

**CALIFORNIA COASTAL COMMISSION**

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Staff: Carrie A. Bluth  
Staff Report: April 28, 2005  
Hearing Date: May 13, 2005  
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director  
Robert S. Merrill, North Coast District Manager  
Carrie A. Bluth, Coastal Planner

SUBJECT: **Humboldt County LCP Amendment No. HUM-MAJ-1-04 (Dean)**  
**(Meeting of May 13, 2005)**

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**SYNOPSIS****Description of Proposed LCP Amendment:**

The proposed amendment to the Humboldt County Local Coastal Program would change the land use designation and zoning classification of approximately 2 acres of land to coincide with newly established property boundaries, resulting from a County approved lot line adjustment. The former property boundary affected by the lot line adjustment is also coincident with a general plan and zoning boundary line separating timberland from residential property. The proposed amendment would principally convert approximately 2 acres of land designated in the land use plan (LUP) as Commercial Timberland (TC) to a Rural Residential (RRC) designation and rezone the same property from Commercial Timberland with a riparian protection combining zone (TC/R) to Rural Residential Agriculture with manufactured home and riparian protection combining zones, and a 2.5-acre minimum parcel size classification (RA-2.5-M/R), which is the current status of the residential parcel, to which the subject acreage has been added.

The LUP portion of Humboldt County's LCP consists of six (6) Area Plans. The Area Plan affected by the proposed amendment is the Trinidad Area Plan (TAP). The proposed amendment would result in changes to the LUP and coastal zoning maps for the subject area only. No changes to the text of the LCP are proposed.

According to the County, the purpose of the lot line adjustment and subsequent plan and zone re-classification is to reduce land use conflicts between the neighboring timber and residential uses by establishing a better buffer between the properties, and thereafter to better facilitate implementation of the Local Coastal Plan by aligning the land use designation and zoning for the subject acreage with the new parcel boundaries.

#### **Summary of Staff Recommendation:**

Staff recommends that the Commission, upon completion of the public hearing, **(1) deny the proposed Land Use Plan amendment as submitted, and (2) certify the Land Use Plan amendment with the suggested modification herein, and (3) certify the Implementation Plan amendment as submitted.**

#### **Land Use Plan**

The 2 acre area of timberland that is the subject of the LCP amendment is located directly adjacent to a stream identified in the LCP as Deadman's Creek. Based on the location of the acreage, and the size of the overall block of timberland of which it is a part, the conversion to a residential nature should not have a significant adverse effect on the commercial viability of the remaining block of timberland. Further, the amendment will bring the previously designated timberland acreage under a less intense residential use, and subject this residential acreage to the County's Streamside Management Area policies in a manner consistent with the sensitive habitat and water quality related resource policies of the Coastal Act.

Changing the land use designation for the subject acreage in this area to match that of the residential parcel to which the acreage has been added will result in a parcel that, unlike the previous configuration, could now potentially be subject to sub-division or another form of increased density. It is not clear whether the subject property could accommodate an additional parcel. The subject property is not currently served with municipal sewer and water, and no information was submitted with the LCP amendment request to demonstrate whether service could be extended to the property, or if a well or an on-site septic system could feasibly be developed on the site to serve an additional parcel. Thus, to ensure the LUP adequately addresses the potential for increased density in the subject planning area in a manner consistent with the requirements of Section 30250 of the Coastal Act that new development be sited in areas able to accommodate such development, staff recommends the Commission impose a suggested modification to the LUP in connection with the proposed amendment.

The Suggested Modification (No. 1) would amend LUP policy 3.21 (B.) (2.) (f.) which addresses planned densities for the subject planning area, to expressly require demonstration of the suitability of a particular site to accommodate any division of land or other development relevant to the adequacy and availability of public services in the area or on-site services. The modification is intended to ensure that the permitting review process for any future development in the planning area affected by the proposed LCP amendment incorporates all of the factors relevant to a 30250 analysis, by amending the LUP policy concerning planned densities for the subject planning area to explicitly reference the factors to be considered in determining the maximum density allowable at a particular site. Application of these factors may result in an allowable density on a particular site that is less than the maximum potentially allowable density for a specific planning area.

Staff recommends that the Commission find that only as modified can the amendment to the LUP portion of the Humboldt County LCP be found consistent with the Coastal Act.

#### Implementation Plan

The proposed zoning re-classification would ensure consistency with the change in land use designation for the subject residential parcel, pursuant to the lot line adjustment. The range of principally permitted and conditional uses for the subject area would match that associated with the residential parcel to which the land has been added, and would be consistent with the rural residential land designation of the adjusted parcel in the amended LUP. Further, the Streams and Riparian Corridor Protection combining zone presently applied to both the timberland and residential properties would continue to be in place on both properties, and ensures the LUP policies concerning stream and riparian corridor protection applicable to the subject acreage, will be adequately carried out.

Therefore, staff recommends that the Commission find that the proposed amendment to the Coastal Zoning Ordinance Maps, as submitted, is consistent with and adequate to carry out the LUP as modified, and certify the proposed amendment to the IP as submitted.

\* The appropriate motions and resolutions to adopt the staff recommendation are found on pages 4-7 of this report.

#### Analysis Criteria:

To certify the amendment to the Land Use Plan (LUP) portion of the Humboldt County Local Coastal Program (LCP), the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. To certify the amendment to the Implementation Plan (IP) portion of the LCP, the Commission must find that the IP, as amended, conforms with and is adequate to carry out the amended LUP.

**Additional Information:**

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

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**I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR LCP AMENDMENT NO. HUM-MAJ-1-04**

**A. DENIAL OF LUP AMENDMENT NO. HUM-MAJ-1-04, AS SUBMITTED:**

**MOTION I:**     *I move that the Commission certify Land Use Plan Amendment No. HUM-MAJ-1-04 as submitted by the County of Humboldt.*

**STAFF RECOMMENDATION TO DENY:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION I TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:**

The Commission hereby denies certification of the Land Use Plan Amendment No. HUM-MAJ-1-04 as submitted by the County of Humboldt and adopts the findings set forth below on the grounds that the land use plan amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment would not comply with the California Environmental Quality Act because there are 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 LUP AMENDMENT NO. HUM-MAJ-1-04 WITH SUGGESTED MODIFICATIONS:**

**MOTION II:**     *I move that the Commission certify Land Use Plan Amendment No. HUM-MAJ-1-04 for the County of Humboldt if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

Staff recommends a **YES** vote. Passage of 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 II TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Land Use Plan Amendment No. HUM-MAJ-1-04 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 land use plan amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment.

