

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

5 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

W 11e ^{LSM}

Date Filed: July 13, 1998
60th Day: September 11, 1998
Staff: D. Rance
Staff Report: August 27, 1998
Hearing Date: September 9, 1998
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Steven Scholl, Deputy Director
Robert Merrill, North Coast District Manager
Darryl Rance, Coastal Planner

SUBJECT: **Humboldt County LCP Amendment No. 2-97, (John LoMiglio Zone Reclassification)** (Meeting of September 9, 1998, in Eureka.)

SYNOPSISAmendment Description

Humboldt County is requesting an amendment to its LCP Implementation Plan to: (1) rezone a 0.6-acre parcel containing the "Hilltop Market" **from** RA-2.5/M (Rural Residential Agriculture, 2.5 acre minimum lot size with a mobilehome combining zone) **to** CN/Q (Neighborhood Commercial with a qualified combining zone); **and** (2) **add** an "X" combining zone to rezone the two adjacent parcels **from** RA-2.5/M **to** RA-X/M (Rural Residential Agriculture, with a "X" combining zone to prohibit any further division of the land). The affected property is located at the intersection of Westhaven Drive and Old Wagon Wheel Road in the Westhaven Area of Humboldt County.

Summary of Staff Recommendation

The staff recommends that the Commission **approve** the Implementation Plan amendment as submitted. The amendment, which consists of changes to the Zoning Map, is proposed in accordance with the County's certified Land Use Plan.

Analysis Criteria

To approve the Implementation Plan amendment, the Commission must find that the Implementation Plan (IP), as amended, conforms with and is adequate to carry out the Land Use Plan (LUP) policies and map designations of the County's LCP.

Additional Information

For further information, please contact Darryl Rance at the North Coast District Office (415) 904-5268. Correspondence should be sent to the District Office at the above address.

I. STAFF RECOMMENDATION

Staff recommends that after a public hearing, the Commission adopt the following resolution and findings:

A. APPROVAL OF ZONING MAP AMENDMENT AS SUBMITTED

The resolution is properly introduced by the following motion:

"I move that the Commission reject the zoning map amendment in LCP Amendment No. 2-97 (Major) to Humbolt County's Implementation Plan as submitted by the County."

Staff recommends a No vote, and adoption of the following resolution and findings. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present would result in rejection of the amendment request.

RESOLUTION:

The Commission hereby certifies LCP Amendment No. 2-97 (Major) to the Implementation Plan of the Humbolt County LCP for the specific reasons discussed in the following findings on the grounds that the zoning ordinances, zoning district maps, and other implementing materials as amended conform with and are adequate to carry out the provisions of the Land Use Plan as certified. As submitted, the amendment does not have a significant adverse impact on the environment within the meaning of the California Environmental Quality Act (CEQA).

II. FINDINGS TO APPROVE THE ZONING MAP AMENDMENT AS SUBMITTED

A. Site Description

The subject property, APN 515-121-04, is 3.98 acres in size and is located at the intersection of Westhaven Drive and Old Wagon Wheel Road in the Westhaven area of Humbolt County (see

Exhibit Nos. 1 - 3). An unnamed creek lined with riparian vegetation traverses a portion of the property in a north-south orientation.

The property is currently zoned RA-2.5/M (Rural Residential Agriculture, 2.5 acre minimum parcel size) with a mobilehome combining zone. The property is currently developed with one single-family residence (including accessory structures); two garages; three mobilehomes and the "Hilltop Market." Although the property is currently zoned for single-family residential use, the County has recognized the use of mobilehomes at the site as a legal and non-conforming use.

B. Background

The LoMiglio project involves both a rezoning and tentative map for a three-parcel subdivision. The rezoning has been reviewed and approved by the County and is the subject of this LCP amendment request. The County has also reviewed and approved the tentative map and coastal development permit (CDP-23-95) for the subdivision. The approval of the map and permit is conditioned upon the rezoning; the subdivision cannot be completed unless and until the Coastal Commission approves the rezoning.

The existing residential density on the property is one dwelling unit per 1¼ acre, which is twice the density permitted under the land use plan. Although the property is currently zoned for single-family residential use, the County has recognized the use of mobilehomes at the site as a legal and non-conforming use (see Exhibit No. 7). Nonetheless, Mr. LoMiglio has committed to remove the three mobilehomes from the property, as shown on the tentative parcel map. The property is currently assessed for tax purposes as multi-residential and commercial use.

