

## CALIFORNIA COASTAL COMMISSION

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# W 23c

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90 <sup>th</sup> Day:	September 27, 2009
Staff:	Melissa B. Kraemer
Staff Report:	August 27, 2009
Hearing Date:	September 9, 2009
Commission Action:	

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director  
Robert S. Merrill, North Coast District Manager  
Melissa B. Kraemer, Coastal Planner

SUBJECT: **Humboldt County LCP Amendment No. HUM-MAJ-2-09**  
**(New Heart Community Church)**  
Meeting of September 9, 2009 in Eureka

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## SYNOPSIS

### Amendment Description:

The County of Humboldt is requesting certification of Local Coastal Program Amendment No. HUM-MAJ-2-09 (New Heart Community Church) to amend both the County's certified Land Use Plan (LUP) and Implementation Plan (IP) to change the local plan and zoning designations of an approximately 4.5-acre parcel at 899 Murray Road at the intersection of the Highway 101 South off-ramp and West Murray Road in the McKinleyville area (APN 511-401-039) from commercial recreation (CR) to public facilities-urban (PF-urban).

### Summary of Staff Recommendation:

The staff recommends that the Commission, upon completion of a public hearing: **(1) deny the LUP amendment request as submitted; (2) certify the LUP amendment request with suggested modifications; and (3) certify the IP amendment request as submitted.**

Humboldt County LCP Amendment No. HUM-MAJ-2-09 would change the land use plan and zoning designations of an approximately 4.5-acre parcel in the McKinleyville area (Assessor Parcel Number 511-401-39) from Commercial Recreation to Public Facility-Urban. The specific

proposed amendments to the Land Use Plan and Implementation Plan appear within the respective resolution and ordinance attached as Exhibit Nos. 7 and 8.

The subject site is located at 899 Murray Road (Assessor Parcel Number 511-401-39) at the intersection of the Highway 101 South off-ramp and West Murray Road in the McKinleyville area of Humboldt County. The 4.5-acre property is bordered by Highway 101 to the east, Murray Road to the south, and residential development of the Pacific Sunset Subdivision to the west and north (see Exhibit Nos. 1, 2, and 3). The property is approximately one half mile inland from the ocean shoreline and is between the first public road and the sea.

The subject property is located on an uplifted marine terrace at an elevation of approximately 60 feet above mean sea level. The site is comprised of more or less level terrain dominated by mostly nonnative perennial grasses and herbs, with pine trees bordering the eastern edge of the property along the highway. Widow White Creek is approximately one quarter mile north of the subject property and is separated from the property by residential development in the Pacific Sunset subdivision. A biological resources assessment completed for the property in 2007 by SHN Consulting Engineers & Geologists, Inc. found no special-status species, wetlands, or other environmentally sensitive habitat areas on site.

Currently the site is mostly undeveloped except for a segment of the Hammond Coastal Trail, which runs along the southern and eastern property boundaries (Exhibit No. 4). The Hammond Trail is a vertical public County trail that is part of the California Coastal Trail system. The owner of the subject property (the church) granted an easement to the County to develop a segment of the Hammond Trail across the southern edge of the property to link two disconnected segments of the trail between Murray Road and Letz Avenue (approximately one mile to the north). The trail segment on the subject property, which was completed in 2007 under County coastal development permit #CDP 06-50, is a mixed-use trail enjoyed by public pedestrians, joggers, bicyclists, horse riders, and other non-motorized uses.

The stated purpose of the proposed LCP amendment is to enable the construction of a church (see Exhibit No. 5). The current CR land use designation and zoning do not provide for a church, whereas the proposed Public Facilities land use and zoning designations do. Although the amendment has been proposed to facilitate a particular development, by changing the land use classification and zoning designation applicable to the site, the amendment would enable the site to be developed in the future for any use within the range of uses and development allowed under the Public Facilities-Urban land use designation and zoning district. According to the certified LUP (Chapter 5, Page 4 of the McKinleyville Area Plan), the purpose of the PF designation within urban limits as shown in the area plan is *“To protect sites appropriate for the development of public and private sector civil service facilities.”* Principal uses permitted in the PF-Urban land use designation include *“Essential services including fire and police stations, hospitals and schools; public and private facilities including offices, libraries, cemeteries and clinics; but not including sites or facilities for the storage or processing of materials or equipment.”*

Staff believes that future development of the site that would be accommodated by the proposed LUP amendment would not lead to significant adverse impacts, as (1) the site is within a largely

developed portion of the city, (2) no higher priority uses or developments would be adversely impacted, (3) public access to and along the coast would not be affected by the proposed amendment since the County already owns an easement along the southern and eastern edges of the property that has been developed with a segment of the multi-use public Hammond Coastal Trail, (4) potential visual impacts of development under the proposed PF-Urban designation are not significantly different from the potential visual impacts of a use allowed under the existing CR designation, and (5) the site contains no environmentally sensitive habitat areas.

Staff believes that with the incorporation of two suggested modifications to make the LUP internally consistent, the LUP as amended would be consistent with the Coastal Act. **Suggested Modification No. 1** would add the following text to the list of urban land use designations listed in Chapter 4, Page 20 of the McKinleyville Area Plan: **PF – Public Facility**. **Suggested Modification No. 2** would delete the CR designation (~~CR~~) for the subject property from the land use plan map shown in Chapter 4, Page 24 of the McKinleyville Area Plan and replace it with “**PF**” to reflect the amended land use designation. Staff has consulted with County staff, and the County agrees with these changes to make the LUP internally consistent.

The Suggested Modifications to the LUP Amendment recommended by staff would ensure that the changes to the LUP are consistent with Coastal Act policies and that the IP would conform with and carry out the LUP.

**The appropriate motions and resolutions to adopt the staff recommendation are found on pages 4-5.**

**Analysis Criteria:**

The relationship between the Coastal Act and a local government’s Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving guidance as to the kinds, locations, and intensities of coastal development. The Implementation Program (IP) of an LCP typically sets forth zone districts and site development regulations through legally enforceable ordinances which specify how coastal development is to proceed on a particular parcel. To certify the amendment to the LUP portion of the County’s LCP, the Commission must find that the LUP, as amended, is consistent with the Chapter 3 policies of the Coastal Act. To certify the amendment to the IP portion of the LUP, the Commission must find that the IP, as amended, conforms with, and is adequate to carry out, the policies of the amended LUP.

**Additional Information:**

For additional information about the LCP amendment, please contact Melissa Kraemer at the North Coast District Office at (707) 445-7833. Please mail correspondence to the Commission at the letterhead address.

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## **PART ONE: RESOLUTIONS & SUGGESTED MODIFICATIONS**

### **I. MOTIONS, STAFF RECOMMENDATIONS, & RESOLUTIONS FOR LCP AMENDMENT NO. HUM-MAJ-2-09**

#### **A. DENIAL OF LAND USE PLAN (LUP) AMENDMENT NO. HUM-MAJ-02-09, AS SUBMITTED:**

**MOTION I:**     *I move that the Commission certify Land Use Plan Amendment No. HUM-MAJ-2-09 as submitted by the County of Humboldt.*

#### **STAFF RECOMMENDATION TO CERTIFY:**

Staff recommends a **NO** vote. Passage of this motion will result in rejection of Land Use Plan Amendment 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 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-2-09 as submitted by the County of Humboldt and adopts the findings set forth below on the grounds that the land use plan as amended does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.

#### **B. CERTIFICATION OF LUP AMENDMENT NO. HUM-MAJ-2-09 WITH SUGGESTED MODIFICATIONS:**

**MOTION II:**     *I move that the Commission certify Land Use Plan Amendment No. HUM-MAJ-2-09 for the County of Humboldt if it is modified as suggested in this staff report.*

#### **STAFF RECOMMENDATION TO CERTIFY THE LAND USE PLAN 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 THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Land Use Plan Amendment No. HUM-MAJ-2-09 for the County of Humboldt if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment if modified.

**C. CERTIFICATION OF IMPLEMENTATION PROGRAM (IP) AMENDMENT NO. HUM-MAJ-2-09, AS SUBMITTED:**

**MOTION III:** *I move that the Commission reject Implementation Program Amendment No. HUM-MAJ-2-09 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 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 PROGRAM AS SUBMITTED:**

The Commission hereby certifies Implementation Program Amendment No. HUM-MAJ-2-09 for the County of Humboldt as submitted and adopts the findings set forth below on grounds that the Implementation Program as amended conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program will meet the requirements of the California Environmental Quality Act, because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

**II. SUGESTED MODIFICATIONS TO THE LAND USE PLAN PORTION OF PROPOSED HUMBOLDT COUNTY LCP AMENDMENT NO. HUM-MAJ-2-09:**

In the interest of providing internal consistency within the LUP, the suggested modifications include minor additions to and deletions of text of the certified LUP.

**Suggested Modification No. 1**

Add the following text to the list of urban land use designations listed in Chapter 4, Page 20 of the McKinleyville Area Plan: **PF – Public Facility**.

**Suggested Modification No. 2**

Delete the CR designation (~~CR~~) for the subject property from the land use plan map shown in Chapter 4, Page 24 of the McKinleyville Area Plan and replace it with “**PF**” to reflect the amended land use designation.

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**PART TWO: INTRODUCTION**

**I. AMENDMENT DESCRIPTION**

Humboldt County LCP Amendment No. HUM-MAJ-2-09 would change the land use plan and zoning designations of an approximately 4.5-acre parcel in the McKinleyville area (Assessor Parcel Number 511-401-39) from Commercial Recreation to Public Facility-Urban. The specific proposed amendments to the Land Use Plan and Implementation Plan appear within the respective resolution and ordinance attached as Exhibit Nos. 7 and 8.

**II. SUBJECT PROPERTY**

The subject site is located at 899 Murray Road (Assessor Parcel Number 511-401-39) at the intersection of the Highway 101 South off-ramp and West Murray Road in the McKinleyville area of Humboldt County. The 4.5-acre property is bordered by Highway 101 to the east, Murray Road to the south, and residential development of the Pacific Sunset Subdivision to the west and north (see Exhibit Nos. 1, 2, and 3). The property is approximately one half mile inland from the ocean shoreline and is between the first public road and the sea.

The subject property is located on an uplifted marine terrace at an elevation of approximately 60 feet above mean sea level. The site is comprised of more or less level terrain dominated by mostly nonnative perennial grasses and herbs, with pine trees bordering the eastern edge of the property along the highway. Widow White Creek is approximately one quarter mile north of the subject property and is separated from the property by residential development in the Pacific Sunset subdivision. A biological resources assessment completed for the property in 2007 by SHN Consulting Engineers & Geologists, Inc. found no special-status species, wetlands, or other environmentally sensitive habitat areas on site.

Currently the site is mostly undeveloped except for a segment of the Hammond Coastal Trail, which runs along the southern and eastern property boundaries (Exhibit No. 4). The Hammond Trail is a vertical public County trail that is part of the California Coastal Trail system. Development of the Hammond Trail began 25 years ago with the immediate goal of converting the abandoned Little River and Hammond Railroad line west of McKinleyville into a recreation trail. The ultimate goal is to have a continuous trail system linking the coastal communities

between Trinidad and Fortuna. The owner of the subject property (the church) granted an easement to the County to develop a segment of the Hammond Trail across the southern edge of the property to link two disconnected segments of the trail between Murray Road and Letz Avenue (approximately one mile to the north). The trail segment on the subject property, which was completed in 2007 under County coastal development permit #CDP 06-50, is a mixed-use trail enjoyed by public pedestrians, joggers, bicyclists, horse riders, and other non-motorized uses.