**C. APPROVAL OF IMPLEMENTATION PLAN PORTION OF AMENDMENT NO. HUM-MAJ-1-04, AS SUBMITTED:**

**MOTION III:**        *I move that the Commission reject Implementation Plan Amendment No. HUM-MAJ-1-04 for the County of Humboldt, as submitted.*

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION III TO CERTIFY THE IMPLEMENTATION PLAN AMENDMENT NO. HUM-MAJ-1-04, AS SUBMITTED:**

The Commission hereby certifies the Implementation Plan Amendment No. HUM-MAJ-1-04, for the County of Humboldt, as submitted, and adopts the findings set forth below on grounds that the Implementation Program amendment, as submitted, conforms with, and is adequate to carry out, the provisions of the

certified Land Use Plan as amended. Certification of the Implementation Program 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 implementation program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

## **II. SUGGESTED MODIFICATION TO LUP PORTION OF THE PROPOSED HUMBOLDT COUNTY LCP AMENDMENT (HUM-MAJ-1-04)**

### **SUGGESTED MODIFICATION NO. 1**

Add the following language to Section 3.21 B. 2. (f.) of the Trinidad Area Plan LUP. Language to be added to the existing policy is incorporated where proposed, and is underlined. There are no proposed deletions to the text of the policy:

#### **Section 3.21 B. DEVELOPMENT POLICIES**

2. Planned densities for rural areas designated for residential use shall be as follows:

(f.) Rural Scenic and Westhaven Drives – RURAL RESIDENTIAL (RR)

There currently exists a great disparity in parcel sizes within the coastal area south of the Trinidad Urban Limit Line and north of the Westhaven Village area. Parcels range in size from about one acre to thirty acres. This area includes approximately 370 acres and about 77 parcels. Because the range of the parcel sizes is so great, as well as a large number of parcels, it is possible to identify two modal acreages. Thirty-two percent are between one and two acres, while thirty-one percent of the parcels are greater than five acres. The arithmetic mean for the same area is four and one-half acres. The maximum planned density for this area is one unit per two and one-half acres. Prior to approval of any development, including any proposed division of land, the suitability of the site to support and sustain new development must be demonstrated by demonstrating the adequacy and availability of public services in the area and/or on-site resources. The adequacy of public services in the area and/or on-site resources which must be demonstrated include, but are not limited to, septic system suitability, water availability, and traffic capacity. In addition, approved development shall only be sited where it will not cause or contribute to significant adverse impacts on coastal resources either individually or cumulatively.

## **III. Description of Proposed LCP Amendment & Affected Site:**

The proposed amendment to the Humboldt County Local Coastal Program would change the land use designation and zoning classification of approximately 2 acres of land to coincide with newly

established property boundaries, resulting from a County approved lot line adjustment (see Exhibit Nos. 4-7). The proposed amendment would re-designate approximately 2 acres of land designated in the land use plan (LUP) as Commercial Timberland (TC) to a Rural Residential (RRC) designation and rezone the same property from Commercial Timberland with a riparian protection combining zone (TC/R) to Rural Residential Agriculture with manufactured home and riparian protection combining zones, and a 2.5-acre minimum parcel size classification (RA-2.5-M/R), which is the current status of the residential parcel to which the subject acreage has been added (see Exhibit Nos. 4-6).

The residential property is located in an unincorporated area approximately 1.5 miles southeast of Trinidad, on the north side of Adams Fox Farm Road approximately 800 feet northeast of the intersection of Adams Fox Farm Road and Westhaven Drive (see Exhibit Nos. 1-3). The setting is rural residential and agricultural; the property borders timberlands and is bound on two sides by streams, Luffenholtz Creek on the southeast, and Deadman's Creek to the northwest. Prior to the lot line adjustment, the parcel was approximately 4.3-acres in size, thus it is now roughly 6.3-acres. The property is currently occupied with a house, an unpermitted mobile home and an unpermitted trailer. The residential property is located outside of the Urban Limit Line, but within the Trinidad Service Line Area. There is a water collection system south of Luffenholtz Creek, and a distribution line along Westhaven Drive. However, the existing residence on the currently designated RRC portion of the site is served by an on-site water supply and septic system. The adjoining timberland parcel is vacant and used for resource production.

According to the County, the purpose of the lot line adjustment and subsequent plan and zone re-classification is to reduce land use conflicts between the neighboring timber and residential uses by establishing a better buffer between the properties, and thereafter to better facilitate implementation of the Local Coastal Plan by aligning the land use designation and zoning for the subject acreage with the new parcel boundaries. Presently the property line separating the residential property and the timber use is at the top of a slope over one of the 2 streams, which border the residential property, on the residential side of the creek. The lot line adjustment re-aligns the boundary along the centerline of the stream, so that the riparian vegetation along the creek bank on the residential side of the creek will be preserved as a vegetative screen for the residential use.

The proposed amendment would result in changes to the Trinidad Area Plan (TAP) and coastal zoning maps for the subject area within the Humboldt County LCP only. No changes to the text of the LCP are proposed.

#### **IV. Background of LCP Amendment Request:**

The proposed LCP amendment was prompted by the County's approval of a lot line adjustment for a residential property owner, which resulted in the addition of 2 acres from the neighboring timberland property to the residential property. Prior to the lot line adjustment, the subject residential property consisted of approximately 4.3 acres. Thus, the adjusted parcel size is now just

over 6 acres in size. Because the property boundary line was also coincident with the general plan and zoning boundary, the County is proposing to amend its LCP to reflect the new property boundaries and the nature of the transferred property, as adjusted. As mentioned in the Amendment Description Section, the proposed amendment would re-designate approximately 2 acres of Commercial Timberland (TC) to a Rural Residential (RRC) designation with a 2.5-acre minimum parcel size classification, which is the current status of the residential parcel to which the subject acreage has been added.

Contemporaneous with this proposed LCP amendment, the County processed a related Coastal Development Permit (CDP-00-51) for the lot line adjustment (LLA-00-31) in June of 2003. In approving the CDP, the County made the requisite findings concerning consistency with the LCP. In doing so, they added a condition of approval to address the Board of Supervisor's concern about the potential for increased density in this area as a result of the parcel adjustment. The concern arose because, while the current size of the residential parcel would not support a second unit or a sub-division, the addition of acreage to the residential property from the lot line adjustment results in a parcel that *could* potentially be divisible based on the existing density, minimum parcel size and zoning designations for the residential parcel. It is unclear, however, whether municipal or onsite water and sewer services would be available to serve an additional parcel. Therefore, the County required the residential property owner to record an agreement conveying future development rights for a second unit or sub-division of the property, to the County. Re-conveyance is to be predicated upon area improvements such as street widening and community water service. Other conditions of approval involved removal of the unpermitted mobile home and trailer on the property.

When the County approved a plan and zone change for the subject acreage to align plan and zoning boundaries with the newly established property line, the County concluded that the proposed LUP amendment conforms with the policies of Chapter 3 of the Coastal Act, and the zoning change conforms with, and is adequate to carry out the provisions of the certified LUP as amended. The County also found that the proposed amendment is in the public interest because (1) the LCP would be easier to implement if the plan and zone designations are aligned with parcel boundaries and 2) the plan and zone amendment would provide for a buffer area between the residential land use and commercial timber operations.