The commercial use of the property was established in the 1940s, prior to adoption of a zoning ordinance. The County acknowledges the historical commercial use of the property, however, the current zoning of the property does not. All of the subject property is currently zoned for residential use. In 1991, the County Planning Commission approved Conditional Use Permit (CUP) No. CUP-18-912, to allow for the continued operation of the Hilltop Market, which is the existing commercial use of the property. The County considers the market to be a legal conforming use of the property. In the course of the County's review of the LoMiglio rezone/subdivision application, the Planning Department staff testified before the County Planning Commission and the Board of Supervisors that "it was the intent when the property was zoned to reflect existing uses, and the current zoning was established in error."

On September 23, 1997, the County approved the subject rezone application. At that time, the County also approved Tentative Map No. PMS-07-95 and CDP-23-95 for the subdivision. The subdivision as approved by the County divides the property into three parcels: 1) one commercial parcel which, is the site of the existing commercial building/use; and 2) two residential parcels. As proposed, the subdivision results in only two residences. The existing conventional residence (LoMiglio's current home) is sited on one of the residential parcels; an application to construct a new single-family residence may be submitted in the future for the second residential parcel. As proposed by the County, the "X" designation precludes future subdivision of the property.

C. Description of Proposed LCP Amendment

The proposed rezone would amend the County's zoning map in the County's Implementation Program for the subject 3.9-acre parcel to: (1) rezone a 0.6-acre parcel containing the "Hilltop Market" **from** RA-2.5/M (Rural Residential Agriculture, 2.5 acre minimum lot size with a mobilehome combining zone) to CN/Q (Neighborhood Commercial with a qualified combining zone); **and** (2) **add** an "X" combining zone to rezone the two adjacent parcels **from** RA-2.5/M to RA-X/M (Rural Residential Agriculture, with a "X" combining zone to prohibit any further division of the land). A "before" and "after" illustration showing the existing and proposed zoning of the subject property is shown on Exhibit Nos. 3 and 4. Exhibit No. 3 shows the existing zoning which includes 3.9 acres of RA-2.5/M. Exhibit No. 4 shows the proposed zoning, which includes 0.6 acres of CN/Q and 3.3 acres of RA-X/M.

The following are principal permitted uses and explanations for the proposed zoning categories:

- **CN/Q:** § A313-7 (E) of County Zoning Ordinance – Neighborhood Commercial – *uses include retail sales and services which provide convenient facilities to residential areas, such as: 1) coin operated laundries; 2) food markets; 3) variety stores; and 4) automobile gasoline or filling stations. The "Q" designation denotes a "qualified" combining zone, intended to more precisely implement the County's General Plan. More specifically, the "Q" designation: 1) restricts the use of the proposed Neighborhood Commercial zone to the existing market, video store and delicatessen; and 2) limits future development of the property to principally permitted uses of the "NC" zone as identified in § A313-7 (E) of the County Zoning Ordinance. (emphasis added)*
- **RA-XM:** § A313-17 of the County Zoning Ordinance – Rural Residential Agriculture – *uses include: 1) single-family residential; 2) general agriculture; and 3) minor utilities. The "M" suffix designation denotes that development standards have been modified for the sole purpose of allowing manufactured homes; the "X" designation precludes future subdivision of property within this zone.*

The Humbolt County Board of Supervisors under Resolution No. 97-107 and Ordinance No. 2151 submitted the proposed LoMiglio LCP amendment to the Coastal Commission. See Exhibit Nos. 5 and 6. The resolution and the ordinance provide that the LCP amendment will take effect after approval by the Coastal Commission

C. LCP Amendment Analysis

This amendment request raises two potential issues in terms of the proposed zoning change to the certified Land Use Plan (LUP). One potential issue is whether the rezone is consistent with the LUP policies concerning the establishment of Neighborhood Commercial structures/uses.

Section A313-7 (E), Commercial Use Types, of the County zoning ordinance defines the Neighborhood Commercial zoning designation:

The Neighborhood Commercial use type includes retail sales and services which provide convenient facilities to residential areas, such as coin operated laundries, food markets, variety stores, and automobile gas or filling stations.

The Trinidad Area LUP does not have an LUP land use designation comparable to the Neighborhood Commercial zoning district. However, Section 3.26 (B)(2)(a) Development Policies, of the LUP provides for the establishment of Neighborhood Commercial zones within areas designated as rural residential in the LUP. Chapter 3.26 (B)(2)(a) states that:

Lands zoned for Rural Residential use are subject to the land division requirement of 3.21(B) of this chapter; except that where 50% or more of the existing lots in such contiguously zoned area have been developed, and no commercial services are available within a three-mile radius of a site where it is proposed to provide such a service, the proposal may be approved subject to the approval of a Conditional Use Permit and the Resource Protection constraints of Section 3.30 of this document, and the normal standards for a Neighborhood Commercial zone, and the subject parcel shall either be zoned Neighborhood Commercial, or a division into two parcels may be permitted if the noncommercial parcel meets the requirement of Section 3.30(B)(7) for non-serviced lot size, and only the proposed site is zoned Neighborhood Commercial.

