata.fire.ca.gov/regulations/ca_forest_practice_rules_other_title_14_codes/california_forest_practice_rules/2015_fp_rulebook_with_tra_no_1_final.pdf
- CDP File Nos. 1-84-222 (Big Lagoon Park Co.), 1-85-130 (Haddock), 1-98-075 (Wall), 1-99-066-W (Kavich), 1-03-028 (Rohner), and 1-12-023 (Winget)
- Coastal Data Management System File No. 1-HUM-00-393 (Humboldt County CDP File No. CDP-00-28).
- County of Humboldt. July 6, 2004. "Mitigated Negative Declaration for Big Lagoon Park Company, Inc." County of Humboldt Local Coastal Program
- LACO Assoc. May 2001. "R-2 Geologic/Soils Report, Proposed Relocation Sites for Existing Residential Buildings, APN 517-121-10." 10 pp report + figures and attachments, signed by G.L. Manhart (PG 7169) and D.N. Lindberg (CEG 1895).
- LACO Assoc. December 16, 2011. "Geotechnical Report, New Single Family Residence, 254 Roundhouse Creek Road, Big Lagoon, California." 12 pp. geotechnical report signed by G.A. Vadurro (PG 7437).
- LACO Assoc. November 19, 2012. "Request for Information, Coastal Development Permit Application 1-12-023, Assessor's Parcel Number 517-251-018." 2 pp. letter signed by B. Dussell (CEG 2555).
- NRM Corp. June 24, 2010. "Biological Reconnaissance at Big Lagoon Cabins Site." 3 pp. letter signed by J. Meyer, Environmental Services Director.
- NRM Corp. May 13, 2014. "Extent of Riparian Vegetation on Roundhouse Creek." 1 p. letter signed by Prairie Moore, Environmental Services Director
- SHN Consulting Engineers and Geologists. April 27, 2001. "Feasibility Study for Sewage Disposal Systems, Big Lagoon Park, Big Lagoon, CA; APN 517-121-10." 2 pp. letter plus enclosures, signed by G. Williston, Laboratory Manager.
- Tuttle, D.C. 1981. "Investigation and methods for determining coastal bluff erosion, historical section." Unpublished Sea Grant Report. 161 pp.



County of Humboldt



Map layers from Humboldt County Planning & Building Dept.
Public GIS Portal: <http://www.humboldt.gov/1357/Web-GIS>

EXHIBIT NO. 2

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
VICINITY MAP
Page 1 of 2



Map layers from Humboldt County Planning & Building Dept.
Public GIS Portal: <http://www.humboldt.gov/1357/Web-GIS>

EXHIBIT NO. 2

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
VICINITY MAP
Page 2 of 2

Existing land use designations include RE (Residential Estates) and TC (Timberland Commercial)

Northcoast Area Plan
land use designations

RESOURCES
Agriculture Exclusive Prime
Agriculture General
Commercial Timberland

URBAN
Urban Limit Line
Residential Estates
Commercial General
Commercial Recreation
Public Recreation
Public Facility

RURAL
Rural Residential
Rural Exurban
Commercial Recreation
Industrial/Heavy
Public Recreation
Public Facility
Natural Resources

Planning Area Boundary

Subject Parcel = [red hatched box]

Scale 1"=600'

Board of Supervisors
Approved December 4, 1988
Resolution No. 81-312

Planning Commission
Approved October 15, 1988
Resolution No. 81-25

Agriculture Exclusive Prime
Agriculture General
Commercial Timberland

AEF
AG
TC


Urban Limit Line
Residential Estates
Commercial General
Commercial Recreation
Public Recreation
Public Facility

RE
CO
CR
PR
PF

- Rural Residential
- Rural Exurban
- Commercial Recreation
- Industrial/Heavy
- Public Recreation
- Public Facility
- Natural Resources

RF
RY
CF
MF
PF
PT
TMO

Authors' copy
 Please forward
 your final version
 to: books@wiley.com

Subject Parcel = 

Scale 1" = 600'

EXHIBIT NO. 3
APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
**EXISTING LAND USE &
ZONING DESIGNATIONS**
Page 1 of 4

Page 18

28-acre lot owned by Big Lagoon Park Company with existing cabins

The existing urban limit line, indicated by the dotted line, is drawn around the lot with the existing Big Lagoon Park Company cabins and around the lots within the Big Lagoon Estates subdivision to the south. The subject site currently is outside of the urban limit line.

TC
160-Acre Density

PR

TC

PF

160-Acre Density

5-Acre Density

Northcoast Area Plan
land use designations

RESOURCES

Agriculture Exclusive Prime
Agriculture General
Commercial Timberland

AEP
AB
TC

URBAN

Urban Limit Line
Residential Estates
Commercial General
Commercial Recreation
Public Recreation
Public Facility


RE
CG
CR
RR
PF

RURAL

Rural Residential
Rural Exurban
Commercial Recreation
Industrial / Heavy
Public Recreation
Public Facility
Natural Resources

RR
RE
CF
ME
PF
PR

Planning Area Boundary

Subject Parcel = 

Scale 1" = 600'

Lots within the Big Lagoon Estates subdivision are along Oceanview Dr. and Roundhouse Creek Rd.

CURRENT URBAN LIMIT LINE
BIG LAGOON PARK COMPANY, INC.
GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION
COASTAL DEVELOPMENT PERMIT
BIG LAGOON AREA
GPA-03-01/ZR-03-04/CDP-06-62
APN: 517-121-010
T09N R01W S24 HB&M (Trinidad)

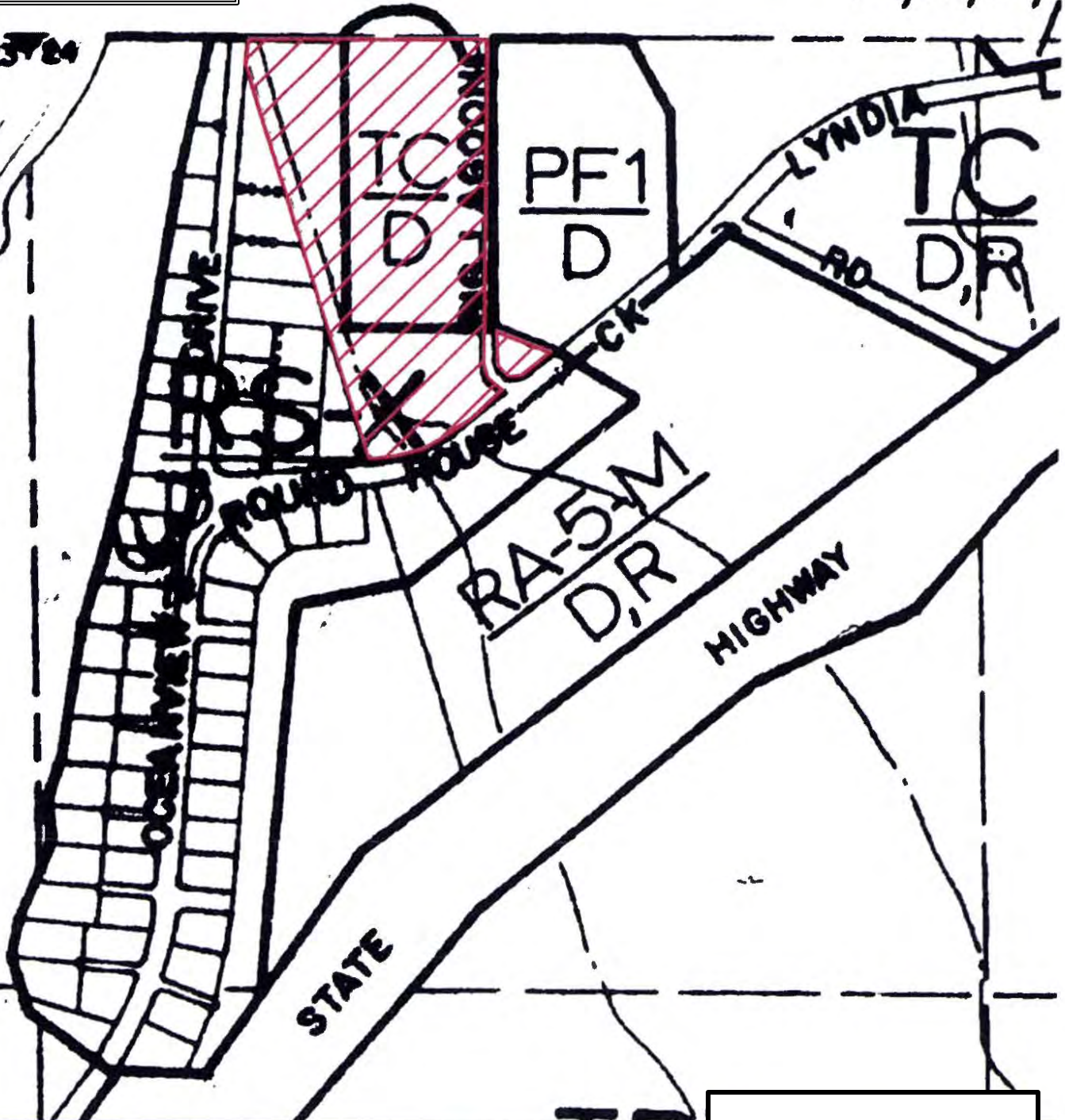
EXHIBIT NO. 3
APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
EXISTING LAND USE & ZONING DESIGNATIONS
Page 2 of 4