## **V. Land Use Plan Amendment Findings**

### **A. Introduction/Criteria for Analysis**

The standard of review for the proposed amendment to the Land Use Plan (LUP) portion of Humboldt County LCP is the Chapter 3 policies of the Coastal Act. The amendment to change the land use designation for a 2 acre area of forestland from Commercial Timber (TC) Rural Residential (RRC) specifying a 2.5-acre minimum parcel size, principally implicates the following Coastal Act Policies: Section 30243 regarding timberland conversion, 30250 addressing location



of new development/ adequacy of site and services to support new development, and 30240 & 30231 concerning the protection of environmentally sensitive habitat area and water quality.

### **B. Timberland Conversion**

Section 30243 limits the conversion of commercial timberlands in units of commercial size to other uses, providing for such conversion only for necessary timber processing and related facilities. The subject commercial timberland parcel was approximately 25 acres in size prior to the lot line adjustment, and apparently part of a larger block of timberland including adjoining parcels, which together comprise roughly 800 acres. According to the County issued CDP for the lot line adjustment, the parcel was recently logged under a Timber Harvest Plan.

The proposed 2-acre conversion will leave the subject parcel at around 23 acres and is not expected to affect commercial viability of the remaining block of timberland. The 2 acres that would be converted are not understood to be commercially valuable with respect to timber production, mainly due to the location of the acreage, and its size. The acreage borders an intermittent stream identified in the LCP as Deadman's Creek. Thus, based on both the size of the land, and the necessary setbacks from the stream that would be established pursuant to the California Department of Forestry and Fire Protection's Timber Harvest Plan requirements for the sensitive area, the acreage is likely to be of marginal commercial value. Therefore changing the land use designation for the subject 2-acres in the LUP, as proposed, would not affect the long-term productivity of timberlands and is consistent with Section 30243 of the Coastal Act.

### **C. Stream Protection / ESHA & Water Quality**

The proposed amendment would change the land use designation of approximately 2-acres of land, bordering an intermittent stream identified in the LCP as Deadman's Creek, from Commercial Timberland (TC) to Rural Residential (RR).

Prior to the lot line adjustment, the property line separating the subject residential property from the forestland was located on the residential side of the aforementioned stream, at the top of the sloped bank - roughly 100 feet from the watercourse. The County approved lot line adjustment changes the property line location, aligning the boundary with the centerline of the stream.

Section 30240 of the Coastal Act requires that environmentally sensitive habitat such as riparian corridors be protected from any significant disruption of habitat values, and that development adjacent to ESHA be sited and designed to prevent significant adverse impacts to such resources. Section 30231 further addresses the protection of streams and riparian corridors specifically, requiring that the biological productivity and quality of coastal streams be maintained and where feasible restored through among other means, "...maintaining natural vegetation buffer areas that protect riparian habitats." The County's Natural Resource Protection Policies and Standards, found in Section 3.30 of the Trinidad Area Plan, incorporate Coastal Act policies 30240 and 30231, and

limit approvable development. The County also has specific Streamside Management Area Policies which restrict development within 100 feet of a stream. Further, as is discussed in the Implementation Plan Findings, both the timberland parcel and the residential parcel are covered by a Streams and Riparian Corridor Protection combining zone. The proposed LCP amendment would not affect the application of this combining zone to either parcel. In addition, the conversion of the 2 acres to a residential designation will result in the application of the County's stream protection policies to the subject acreage, in addition to other applicable policies, thereby affording greater regulatory protection of the riparian area along the residential side of the creek.

Thus, because the conversion will result in a less intense land use designation for the subject acreage and because the area, with the amended land use designation, will be covered by the County's Natural Resource Protection policies, the Streamside Management Area policies, and the Streams and Riparian Corridor combining zone, the Commission finds the proposed amendment is consistent with Sections 30240 and 30231 of the Coastal Act, as the amendment will help avoid disruption of environmentally sensitive riparian habitat, and maintain its biological productivity.

#### **D. Location of New Development**

The proposed LUP amendment would change the Land Use Plan (LUP) designation of approximately 2 acres of Commercial Timberland to Rural Residential – specifying a 2.5-acre minimum parcel size (RRC), to coincide with newly established property boundaries resulting from the County approved lot line adjustment. The addition of acreage to the residential property from the lot line adjustment results in a parcel of a size that could potentially be divisible under the new LUP designation and zoning district that would be applied by the LCP amendment to the 2 acres transferred to the residential parcel. Ultimately, the parcel would consist of 6.3 acres zoned Rural Residential specifying a 2.5-acre minimum parcel size (RRC), and thus could be divided into two parcels, and still meet the minimum parcel size criteria.

Because this amendment would result in a parcel that, unlike the previous configuration, could potentially be subject to sub-division or another form of increased density, the Commission must determine if the LUP as amended, would in fact be consistent with Section 30250 of the Coastal Act. This section requires that new development be sited either near developed areas able to accommodate such development, or in other areas with adequate public services to support the development. In addition, Section 30250 specifies that land divisions outside of developed areas be permitted only when 50% of the useable parcels in the area have been developed, and when the created parcels would be no smaller than the average size of surrounding parcels.

Section 3.21 (B.) (1.) of the LUP outlines the development policies which govern rural sub-division and other development. The main policy is 2-pronged requiring that: 1) no division of rural land be approved unless at least 50% of the parcels in similar use in the planning area of the subject parcel, outside of the Urban Limit Line, have been developed, and 2) the average density of new development created by such divisions shall not exceed that established by the zoning ordinances and the designations of the land use maps. The LUP further indicates that the following

criteria generally formed the basis for the established densities referenced in this policy: a.) the average size of parcels planned for the same use within the neighborhood of the subject parcel, and b) a size adequate to prevent individual or cumulative significant adverse effects to coastal resources.

This LUP policy does not specifically require that rural subdivisions be located in areas with adequate services to accommodate each of the lots that would be created under a proposed subdivision. Nor do any other policies of the LCP concerning rural divisions of land specifically require demonstration of adequate services to accommodate the lots to be created. In addition, the pre-amble to 3.21 (B.) (1.), the aforementioned development policy which governs rural subdivision and other development, indicates that the density levels for rural areas set-forth in the LUP for specific planning areas, including the area in which the subject parcels lie, are to be considered absolute maximum densities because the formula (described above) which produces the density limits, does not incorporate area specific information such as septic system suitability, water availability or topography considerations.

Consideration of the adequacy and availability of essential services necessary to support and sustain additional parcels is important in determining the suitability of a site and locale for accommodating divisions of land, in a manner consistent with Section 30250 of the Coastal Act. It is not clear whether the subject property could accommodate an additional parcel. The subject property is not currently served with municipal sewer and water, and no information was submitted with the LCP amendment request to demonstrate whether service could be extended to the property, or if a well or an on-site septic system could feasibly be developed on the site to serve an additional parcel.