The commercial use of the property identified as Parcel No. 3 on Exhibit 3, was established in the 1940's, prior to the County's zoning regulations. The County acknowledges the historical commercial use of the property, however, the current zoning of the property does not. All of the subject property is currently zoned for Rural-Residential use. In 1991, the County Planning Commission approved Conditional Use Permit (CUP) No. CUP-18-912, to allow for the continued operation of the Hilltop Market, which is the existing commercial use of the property. Operation of the Hilltop Market is currently considered a legal conforming use of the property. When the County approved the CUP for the commercial use of the property, it adopted findings that the construction and operation of the Hilltop Market met the requirements of Section 3.26 (B)(2)(a). Further, when the County reviewed and approved the subject rezone and subdivision, it confirmed that the existing commercial use of the property was consistent with the LUP. Moreover, the Planning Department staff testified before the County Planning Commission and the Board of Supervisors that "it was the intent when the area was zoned to reflect existing uses, and the current zoning was established in error."

Section 3.26(B)(2)(a) of the certified Land Use Plan sets out five criteria or tests that must be met to approve a land division associated with the establishment of a Neighborhood Commercial zone. These four criteria are: 1) 50% or more of the existing lots in such a contiguously zoned area must have already been developed; 2) no neighborhood commercial service is available within a three mile radius of the proposed neighborhood commercial site; 3) a conditional use permit must be obtained; 4) the proposal must be consistent with the Resource Protection policies of Section 3.30

of the LUP; and 5) resultant non-commercial parcels must meet the County Environmental Health Department's approval requirements for domestic water well and septic facilities.

The Commission finds that Humbolt County LCP Amendment No. 2-97 is in accordance with the five criteria contained in Section 3.26(B)(2)(a) as follows. Regarding the first test, more than 50 % of the contiguous land zoned RRA-2.5 has been developed. As described in the County staff report for the subdivision request, there are nineteen (19) parcels within the neighboring RRA zoned area. Fifteen or approximately 79% of these parcels are developed. Regarding the second test, there are no neighborhood commercial services within a three-mile radius of the property. The project site is located approximately three miles from the City of Trinidad. In the course of their respective reviews of this rezone application, both the County Planning Commission and Board of Supervisors confirmed that the project conformed with the referenced three-mile requirement. Regarding the third test, the County approved Conditional Use Permit (CUP-18-912) for the commercial use of the property known as Hilltop Market. Regarding the fourth test, the tentative map approved by the County establishes a Streamside Management Area 200 feet in width to mitigate potential adverse impacts to riparian resources at the site. Finally, with regard to the last test, the two proposed residential parcels have obtained approval from the County Division of Environmental Health for on-site domestic water and septic facilities. Thus, the Commission finds that proposed rezone project conforms with and is adequate to carry out the requirements of Section 3.26 (B)(2)(a) of the certified Land Use Plan.

The second potential issue raised by the proposed amendment is whether the density that would be allowed by the zoning amendment is consistent with the density called for in the LUP. The Commission finds that the proposed zoning designations under the amendment would not result in an increase in the intensity or nature of development that could occur on the property inconsistent with the certified Land Use Plan. In fact, the Commission finds that approval of the rezoning, will result in a reduction in the intensity and nature of development that currently occurs at the property.

D. California Environmental Quality Act (CEQA).

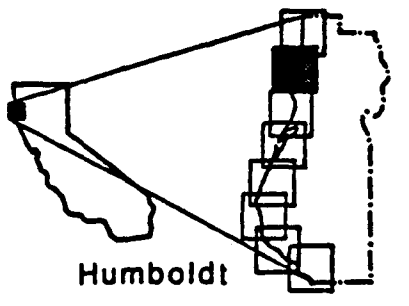
Pursuant to Section 15061(b)(3) of the CEQA Guidelines, Humbolt County, as lead agency under CEQA for the LoMiglio rezone, has determined that the project is exempt from environmental review requirements. Section 15061 of the CEQA Guidelines states: "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because approval of the project will only authorize an existing and continuing use of the property and will ultimately reduce the intensity of existing development-related impacts, the Board of Supervisors determined that the project would not have a significant effect on the environment.