### **III. PURPOSE OF AMENDMENT/PROJECT DESCRIPTION**

The stated purpose of the proposed LCP amendment is to enable the construction of a church (New Heart Community Church). The LCP would amend both the County's certified Land Use Plan (LUP) and Implementation Plan (IP) to change the local plan and zoning designations of an approximately 4.5-acre parcel from Commercial Recreation (CR) to Public Facilities-Urban (PF-Urban). The current CR land use designation and zoning do not provide for a church, whereas the proposed Public Facilities land use and zoning designations do. The County approved coastal development permit #CDP 07-67 on December 9, 2008 for development of the proposed church, contingent upon Commission certification of the subject LCP amendment.

The proposed church would be constructed in phases. Phase 1 is the construction of the Hammond Trail along the south and east sides of the property, which was completed in 2007 under County coastal development permit #CDP 06-50. Phase 2 would be construction of a main auditorium, office, and meeting room. Phase 3 would be construction of additional offices, meeting rooms, and a kitchen. Phase 4 would include an approximately 12,000-square foot lobby. The combined area of all buildings would total approximately 42,000 square feet in size and up to 35 feet in height. The project also would include the development of 248 parking spaces (see Exhibit No. 5).

Although the amendment has been proposed to facilitate a particular development, by changing the land use classification and zoning designation applicable to the site, the amendment would enable the site to be developed in the future for any use within the range of uses and development allowed under the Public Facilities-Urban land use designation and zoning district.

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## **PART THREE: AMENDMENTS TO THE LAND USE PLAN**

### **I. ANALYSIS CRITERIA**

To approve the amendments to the Land Use Plan (LUP), the Commission must find that the LUP as amended will remain consistent with the policies of Chapter 3 of the Coastal Act.

### **II. FINDINGS FOR DENIAL OF LUP AMENDMENT NO. EUR-MAJ-2-07 AS SUBMITTED AND CERTIFICATION IF MODIFIED**

The Commission finds and declares as follows for LUP Amendment No. HUM-MAJ-2-09:

A. LUP Amendment Synopsis

Humboldt County LUP Amendment No. HUM-MAJ-2-09 will change the land use plan designation of an approximately 4.5-acre parcel in the McKinleyville area (Assessor Parcel Number 511-401-39) from Commercial Recreation (CR) to Public Facility-Urban (PF). The specific LUP amendment as approved by the County on December 9, 2008 and transmitted to the Commission for certification appears within Resolution No. 08-101, attached as Exhibit No. 7.

The proposed LUP amendment, as submitted, would change the land use designation on the property from Commercial Recreation to Public Facility-Urban to facilitate future construction of a church. According to the certified LUP (Chapter 5, Page 3 of the McKinleyville Area Plan), the purpose of the CR land use designation is *“To protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.”* Principal uses permitted in the CR land use designation include *“Commercial recreational, including recreational vehicle parks, hotels and motels for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns, for example, subject to the requirements of Section 3.24 (Recreational and Visitor Serving Uses.”* Conditional uses permitted in the CR designation include single family house on existing lots, caretaker’s residence, and apartments on the upper floor of multistory structures. According to the certified LUP (Chapter 5, Page 4 of the McKinleyville Area Plan), the purpose of the PF designation within urban limits as shown in the area plan is *“To protect sites appropriate for the development of public and private sector civil service facilities.”* Principal uses permitted in the PF-Urban land use designation include *“Essential services including fire and police stations, hospitals and schools; public and private facilities including offices, libraries, cemeteries and clinics; but not including sites or facilities for the storage or processing of materials or equipment.”* There are no conditionally permitted uses listed for the PF-Urban land use designation.

B. Consistency of LUP Amendment with Coastal Act Policies

**1. Locating & Planning New Development**

Coastal Act Section 30250 states, in applicable part, the following with respect to locating and planning new development:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

The intent of this policy is to channel development toward more urbanized area where services are proved and potential impacts to resources are minimized.

The subject property is located within the urban-rural boundary, is served by public water and sewer, and is surrounded by existing residential development to the north, west, and south (across Murray Road). As discussed below, future development of the site for the uses that would be accommodated by the proposed LUP amendment will not lead to significant adverse impacts, as (1) the site is within a largely developed portion of the city, (2) no higher priority uses or developments will be adversely impacted, (3) public access to and along the coast will not be affected by the proposed amendment since the County already owns an easement along the southern and eastern edges of the property that has been developed with a segment of the multi-use public Hammond Coastal Trail, (4) potential visual impacts of development under the proposed PF-Urban designation are not significantly different from the potential visual impacts of a use allowed under the existing CR designation, and (5) the site contains no environmentally sensitive habitat areas.

Therefore, the proposed amendment is consistent with Section 30250(a) of the Coastal Act because (a) the area affected by the amendment is located in a developed area and has adequate water, sewer, and other services to accommodate the range of new uses allowed under the proposed land use designation, and (b) the amendment will not result in any adverse effects, either individually or cumulatively, on coastal resources.

## **2. Priority Uses**

Coastal Act Section 30222 states the following:

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Coastal Act Section 30222 prioritizes commercial recreation visitor-serving facilities over private residential, general industrial, or general commercial development. The proposed LUP amendment will change the land use designation of the site from Commercial Recreation, a visitor-serving, priority development type, to Public Facility-Urban, which allows uses which are not visitor-serving, priority uses.

According to the certified LUP (Chapter 5, Page 3 of the McKinleyville Area Plan), the purpose of the CR land use designation is “*To protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.*” Principal uses permitted in the CR land use designation include “*Commercial recreational, including recreational vehicle parks, hotels and motels for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns, for example, subject to the requirements of Section 3.24 (Recreational and Visitor Serving Uses.*” Conditional uses permitted in the CR designation include single family house on existing lots, caretaker’s residence, and apartments on the upper floor of multistory structures. According to the certified LUP (Chapter 5, Page 4 of the McKinleyville Area Plan), the purpose of the PF designation within urban limits as shown in the area plan is “*To protect sites appropriate for the development of public and private sector civil service facilities.*” Principal uses permitted in the PF-Urban land use designation include “*Essential services including fire*

*and police stations, hospitals and schools; public and private facilities including offices, libraries, cemeteries and clinics; but not including sites or facilities for the storage or processing of materials or equipment.”* There are no conditionally permitted uses listed for the PF-Urban land use designation.

At the time that the McKinleyville Area Plan was certified by the Commission (in 1982), few visitor-serving facilities were in existence in the McKinleyville area. The nearest commercial centers were located in the Valley West area of Arcata, approximately five miles south of the subject site, and Trinidad, approximately eight miles north of the subject site. In 1985, land around the Arcata/Eureka Airport, located approximately one mile north of the subject site, was redesignated and rezoned from mostly Residential Low Density (RL), with a minor amount of Commercial Recreation (CR), to Business Park (MB) under LCP Amendment No. HUM-MAJ-2-85, which the Commission certified in November of 1985. Since that time, a 70-room Holiday Inn has been developed in the Airport Business Park. The inn currently has an application in at the County to increase the total number of rooms at the facility to 90. Other existing lodging facilities in the vicinity of the subject site include at least eight hotels and motels in the Arcata area (mostly in the Valley West area), which have a combined total of 566 rooms (see Exhibit No. 6).

An analysis of the Humboldt State University Economic Index for June 2009 shows that the demand for lodging in a sample of vicinity hotels/motels has remained fairly constant over the past four years (2006-2009). The County expects this trend to continue into the foreseeable future. However, even if the demand for lodging facilities in the area were to increase significantly in the near future, the existing facilities in the Airport Business Park and the Arcata area could accommodate such a demand. The average occupancy rate of nine existing lodging facilities at the Business Park and in the Arcata area in 2008 was only 63 percent. Furthermore two additional lodging facilities are currently planned for opening in 2009 (a 102-room hotel in Blue Lake, approximately 10 miles southeast of the subject site) and 2010 (a 80-room Hampton Inn in the Valley West area of Arcata, approximately five miles south of the subject site) (see Exhibit No. 6).

Therefore, the Commission finds that the proposed amendment to change the land use designation of the subject site from CR to PF-Urban will not adversely impact higher priority uses or developments, because an adequate supply of visitor-serving facilities exists in the vicinity of the subject site to serve the local demand. Furthermore, as discussed below, the project site includes a completed portion of the California Coastal Trail, which will not be adversely affected by the proposed changes in allowable uses. Thus, the site will continue to facilitate coastal recreation. Therefore, the Commission finds that the proposed LUP amendment is consistent with Section 30222 and the other priority use provisions of the Coastal Act.

### **3. Public Access**

The public access policies of the Coastal Act include Sections 30210, 30211, and 30212, which require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not

interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

As discussed above, the subject site is located between the first public road (Highway 101) and the sea. However, future development of the site that would be accommodated by the proposed LUP amendment will not adversely affect public access to and along the coast for two main reasons. First, the site is approximately one half mile from the shoreline and is separated from the sea by intervening residential subdivisions. Second, the property owner has already granted an easement to the County for the installation of a segment of the Hammond Coastal Trail across the southern and eastern edges of the property, and the County completed installation of the trail segment in 2007 under County coastal development permit #CDP 06-50. The trail segment on the subject property is a mixed-use trail enjoyed by public pedestrians, joggers, bicyclists, horse riders, and other non-motorized uses that provides public access north and south along several miles of coast from the Mad River in the south to Clam Beach in the north (see Exhibit No. 4). The range of development that would be accommodated by the LUP amendment will not adversely affect the use of the trail. Due to the sizable nature of the property, with sufficient room to separate any proposed development from the trail, development of the site will not adversely affect the use and enjoyment of trail users. Also, the east side of the subject property is separated from the parallel portion of the trail by vegetation and topographic changes, which will help buffer any impacts of the development on the use and enjoyment of trail users. Therefore, public access to and along the coast will not be adversely affected by the proposed LUP amendment, and the LUP amendment is consistent with the public access policies of the Coastal Act.

#### **4. Protection of Visual Resources**

Coastal Act Section 30251 states the following with respect to protection of visual resources:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The above policy protects visual resources in the coastal zone by ensuring that public views to and along the ocean and scenic coastal areas are protected, and that new development does not detract from the visual quality of an area and shall be compatible with the character of surrounding areas.

The proposed amendment is consistent with the visual resources protection policy cited above. Although the site is between the first public road and the sea, the site is approximately one half mile from the ocean shoreline. There are no existing views from Highway 101 across the site due to mature pine trees located along the eastern property boundary and the existence of residential development in the Pacific Sunset and Sand Pointe subdivisions located between the site and the shoreline. Thus, future development that would be accommodated by the LUP amendment will not affect views to and along the ocean and scenic coastal areas, nor will it affect views in a manner significantly different than that of future site development that could occur under the existing CR designation. Furthermore, public views available from the subject site along the Hammond Coastal Trail, looking westward down Murray Road (which terminates near the bluff edge above the shoreline), will be unaffected by future development that would be accommodated by the LUP amendment. With its location adjacent to Highway 101, which is itself a type of public facility, the site's proposed PF-Urban designation will be compatible with the character of the area. Therefore, the Commission finds that the proposed amendment is consistent with the visual resources protection policies of Section 30251 of the Coastal Act.

