

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET • SUITE 200

EUREKA, CA 95501-1865

VOICE (707) 445-7833

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MAILING ADDRESS:

P. O. BOX 4908

EUREKA, CA 95502-4908

RECORD PACKET COPY **W 13a**

DATE: October 26, 2001

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director
Robert S. Merrill, District Manager
Tiffany S. Tauber, Coastal Planner

SUBJECT: **HUMBOLDT COUNTY LCP AMENDMENT NO. 1-00 (PART B – SURFACE MINING AND RECLAMATION ACT):** Concurrence with the Executive Director's determination that the action of the County of Humboldt accepting the Commission's certification of LCP Amendment No. HUM-MAJ-1-00 (Part B) is legally adequate. For Commission review at the meeting of November 14, 2001 in Los Angeles).

A. BACKGROUND:

The Commission acted on Humboldt County LCP Amendment No. HUM-MAJ-1-00 (Part B) on March 14, 2001. The amendment to the County's certified Implementation Plan (zoning code) would update and revise the County's surface mining and reclamation ordinance to bring it into compliance with the state Surface Mining and Reclamation Act of 1975 (SMARA) as required by the state Mining and Geology Board.

The Commission rejected the amendment as submitted, but certified the proposed amendment to the LCP if modified with three suggested modifications. The suggested modifications include language to clarify that (1) the surface mining and reclamation ordinance does not govern the issuance of coastal development permits, (2) surface mining may take place in the coastal zone of the County only if it is consistent with the Coastal Act and/or the applicable certified Local Coastal Program, (3) coastal development permits for mining activities shall either be reviewed by the Coastal Commission pursuant to the Coastal Act for development within the Commission's retained jurisdiction, or by the County or the Commission on appeal for development within the County's coastal permit jurisdiction pursuant to the certified Local Coastal Program standards governing the issuance of coastal development permits, and (4) the Coastal Commission, rather than the certified local government, shall administratively adjudicate all vested right determinations for purposes of coastal development permit requirements pursuant to the Coastal Act and all other applicable law.

B. EFFECTIVE CERTIFICATION:

On September 4, 2001, the Board of Supervisors held a public hearing and adopted Resolution No. 01-70 and Ordinance No. 2254 whereby the County acknowledges receipt of the Commission's resolution of certification, accepts and agrees to the Coastal Commission's modifications, agrees to issue permits in conformance with the modified LCP, and formally approves the necessary changes to the County's Implementation Program (see Exhibit Nos. 2 & 3).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that Humboldt County's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of the Humboldt County LCP Amendment No. HUM-MAJ-1-00 (Part B) shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the action of the County of Humboldt accepting the Commission's certification of Humboldt County LCP Amendment No. HUM-MAJ-1-00 (Part B) is legally adequate, as noted in the attached letter (Exhibit No. 1), to be sent after Commission concurrence.

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November 14, 2001

Kirk Girard, Planning Director
Humboldt County Community Development Services
3015 H Street
Eureka, CA 95501

**SUBJECT: Effective Certification of Humboldt County's Local Coastal Program
Amendment No. HUM-MAJ-1-00 (Part B - Surface Mining and
Reclamation Ordinance)**

Dear Mr. Girard:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Resolution No. 01-70 and Ordinance No. 2254 for effective certification of Humboldt County LCP Amendment No. HUM-MAJ-1-00 (Part B). The County's resolution and ordinance indicates that the County acknowledges receipt of and accepts the Commission's resolution for certification with suggested modifications and that the County agrees to issue permits in conformance with the modified Implementation Program.

The Executive Director has found that the County's resolution and ordinance fulfills the requirements of Section 13544.5(a) of the California Code of Regulations. In accordance with Sections 13544(b) and 13544.5(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of November 14, 2001 in Los Angeles. Commission approval and the amendment process area now complete. If you have any questions, please contact Tiffany S. Tauber in our Eureka office.