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

Existing zoning designations include RS-X (Residential Single Family- No Further Subdivision Allowed) and TC with a "D" combining zone (Design Review)

e Inset

23724



**CURRENT ZONING DESIGNATIONS
BIG LAGOON PARK COMPANY, INC.
GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION
COASTAL DEVELOPMENT PERMIT
BIG LAGOON AREA**

GPA-03-01/ZR-03-04/CDP-06-62

APN: 517-121-010

T09N R01W S24 HB&M (Trinidad)

EXHIBIT NO. 3

APPLICATION NO.

LCP-1-HUM-15-0011-2

Big Lagoon Park Company

**EXISTING LAND USE &
ZONING DESIGNATIONS**

Page 3 of 4

Subject Parcel =



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

MAP NOT TO SCALE

Existing designations of the three lots owned by the Big Lagoon Park Company

28-acre lot with 76 existing cabins owned by the Big Lagoon Park Company

15-acre undeveloped lot owned by the Big Lagoon Park Company

Pacific Ocean

PR

RE
33.1 (AC)

TC
14.9 (AC)

TC
0.9 (AC)

TC
5.8 (AC)

RE
7.2 (AC)

LCP Amendment Location

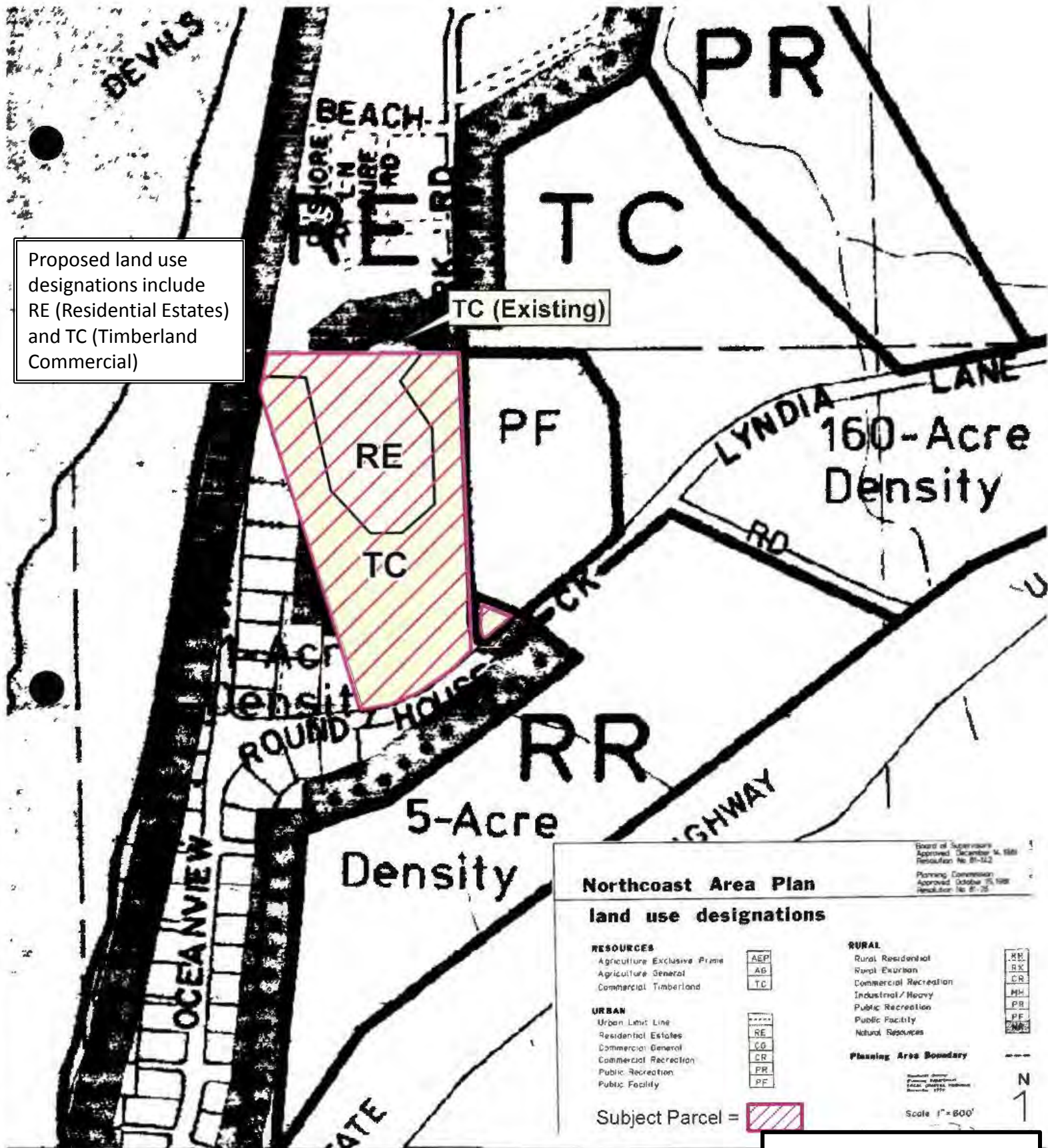
- Big Lagoon Park Co. parcels
- Residential Estates
- Coastal Commercial Timberland

CURRENT ZONING DESIGNATIONS
BIG LAGOON PARK COMPANY, INC.
GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION
COASTAL DEVELOPMENT PERMIT
BIG LAGOON AREA
GPA-03-01/ZR-03-04/CDP-06-62
APN: 517-121-010
T09N R01W S24 HB&M (Trinidad)

EXHIBIT NO. 3
APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
**EXISTING LAND USE &
ZONING DESIGNATIONS**
Page 4 of 4