## **5. ESHA & Wetlands Protection**

Coastal Act Section 30240 states the following with respect to environmentally sensitive habitat areas (ESHA):

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Coastal Act Section 30231 states the following with respect to water quality protection:

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

As discussed above, the 4.5-acre site is comprised of more or less level terrain dominated by mostly nonnative perennial grasses and herbs, with pine trees bordering the eastern edge of the property along the highway. Widow White Creek is over 1,000 feet north of the subject property and is separated from the property by residential development in the Pacific Sunset subdivision. A biological resources assessment completed for the property in 2007 by SHN Consulting Engineers & Geologists, Inc. found no special-status species, wetlands, or other environmentally sensitive habitat areas on site. The report concludes that "Based on the results of the 2006 and 2007 fieldwork, the proposed project will not result in impacts to special status plants or animals, sensitive natural communities, or wetlands" and "No further botanical, wildlife, or wetland coordination is recommended for the proposed project." The site is currently planned and zoned

for commercial recreation use and is surrounded by residential development to the north, west, and south, and Highway 101 to the east. Therefore, the Commission finds that the proposed LUP amendment is consistent with Sections 30240 and 30231 of the Coastal Act, because the area affected by the amendment is not located within or adjacent to any environmentally sensitive habitat areas, coastal waters, or wetlands and thus will not adversely impact such areas.

C. Internal Consistency of LUP

As certified, the LUP does not include Public Facilities (PF) on the list of urban land use designations on the land use plan maps (Chapter 4, Page 20 of the McKinleyville Area Plan), although PF is included in the description of standards for land use designations within Urban Limits (Chapter 5, Section 5.20, Page 4), and PF is included on the list of rural land use designations on the land use plan maps (Chapter 4, Page 20). This omission to the list of urban land uses appears to be an error made at the time of original certification of the LUP. As submitted, the proposed LUP amendment does not propose adding the PF designation to the list of urban land use designations. Furthermore, as submitted, the LUP amendment does not propose to change the land use plan designation map shown in Chapter 4, Page 24. Thus, certification of LCP Amendment No. HUM-MAJ-2-09 as submitted would result in internal inconsistencies in the certified LUP, and the LUP amendment would not be consistent with the Coastal Act. To ensure internal consistency within the LUP, the Commission finds it necessary to make minor modifications to the text of the LUP which references the land use designations for urban areas within the plan area. **Suggested Modification No. 1** adds the following text to the list of urban land use designations listed in Chapter 4, Page 20 of the McKinleyville Area Plan: **PF – Public Facility**. **Suggested Modification No. 2** deletes the CR designation (~~CR~~) for the subject property from the land use plan map shown in Chapter 4, Page 24 of the McKinleyville Area Plan and replaces it with “**PF**” to reflect the amended land use designation. Commission staff has consulted with County staff, and the County agrees with these changes to make the LUP internally consistent.

The LUP as modified will be internally consistent, and the LUP as amended is consistent with the Coastal Act.

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## **PART FOUR: AMENDMENTS TO IMPLEMENTATION PLAN**

### **I. ANALYSIS CRITERIA**

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified Implementation Programs (IP). Section 50513 states, in applicable part:

*...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the*

*rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.*

To approve the amendment, the Commission must find that the amended Implementation Plan will conform with and adequately carry out the provisions of the LUP as certified. For the reasons discussed in the Findings below, the proposed amendment to the Implementation Plan is consistent with and adequate to carry out the certified Land Use Plan.

## **II. FINDINGS FOR CERTIFICATION OF IP AMENDMENT NO. HUM-MAJ-2-09 AS SUBMITTED**

The Commission finds and declares as following for IP Amendment No. HUM-MAJ-2-09:

### **A. IP Amendment Synopsis**

Humboldt County IP Amendment No. HUM-MAJ-2-09 would change the zoning designation of an approximately 4.5-acre parcel in the McKinleyville area (Assessor Parcel Number 511-401-39) from Commercial Recreation (CR) to Public Facility-Urban (PF-1). The specific IP amendment as approved by the County on December 9, 2008 appears within Ordinance No. 2404, attached as Exhibit No. 8.

### **B. Conformance with LUP**

As the range of principally permitted and conditional uses allowed under the PF-1 zoning designation matches the range of allowable uses under the PF-Urban land use designation resulting from the proposed LUP amendment, the Commission finds that proposed IP Amendment No. HUM-MAJ-2-09 conforms with and is adequate to carry out the Land Use Plan, as amended.

Therefore, the Commission finds that the zoning amendment as submitted would conform with and be adequate to carry out the requirements of the certified Land Use Plan as amended, consistent with Section 30513 of the Coastal Act.

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## **PART FIVE: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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:

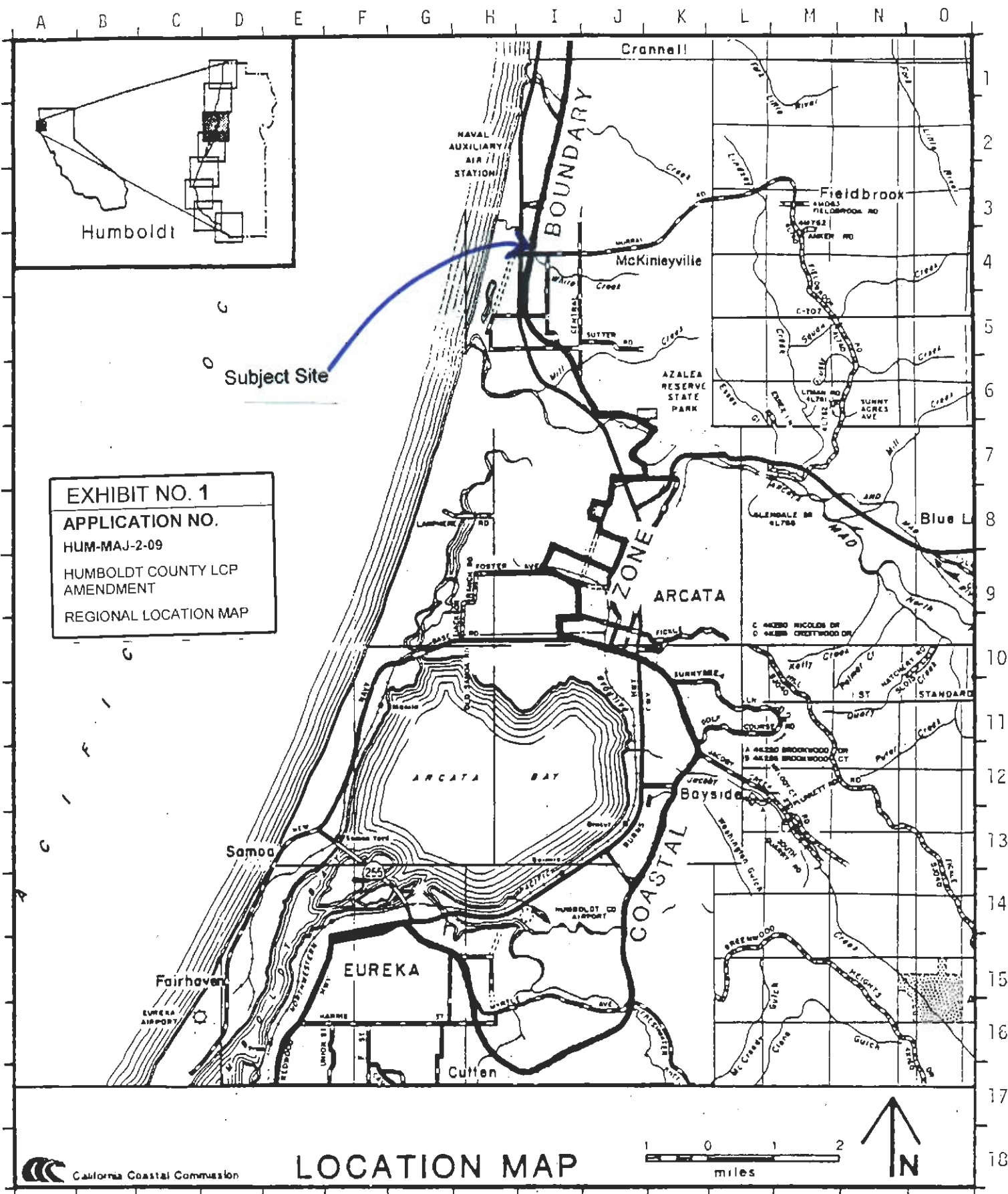
*...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.*

As discussed in the findings above, the amendment request as modified is consistent with the California Coastal Act. There are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment. The Commission finds that approval of the LCP amendment with the incorporation of the suggested modifications will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

---

**EXHIBITS:**

1. Regional Location Map
2. Vicinity Map
3. Certified Zoning Map
4. Map of Hammond Coastal Trail
5. Site Plan for Proposed New Heart Community Church
6. Survey of Available Lodging Facilities in the Vicinity of the Subject Site
7. County Resolution Adopting LUP Amendment and transmitting LUP Amendment to Commission for Certification
8. County Ordinance Amending the Zoning Map Designation for the Subject Site