In addition, the Secretary of Resources has designated the Coastal Commission's LCP process as the functional equivalent of the CEQA environmental review process. The Commission finds that the LCP amendment, as submitted, conforms with and is adequate to carry out the land use and resource protection policies of the County's LCP. The Commission further finds that it need not

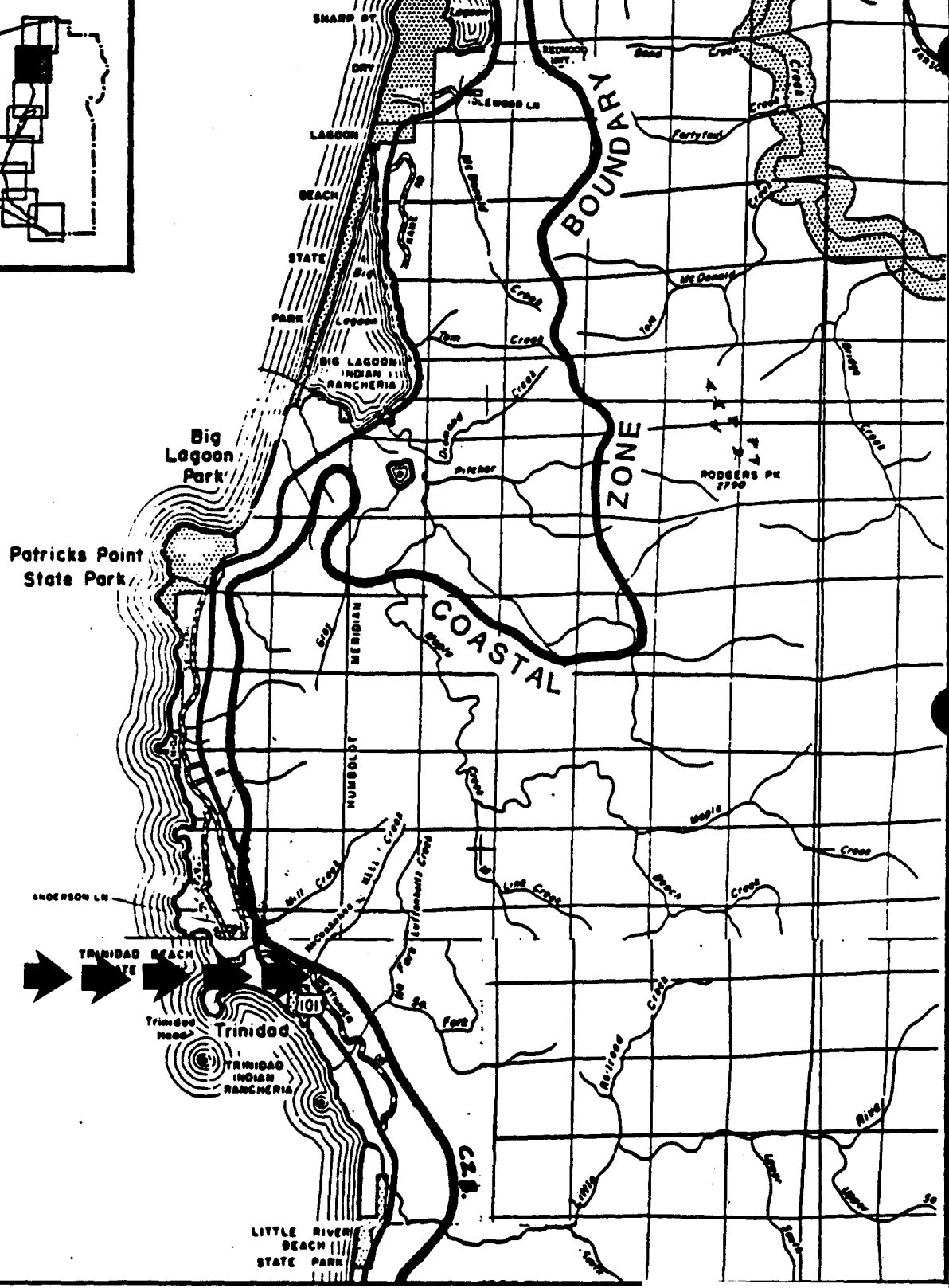
consider alternatives or mitigation measures as approval of the LCP amendment, as submitted will have no significant adverse effects on the environment within the meaning of CEQA.