The Commission notes, at this time, that in approving a Coastal Development Permit (CDP-00-51) for the lot line adjustment between the subject properties, the Board of Supervisors added a condition to address similar concerns about the adequacy of public services to support the potential increase in density that the lot line adjustment and related plan and zoning amendment would bring about. The condition requires the residential property owner to record an agreement conveying future development rights for a second unit or sub-division of the property, to the County. The condition provides for release of the agreement upon the occurrence of future improvements associated with road widening and the availability of community water. The Commission notes that the requirement imposed by the County requiring the conveyance of development rights is not proposed to be added to the LUP, and instead is a condition of approval of the County previous approval of the lot line adjustment. The conveyance is essentially a two-party agreement between the County and the applicant that could be changed in the future by agreement between the two parties.

While this condition may be helpful in addressing the services issue, the Commission must ensure that any proposed amendment to the LCP, and subsequent development the amendment would facilitate, is consistent with the Coastal Act. Any inconsistencies in the LCP or inadequacies that could develop in the LCP, as a result of the proposed amendment must be addressed primarily within the LCP itself. Therefore, as the proposed amendment would accommodate future division

of the property and other development without ensuring that the adequacy of water and sewer services would be established at the time of approval, the proposed LUP amendment is inconsistent with Section 30250 of the Coastal Act and must be denied as submitted. However, if the amendment were modified to add language to the LUP, ensuring that the adequacy of water, sewer, and other services needed to accommodate a future land division or other development that would be accommodated by the proposed amendment would be demonstrated prior to any approval of the development, the amendment would be consistent with Section 30250.

Therefore, the Commission imposes Suggested Modification No. 1 which amends the LUP policy concerning planned densities for the subject planning area to expressly require demonstration of the suitability of a particular site to accommodate any division of land or other development, taking into account the adequacy and availability of public services in the area and/or on-site.

**Suggested Modification No. 1:**

Add the following policy language to Policy 3.21 (B.) (2.) (f.) of the Trinidad Area Plan LUP. Language to be added to the existing policy is underlined. There are no proposed deletions to the text of the policy:

**Section 3.21 B. DEVELOPMENT POLICIES**

2. Planned densities for rural areas designated for residential use shall be as follows:

**(f.) Rural Scenic and Westhaven Drives – RURAL RESIDENTIAL (RR)**

There currently exists a great disparity in parcel sizes within the coastal area south of the Trinidad Urban Limit Line and north of the Westhaven Village area. Parcels range in size from about one acre to thirty acres. This area includes approximately 370 acres and about 77 parcels. Because the range of the parcel sizes is so great, as well as a large number of parcels, it is possible to identify two modal acreages. Thirty-two percent are between one and two acres, while thirty-one percent of the parcels are greater than five acres. The arithmetic mean for the same area is four and one-half acres. The maximum planned density for this area is one unit per two and one-half acres. Prior to approval of any development, including a proposed division of land, must demonstrate the suitability of the site to support and sustain new development must be demonstrated by demonstrating the adequacy and availability of public services in the area and/or on-site resources. The adequacy of public services in the area and/or on-site resources which must be demonstrated include, but are not limited to, septic system suitability, water availability, and traffic capacity. In addition, approved development shall only be sited where it will not cause or contribute to significant adverse impacts on coastal resources either individually or cumulatively.

With the addition of the modification described herein, the Commission finds the proposed amendment to the LUP, as modified, is consistent with Coastal Act Section 30250.

### **E. Conclusion**

For all of the reasons set forth above, the Commission finds the proposed amendment to the LUP portion of the Humboldt County LCP is consistent with the Coastal Act if modified as suggested herein.

## **VI. IMPLEMENTATION PLAN FINDINGS**

### **A. Introduction/Criteria for Analysis**

The standard of review for the proposed amendment to the Implementation Plan (IP) of the Humboldt County LCP is whether the IP, as amended, conforms with and is adequate to carry out the certified LUP as modified. The proposed amendment to the IP seeks to re-zone 2-acres of land presently zoned Commercial Timberland with a 160-acre minimum parcel size (or 40 acres if a joint timber management plan is in effect) and with a Streams and Riparian Corridor Protection combining zone to Rural Residential Agriculture with a 2.5 acre minimum parcel size, a Streams and Riparian Corridor Protection combining zone, and a modification to the development standards for the sole purpose of allowing manufactured homes (RA-2.5-M/R).

The 2-acre area to be re-zoned is the same area over which the County proposes to change the land use designation in the LUP discussed above. Accordingly, the purpose of the zoning reclassification is to make the zone boundary consistent with the land use plan boundary adjusted per the proposed amendment herein, to align with the new parcel boundaries established by the County approved lot line adjustment.

### **B. IP Consistent With, and Adequate to Carry Out LUP**

Changing the zoning classification for the subject 2-acre area from Commercial Timberland-160/40 acre minimum to Rural Residential-2.5 acre minimum will maintain consistency with the LUP as amended, by reflecting the change in parcel boundaries and associated land use designation. The Rural Residential zoning district provides for the same range of principally permitted and conditional uses as the Rural Residential (RRC) land use designation. In addition, the Streams and Riparian Corridor Protection combining zone presently applied to both the timberland and residential properties will continue to be in place on both properties, and ensures the LUP policies concerning stream and riparian corridor protection applicable to the subject acreage, will be adequately carried out.

**C. Conclusion**

Therefore, the Commission finds that the proposed amendment to the Coastal Zoning Ordinance Maps, as submitted, conforms with and is adequate to carry out the Land Use Plan as modified.

**VII. CEQA**

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

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

As discussed in the findings above, the amendment request, as modified, is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

**Exhibits:**

- 1) Regional Location Map
- 2) Project Vicinity Map
- 3) Parcel Map
- 4) LUP Map
- 5) Zoning Map
- 6) Humboldt County Resolution 04-5
- 7) County-approved Lot Line Adjustment