County of Humboldt

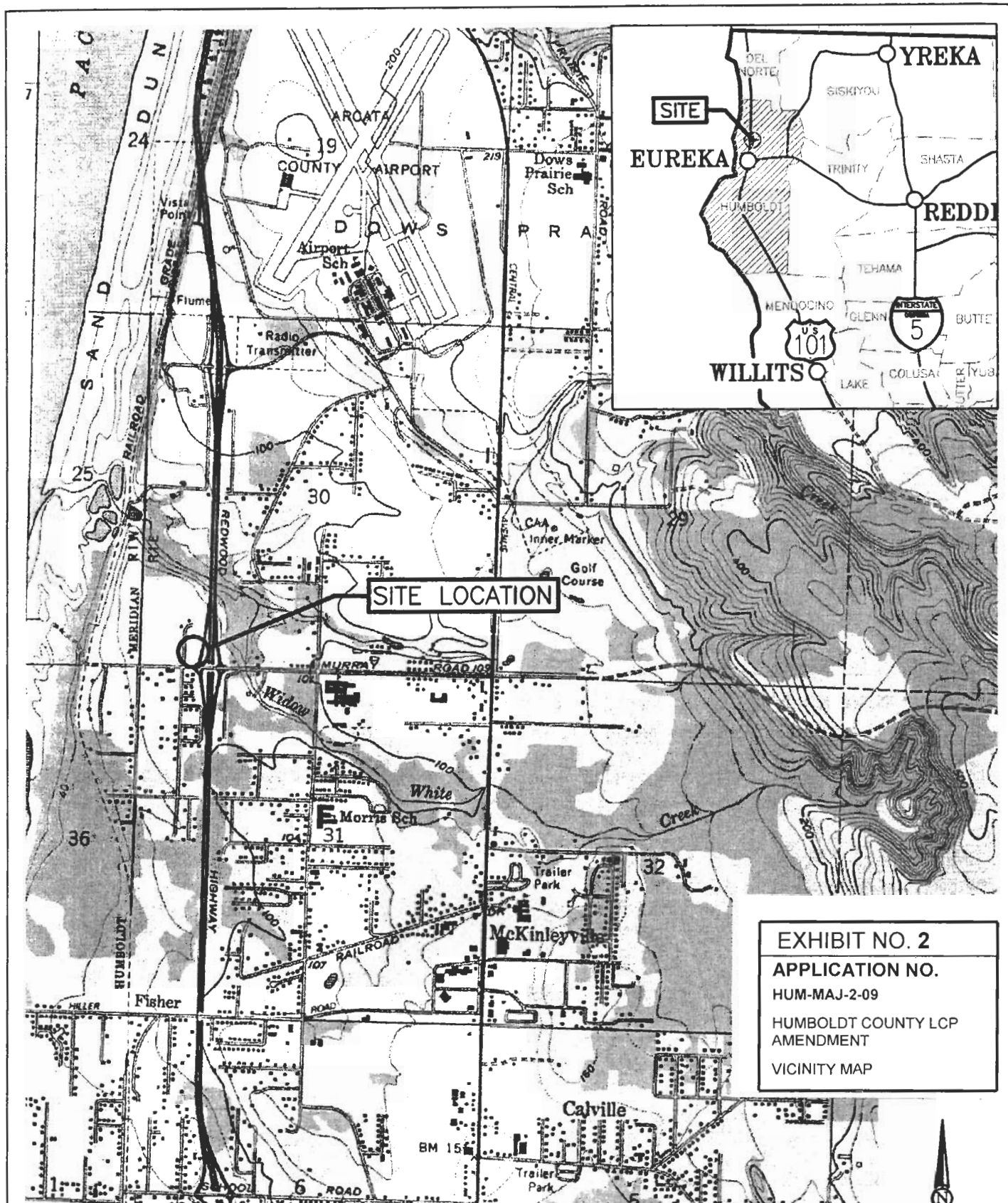


EXHIBIT NO. 2

APPLICATION NO.

HUM-MAJ-2-09

HUMBOLDT COUNTY LCP  
AMENDMENT

VICINITY MAP



1"=2000'±

SOURCE: ARCATA NORTH  
USGS 7.5 MINUTE  
QUADRANGLE

**SH**  
Consulting Engineers  
& Geologists, Inc.

New Heart Community Church

McKinleyville, California

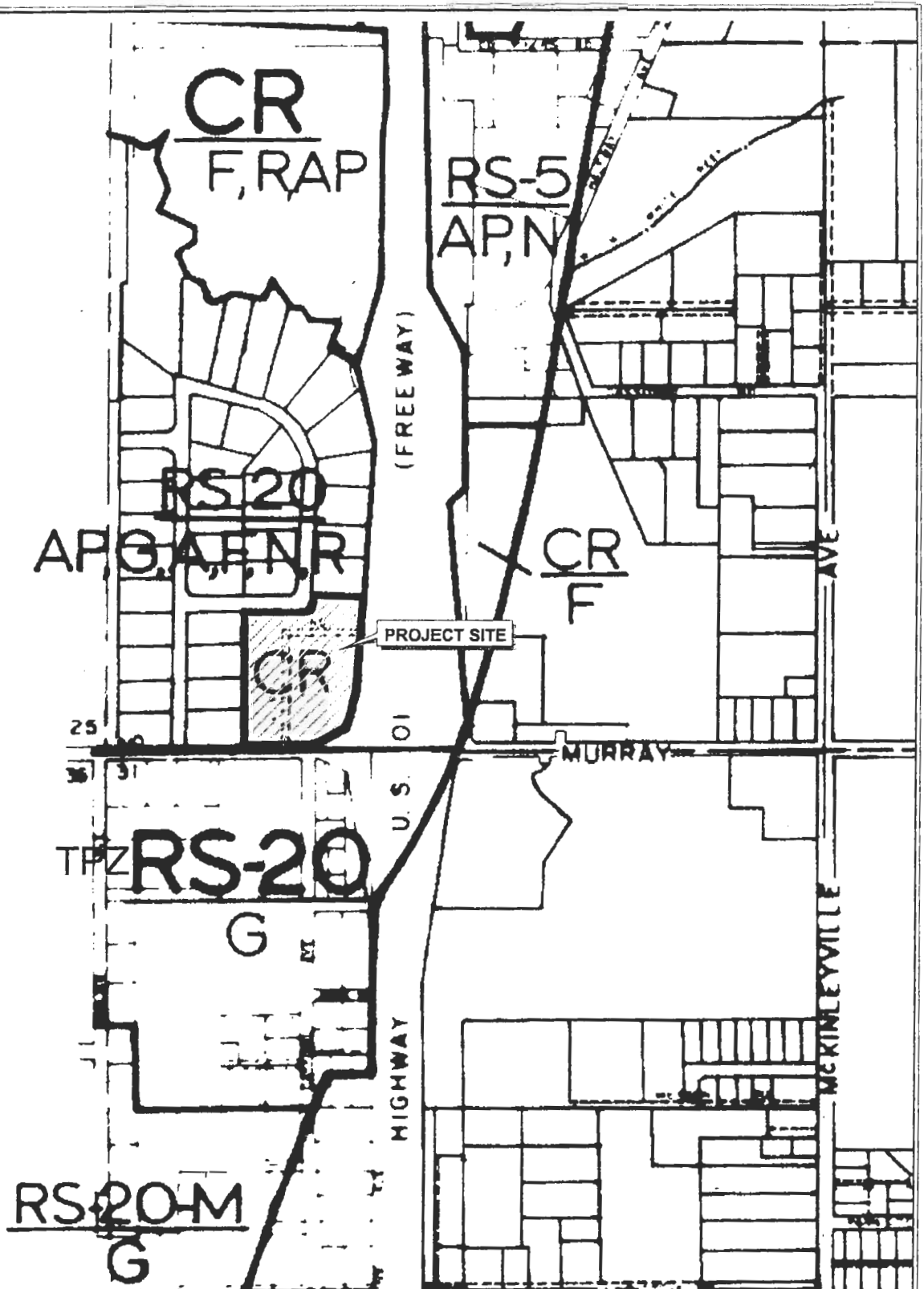
April 2007

Site Location Map

SHN 006056.140

006056.140-LOCATION

Figure 1



PROJECT SITE = 

**ZONING MAP**

**EXHIBIT NO. 3**  
**APPLICATION NO.**  
HUM-MAJ-2-09  
HUMBOLDT COUNTY LCP  
AMENDMENT  
CERTIFIED ZONING MAP

**APN: 511-401-39**  
**T07N R01E S30 H B & M**

MAP NOT TO SCALE

## MAP OF HAMMOND COASTAL TRAIL

### Subject Site

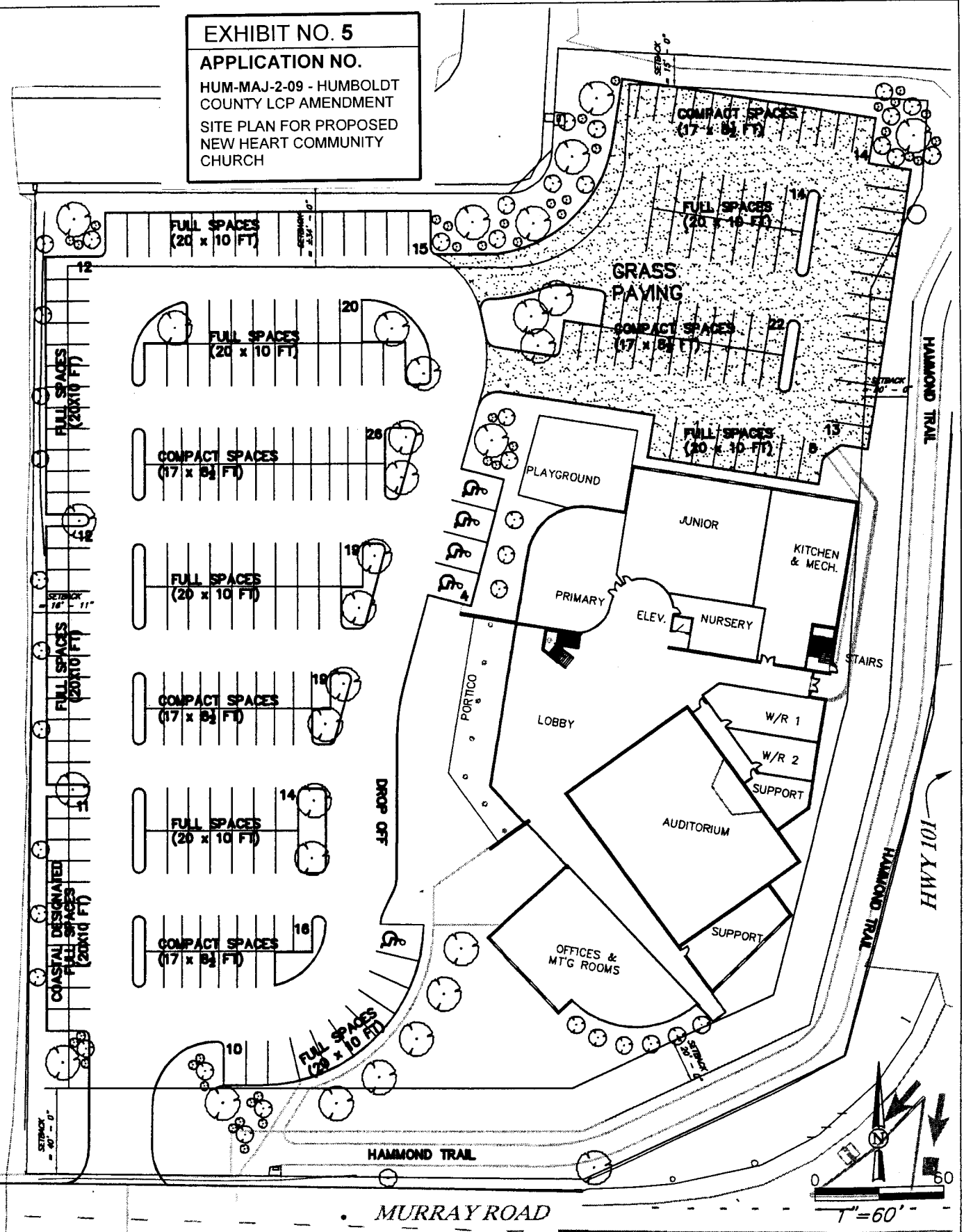
COUNTY \_\_\_\_\_

CALIFORNIA

# EXHIBIT NO. 5

## APPLICATION NO.

HUM-MAJ-2-09 - HUMBOLDT  
COUNTY LCP AMENDMENT  
SITE PLAN FOR PROPOSED  
NEW HEART COMMUNITY  
CHURCH



Consulting Engineers  
& Geologists, Inc.