norcoast\humlcp2-97lomiglio.doc

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



Humboldt



NORTH

SITE



LOCATION MAP

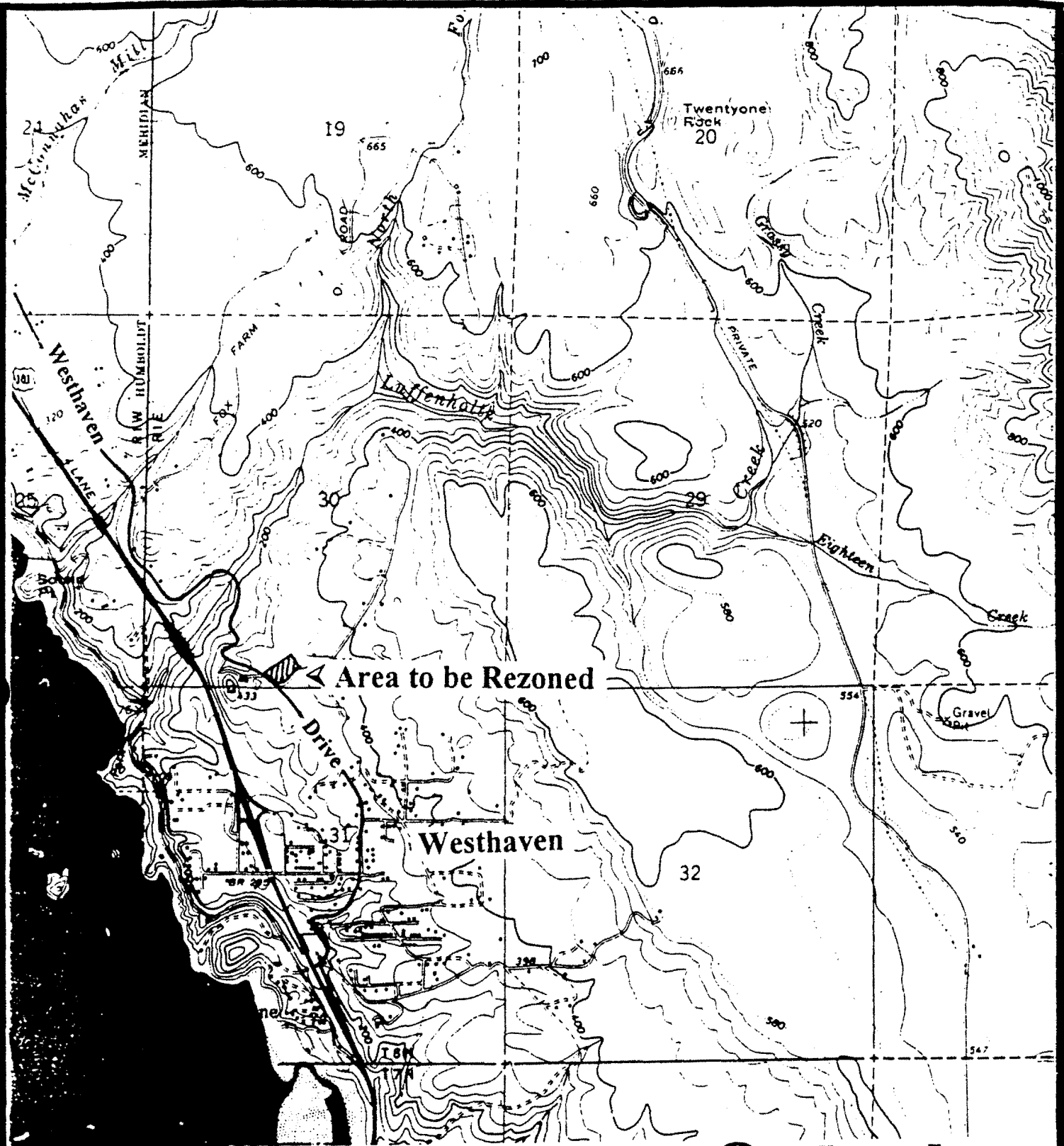


County of Humboldt

EXHIBIT NO. 1
APPLICATION NO. HUMBOLDT COUNTY ICP
AMENDMENT NO.2-97 (Lomiglio)
REGIONAL LOCATION MAP/CZB

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

17
18

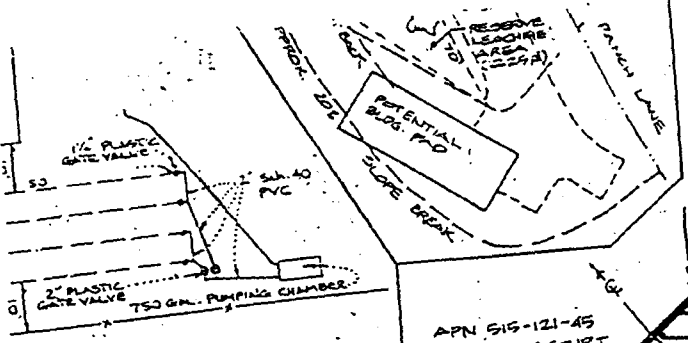


North

Lomiglio Zone Reclassification; Westhaven Area
File No. 515-121-04; Case No. ZR 05-95
Section 30, Township 8 North, Range 1 East, Humboldt Base