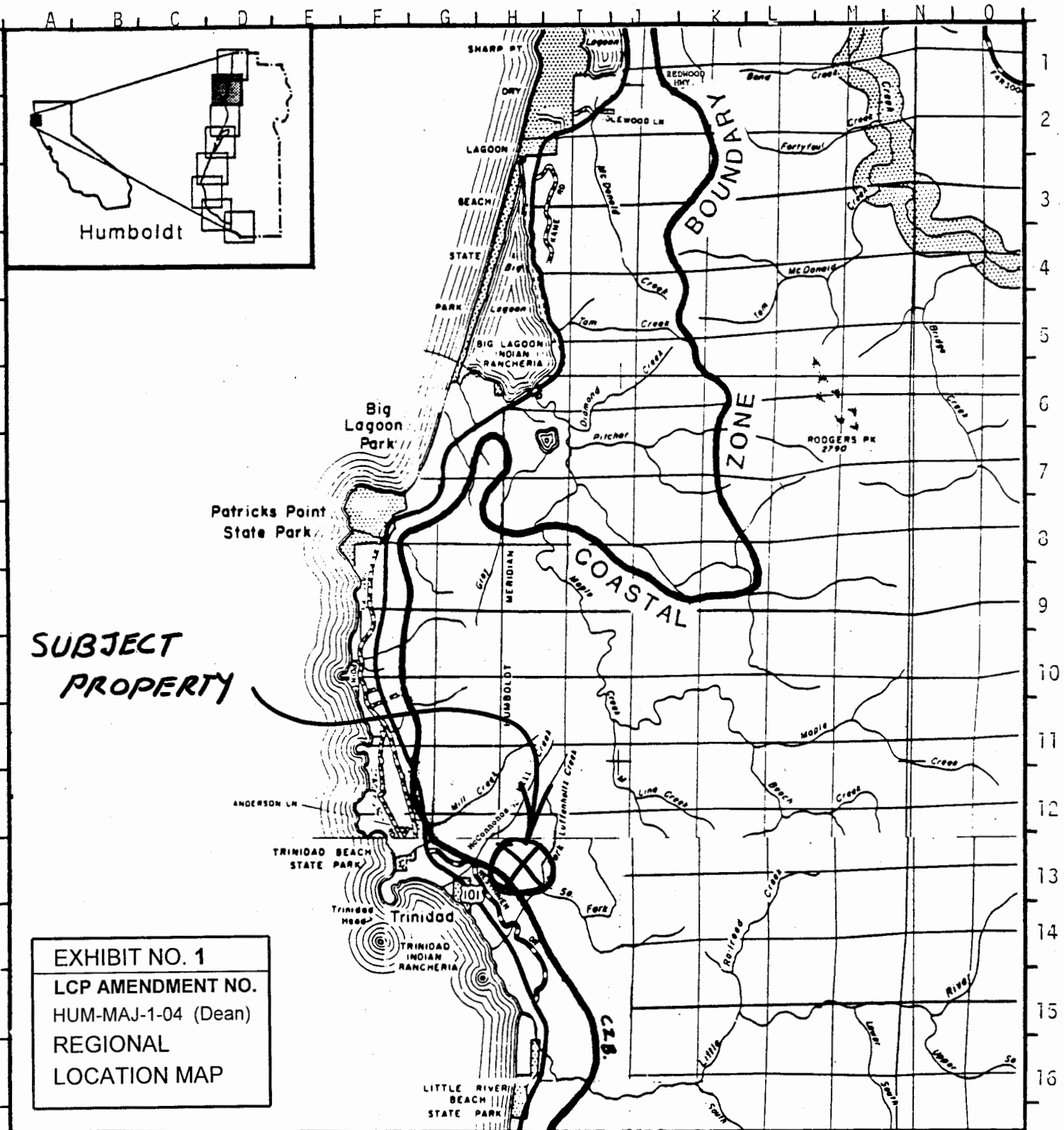
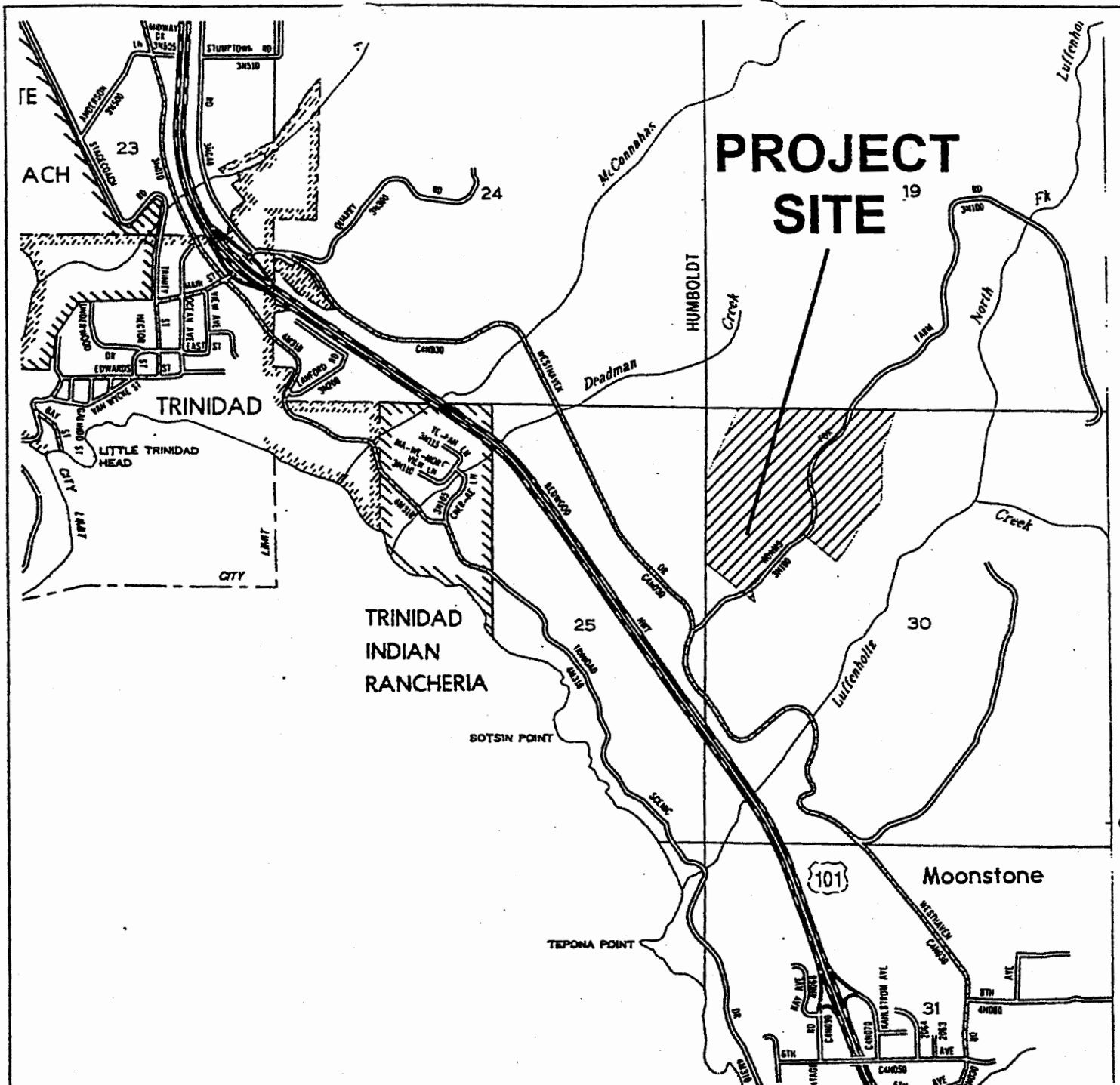