New Heart Community Church

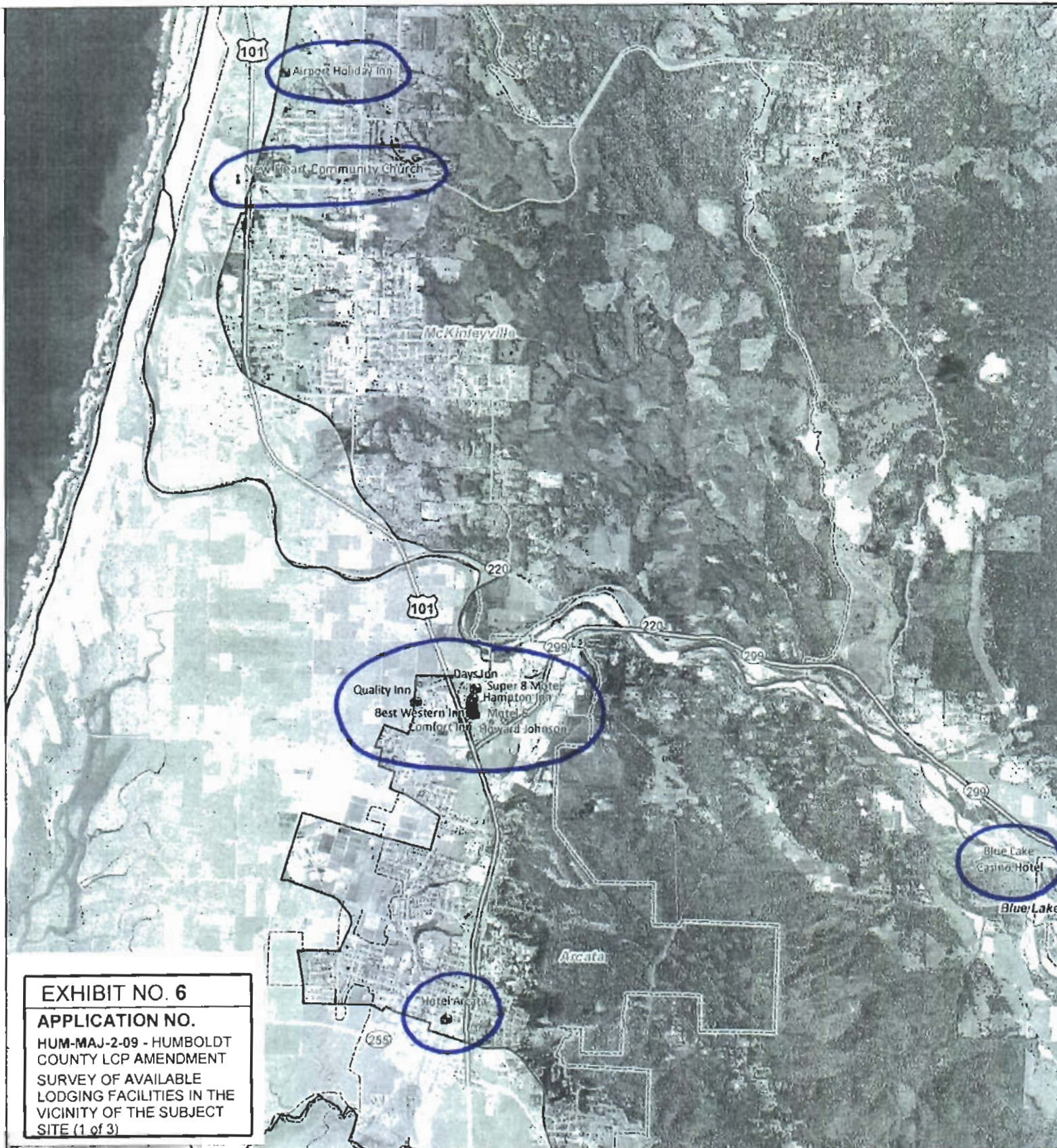
McKinleyville, CA

April 2008

Site Plan

SHN 006056.150

006056-NHC\_Site\_22 april 2008



# EXHIBIT NO. 6

## APPLICATION NO.

HUM-MAJ-2-09 - HUMBOLDT  
COUNTY LCP AMENDMENT  
SURVEY OF AVAILABLE  
LODGING FACILITIES IN THE  
VICINITY OF THE SUBJECT  
SITE (1 of 3)

Coastal Zone Boundary (Source: Humboldt County GIS)

Coastal Zone

Inland



New Heart Community Church Site



Motels/Hotels near New Heart Church



0 5,000

1 in = 5,000 ft

**SEI**  
Consulting Engineers  
& Geologists, Inc.

NEW HEART COMMUNITY CHURCH  
MCKINLEYVILLE, CA

Coastal Zone Map

JOB # 006056

JUNE 2009

CoastalZone-1HotelMap.mxd

Figure 1

Ref: 006056

June 11, 2009

**Survey of available Motels/Hotels within vicinity of New Heart Church site**

**4. Additional Information on Site Visitor-Serving Use**

<b><u>Name:</u></b>	<b><u>Location</u></b>	<b><u># of Rooms</u></b>	<b><u>2008 Occupancy Rate</u></b>
<b>Super 8 Motel</b>	Valley West, Arcata	60	60%
<b>Quality Inn</b>	Janes Road, Arcata	64	65%
<b>Comfort Inn</b>	Valley West, Arcata	57	70%
<b>Howard Johnson</b>	Valley West, Arcata	48	70%
<b>Airport Holiday Inn</b>	McKinleyville	70	72%
<b>(14 new units under construction)</b>			
<b>Hotel Arcata</b>	Downtown Arcata	32	62%
<b>Best Western Inn</b>	Valley West	62	65%
<b>Motel 6</b>	Valley West	81	63%
<b>Days Inn</b>	Valley West	78	68%
<b>Total:</b>		<b>566</b>	<b>Average 63%</b>

**New Properties Planned**

Hampton Inn	Valley West, Arcata	80 (opening May, 2010)
Blue Lake Casino Hotel	Blue Lake	102 (opening June, 2009)

**Other Potential Properties:**

**Airport Business Park McKinleyville** (One lot in the Airport Business Park is owned by a restaurateur, who is planning to build a restaurant in the future).

Also, according the Business Park owner, there are continual inquiries regarding the potential purchase of another land parcel in the Airport Business Park with the intent of developing an additional motel property.

At this time, there has been no indicated interest in developing a new motel in the McKinleyville commercial corridor located along Central Avenue. Based on our contacts in the McKinleyville area, there are no market projections available for the McKinleyville area with regard to future demand for overnight lodging. However, with the completion of the new 80 unit Hampton Inn in Arcata , the 14 unit addition to the Airport Holiday Inn at the McKinleyville Airport Business Park and the Blue Lake Casino Hotel, 216 new units will be available by May, 2010. These visitor-serving units should provide adequate additional room occupancy for the near future.

There are also at least 43 daily cabin units along with several Bed and Breakfast unit options available as overnight lodging due north of McKinleyville in and around the city of Trinidad.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
**Certified copy of portion of proceedings; Meeting on December 9, 2008**

**Resolution No. 08-101**

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT MAKING THE REQUIRED FINDINGS AND APPROVING THE NEW HEART CHURCH LOCAL COASTAL PLAN AMENDMENT, CASE NUMBER GPA-07-02 & ZR-07-07, WHICH WILL BECOME EFFECTIVE UPON CERTIFICATION BY THE COASTAL COMMISSION.

**WHEREAS**, On January 16, 2007, by Resolution No. 07-9, the Board of Supervisors approved a General Plan Petition allowing the applicant to submit an application for a General Plan Amendment which would facilitate construction of a church; and

**WHEREAS**, the Planning Commission reviewed the project at a public hearing on October 16, 2008, and recommended the Board of Supervisors approve the proposed General Plan Amendment, Zone Reclassification, and Coastal Development Permit by unanimously approving Resolution 08-111; and

**WHEREAS**, the Board of Supervisors reviewed and considered all the information considered by the Planning Commission for the project, including the public testimony received on the project during the public hearing on December 9, 2008; and

**WHEREAS**, the Board of Supervisors conducted a public hearing on December 9, 2008 to consider the environmental document and proposed project.

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

1. The Board of Supervisors finds the Local Coastal Plan Amendment part of project is not subject to environmental review under the California Environmental Quality Act (CEQA) as Coastal Commission Certification of the General Plan and Zone Amendments is the functional equivalent of environmental review;
2. The Board of Supervisors makes all the required findings described below in the attached Findings for Approval based on the described evidence and further finds that the Local Coastal Program Amendment will be carried out in accordance with the Coastal Act; and
3. The Board of Supervisors approves the Local Coastal Plan Amendment as recommended by the Planning Commission by adopting this resolution, which will become effective upon certification by the Coastal Commission, and
4. The Board of Supervisors directs staff to submit the proposed Local Coastal Plan Amendment to the Coastal Commission for certification; and
5. Modifications to the Local Coastal Plan Amendment required by the Coastal Commission for certification shall be brought back to the Board of Supervisors for consideration at a future public hearing.

**EXHIBIT NO. 7**

**APPLICATION NO.**

HUM-MAJ-2-09 - HUMBOLDT  
COUNTY LCP AMENDMENT  
COUNTY RESOLUTION ADOPTING  
LUP AMENDMENT & TRANSMITTING  
LUP AMENDMENT TO COMMISSION  
FOR CERTIFICATION (1 of 13)

  
\_\_\_\_\_  
Chairperson of the Board of Supervisors of the  
County of Humboldt, State of California

Adopted on motion by Supervisor Smith, seconded by Supervisor Woolley and the following vote:

AYES: Supervisors: Geist, Smith, Woolley, Rodoni

NOES: Supervisors:

ABSENT: Supervisors: Neely

STATE OF CALIFORNIA

County of Humboldt

)  
) SS.  
)

I, KATHY HAYES, 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.

KATHY HAYES

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

By:

KATHY HAYES

Date:

By:

Nicole Turner  
NICOLE TURNER, Deputy

2913

## Findings of Approval

### **Required Findings for General Plan Amendments**

Finding #1: Section 1452.2 of the Framework Plan establishes findings, any **one** of which may be grounds for considering a General Plan Amendment. Specifically, the findings are:

- Base information or physical conditions have changed; or
- Community values and assumptions have changed; or
- There is an error in the plan; or
- To maintain established uses otherwise consistent with a comprehensive view of the plan.

Finding #2: In addition, the General Plan Amendment must be found to be in the public interest, and

Finding #3: The General Plan Amendment is required to be consistent with the zoning or the other implementation of the General Plan.

### **Required Findings for Zone Reclassifications**

Section 312-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps:

Finding #4: That the proposed zoning change is consistent with the General Plan.

Finding #5: The proposed change is in the public interest.

### **Required Findings for Consistency with the Coastal Act – General Plan Amendments & Zone Reclassifications**

Title 14, §13551 of the Coastal Commission's Administrative Regulations, and Public Resources Code, §30200 requires proposed Amendments to conform to the policies contained in Chapter 3 of the Coastal Act, which sets forth policies regarding the following issues:

Finding #6: Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).

Finding #7: Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aqua- cultural uses, and priority of development purposes).

Finding #8: Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control).