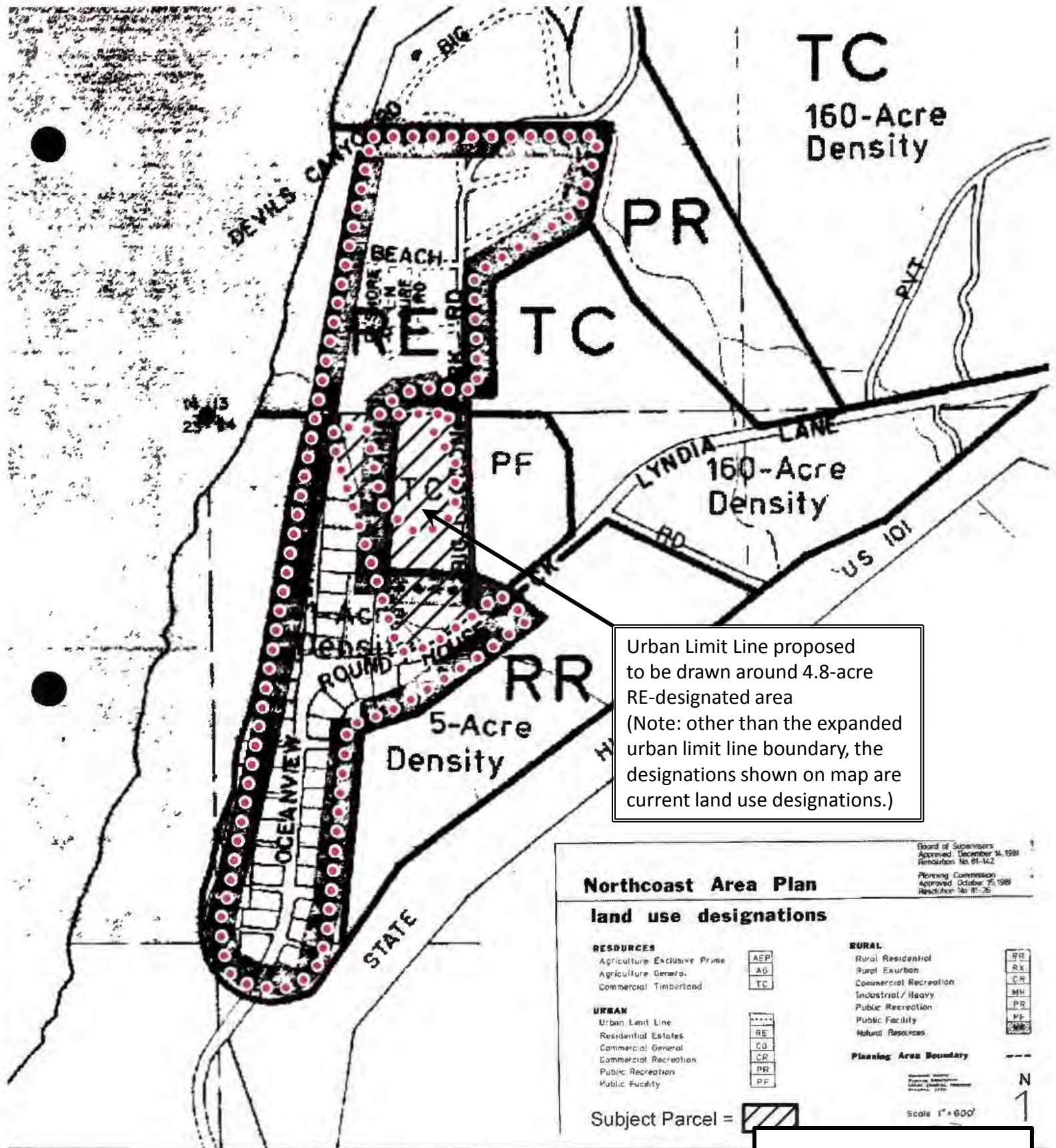
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

Proposed land use designations include RE (Residential Estates) and TC (Timberland Commercial)



PROPOSED LAND USE DESIGNATIONS
BIG LAGOON PARK COMPANY, INC.
GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION
COASTAL DEVELOPMENT PERMIT
BIG LAGOON AREA
GPA-03-01/ZR-03-04/CDP-06-62
APN: 517-121-010
T09N R01W S24 HB&M (Trinidad)

EXHIBIT NO. 4
APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
PROPOSED LAND USE &
ZONING DESIGNATIONS
Page 1 of 4



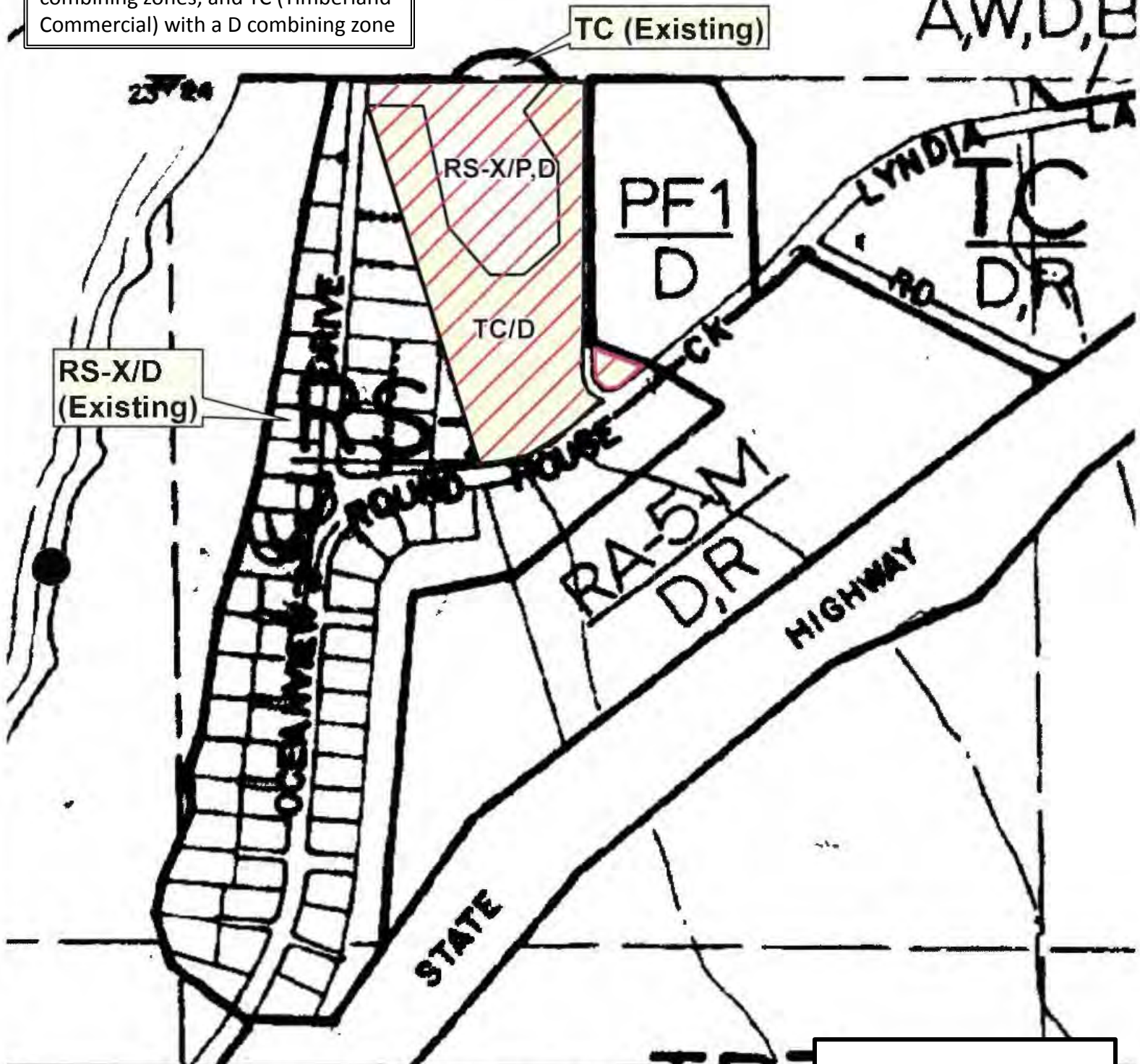
PROPOSED URBAN LIMIT LINE
BIG LAGOON PARK COMPANY, INC.
GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION
COASTAL DEVELOPMENT PERMIT
BIG LAGOON AREA
GPA-03-01/ZR-03-04/CDP-06-62
APN: 517-121-010
T09N R01W S24 HB&M (Trinidad)