EXHIBIT NO. 2
APPLICATION NO. HUMBOLDT COUNTY LCP
AMENDMENT NO. 2-97 (Lomiglio)
AREA LOCATION MAP

Existing Zoning RRA-2.5/M



APN 515-121-45
ANNE G. LACOURT

Parcel No. 2
GROSS 100,248 (T.D. AC.)
NET 27,502 (1.8 AC.)

Parcel No. 1
GROSS 120,000 (T.D. AC.)
NET 27,502 (1.8 AC.)

Parcel No. 3
GROSS 276,520 (16.60 AC.)
NET 27,502 (1.8 AC.)

Existing Zoning RRA-2.5/M

APN. 515-111-16
ROBERT B. JARVIS

SKYHORSE RANCH LANE
(PRIVATE R/W)

APN. 515-1
THOMAS I.

Existing Zoning RRA-2.5/M

APN. 515-121-02
LEVI E. & GEORGE DAVIS

WEST WAGON WHEEL ROAD
LOREN LISA SKYHORSE

WEST HAVEN DRIVE

N-PRIMARY AREA
PARCEL 2
E: 1" = 30'

- 1/2" LOOSE IMPERTEIL SOIL
- EXISTING GROUND
- 3" PERFORATED PIPE
- WASHED DRAIN ROCK

- LOOSE IMPERTEIL SOIL (Co. Rd. No. CA1030)
- FILTER FABRIC
- EXISTING GROUND

- WASHED #2 GRAVEL
- 1 1/4" PVC SCH. 40 W/ 3/16" HOLES @ 36" SPACING. HOLES TO POINT DOWN.