Finding #9: Land Resources (including protection of environmentally sensitive habitats, agricultural lands, timberlands, and archaeological or paleontological resources)

Finding #10: Development (including placing new development within or close to existing developed areas, protection of scenic resources, maintenance of public access by encouraging public transit, providing for recreational opportunities within new development, protection of public safety, expansion of public works facilities and priority of coastal dependent developments)

### **Required Findings for Coastal Development Permits**

The Coastal Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit for the construction of a church, which is contingent upon approval and certification of the proposed General Plan Amendment and Zone Reclassification:

Finding #11 The proposed development is in conformance with the County General Plan;

Finding #12 The proposed development is consistent with the purposes of the existing zone in which the site is located;

Finding #13 The proposed development conforms with all applicable standards and requirements of these regulations; and

Finding #14 The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

### **Required Finding for Consistency With Housing Element Densities**

Finding #15: Government Code Section 65302.81 requires specific findings supported by substantial evidence where a General Plan Amendment or Zone Reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the General Plan designation).

### **Required Finding for Consistency With CEQA**

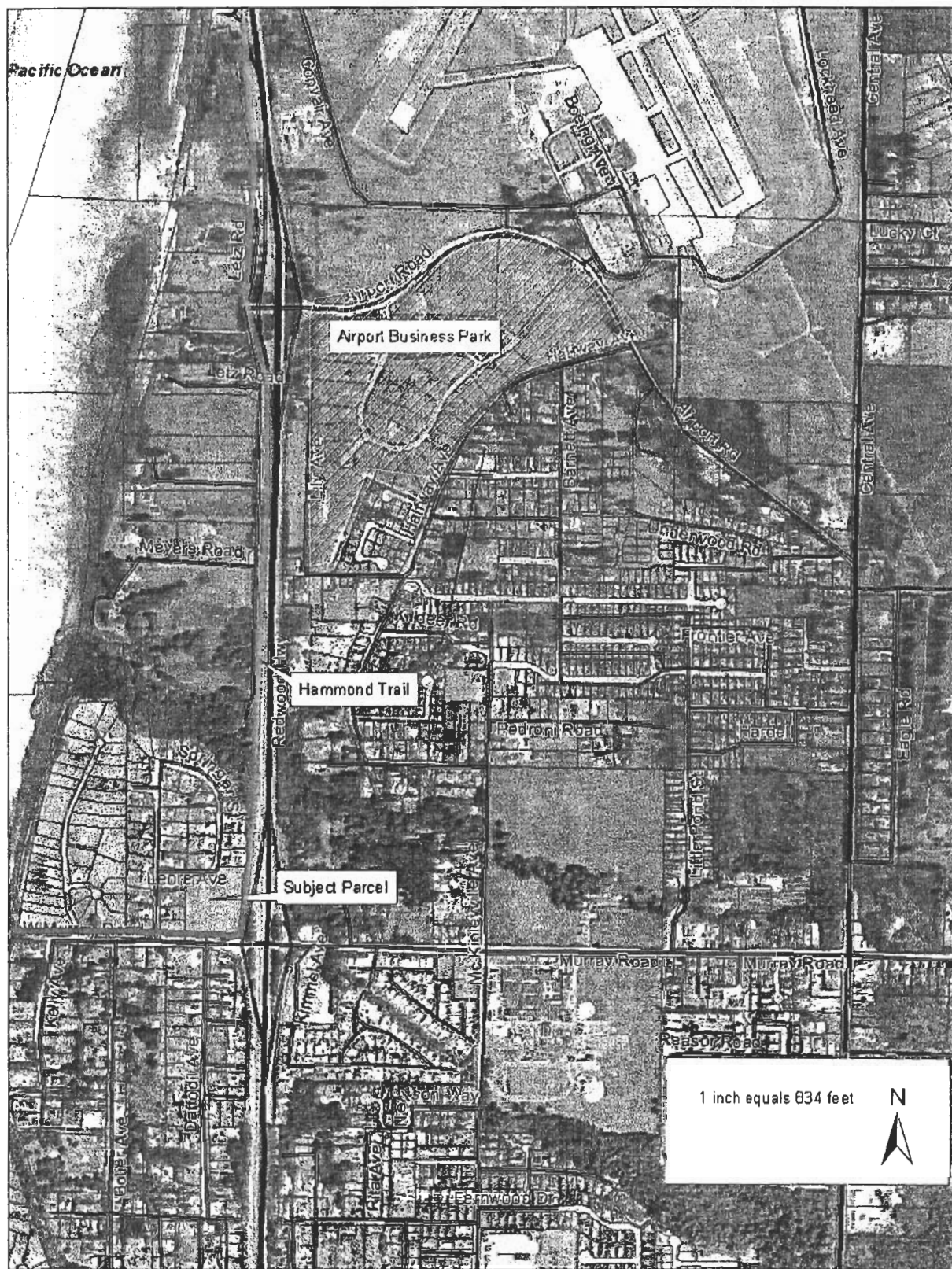
Finding #16: General Plan Amendments are required to be consistent with CEQA (Public Resources Code Section 21000 – 21178).

### **Finding #1**

Section(s)	Applicable Requirements
§1452.2 Required Findings (Framework Plan)	Base information or physical conditions have changed; or Community values and assumptions have changed; or There is an error in the General Plan; or To maintain established uses otherwise consistent with a comprehensive view of the General Plan.
<p><b>Evidence Supporting Finding #1</b> There is evidence that community values have changed, which support an amendment to the General Plan. Phase I of the project, which was already completed, involved construction of a paved bicycle path along the east property line, connecting Murray Road to property owned by the McKinleyville Community Services District (MCSD). This connection is an important component of the regional trails system identified in the 2002 McKinleyville Community Plan (MCCP), where it states in Appendix C (Trail and Park Descriptions): <i>"Another proposed trail to this section is a bicycle bypass, which would provide an alternative, flatter route for cyclists and the disabled. The route would run from the Hammond Trail, east on Murray Road and then north on the west side of U.S. Highway 101. The trail would connect with the Widow White Creek Trail near Letz Lane."</i> This bicycle bypass was not a part of the County's Trails Plan in 1979, and was added to the MCCP in response to a 1991 MCSD Parks and Recreation Plan.</p> <p>While construction and use of the trail on the subject property is consistent with the existing CR designation, the applicant granted an easement to the County for the trail with the understanding the County would consider amending the General Plan designation to PF-1 to enable construction of the church they intend to build. The applicants willingness to assist the County with construction of this important link in the Hammond Trail was done with the faith that the project could be found to be consistent with all the required findings; which reflects their membership's support of new community values.</p> <p>There is also evidence that base conditions have changed, which further support the proposed Amendment. The subject property was designated CR in the 1983 McKinleyville Area Plan. At that time, the Airport Business Park, approximately 2,200 feet to the north, was planned Residential Low Density, which does not allow visitor serving uses like in CR designated areas. Since then, the General Plan and zoning designations for the Airport Business Park were changed to allow the visitor serving uses of retail sales and services (with a Conditional Use Permit), and a motel was constructed on one of the lots. (Figure 1 shows the location of the Airport Business Park in relation to the subject property.) This addition of nearly 66 acres of land nearby planned to allow visitor serving facilities diminishes the need for the CR designation on the subject property.</p> <p>Further, the Airport Business Park property is similarly suitable for visitor serving development as the subject property because it is within 450 feet of the Hammond Trail, and there is a trail and sidewalk along the frontage, and a freeway underpass that provides good multimodal access between the Airport Business Park and the Hammond Trail.</p>	

4913

Figure 1. Subject Property and the Airport Business Park



5413

**Evidence Supporting Finding #1 (continued)**

In some ways, visitor serving uses on the Airport Business Park property will likely be more compatible with surrounding properties than visitor serving uses on the subject property. Figure 1 shows the north, west, south and much of the east side of the Airport Business Park are separated from adjacent uses by roads, and there is a landscaping combining zone that applies to the property to buffer new uses in the Business Park from adjacent residential areas. This is more effective than the buffer on the subject property, which is not separated from single family residential uses immediately to the west and to the north by a road, and does not have the benefit of a landscaping combining zone.

**Finding #2**

Section(s)	Applicable Requirements
§1452.2 Required Findings (Framework Plan)	The proposed Amendment is in the public interest.
<p><b>Evidence Supporting Finding #2</b> The response to Finding #1 above states that the proposed Amendment responds to changed community values because the Phase 1 of the project resulted in construction of a paved extension to the Hammond Trail, which was made a part of the 1991 MCSD Park and Recreation Plan, 8 years after the property was planned CR. Responding to changed community values is in the public interest.</p> <p>There is evidence the previous property owners were unwilling to grant an easement over the property to enable construction of the trail. For 14 years, the McKinleyville community could not implement the 1991 trails plan for the property because the County could not secure an easement for the trail right of way. The applicant purchased the property in 2005, and within two years, the trail was constructed. The new property owners granted the trail easement with the faith that all the required findings could be made for approving the church they'd like to build on the site. It is in the public interest to have improved public access to the coastal resources served by the trail.</p> <p>As stated above, the proposed Amendment responds to a change in base conditions; the addition of 63 acres of property planned to allow visitor serving development less than ½ mile north of the subject property after it was assigned the CR designation. And because of the change in base conditions, there is a diminished need for the CR designation on the subject property. Amending the General Plan to respond to a change in the base conditions is in the public interest.</p> <p>Also the discussion in Finding #1 included evidence that visitor serving uses at the Airport Business Park are more compatible with surrounding uses than at the subject property, and minimizing potential conflicts between adjoining land uses is in the public interest. Figures 1 and 2 shows that most of the Airport Business Park property is separated from adjacent uses by roads, and there is a landscaping combining zone that applies to the property to buffer new uses in the Business Park from adjacent residential areas. This is arguably more effective than the buffer on the subject property (Figure 3), which is not separated from single family residential uses immediately to the west and to the north by a road, and does not have the benefit of a landscaping combining zone.</p>	

**Finding #3**

Section(s)	Applicable Requirements	Evidence Supporting Finding #3
Consistency with the Zoning Ordinance	The General Plan Amendment is required to be consistent with the Zoning or the other implementation of the General Plan.	The proposed project includes amendment to the zoning maps from CR to PF-1 on the subject property so the zoning will align with the new General Plan designation.

**Finding #4**

Section(s)	Applicable Requirements	Evidence Supporting Finding #4
§312-50 of the Zoning Ordinance	That the proposed zoning change is consistent with the General Plan.	See response to Finding #3 above.

**Finding #5**

Section(s)	Applicable Requirements	Evidence Supporting Finding #5
§312-50 of the Zoning Ordinance	That the proposed zoning change is in the public interest	The response to Finding #2 above describes how all the proposed Amendments are in the public interest. As the proposed Zoning Amendments are consistent with them, they may also be considered to be in the public interest.