Sincerely,

STEVEN F. SCHOLL
Deputy Director

EXHIBIT NO. 1
APPLICATION NO. HUM-MAJ-1-00 (PART B, SMARA)
EFFECTIVE CERTIFICATION LETTER

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
RESOLUTION NO. 01-70 AND CERTIFIED COPY OF PORTION OF PROCEEDINGS;
MEETING ON SEPTEMBER 4, 2001

ADOPTING AMENDMENTS TO THE HUMBOLDT COUNTY COASTAL ZONING
REGULATIONS.

WHEREAS, the Board of Supervisors, by Resolution 2000-51 certified compliance with CEQA, approved amendments to the Humboldt County Coastal Zoning Regulations, and directed staff to seek Coastal Commission approval of the Coastal Plan and Zoning Regulation amendments; and

WHEREAS, Humboldt County submitted said amendments and ordinances to the California Coastal Commission for certification, as required by Public Resources Code Section 30000 et seq; and -

WHEREAS, the California Coastal Commission staff forwarded a report dated February 23, 2001 detailing the suggested modifications and findings of approval; and

WHEREAS, on March 14, 2001 the California Coastal Commission conducted a public hearing to consider the amendments and approved the amendments with three suggested modifications.

WHEREAS, The Humboldt County Board of Supervisors finds these three suggested modifications acceptable, and in keeping with the intent of the approved amendments.

NOW, THEREFORE, be it resolved, determined, and ordered by the Board of Supervisors that:

The Humboldt County Board of Supervisors acknowledges receipt of the California Coastal Commission's March 14, 2001 action and adopted findings for the Humboldt County LCP 00-01, (part B-Surface Mining and Reclamation Ordinance); and

1. The Humboldt County Board of Supervisors accepts and agrees to the three modifications as adopted by the California Coastal Commission; and
2. The amendments to the Humboldt County Coastal Zoning Regulations, as described in Attachment B, are adopted as an amendment to the Humboldt County Local Coastal Program; and
3. The adopted ordinance in Attachment B is hereby forwarded to the California Coastal Commission to document that they have been effectively certified; and
4. The Humboldt County Board of Supervisors agrees to issue Coastal Development Permits for the Coastal Zone, pursuant to Public Resources Code Sections 30512 and 30600.5; and
5. It is the intent of the Humboldt County Board of Supervisors that this amendment of Part B of the Humboldt County Coastal Zoning Regulations shall take effect automatically upon the Coastal Commission's acceptance of this resolution and accompanying exhibits.

EXHIBIT NO.	2
APPLICATION NO.	HUM-MAJ-1-00 (PART B, SMARA)
COUNTY RESOLUTION	(1 of 2)

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(1-2)

Verability: The provisions of this Resolution shall be construed and given effect in a manner that voids any violation of statute, regulations, or law. In the event any provision of this Resolution is held to be invalid or void by any court of competent jurisdiction, the invalidity of any such provision shall in no way affect any other provision of this Resolution.

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

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

NOES: Supervisors: None

ABSENT: Supervisors: None

STATE OF CALIFORNIA)
) SS.
County of Humboldt)

I, Lora Canzoneri, Clerk of the Board of Supervisors of the 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-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

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

By: *Lora Canzoneri*

LORA CANZONERI

Date: September 4, 2001

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
ORDINANCE NO. 2254

AMENDING §A314-36 OF TITLE III, DIVISION 1 IN THE HUMBOLDT COUNTY CODE

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Humboldt County Code Section A314-36 is hereby repealed and replaced with Section 313-61.2 of the amended County Zoning Regulations, which was approved by the Board of Supervisors on June 6, 2000, approved with three modifications by the California Coastal Commission on March 14, 2001 and adopted with the three modifications by the Board of Supervisors on September 4, 2001.


SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED AND ADOPTED this 4th day of September, 2001 on the following vote, to wit:

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

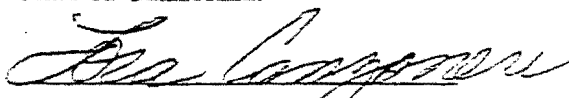
NOES: None

ABSENT: None


Chairman 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.


September 4, 2001

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EXHIBIT NO. 3
APPLICATION NO. HUM-MAJ-1-00 (PART B, SMARA)
ADOPTED ORDINANCE