EXHIBIT NO. 3
APPLICATION NO. LCP
FURBOLD COUNTY LCP
AMENDMENT NO. 2-97
(Lomiglio)
ZONING

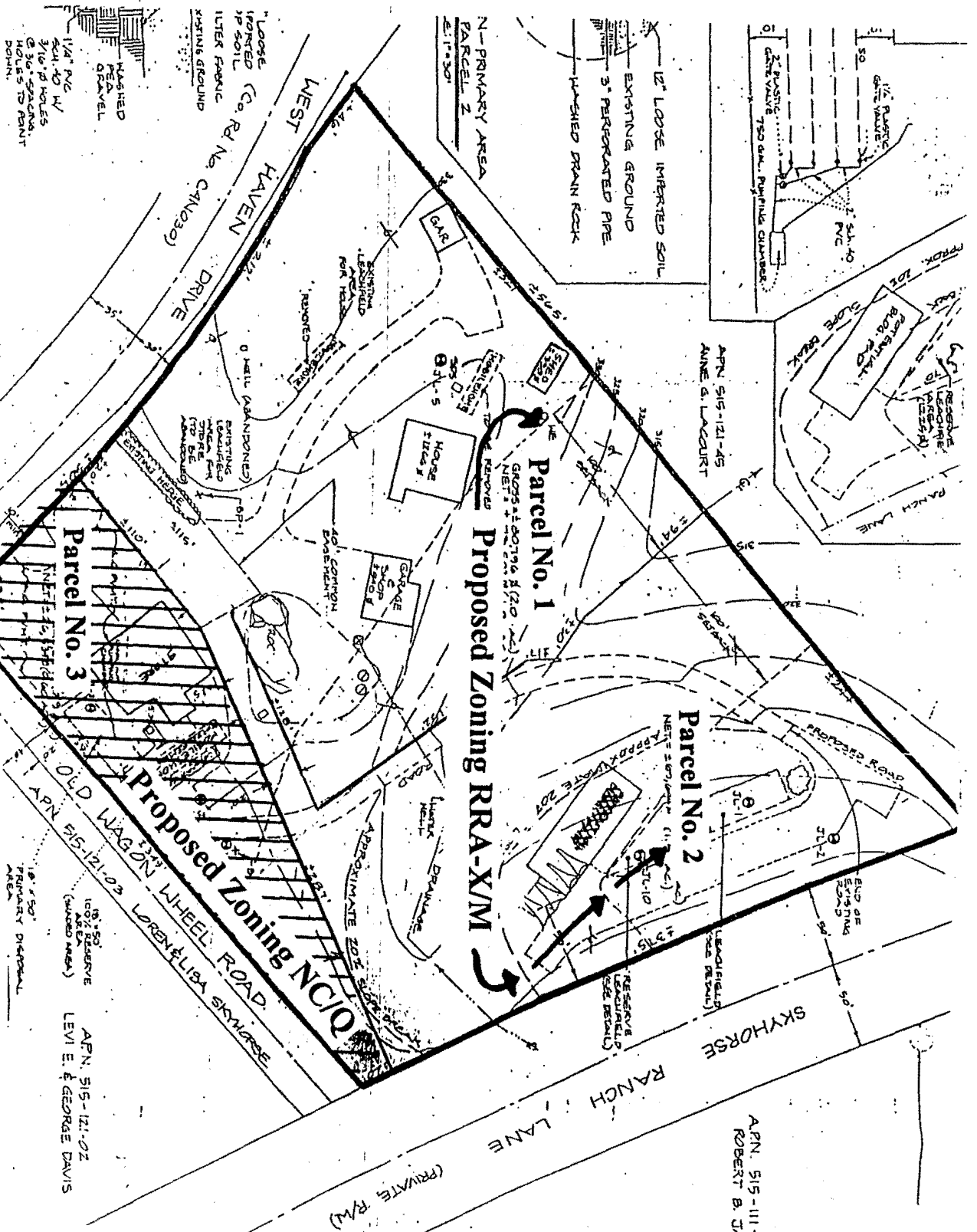


EXHIBIT NO. 4

APPLICATION NO.
 HUMBOLDT COUNTY LCP

AMENDMENT NO. 2-97
 (Lomiglio)

PROPOSED ZONING

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on September 23, 1997

Resolution No. 97-107

***Resolution of Submittal
to the California Coastal Commission
for Certification of a Local Coastal Plan (LCP) Amendment***

WHEREAS, the County of Humboldt has petitioned for a Zone Reclassification of approximately four (4) acres. Approximately one (1) acre is proposed to be rezoned from Rural Residential Agriculture, 2 1/2 acre minimum parcel size with a Mobilehome combining zone (RA 2.5/M) to Neighborhood Commercial with a Qualified combining zone (CN/Q); and

WHEREAS, approximately three (3) acres is proposed to be rezoned from Rural Residential Agriculture, 2 1/2 acre minimum parcel size with a Mobilehome combining zone (RA 2.5/M) to Rural Residential Agriculture, with a "X" Combining Zone which precludes further subdivision and a Mobilehome combining zone (RA-X/M); and

WHEREAS, the Zone Reclassification has been reviewed and processed pursuant to the provisions of the Framework Plan, the Trinidad Area Plan and the Humboldt County Coastal Zoning Ordinance; and

WHEREAS, the County has determined that the project qualifies for an exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) of the State CEQA Guidelines states: "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA". Based on the fact that the parcel is currently developed with four residences and the approval will result in a total of two residences on separate parcels and the fact that the commercial parcel is already developed, the Board determined that the project will not have a significant effect on the environment and therefore is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines; and

WHEREAS, this amendment is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Plan; and

WHEREAS, the resolution and ordinance adopting this amendment shall take effect immediately upon certification by the Coastal Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Humboldt do hereby approve the amendment(s) to the Trinidad Area Plan and submit such revisions to the Coastal Commission for certification.

(J-2)

EXHIBIT NO. 5 10F2
APPLICATION NO. HUMBOLDT COUNTY LCP
AMENDMENT NO. 2-97 (Lomiglio)
COUNTY RESOLUTION No. 97-107

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on September 23, 1997

Adopted on motion by Supervisor Rodoni , seconded by Supervisor Kirk
and the following vote:

AYES: Supervisors--Dixon, Rodoni, Woolley, Neely, and Kirk
NOES: Supervisors--None
ABSENT: Supervisors--None
ABSTAIN: Supervisors--None

STATE OF CALIFORNIA)
COUNTY OF HUMBOLDT)

I, LORA FREDIANI, 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 the Board of
Supervisors

LORA CANZONERI
Clerk of the Board of Supervisors
of the County Of Humboldt, State of California

By *Lora Canzoneri*
September 23, 1997

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on September 23, 1997

ORDINANCE NO. 2151

AMENDING SECTION A311-9 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE
WESTHAVEN AREA
[ZR-05-95 (Lomiglio)]

THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ORDAINS AS FOLLOWS:

SECTION 1. ZONE AMENDMENT. Section A311-9 of the Humboldt County Code is hereby amended by reclassifying the property described in the attached Exhibit A from Rural Residential Agriculture, 2 1/2 acre minimum parcel size with a Mobilehome combining zone to Neighborhood Commercial with a Qualified Combining Zone (CN/Q) and from Rural Residential; Agriculture with a Mobilehome combining zone to Rural Residential Agriculture with a "X" combining zone which precludes further subdivisions. The area described is also shown zoning map F-10 and on the map attached as Exhibit B.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth herein are hereby made applicable to the property described in Section 1 in accordance with Humboldt County Code Section A313-42, which authorizes restriction of the Neighborhood Commercial zone regulations by application of the "Q" (Qualified) Combining Zone.