EXHIBIT NO. 4
APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
PROPOSED LAND USE & ZONING DESIGNATIONS
Page 2 of 4

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

Proposed zoning designations include RS-X (Residential Single Family- No Further Subdivision Allowed with "D" (Design Review) and "P" (Planned Unit Development) combining zones, and TC (Timberland Commercial) with a D combining zone

Inset



Subject Parcel = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

PROPOSED ZONING DESIGNATIONS
BIG LAGOON PARK COMPANY, INC.
GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION
COASTAL DEVELOPMENT PERMIT
BIG LAGOON AREA
GPA-03-01/ZR-03-04/CDP-06-62
APN: 517-121-010
T09N R01W S24 HB&M (Trinidad)

EXHIBIT NO. 4
APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
**PROPOSED LAND USE &
ZONING DESIGNATIONS**
Page 3 of 4

MAP NOT TO SCALE

Big Lagoon

Proposed redesignation of the subject site in relation to existing designations of other lots owned by the Big Lagoon Park Company

28-acre lot with 76 existing cabins owned by the Big Lagoon Park Company

15-acre undeveloped lot owned by the Big Lagoon Park Company

Pacific Ocean

PR

RE
33.1 (AC)

TC
14.9 (AC)

RE
4.8 (AC)

TC
0.9 (AC)

TC
8.2 (AC)

LCP Amendment Location

- Big Lagoon Park Co. parcels
- Residential Estates
- Coastal Commercial Timberland

PROPOSED ZONING DESIGNATIONS

BIG LAGOON PARK COMPANY, INC.

GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION

COASTAL DEVELOPMENT PERMIT

BIG LAGOON AREA

GPA-03-01/ZR-03-04/CDP-06-62

APN: 517-121-010

T09N R01W S24 HB&M (Trinidad)

EXHIBIT NO. 4

APPLICATION NO.

LCP-1-HUM-15-0011-2

Big Lagoon Park Company

**PROPOSED LAND USE &
ZONING DESIGNATIONS**

Page 4 of 4

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

View of subject site from the bluff adjacent to site where the existing 76 cabins are located



View of a portion of the cabin relocation site on the subject parcel



REC'D
JUL 1 2014

W 1/6 Con. Between
Sections 13 & 24

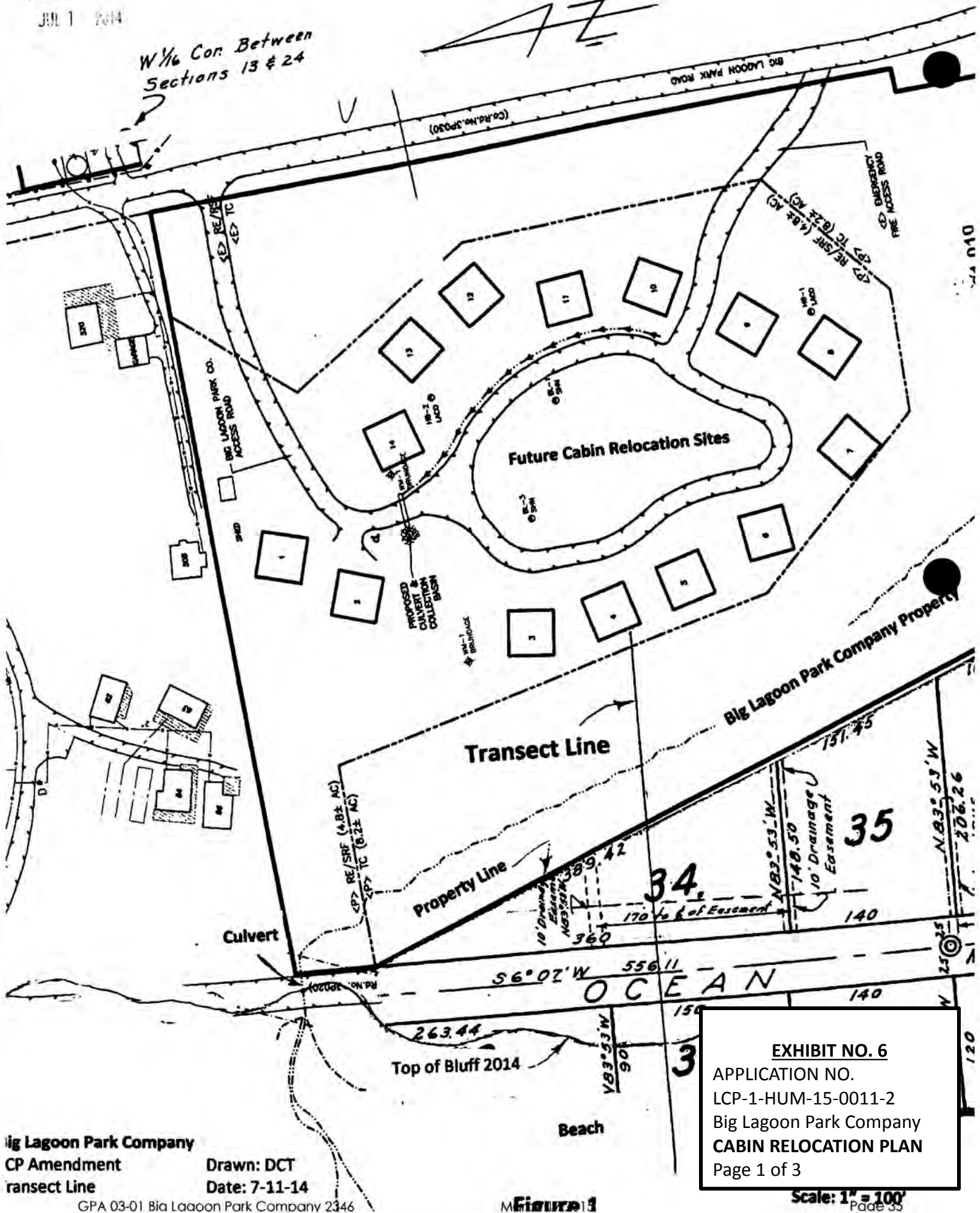
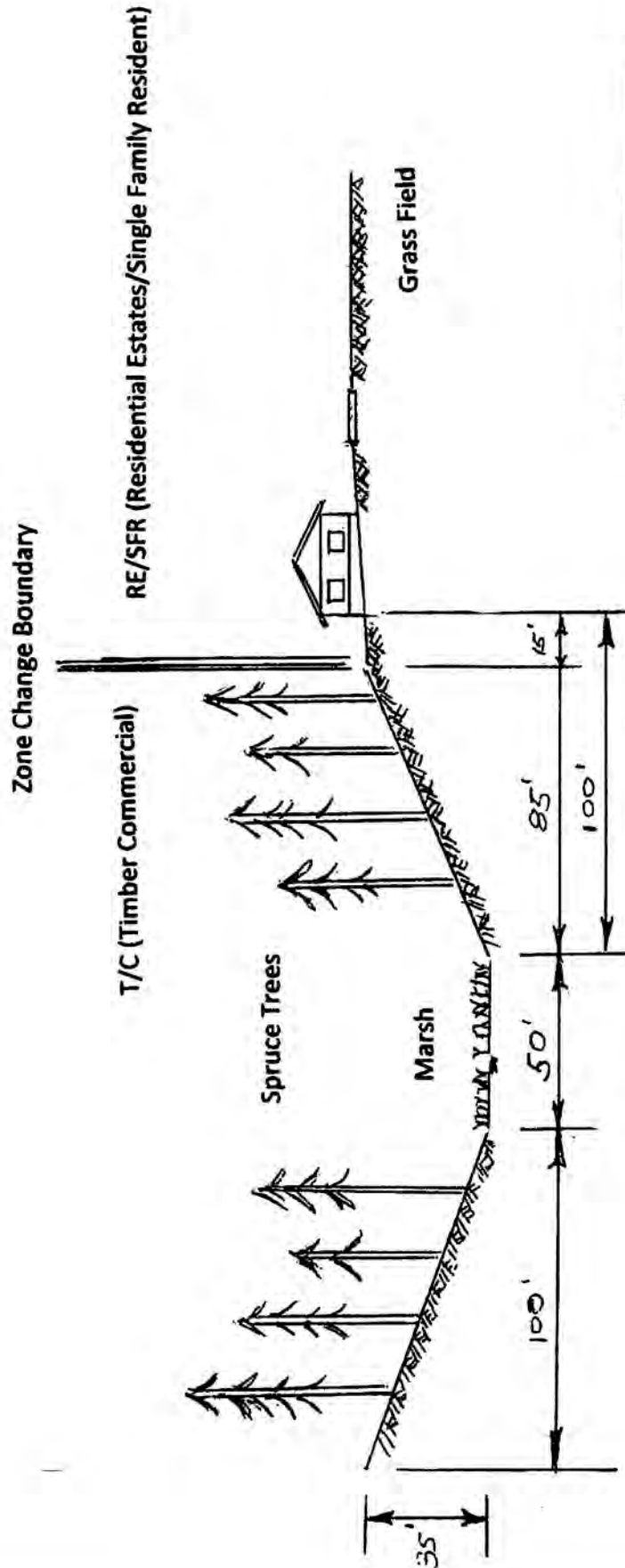