## Finding #6

Section(s)	Applicable Requirements
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.  <b>Access</b> (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).
<p><b>Evidence Supporting Finding #6:</b> Phase I of the project included granting an easement to the County and construction of a public use bicycle path along the east property line, an extension of the Hammond Trail. As shown in Figure 1, the bicycle path enhances access to coastal resources served by the trail, including Clam Beach to the north. The bicycle path complements the existing foot path to the west by providing access for bicyclists and others that need a more uniform surface for walking.</p> <p>As mentioned above in response to Finding #1, the Airport Business Park property is a suitable alternative for visitor serving development on the subject property because it is within 450 feet of the Hammond Trail, and there is a trail and sidewalk along the frontage, and a freeway underpass that provides good multimodal access between the Business Park and the Hammond Trail.</p>	

## Finding #7

Section(s)	Applicable Requirements
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.  <b>Recreation</b> (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes).
<p><b>Evidence Supporting Finding #7</b> There is no evidence the proposed Amendment will affect water-oriented activities. The proposed Amendment will change the land use from CR to PF-1. As shown on the attached maps, the subject property is more than 1,000' east of a 50 bluff that drops down to Mad River Beach, so there is substantial physical separation between the subject property and the ocean, which will minimize the impact of the project on any water-oriented activities. The physical separation of the project from the ocean also supports the conclusion the proposed Amendment will not have a measurable effect on oceanfront lands, aquacultural uses, or recreational boating uses.</p> <p>It is unlikely a CR use on the subject upland property would be necessary to support coastal recreation uses. The 50' bluff between the subject property and the ocean accommodates a footpath to the beach, and there is no evidence such recreational use is dependent on, or even affected by future CR use on the subject property.</p> <p>Section 30222 of the Coastal Act states that, "The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry." The proposed project is consistent with this section of the Coastal Act for two reasons.</p> <p>First, the proposed project has already had a decidedly positive impact on the enhancement of public opportunities for coastal recreation. The bicycle path constructed during Phase I of the project links portions of the Hammond Trail to the south with northern portions, providing a continuous hard-surfaced access for bicyclists and others who prefer not to (or can't) use the footpath to the west. The Hammond Trail provides access to the important public coastal recreation opportunities of the Mad River and Mad River Beach to the south and west of the property, and to Clam Beach and Little River State Beach to the north of the property.</p> <p>Second, the addition of new lands capable of providing visitor-serving commercial recreational facilities in the Airport Business Park 2,200' to the north has diminished the need for such facilities on the subject property. At the time the subject property was planned CR (1983), the Airport Business Park was planned Residential Low Density, which does not allow visitor serving uses. Since then, the General Plan designation for the Airport Business Park property was changed; visitor serving uses such as restaurants, art galleries and curio shops are now allowed there, and a hotel was constructed there in the 1990's.</p>	

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**Evidence Supporting Finding #7 (continued)** As discussed in Finding #1 above, there is evidence that visitor serving uses at the Airport Business Park are more compatible with surrounding uses than at the subject property. Most of the Business Park property is separated from adjacent uses by roads, and there is a landscaping combining zone that applies to the property to buffer new uses in the Business Park from adjacent residential areas. This is a more effective buffer than the subject property, which is contiguous to single family residential uses to the west and to the north, and does not have the benefit of a landscaping combining zone.

The Airport Business Park property is similarly suitable for visitor serving development as the subject property because it is within 450 feet of the Hammond Trail, and there is a trail and sidewalk along the frontage, and a freeway underpass that provides good multimodal access between the Airport Business Park and the Hammond Trail.

## Finding #8

Section(s)	Applicable Requirements
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.  <b>Marine Resources</b> (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood)
<p><b>Evidence Supporting Finding #8</b> Amending the General Plan designation from CR to PF-1 does not seem like it could affect marine resources. The subject property is separated from the nearest beach by 1,200' and 50' bluffs. There are no mapped coastal wetland areas, streams or riparian corridors on the property. As shown on the attached maps, Norton Creek runs approximately 1,000 feet to the north. The subject property is separated from Norton Creek by existing residences. The applicant submitted a biological resources assessment that concludes the project will not have significant impacts on biological resources.</p> <p>There is no evidence the proposed Amendment will result in any increase in hazardous waste spills. It will also not result in any diking, filling or dredging, or revetments and breakwaters. There is also no evidence the proposed Amendment will affect fishing or water supply. The property is served by public water from the McKinleyville Community Services District, which has an abundant supply of potable water. There are no flood hazards on the property according to the Flood Insurance Rate Map (FIRM) panel 0625B.</p>	

## Finding #9

Section(s)	Applicable Requirements
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.  <b>Land Resources</b> (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological or paleontological resources)
<p><b>Evidence Supporting Finding #9</b> Amending the General Plan designation from CR to PF-1 does not seem like it could affect land resources either. As mentioned in response to Finding #7 above, the subject property is separated from the nearest beach by 1,200' and 50' bluffs, so it's unlikely to affect coastal resources on the bluff or on the beach. There is existing residential development between the subject property and the bluffs. There are no mapped coastal wetland areas, streams or riparian corridors on the property, or other environmentally sensitive habitat areas on the property. Attached maps show Norton Creek runs approximately 1,000 feet to the north, and is separated from the subject property by a number of residences. The applicant submitted a biological resources assessment that concludes the project will not have significant impacts on biological resources.</p> <p>The project was referred to the North Coast Information Center (NCIC) to assess the potential for cultural resources at the site. Upon a search of their maps and other information, the NCIC determined that it is unlikely there will be cultural resources found at the site. While the site does not contain timberlands, it does have some agricultural value because the County's GIS shows the property is underlain by prime agricultural soil (the Storie Index for the loam underneath is 80). However, amending the General Plan designation from CR to PF-1 is not likely to have a significant impact on the agricultural use of the property; both the CR and the PF-1 designation are equally unresponsive of agricultural uses (they are not permitted).</p>	

## Finding #10

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	<p>The proposed Amendments must conform to the policies contained in Chapter 3 of the Coastal Act.</p> <p><b>Development</b> (including placing new development within or close to existing developed areas, protection of scenic resources, maintenance of public access by encouraging public transit, providing for recreational opportunities within new development, protection of public safety, expansion of public works facilities and priority of coastal dependent developments)</p>
<p><b>Evidence Supporting Finding #10</b> <i>Placing new development within or close to existing developed areas:</i> The change in land use designation from CR to PF-1 will not increase the potential for new development, but it will increase the chances the property will be developed with a church. Whether the property is developed with a church or some other use, it is served by public water and sewer, and surrounded by existing development.</p> <p><i>Protection of scenic resources:</i> The scenic resources map of the McKAP show there are no mapped coastal scenic or coastal view areas on or near the site. Visual qualities of the site will be impacted by new development because the site is presently vacant. It seems the potential visual impacts of a church are not significantly different from the visual impacts of another use allowed with the CR designation.</p> <p><i>Encouraging public transit:</i> The subject property is within 1,900 feet of a bus stop on Murray Road. The church use allowed under the proposed PF-1 designation will be served equally well as potential uses under the existing CR designation.</p> <p><i>Recreational opportunities within new development:</i> Phase I of the project already provides recreational opportunities within the new development. As mentioned in response to Finding #4, the bicycle path constructed during Phase I of the project links portions of the Hammond Trail to the south with northern portions, providing a continuous hard-surfaced access for bicyclists and others who prefer not to (or can't) use the footpath to the west. The Hammond Trail provides recreational access opportunities to the Mad River and Mad River Beach to the south and west of the property, and to Clam Beach and Little River State Beach to the north of the property. These improvements were made by the property owner with the expectation the County would consider the proposed change in land use from CR to PF-1. Given the site has remained vacant for the past 25 years since the McKAP was first certified, and no recreational opportunities were developed prior to the applicant taking ownership of the property, the proposed change in land use from CR to PF-1 improves recreational opportunities within new development on the site. Conditions of approval ensure the continuance of those recreational opportunities on the project site.</p> <p><i>Protection of public safety:</i> Structures permitted under the CR designation include structures used for commercial recreation purposes which could accommodate several hundred members of the public. This is no different from the proposed PF-1 designation, which would allow a church with several hundred members. Aside from the fact there is no increased risk to public safety from the proposed church compared to potential uses allowed in the existing CR designation, the site has qualities which will help ensure public safety of uses on the property. The digitized seismic safety maps of the Framework Plan show the site geologically relatively stable. The property does not have any slopes of more than 15%, landslides or areas subject to liquefaction, and is not within an Earthquake Fault Hazard Area. An R-1 Geologic evaluation of the property is on file, and it includes recommendations for ensuring protection of public safety for those that use the church facility in the future. The property owners also submitted a study showing that traffic impacts of the project will not be significant. The property is in an area of low fire hazard according to digitized Framework Plan maps. There are no flood hazards on the property per FIRM, map 625B. There are mapped noise hazards that affect the property from Highway 101. According to the 1999 Draft Program Environmental Impact Report for the McKinleyville Community Plan, noise levels on the property are expected to be between 55 decibels and 65 decibels. Based on all these factors, the potential risks to public safety from the proposed land use change from CR to PF-1 are less than significant.</p> <p><i>Expansion of Public Works Facilities:</i> The proposed Amendment will facilitate future use of the property for a church. There is no evidence this use would require an expansion of public works facilities that are any different from potential future uses allowed under the existing CR designation. The site is served by public water and sewer, and by a public road paved to a width of approximately 30' in front of the property.</p> <p><i>Priority of Coastal Dependent Uses:</i> There is no evidence the proposed Amendment will have any impact on coastal dependent uses. As mentioned previously, the property is separated from Mad River Beach by more than 1,000' and a 50 bluff.</p>	

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## Finding #11

The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed church will be in conformance with all applicable policies and standards of the McKinleyville Area Plan (MCAP) after the General Plan is amended from CR to PF-1.

Section(s)	Applicable Requirements	Evidence Supporting Finding #11
Land Use, MCAP 5.2	Public Facility (PF-1): to protect appropriate sites for development of private and public sector civil service facilities.  The principal uses are identified as fire and police stations, hospitals, schools, public and private facilities including offices, libraries, cemeteries and clinics.	The proposed church is a use that seems similar to a school. There will be administrative offices, multipurpose rooms, educational facilities and outdoor play areas.
Hazards §3.28 (MCAP)	New development shall minimize risks to life and property and assure stability and structural integrity of the natural landforms found on-site.	<p>The project site is located in an area of low fire hazard. The Arcata Fire Protection District has recommended approval.</p> <p>The subject area is designated as having relative stability according to the County's geologic hazards map. There are no Earthquake Hazard Zones zone on the parcel. An R-1 Geotechnical Evaluation has been submitted with recommendations for construction to minimize the exposure of persons to the risk of geologic instability on site. While the submitted report has not yet been approved, conditions of approval require plans submitted for building permit approval conform to the terms and recommendations of the approved R-1 report.</p> <p>Safety criteria in the Airport/ Land Use Plan (ALUCP) for the Arcata/Eureka airport indicates that the project is located in Zone C, areas of low risk with aircraft commonly below 1,000 feet above ground level. Conditions of approval require conformance with the requirements of the ALUCP.</p> <p>The project site is within flood zone. C, an area of minimal flooding per Firm Map #060060 0625B. The flood hazard is minimal.</p> <p>Additionally, all referral agencies have recommended approval of the project and identified no issues related to hazards.</p> <p>The applicant submitted a traffic analysis that shows the proposed church will not cause significant traffic impacts in the area.</p> <p>The applicant submitted a drainage plan showing the proposed church will not cause significant off-site drainage impacts</p>
Archaeological and Paleontological Resources §3.39 (MCAP)	Protect cultural, archeological and paleontological resources.	There are no known cultural resources at the project site. The North Coast Information Center and Wiyot Tribe was referred and recommended approval of the project not indicating that any cultural resources would be affected. Additionally, an informational note has been included with the Conditions of Approval indicating the steps to be taken should cultural resources and/or human remains be discovered during ground disturbing activities.