SECTION 3. PURPOSE OF QUALIFICATION. The purpose of the special restrictions and regulations herein imposed on the property described in Section 1 is:

- a. To restrict or limit the use to the existing market, video store and deli; and
- b. To restrict future development to Neighborhood Commercial use types as defined in Section A313-7(E) of the Coastal Zoning Regulations.

Section A313-7(E)

Neighborhood Commercial. The Neighborhood Commercial Use Type includes retail sales and services which provide convenient facilities to residential areas, such as coin operated laundries, food markets, variety stores, and automobile gas or filling stations.


SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon certification by the California Coastal Commission.

PASSED, APPROVED AND ADOPTED this 23rd day of September 1997, on the following vote, to wit:

AYES: Supervisors: Dixon, Rodoni, Woolley, Neely, and Kirk

NOES: Supervisors: None

ABSENT: Supervisors: None


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

(SEAL)

ATTEST:
LORA CANZONERI
Clerk of the Board of Supervisors of the
County of Humboldt, State of California



EXHIBIT NO. 6
APPLICATION NO. HUMBOLDT COUNTY LCP
AMENDMENT NO. 2-97 (Lomiglio)
COUNTY ORDINANCE NO. 2151

Ordinance within 15 days after adoption by the Board.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of Tuesday, September 23, 1997

**SUBJECT: LOMIGLIO MINOR SUBDIVISION AND ZONE RECLASSIFICATION;
WESTHAVEN AREA; FILE NO. 515-121-04; CASE NOS. CDP 23-95; PMS
07-95; ZR 05-95
(Page 2 of 2)**

Adopted on motion by Supervisor Rodoni, second by Supervisor Kirk, and the following vote:

AYES: Supervisors Dixon, Rodoni, Woolley, Neely, and Kirk
NAYS: None
ABSENT: None
ABSTAIN: None

STATE OF CALIFORNIA)
County of Humboldt)

I, LORA CANZONERI, 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.

pc: Planning and Building (L. Riecke)
Applicant
Public Health Department
Environmental Health Division
Agent
Coastal Commission
County Counsel
Clerk of the Board
Planning and Building (K. Caldwell)

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

LORA CANZONERI

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

The within instrument is a full, true
and correct copy of the original on
file in this office.

ATTEST:

LORA FREDIANI

Clerk of the Board of Supervisors of
the State of California in and for the
County of Humboldt.

By *Lora Canzoneri*

Lora Canzoneri
September 23, 1997

EXHIBIT No 6
2 of 2

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of Tuesday, September 23, 1997

**SUBJECT: LOMIGLIO MINOR SUBDIVISION AND ZONE RECLASSIFICATION;
WESTHAVEN AREA; FILE NO. 515-121-04; CASE NOS. CDP 23-95; PMS
07-95; ZR 05-95**

- ACTION:**
1. Opened the public hearing.
 2. Received the staff report.
 3. Received public testimony.
 4. Closed the public hearing.
 5. Found that the project is consistent with the Trinidad Area Plan per Section B(1).I of said Plan, *Nonconforming Uses and Structures*.
 6. Found that the project would not create a nuisance nor conflict with surrounding land uses.
 7. Found that density uses have been addressed in that the project would result in the reduction of dwellings on the parcel (from four dwellings to two dwellings and a store).
 8. Found that the project meets the minimum standards for water and sewer.
 9. Found sufficient evidence through the staff report, Planning Commission record, and public testimony to find that the project is exempt from the California Environmental Quality Act; and directed staff to file a *Notice of Exemption*.
 10. Found that the existing structures are legal, nonconforming mobilehomes.
 11. Adopted Resolution No. 97-107, Resolution of Submittal to the California Coastal Commission for Certification of a Local Coastal Plan Amendment.
 12. Adopted Ordinance No. 2151.
 13. Directed the Clerk of the Board to give notice of the decision to the applicant and any other interested party and to publish s

(J-2)

EXHIBIT NO. 7
APPLICATION NO. HUMBOLDT COUNTY LCP
AMENDMENT NO. 2-97 (Lomiglio)
BOS FINDINGS