EXHIBIT NO. 1  
 LCP AMENDMENT NO.  
 HUM-MAJ-1-04 (Dean)  
 REGIONAL  
 LOCATION MAP



**PROPOSED QUARTERLY PLAN & ZONE AMENDMENT 2001A  
(DEAN PROPERTY)  
TRINIDAD AREA  
APN: 515-131-02 & -19  
SECTION 30 T8N R1E H. B. & M.  
LOCATION MAP**

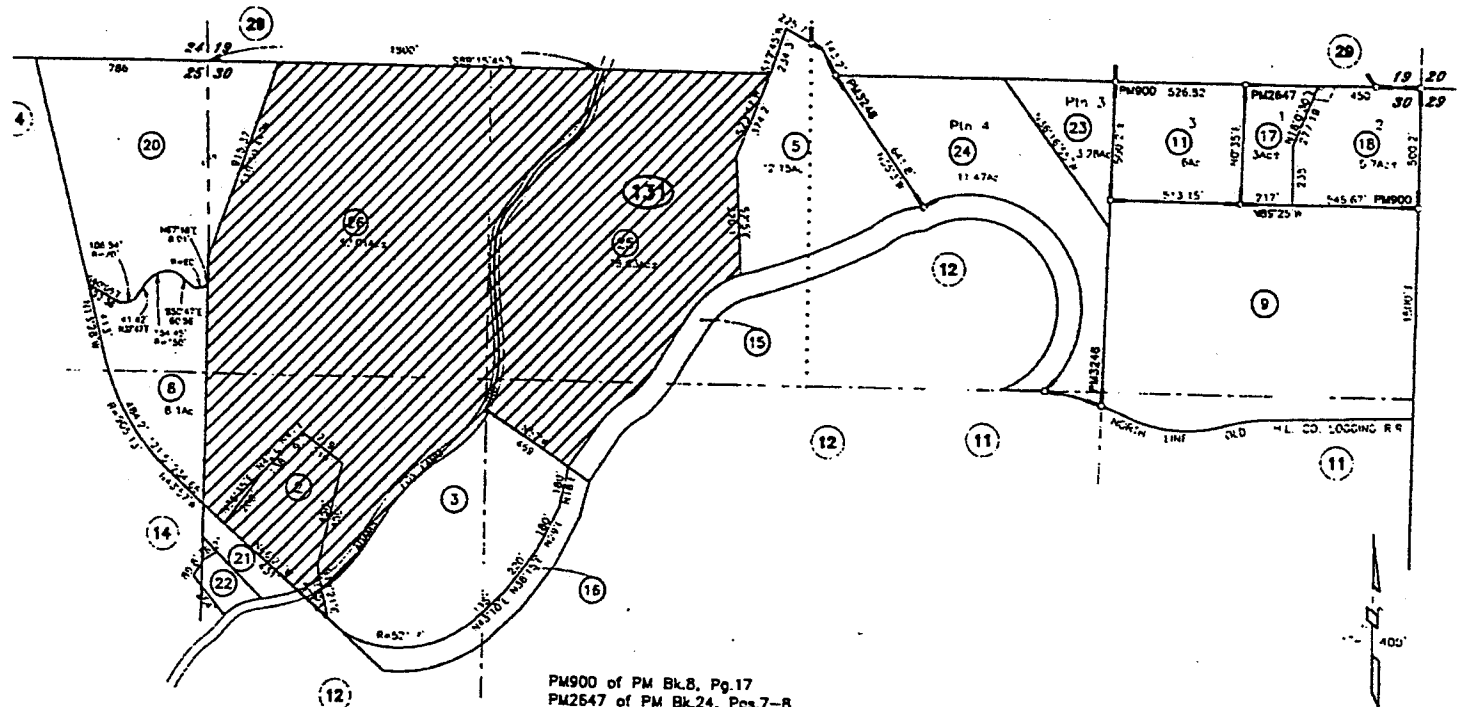
EXHIBIT NO. 2  
LCP AMENDMENT NO.  
HUM-MAJ-1-04 (Dean)  
PROJECT  
VICINITY MAP





PTN SEC 25, T8N, R1W & PTN SEC 30, T8N, R1E

515-13



PM900 of PM Bk.8, Pg.17  
PM2647 of PM Bk.24, Pgs.7-8  
RS, Bk.57 of surveys, Pgs.48-52  
RS, Bk.58 of surveys, Pg.38  
PM3248 of PM Bk.30, Pgs.122-125  
RS, Bk.61 of surveys, Pgs.113-116

**ASSASSOR'S PARCEL MAP**  
MAP WAS PREPARED FOR  
SALIENT PURPOSES ONLY.  
DUTY IS ASSUMED FOR  
COURCY OF THE DATA SHOWN.  
OWNER'S PARCELS MAY NOT  
YIELD LOCAL LOT-TO-LOT  
MEASUREMENTS