EXHIBIT NO. 6
APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
CABIN RELOCATION PLAN
Page 1 of 3

Scale: 1" = 100'

EXHIBIT NO. 6

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
CABIN RELOCATION PLAN
Page 2 of 3



Big Lagoon Park Company
LCP Amendment
Transect Showing 100 foot
set-back from marsh area.

Drawn by DCT
Date: 5-22-14

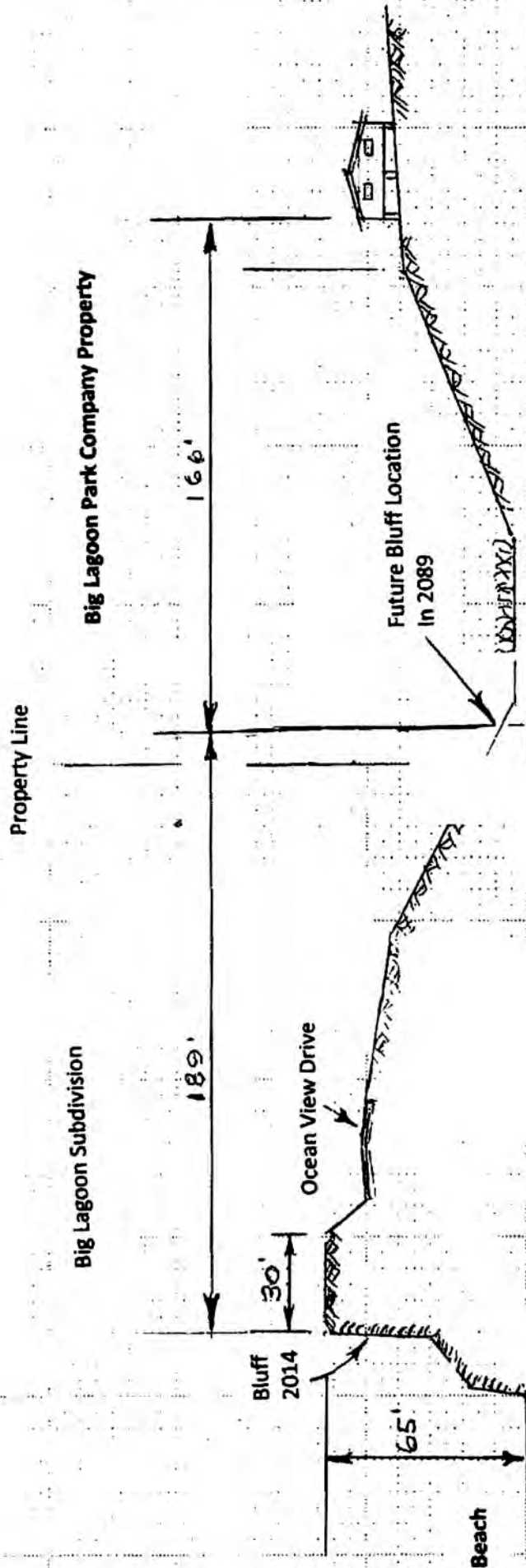
Transect: View Northwest
Scale: 1" = 50'

JUN 11 2014

JUL 1 2014

EXHIBIT NO. 6

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
CABIN RELOCATION PLAN
Page 3 of 3



Transect: View Northwest
Transect is located 300 feet south of culvert that drains to beach. See Map of Relocation Sites and Subdivision Parcels.

**Big Lagoon Park Company
LCP Amendment
Transect showing future location
of bluff face in 75 years.**

Scale: 1" = 50'

Drawn by: DCT

Date: 7-11-14

Figure 2

March 17, 2015

GPA 03-01 Big Lagoon Park Company 2346

May 5, 2014

At the request of Mr. Don Tuttle, President of the Board of Directors, Big Lagoon Park Company, Inc. I have been asked to evaluate "[whether]... the current configuration of the TC-designated land on the property [is] of a commercial sized unit(s) and would the proposed TC configuration be of a commercially sized unit(s)". In addition, Mr. Tuttle has asked that I "....elaborate on the prospects for timber production under both the current and proposed configurations."

Section 30243 of the Coastal Act protects the long term productivity of timberlands as follows:

The long-term productivity of soils and timberlands shall be protected and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Within the current 13 acre parcel there is one area in the north central part of the property that is not forested and there is a riparian area that is in the lower part of the watershed of Roundhouse Creek in the south central part of the property that contains noncommercial species and would not be considered as commercial timberland. In addition Roundhouse Creek appears to be a class II watercourse which traverses the property from the south end of the parcel northwest to the northwest corner of the property. According to the forest practice rules, a class II watercourse on flat ground would need a minimum 50' buffer on each side of the creek where canopy cover could not be reduced below 80% which would effectively prohibit most timber harvest within such zone.

For the balance of the parcel, the vast majority of the timber volume is comprised of Sitka spruce, a species that in Humboldt County had value in one year in 1978, and then for the following 33 years could not be sold because there were no local buyers. During those 33 years, the parcel would not have been considered as of commercial size because it did not contain commercial species.

The market for Sitka spruce reappeared in 2011 when log exporters started buying spruce for shipment to China. Currently the log export market is softening and there is widespread concern that the market for spruce may again "dry up."

The entire parcel might contain 7 acres of spruce dominated forest not in riparian zones running maybe 30 MBF/acres with a harvestable volume of 200 MBF. At today's prices, such timber might be worth \$40,000 given \$200/MBF stumpage (\$475/MBF delivered log - \$275/MBF logging costs). A THP would be required to log such timber which is conservatively estimated to cost \$40,000.

It is my determination that considering the mix of species, the size of the entire parcel, the complicating presence of Roundhouse Creek and the fact that timber harvest would not produce net revenue to the landowner; that the subject parcel is not of a commercial size so as to be subject to Section 30243 of the Coast Act.

