

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE

MAILING ADDRESS:

710 E STREET • SUITE 200

P. O. BOX 4908

EUREKA, CA 95501-1865

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RECORD PACKET COPY

**W 16a**

DATE: June 19, 2001

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director  
Robert S. Merrill, District Manager  
Tiffany Tauber, Coastal PlannerSUBJECT: **HUMBOLDT COUNTY LCP AMENDMENT NO. 1-00 (PART A – ZONING CODE REFORMAT):** 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 A) is legally adequate. For Commission review at the meeting of July 11, 2001 in Santa Rosa).A. BACKGROUND:

The Commission acted on Humboldt County LCP Amendment No. HUM-MAJ-1-00 (Part A) on December 15, 2000. The amendment to the County's certified Implementation Plan (zoning code) would: (1) consolidate the general and procedural provisions of the code; (2) correct errors and conflicting language; (3) establish an improved numbering system; (4) clarify procedures for appealing administrative decisions to the Board of Supervisors; (5) add cross references to adopted county ordinances and state laws; (6) reorganize 16 chapters into 4; (7) use tables to identify permitted uses and development standards in principal zones; and (8) revise and update procedural requirements that conflict with state laws.

The Commission rejected the amendment as submitted, but certified the proposed amendment to the LCP if modified with six suggested modifications. The suggested modifications included: (1) clarifying when a coastal development permit is required by eliminating redundancy of the definition of development, (2) eliminating reference to de minimus waiver procedures that are not yet part of the certified LCP, (3) incorporating standards relevant to the determination of historic public use and implied dedication, (4) removing reference to the Commission's access guidelines and referencing the Attorney General Manual on implied dedication, (5) adding provisions pertaining to appeals to the Coastal Commission consistent with the Commission's Administrative Regulations, and (6) referencing the added sections to the appeal procedures section in the Table of Contents for Chapter 2.

B. EFFECTIVE CERTIFICATION:

On May 8, 2001, the Board of Supervisors held a public hearing and adopted Resolution No. 01-42 and Ordinance No. 2247 which 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 and 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 A) 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 A) is legally adequate, as noted in the attached letter, Exhibit No. 1 (to be sent after Commission concurrence).

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July 11, 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 A - Zoning Code Reorganization)**

Dear Mr. Girard:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Resolution No. 01-42 and Ordinance No. 2247 for effective certification of Humboldt County LCP Amendment No. HUM-MAJ-1-00 (Part A). 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 July 11, 2001 in Santa Rosa. Commission approval and the amendment process area now complete. If you have any questions, please contact Tiffany S. Tauber in our Eureka office.

Sincerely,

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STEVEN F. SCHOLL  
Deputy Director

EXHIBIT NO.	1
APPLICATION NO.	HUM-MAJ-1-00 (PART A)
LETTER TO COUNTY	

# ATTACHMENT A

## BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA RESOLUTION NO. 01-42 AND CERTIFIED COPY OF PORTION OF PROCEEDINGS; MEETING ON MAY 22, 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 sec; and

WHEREAS, the California Coastal Commission staff forwarded a report dated November 14, 2000 detailing the suggested modifications and findings of approval; and

WHEREAS, on December 15, 2000 the California Coastal Commission conducted a public hearing to consider the amendments and approved the amendments with six suggested modifications.

WHEREAS, The Humboldt County Board of Supervisors finds these six 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 December 15, 2000 action and adopted findings for the Humboldt County LCP 00-01; and

1. The Humboldt County Board of Supervisors accepts and agrees to the six 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 the Humboldt County Coastal Zoning Regulations shall take effect automatically upon the Coastal Commission's acceptance of this resolution and accompanying exhibits.

(J-1)

EXHIBIT NO.	2
APPLICATION NO.	HUM-MAJ-1-00
	(PART A)
COUNTY	RESOLUTION

Severability: The provisions of this Resolution shall be construed and given effect in a manner that avoids 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 KIRK 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.

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

By: *Lora Canzoneri*

LORA CANZONERI

Date: May 22, 2001

# ATTACHMENT B

## BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA ORDINANCE NO. 2247

AMENDING §A311-1 THROUGH A317-1 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 Sections A311-1 through A317-1 are hereby repealed, with the exceptions of those revisions which are still being processed by the California Coastal Commission. Sections A311-1 through A317-1 are replaced with those sections of Chapters 1, 2 and 3 (Sections 311-1 through 313-177) of the amended County Zoning Regulations which were approved by the Board of Supervisors on June 6, 2000, approved with six modifications by the California Coastal Commission on December 15, 2000, and adopted with the six modifications by the Board of Supervisors on May 22, 2001.

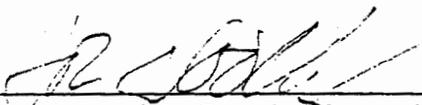
SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED AND ADOPTED this 22nd day of May, 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.



(J-1)

EXHIBIT NO.	3
APPLICATION NO.	HUM-MAJ-1-00
	(PART A)
COUNTY	ORDINANCE