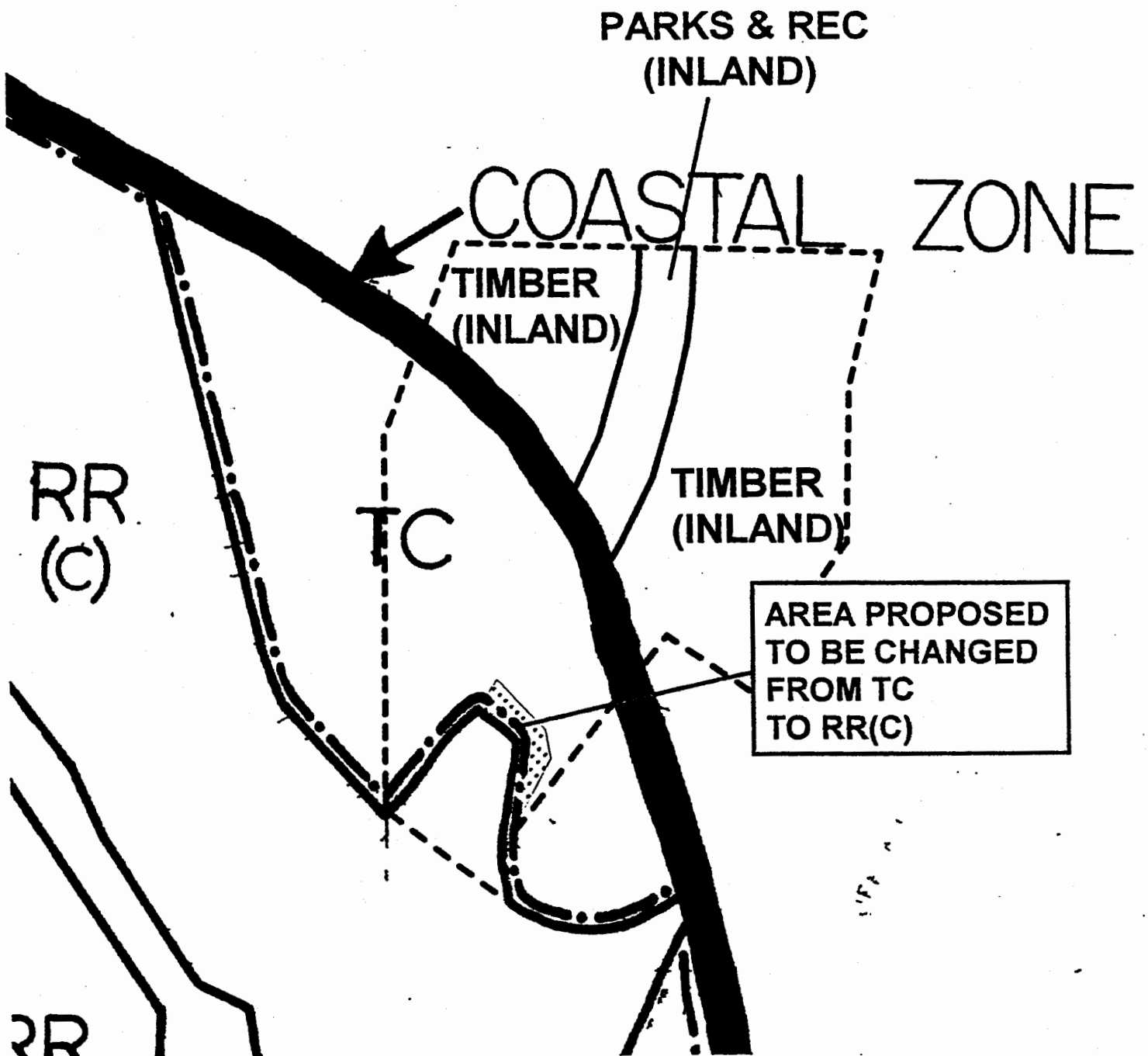
NOTE - Assessor's Block Numbers Shown in Squares  
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk.515, Pg.13  
County of Humboldt, CA

2" 50' 100'  
4 JUN 25, 2001

**PROPOSED QUARTERLY PLAN & ZONE AMENDMENT 2001A  
(DEAN PROPERTY)  
TRINIDAD AREA  
APN: 515-131-02 & -19  
SECTION 30 T8N R1E H. B. & M.  
ASSESSOR PARCEL MAP**

EXHIBIT NO. 3  
LCP AMENDMENT NO.  
HUM-MAJ-1-04 (Dean)  
PARCEL MAP



**PROPOSED QUARTERLY PLAN & ZONE AMENDMENT 2001A  
(DEAN PROPERTY)**

**TRINIDAD AREA**

**APN: 515-131-02 & -19**

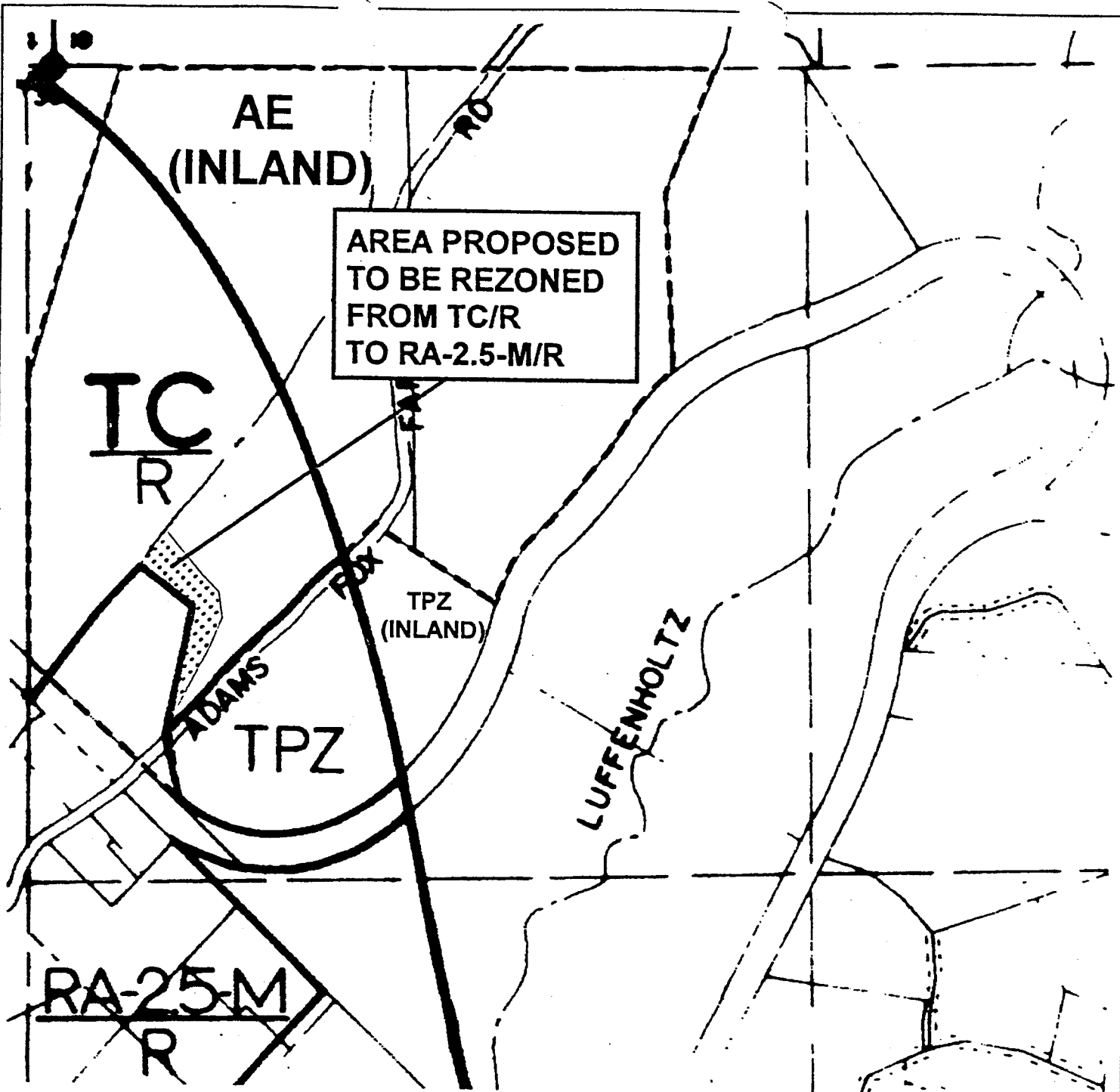
**SECTION 30 T8N R1E H. B. & M.**

**LAND USE MAP**

EXHIBIT NO. 4

LCP AMENDMENT NO.  
HUM-MAJ-1-04 (Dean)

LUP MAP



**PROPOSED QUARTERLY PLAN & ZONE AMENDMENT 2001A  
(DEAN PROPERTY)**

**TRINIDAD AREA**

**APN: 515-131-02 & -19**

**SECTION 30 T8N R1E H. B. & M.**

**ZONING MAP**

EXHIBIT NO. 5

LCP AMENDMENT NO.