SIGNATURE ON FILE

Greg Blomstrom, RPF 1877
Associate, BBW Associates

Baldwin, Blomstrom, Wilkinson and Associates

EXHIBIT NO. 7

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
FORESTRY ANALYSIS

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-35

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE BIG LAGOON PARK COMPANY AMENDMENT OF THE HUMBOLDT COUNTY GENERAL PLAN AND LOCAL COASTAL PLAN (NORTH COAST AREA PLAN) IN THE BIG LAGOON AREA, CASE NUMBERS GPA-03-01 AND ZR-03-04, ASSESSOR PARCEL NUMBERS 517-121-010 AND 517-131-009, WHICH WILL BECOME EFFECTIVE UPON CERTIFICATION BY THE COASTAL COMMISSION

WHEREAS, State law provides for local governments to amend their General Plans up to four (4) times per year; and

WHEREAS, on September 3, 2002, the Board of Supervisors approved a General Plan Petition to amend the North Coast Area Plan to reconfigure the boundary lines between Residential Estates and Coastal Commercial Timberland with a net shift of approximately 2.4 acres into Commercial Timberland, and to relocate the Urban Limit Line to run coincident with the new Residential Estates designated area to facilitate the relocation of fourteen cabins threatened by an unstable coastal bluff; and

WHEREAS, the applicant, Big Lagoon Park Company, Inc., submitted an application and evidence in support of approving the General Plan Amendment and Zone Reclassification, Planned Development Permit, and Coastal Development Permit; and

WHEREAS, the proposed General Plan Amendment and Zone Reclassification; that is, to reconfigure the boundaries between Residential Estates (RE) and Commercial Timberland (TC) and Residential Single Family (RS-X-D) and Commercial Timber (TC-D), add the Planned Unit Development combining zone to principal zone of Residential Single Family (RS-X-D-P), as well as to relocate the Urban Limit Line to run coincident with the new RE designated area, may be approved if it can be found that: (1) The physical conditions have changed; (2) The proposed change is in the public interest; (3) The proposed change is consistent with the General Plan; and (4) The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

WHEREAS, the County Planning Division reviewed evidence about the submitted application and evidence and referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is subject to environmental review pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Division, the lead agency, prepared a Mitigate Negative Declaration (State Clearinghouse No. 2004072056), which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to

EXHIBIT NO. 8

APPLICATION NO.

LCP-1-HUM-15-0011-2

Big Lagoon Park Company

RESOLUTIONS 15-35 & 15-36

Page 1 of 9

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-35

WHEREAS, Attachment C of Attachment 5 in the staff report to the Planning Commission includes evidence in support of making all of the required findings for approving the proposed General Plan Amendment, Zone Reclassification, Planned Development Permit, and Coastal Development Permit application for Case Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62; and

WHEREAS, the Planning Commission reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on August 19, 2004; and

WHEREAS, at their August 19, 2004 meeting, the Planning Commission recommended the Board make the necessary findings and approve the General Plan Amendment and Zone Reclassification by unanimously approving Resolution 04-78; and

WHEREAS, the Board of Supervisors reviewed and considered said reports and other written and spoken evidence and testimony presented to the Board of Supervisors during a public hearing on October 19, 2004; and

WHEREAS, at their October 19, 2004 meeting, the Board of Supervisors adopted the Mitigate Negative Declaration, and found there was no substantial evidence that the proposed project will have a significant effect on the environment; and

WHEREAS, at their October 19, 2004, the Board of Supervisors made the findings for Case Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62 based on the submitted evidence, and the proposed General Plan Amendment, Zone Reclassification, Planned Development Permit, and Coastal Development Permit were approved unanimously by Resolution 04-87 thereby amending the General Plan-North Coast Area Plan, and tentatively amending Section 311-7 Humboldt County Code; and

WHEREAS, on December 13, 2007, in accordance with Resolution 04-87 and the California Coastal Act, the Planning Division transmitted the Big Lagoon Park Company Inc.'s General Plan Amendment and Zone Reclassification application, along with many others in a consolidated single application, to the California Coastal Commission for certification as it is an amendment to the Local Coastal Plan's North Coast Area Plan and implementing zoning maps; and

WHEREAS, the California Coastal Commission by letters dated December 24, 2007 and February 11, 2008, provided comments and requested additional information on individual projects, the Big Lagoon Park Company, Inc. General Plan Amendment and Zone Reclassification being one such project; for the Big Lagoon Park Company Inc.'s application, said letters specified that the following items be addressed in supplemental information and in the revised transmittal resolution:

1. Information concerning timber capability, geological safety, and further and
2. That the Board of Supervisor's action to amend to Section 311-7 Humboldt

EXHIBIT NO. 8

APPLICATION NO.

LCP-1-HUM-15-0011-2

Big Lagoon Park Company

RESOLUTIONS 15-35 & 15-36

Page 2 of 9

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-35

- state the effective date of that action upon certification by Coastal Commission; and
3. Include the shift of the Urban Limit Line to run coincident with the new Residential Estates designated area on the parcel.

WHEREAS, because more than six months had passed since the last public hearing, on February 6, 2014, the California Coastal Commission returned the Local Coastal Plan Amendment application number HUM-MAJ-1-07, submitted on December 13, 2007, and that the Big Lagoon Park Company Inc.'s application was a component of application number HUM-MAJ-1-07; and

WHEREAS, between June 2010 and October 2014, the applicant, Big Lagoon Park Company, Inc., submitted supplemental information and evidence to the County Planning Division addressing the concerns identified in the Coastal Commission's letters dated December 24, 2007 and February 11, 2008; and

WHEREAS this supplemental information demonstrates there have been no substantive changes to the application for the General Plan Amendment and Zone Reclassification, Case Numbers; GPA-03-01 and ZR-03-04 to facilitate the relocation of fourteen cabins threatened by bluff erosion; and

WHEREAS, this supplemental information does not show that any of the three conditions described in Section 15162 of the CEQA Guidelines that require the preparation a subsequent Mitigate Negative Declaration have occurred; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the previously adopted Mitigated Negative Declaration (State Clearinghouse No. 2004072056), in Attachment 5 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and

WHEREAS, Attachments 1, 2, 3, and 5, hereby incorporated by reference, includes evidence in support of making all of the required findings described below in the attached Findings for Approval, Exhibit A, which is incorporated herein, for approving the proposed General Plan Amendment and Zone Reclassification Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62; and

WHEREAS, the Board of Supervisors reviewed and considered all the information considered by the Planning Commission for the project, including the public testimony received on the project during the public hearing on August 19, 2004; and

WHEREAS, the Board of Supervisors reviewed and considered all the information considered by the Humboldt County Board of Supervisors for the project, including the public testimony received on the project during the public hearing on October 19, 2004; and

EXHIBIT NO. 8

APPLICATION NO.

LCP-1-HUM-15-0011-2

Big Lagoon Park Company

RESOLUTIONS 15-35 & 15-36

Page 3 of 9

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-35

WHEREAS, the Board of Supervisors conducted a public hearing on March 17, 2015 to consider the proposed Addendum to the previously adopted Mitigate Negative Declaration in Attachment 5 and proposed project.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors, based on Planning and Building Department – Planning Division staff reports, supplemental reports, testimony presented at the public hearing, and having considered the recommendation of the Planning Commission, that:

1. The Board of Supervisors approves the proposed Addendum to a previously approved Mitigated Negative Declaration in Attachment 5 as required by Section 15074(b) of the CEQA Guidelines, 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 all the required findings described below in the attached Findings for Approval, Exhibit A, based on the described evidence found in Attachments 1, 2, 3, and 5, and finds that the proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act, and further finds that the Local Coastal Program Amendments will be carried out in accordance with the Coastal Act.
3. The Board of Supervisors approves the amendment to the Humboldt County Local Coastal Program- North Coast Area Plan, as recommended by the Planning Commission, for the subject property in the Big Lagoon area by: 1) reconfiguring the boundary line between Residential Estates and Coastal Commercial Timberland to follow the existing vegetation on the site such that the cleared area in the middle of the property is designated Residential Estates (RE), and the surrounding forested area is designated Coastal Commercial Timberland (TC), resulting in a net shift of approximately 2.4 acres from Residential Estates to Coastal Commercial Timberland as detailed in Attachments 1 and 5 in the Supplementary Staff Report, Board of Supervisors Staff Report, and Planning Commission Staff Report for Case Nos. GPA-03-01 and ZR-03-04, and 2) adjusting the Urban Limit Line in the Humboldt County Local Coastal Program-North Coast Area Plan, Big Lagoon area, to run coincident with the new Residential Estates designated area on the subject parcel. These changes will become effective upon certification of the amendment by the Coastal Commission.
4. The Board of Supervisors adopts Ordinance No. 2528 amending Section 311-7 of the Humboldt County Code to rezone property in the Big Lagoon area to reconfigure the boundaries between Residential Single Family (RS-X-D) and Commercial Timber (TC-D), and add the Planned Unit Development combining zone to principal zone of Residential Single Family (RS-X-D-P), in conformance with the mapping prepared for ZR-03-04 (Big Lagoon Park Company, Inc.), which will become effective upon certification by the Coastal Commission.
5. The Board of Supervisors directs staff to submit the Local Coastal Program and Implementation Plan amendments to the Coastal Commission for certification.
6. The Board of Supervisors directs that modifications to the Local Coastal Implementation Plan amendments required by the Coastal Commission be brought back to the Board of Supervisors for consideration at a future public hearing.