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Section(s)	Applicable Requirements	Evidence Supporting Finding #11
Resource Protection §3.40 (MCAP)	Protect designated sensitive and critical resource habitats.	As mentioned in response to Finding #7 above, the subject property is separated from the nearest beach by 1,200' and 50' bluffs, so it's unlikely to affect coastal resources on the bluff or on the beach. There is existing residential development between the subject property and the bluffs. There are no mapped coastal wetland areas, streams or riparian corridors on the property, or other environmentally sensitive habitat areas on the property. Attached maps show Norton Creek runs approximately 1,000 feet to the north, and is separated from the subject property by a number of residences.  The applicant submitted a biological resources assessment that concludes the project will not have significant impacts on biological resources. The Department of Fish and Game did not respond to our referral request, and it is assumed that no response means they have no objection to the project.
Visual Resource §3.42 (MCAP)	Protect and conserve scenic and visual qualities of coastal areas.	The subject parcel is not located in any designated coastal view/scenic area. The parcel is visible from the Highway 101 corridor. However, as shown in Figure 4, there is a +/- 20' embankment between the highway and the subject property which will screen much of the proposed church from view of people traveling along the highway.
Noise §3240 (FWRK)	Policies and standards identify compatible, conditional and incompatible noise levels for various land uses.  Limits interior noise in residential areas to 45 Ldn, acceptable exterior noise levels for residences is 60 Ldn  The noise compatibility matrix establishes requirements for project approval to ensure development is consistent with the General Plan.	The Ldn is the only measurement identified in the Framework Plan regarding noise. Ldn is the average day night measurement of noise.  The noise compatibility matrix was generated based on noise level contours for state highways, elected county roads and county airports. Conditions of approval require plans submitted for building permit approval demonstrate conformance with the noise standards. Conditions of approval limiting the times of day the church may be used will mitigate potential impacts of the church use on neighboring properties.

### Finding #12 & 13

The proposed development is consistent with the purposes of the existing zone in which the site is located, and conforms with all applicable zoning regulation requirements. The following table identifies the evidence which supports finding that the proposed church will be consistent with the purposes of the zone in which the site is located, and will be in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations after the zoning is amended from CR to PF-1.

Section(s)	Applicable Requirements	Evidence Supporting Finding #12 & #13
§313-4.2 Public Facility Rural PF-1	Essential Services, minor utilities, community assembly and public recreation and open space are principally permitted uses.	The use is community assembly, and is principally permitted in this zone.
Min. Lot Size	5,000 square feet	The subject parcel is more than 3 acres.

Section(s)	Applicable Requirements	Evidence Supporting Finding #12 & #13
Min. Lot Width	50'	Approximately 430'
Max. Density	None Specified	Density is not affected by the proposed project. The parcel is not used residentially nor are any residences proposed.
Max. Lot Depth	3 x lot width (430) =1290'	Approximately 500'
Yard Setbacks	Front: none Rear: 15 Interior Side: none	The new structure will be required to conform to the minimum setbacks, and maximum lot coverage and maximum building height limits of the PF-1 zone.
Max. Lot Coverage	35%	
Max. Bldg. Height	45'	

### Finding #14

**Public Health, Safety and Welfare:** The following table identifies the evidence which supports finding that the proposed church will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Section(s)	Applicable Requirements	Evidence Supporting Finding #14
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	<p>Conditions of approval require plans submitted for building permit approval demonstrate conformance with the noise standards. Conditions of approval limiting the times of day the church may be used will mitigate potential impacts of the church use on neighboring properties.</p> <p>The new structure will be required to conform to the minimum setbacks, and maximum lot coverage and maximum building height limits of the PF-1 zone.</p> <p>The applicant submitted a traffic analysis that shows the proposed church will not cause significant traffic impacts in the area.</p> <p>The applicant submitted a drainage plan showing the proposed church will not cause significant off-site drainage impacts.</p> <p>An R-1 Geotechnical Evaluation has been submitted with recommendations for construction to minimize the exposure of persons to the risk of geologic instability on site. While the submitted report has not yet been approved, conditions of approval require plans submitted for building permit approval conform to the terms and recommendations of the approved R-1 report.</p>

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### Finding #15

Section(s)	Applicable Requirements
Government Code Section 65302.81	Specific findings supported by substantial evidence are required where a General Plan Amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law (the mid point of the density range specified in the General Plan designation).
<b>Evidence Supporting Finding #15</b> This project does not involve any residential development. It will have no effect on the existing housing inventory.	

### Finding #16

Section(s)	Applicable Requirements	Evidence Supporting Finding #16
Consistency with the California Environmental Quality Act	The General Plan Amendment is required to be consistent with the CEQA	<p>The General Plan Amendment and Zone Reclassification are not subject to environmental review under the CEQA as Coastal Commission Certification of the General Plan and Zone Amendments is the functional equivalent of environmental review.</p> <p>As required by the California Environmental Quality Act, the initial study conducted by the Community Development Services - Planning Division evaluated the future construction of the church consistent with the proposed PF-1 designation for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Division, staff has determined that there is no evidence before the Division that the future construction of a church will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Division includes a detailed discussion of all relevant environmental issues.</p> <p>Because the project was found subject to CEQA and a Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the approval date of this Coastal Development Permit, conditions of approval require the applicant submit \$1,926.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus the \$50 document handling fee.</p>

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**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT,  
STATE OF CALIFORNIA**  
**Certified copy of portion of proceedings, Meeting on December 9, 2008**

**ORDINANCE NO. 2404**

**AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE  
BY REZONING PROPERTY IN THE MCKINLEYVILLE AREA  
[ZR-07-07 (New Heart Church)]**

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

**SECTION 1. ZONE AMENDMENT.** Section 311-7 of the Humboldt County Code is hereby amended by reclassifying the property described in the attached Exhibit A from Commercial Recreation (CR) to Public Facilities (Urban) (PF-1). The area described is also shown on the Humboldt County zoning maps F-12 and on the map attached as Exhibit B.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall become effective immediately upon the County's receipt of written certification of the Local Coastal Plan Amendment by the Coastal Commission.

**PASSED, APPROVED AND ADOPTED** this 9th day of December, 2008, on the following vote, to wit:

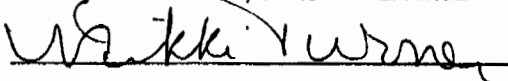
**AYES:** Supervisors: Rodoni, Geist, Smith, Woolley

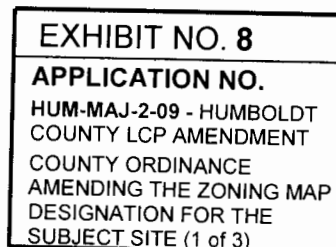
**NOES:** Supervisors:

**ABSENT:** Supervisors: Neely

  
\_\_\_\_\_  
Chairperson of the Board of Supervisors of the  
County of Humboldt, State of California

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





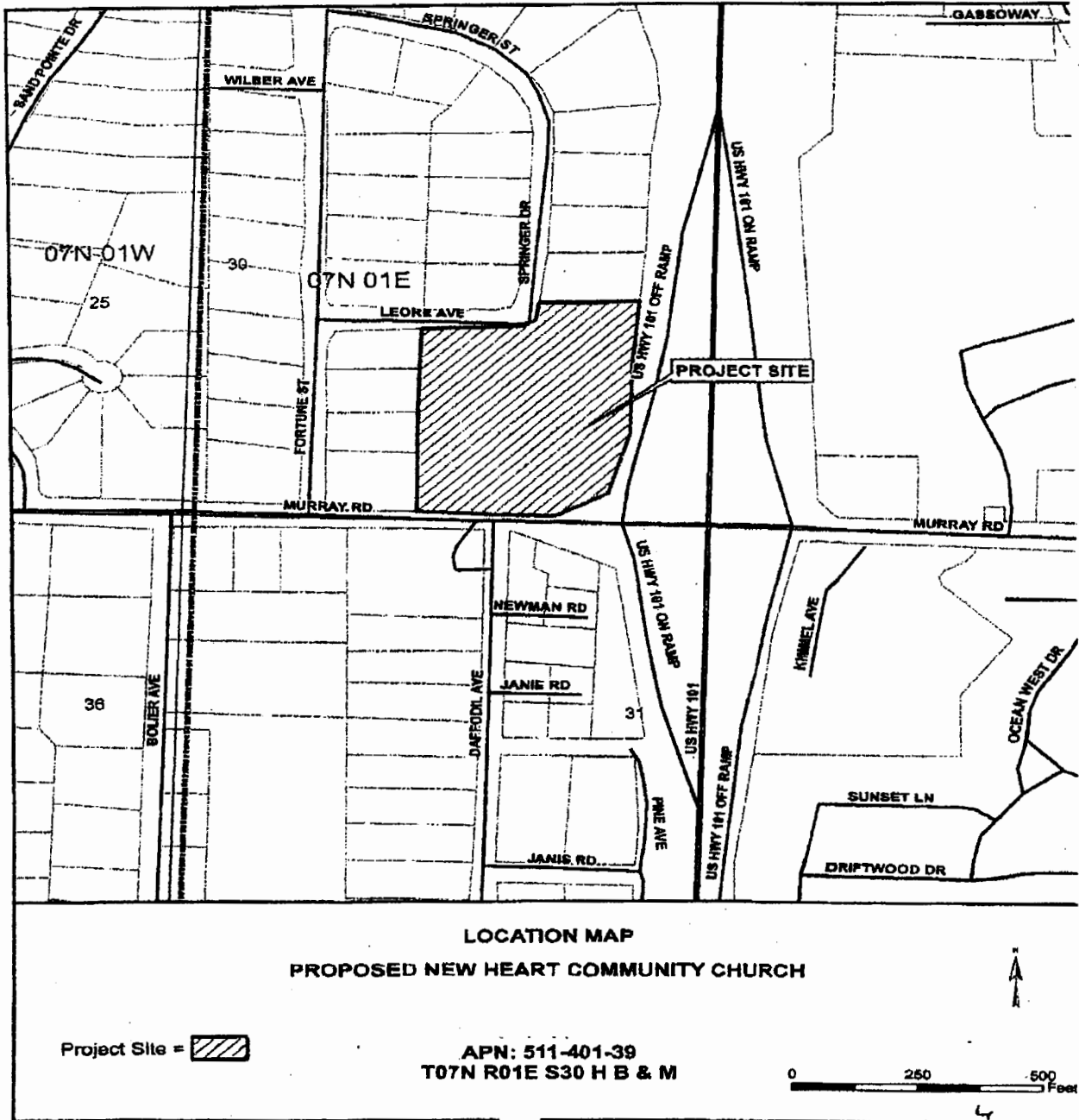
**Exhibit A**  
**(legal description)**

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

Lot 39 of Tract No. 239, Pacific Sunset Subdivision, as per Map recorded in Book 18, Pages 76 and 77 of Maps, Humboldt County Records.

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Exhibit A  
(map)



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