HUM-MAJ-1-04 (Dean)

ZONING MAP

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF  
CALIFORNIA**

**Certified copy of portion of proceedings; Meeting on January 4, 2005**

**RESOLUTION No. 04-5**

**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 DEAN  
AMENDMENT TO THE LOCAL COASTAL PROGRAM  
FOR REVIEW AND CERTIFICATION**

**WHEREAS on April 4, 2000, the Board of Supervisors approved a General Plan Amendment Petition for Ron Dean to allow submittal of an application to amend the Trinidad Area Plan for a two (2) acre portion of APN 515-131-19 from Timberland Commercial (TC) to Rural Residential with a 2.5 acre minimum parcel size (RRC); and**

**WHEREAS on April 2, 2001 Ron Dean submitted the Plan amendment and zone reclassification application concurrently with a lot line adjustment application to change the parcel boundaries for APN 515-131-02 and 515-131-19; and**

**WHEREAS, the County Planning Division reviewed the submitted applications 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 prepared and initial study and Negative Declaration for the quarterly plan amendment package pursuant to the requirements of the California Environmental Quality Act (CEQA); 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 proposed amendment (Case No.: QPA 2001a); and**

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

**WHEREAS, at a public hearing on this matter on March 21, 2002 the Planning Commission adopted Resolution #02-16 recommending the Board of Supervisors approve the Plan and Zone changes; pending the approval of the Dean lot line adjustment, and**

**WHEREAS, on June 19, 2003 the Planning Commission approved the Dean lot line adjustment,**

**NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors that the following findings regarding the Dean Plan amendment be and are hereby made:**

**EXHIBIT NO. 6**

**LCP AMENDMENT NO.**

**HUM-MAJ-1-04 (Dean)**

**COUNTY**

**RESOLUTION**

**(Page 1 of 4)**

1. 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.
2. The Plan amendment for the Dean property is in the public interest because it will be easier for the County to implement the Plan if the land use designations are aligned with parcel boundaries.
3. The Plan amendment for the Dean property is in the public interest because it will be easier for the County to implement the Plan if the land use designations are aligned with parcel boundaries. Also the Plan amendment will provide for a buffer area between the rural residential land use on the Dean property and the commercial timber land uses on the adjacent Trinidad LLC parcel, and

NOW, THEREFORE, be it further resolved that the following findings regarding the Dean Zone Reclassifications be and are hereby made:

1. The Zone Reclassification for the Dean property is consistent with the Plan because the purpose of the Zone reclassification is to make the zone boundary consistent with the Plan boundary.
2. The Zone Reclassification for the Dean property is in the public interest because it will be easier for the County to implement the zoning if the zone designations are aligned with parcel boundaries. Also the Zone Reclassification will provide for a buffer area between the rural residential land use on the Dean property and the commercial timber land uses on the adjacent Trinidad LLC parcel, and
3. Based on the evidence presented in the Mitigated Negative Declaration included in this 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 the approved coastal plan and zoning ordinance amendments are consistent with the California Coastal Act described in the following table:

EXHIBIT NO. 6
LCP AMENDMENT NO.
HUM-MAJ-1-04 (Dean)
COUNTY
RESOLUTION
(Page 2 of 4)

Section(s)	Applicable Requirements	Evidence Supporting Finding
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	The proposed amendments must conform to the policies contained in Chapter 3 of the Coastal Act. Chapter 3 sets forth policies regarding the following issues: Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)	The plan and zone map changes are not located on a mapped coastal access trail or otherwise currently provides access to the coast. The Dean property has public roads on two sides that provide access to the coast for those persons living to the inland side of the property. The property is separated from the nearest coastline by Westhaven Drive, Highway 101 and Scenic Drive to the west.
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, and priority of development purposes)	The plan and zone map changes are not located on a water body that supports recreation or trail that provides access to the coast. The Dean property has public roads on two sides that provide access to the coast for those persons living to the inland side of the property. The property is separated from the nearest coastline by Westhaven Drive, Highway 101 and Scenic Drive to the west.
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)	The Dean property is separated from the nearest coastline by Westhaven Drive, Highway 101 and Scenic Drive to the west, so it is unlikely to have any impact on marine resources.
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)	The Dean property is bounded by a stream on two sides, and the project involves the conversion of approximately 2 acres of land planned and zoned for timber purposes to rural residential uses. Presently the property line separating the existing residential use on the Dean property and the commercial timber use to the east is at the top of the slope of one of the streams. The purpose for the lot line adjustment and Plan and Zone boundary changes is to establish a better buffer between the conflicting timber and residential uses by realigning the property line with the bed of the stream, so the riparian vegetation of the creek will provide a vegetative screen for the residential use. As development within 100 feet of the stream is protected by the County's Streamside Management Area policies and regulations, the effect of the boundary change on land resources is negligible.

EXHIBIT NO. 6

LCP AMENDMENT NO.  
HUM-MAJ-1-04 (Dean)  
COUNTY  
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(Page 3 of 4)

Section(s)	Applicable Requirements	Evidence Supporting Finding
	Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)	The Dean property is separated from the nearest coastline by Westhaven Drive, Highway 101 and Scenic Drive to the west, so it is unlikely to have any impact on coastal development.
	Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.	The proposed plan and zone boundary changes do not involve any industrial development, nor are they likely to affect any industrial development as there are no industrial uses nearby.
	The LCP Amendment shall be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.	The LCP Amendment will be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.

NOW THEREFORE BE IT RESOLVED that this Board of Supervisors hereby finds the proposed coastal plan and zoning ordinance amendments are consistent with the California Coastal Act as detailed in the Planning Commission Resolution of Approval for the project.

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 shall not take effect unless and until they are formally adopted by the Board of Supervisors after Coastal Commission approval.

Adopted on motion by Supervisor **NEELY**, seconded by Supervisor **GEIST** and the following vote:

AYES: Supervisors: **SMITH** **RODONI** **WOOLLEY** **NEELY** **GEIST**

NOES: Supervisors: \_\_\_\_\_

ABSENT: Supervisors: \_\_\_\_\_

STATE OF CALIFORNIA

County of Humboldt

)  
) SS.  
)

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.

EXHIBIT NO. 6

LCP AMENDMENT NO.

HUM-MAJ-1-04 (Dean)

COUNTY

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