EXHIBIT NO. 8

APPLICATION NO.

LCP-1-HUM-15-0011-2

Big Lagoon Park Company

RESOLUTIONS 15-35 & 15-36

Page 4 of 9

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-35

7. The Board of Supervisors directs that Current Planning Division Staff prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.
8. The Board of Supervisors directs the Clerk of the Board to give notice of the decision to the applicant, the County Assessor's Office and any other interested party.
9. The Board of Supervisors directs the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

SIGNATURE ON FILE

Dated: March 17, 2015

ESTELLE FENNELL, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Lovelace, seconded by Supervisor Sundberg, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Fennell, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the Seal of said Board of
Supervisors.

SIGNATURE ON FILE

By ANA HARTWELL
Deputy Clerk of the Board
County of Humboldt, State of California

EXHIBIT NO. 8

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
RESOLUTIONS 15-35 & 15-36
Page 5 of 9

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-36

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND DIRECTING PLANNING STAFF
TO SUBMIT TO THE CALIFORNIA COASTAL COMMISSION THE PROPOSED BIG
LAGOON PARK COMPANY, INC. AMENDMENT TO THE LOCAL COASTAL PROGRAM
FOR REVIEW AND CERTIFICATION**

WHEREAS, on September 3, 2002, the Board of Supervisors approved a General Plan Petition to amend the North Coast Area Plan to reconfigure the boundary lines between Residential Estates and Coastal Commercial Timberland with a net shift of approximately 2.4 acres into Commercial Timberland, and to relocate the Urban Limit Line to run coincident with the new Residential Estates designated area to facilitate the relocation of fourteen cabins threatened by an unstable coastal bluff; and

WHEREAS, the County Planning Division 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 County Planning Division, the lead agency, prepared a Mitigated Negative Declaration (State Clearinghouse No. 2004072056), in Attachment 5 as required by Section 15074(b) of the CEQA Guidelines, and found that there is no substantial evidence that the proposed project will have a significant effect on the environment; and

WHEREAS, the County Planning Division 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 General Plan Amendment/Zone Reclassification/Planned Unit Development/Coastal Development Permit (Case Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62); and

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

WHEREAS, on August 19, 2004, the Planning Commission adopted Resolution No. 04-78 recommending that the Board of Supervisors approve the General Plan Amendment and Zone Reclassification for the Big Lagoon Park Company, Inc. facilitate the relocation of fourteen cabins threatened by an unstable coastal bluff; and

WHEREAS, at their October 19, 2004 meeting, the Board of Supervisors adopted the Mitigated Negative Declaration, and found there was no substantial evidence that the proposed project will have a significant effect on the environment; and

WHEREAS, at their October 19, 2004, the Board of Supervisors made the findings for Case Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62 based on the submitted evidence. The General Plan Amendment, Zone Reclassification, Planned Development Permit and Coastal Development Permit were approved unanimously by Resolution 04-87 thereby

EXHIBIT NO. 8

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
RESOLUTIONS 15-35 & 15-36
Page 6 of 9

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-36

Plan-North Coast Area Plan, and tentatively amending Section 311-7 Humboldt County Code subject to California Coastal Commission review and approval, and approved a resolution of submittal to the California Coastal Commission; and

WHEREAS, the California Coastal Commission by letters dated December 24, 2007 and February 11, 2008, provided comments and requested additional information on individual projects, the Big Lagoon Park Company, Inc. General Plan Amendment and Zone Reclassification being one such project; for the Big Lagoon Park Company Inc.'s application, said letters specified that the following items be addressed in supplemental information and in the revised transmittal resolution:

1. Information concerning timber capability, geological safety, and further biological assessment; and
2. That the Board of Supervisor's action to amend to Section 311-7 Humboldt County Code clearly state the effective date of that action upon certification by Coastal Commission; and
3. Include the shift of the Urban Limit Line to run coincident with the new Residential Estates designated area on the parcel.

WHEREAS, because more than six months had passed since the last public hearing, on February 6, 2014, the California Coastal Commission returned the Local Coastal Plan Amendment application number HUM-MAJ-1-07, submitted on December 13, 2007, and that the Big Lagoon Park Company Inc.'s application was a component of application number HUM-MAJ-1-07; and

WHEREAS, between June 2010 and October 2014, the applicant, Big Lagoon Park Company, Inc., submitted supplemental information and evidence to the County Planning Division addressing the concerns identified in the Coastal Commission's letters dated December 24, 2007 and February 11, 2008; and

WHEREAS, the Local Coastal Plan Amendment and proposed Zone Reclassification have been revised to incorporate the supplemental information requested by the California Coastal Commission.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Humboldt County Board of Supervisors that the following findings regarding the Big Lagoon Park Company, Inc. amendment be hereby made:

1. The Plan amendment is in the public interest because reduces the exposure of people and property from the threat of episodic rapid-rate bluff erosion, and on-going and continuing hazard at this location.
2. As documented in the Mitigated Negative Declaration for the project, there is no substantial evidence that the proposed Plan amendment will have a significant effect on the environment.
3. The Plan amendment is in the public interest because it more accurately on existing vegetation and uses, protects timberlands from conversion and hazards due to coastal bluff retreat.

EXHIBIT NO. 8

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
RESOLUTIONS 15-35 & 15-36
Page 7 of 9

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-36

4. The Plan amendment is necessary because base information and physical conditions have changed; i.e. coastal bluff hazards have been identified since the North Coast Area Plan was completed.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the following findings regarding the Big Lagoon Park Company, Inc. Zone Reclassification be hereby made:

1. The Zone Reclassification is in the public interest because it more accurately designates lands based on existing vegetation and uses, protects timberlands from conversion and addresses geologic hazards due to coastal bluff retreat as amended.
2. The Zone Reclassification is consistent with the comprehensive view of the Plan in that it is consistent with policies that protect timberlands from conversion and policies that seek to minimize risk to development due to geologic hazards as amended.
3. Based on the evidence presented in the Mitigated Negative Declaration and the Addendum included in the staff report, there is no substantial evidence that the proposed project will have a significant effect on the environment.

NOW THEREFORE BE IT RESOLVED that this Board of Supervisors hereby finds that the proposed Local Coastal Plan Amendment and the proposed zoning ordinance amendment have been prepared in accordance with the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended, and is consistent with the provisions of said Act.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby intends to carry out the Local Coastal Program in a manner fully consistent with the California Coastal Act.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby provides notice to the California Coastal Commission and its staff that the proposed Local Coastal Plan Amendment and zoning ordinance amendments are adopted as amendments that will take effect upon Coastal Commission certification.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby directs Planning staff to submit the approved coastal plan and zoning ordinance amendments to the California Coastal Commission for their review and certification.

Dated: March 17, 2015

SIGNATURE ON FILE

ESTELLE FENNELL, Chair
Humboldt County Board of Supervisors

EXHIBIT NO. 8

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
RESOLUTIONS 15-35 & 15-36
Page 8 of 9

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-36

Adopted on motion by Supervisor Lovelace, seconded by Supervisor Sundberg, and the following vote:

AYES: Supervisors Sundberg, Lovelace, Fennell, Bohn, Bass
NAYS: Supervisors --
ABSENT: Supervisors --
ABSTAIN: Supervisors --

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

SIGNATURE ON FILE



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

EXHIBIT NO. 8

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
RESOLUTIONS 15-35 & 15-36
Page 9 of 9

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 17, 2015

**ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY
REZONING PROPERTY IN THE BIG LAGOON AREA [ZR-03-04 (BIG LAGOON PARK
COMPANY, INC.)]**

ORDINANCE NO. 2528

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

SECTION 1. ZONE AMENDMENT. Division I of Title III of the Humboldt County Code (the Zoning Ordinance), Section 311-7 of the Humboldt County Code is hereby amended (Designation and Adoption of Zoning Maps) for the approximate 13-acre parcel, described in Exhibit B, by reconfiguring the existing boundary line between Residential Single Family with No Further Subdivision and Design Review combining zones (RS-X-D) and Commercial Timber with Design Review combining zone (TC-D) consistent with the General Plan Amendment (GPA-03-01). The zone boundary line is hereby reconfigured to follow the existing vegetation on site with the cleared area in the middle of the property to be zoned Residential Single Family with No Further Subdivision, Planned Unit Development and Design Review combining zones (RS-X-P-D). The surrounding forested area to be zoned Commercial Timber with a Design Review combining zone (TC-D). Said reconfiguration of the boundary line results in a net shift of approximately 2.4 acres from RS to TC. The property is shown on Humboldt County Zoning Maps E7 and E8 and on the map attached as Exhibit A.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective immediately upon certification of the Local Coastal Plan Amendment by the Coastal Commission.

PASSED, APPROVED AND ADOPTED this 17th day of March, 2015 on the following vote,
to wit.

AYES: Supervisors Sundberg, Lovelace, Fennell, Bohn, Bass
NOES: Supervisors --
ABSENT: Supervisors --


SIGNATURE ON FILE

ESTELLE FENNELL, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

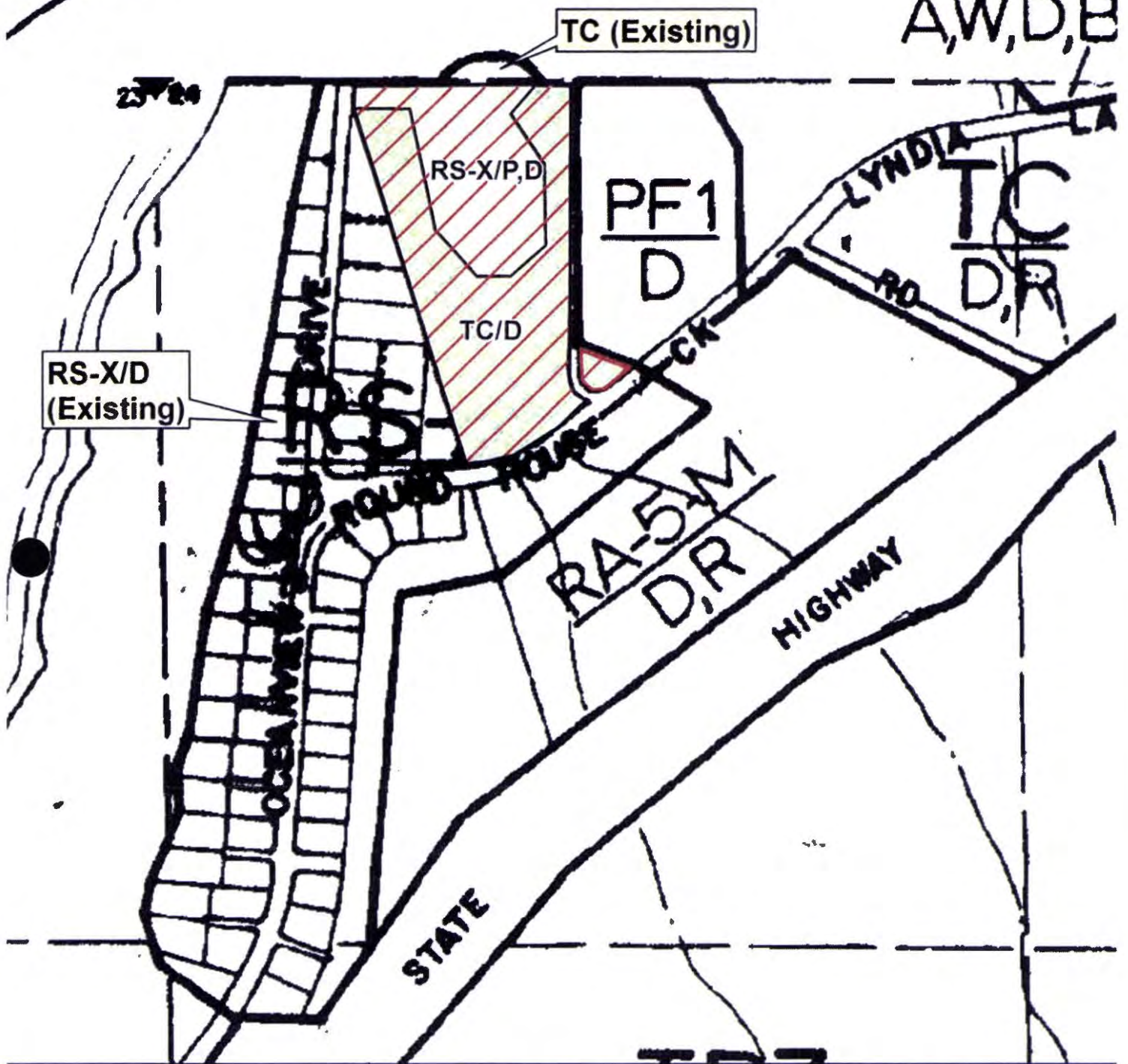
By:  SIGNATURE ON FILE
Ana Hartwell, Deputy

EXHIBIT NO. 9

APPLICATION NO.
LCP-1-HUM-15-0011-2
Big Lagoon Park Company
ORDINANCE 2528
Page 1 of 3

EXHIBIT A

See Inset



PROPOSED ZONING DESIGNATIONS

BIG LAGOON PARK COMPANY, INC.

GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION

COASTAL DEVELOPMENT PERMIT

BIG LAGOON AREA

GPA-03-01/ZR-03-04/CDP-06-62

APN: 517-121-010

TOWN OF HAWAII (Trinidad)

Subject Parcel = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy. GPA 03-01 Big Lagoon Park Company

EXHIBIT NO. 9

APPLICATION NO.

LCP-1-HUM-15-0011-2

Big Lagoon Park Company

ORDINANCE 2528

Page 2 of 3

EXHIBIT B

That real property situate in the County of Humboldt, State of California, described as follows:

All that portion of the Northwest Quarter of the Northwest Quarter of Section 24, Township 9 North, Range 1 West, lying East of the East line of Tract 22 – Big Lagoon Park Subdivision Block A filed August 28, 1962 in Book 14 of Maps, Pages 24, 25 and 26, Humboldt County Records;

lying West of the West line of that parcel of land described in the Deed to the County of Humboldt on November 4, 1965 in Book 859, Pages 41 and 47, Humboldt County Official Records;

and North of the South line of that parcel of land described in the Deed to the State of California on June 11, 1928 in Book 203 of Deeds, at Page 398, Humboldt County Records.

EXHIBIT NO. 9

APPLICATION NO.

LCP-1-HUM-15-0011-2

Big Lagoon Park Company

ORDINANCE 2528

Page 3 of 3