

CALIFORNIA COASTAL COMMISSION

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DATE: February 18, 2010

TO: Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, North Coast District Manager

SUBJECT: HUMBOLDT COUNTY LOCAL COASTAL PROGRAM
AMENDMENT NO. HUM-MAJ-O1-08 (SAMOA): For the
Commission meeting of March 10-12, 2010, Santa Cruz

Amendment Description:

As submitted, Humboldt County LCP Amendment No. HUM-MAJ-01-08 includes Land Use Plan and Implementation Program components, including map changes that, if certified, will redesignate and rezone much of the approximately 138-acre site located on the Samoa Peninsula, northwest of Eureka and Arcata, from General Industrial to a variety of other uses, including single and multi-family residential, business park, commercial general, commercial recreation, public facilities, and natural resources. The proposed amendment includes provisions that would establish an advisory design review committee to evaluate development proposals within Samoa, in recognition of the need to protect the unique character of the historic timber company town, and text additions to the Humboldt Bay Area Plan that would limit some land divisions that would increase development vulnerable to tsunami inundation.

Submittal of LCP Amendment:

The subject Local Coastal Program Land Use Plan (LUP) and Implementation Program (IP) Amendment Request No. HUM-MAJ-01-08 was transmitted by the County of Humboldt on April 23, 2008 and was determined by the Executive Director to be incomplete for submittal on May 6, 2008. Subsequently, the County staff provided substantial additional information in response to the requests of Commission staff, and the Humboldt County Board of Supervisors

made certain changes to the land use plan and implementation plan components and finalized the previous advisory resolutions and ordinances on October 27, 2009. The revised LCP amendment reflecting the Board's further action was submitted in part by the County on December 11, 2009. The County submitted additional and final components of the revised LCP amendment request on December 15, 2009. On December 16, 2009, the Executive Director determined that the County's revised amendment submittal was in proper order and consistent with the submittal requirements of Coastal Act Section 30510. Therefore, the Executive Director deemed the County's LCP amendment submitted on December 16, 2009.

Timing for Commission Action

Once an LCP amendment is deemed submitted (or "filed"), the Coastal Act requires the Commission to act on Implementation Plan (IP) amendments within 60 days, and on Land Use Plan (LUP) amendments and combined LUP/IP amendments within 90 days (Coastal Act Sections 30512, 30513, and 30514).

As noted above, the LCP amendment application was deemed submitted as of December 16, 2009. This proposed LCP amendment would amend both the Land Use Plan and the Implementation Plan and thus, the 90-day requirement applies. The 90th day after the date this LCP Amendment Application was deemed submitted is March 16, 2010. Therefore, unless the Commission extends the deadline, the LCP Amendment would need to be acted upon during the Commission's March 10-12, 2010 hearings, the last meeting before March 16, 2010.

Need for Extension of Time for Review:

After the Executive Director determined on December 16, 2009 that the application was deemed submitted, the staff prepared and published a report and recommendation concerning the LCPA request dated December 22, 2009 for the Commission's next available hearing, on January 15, 2010.

The Humboldt County staff and representatives of the land owner/developer (Samoa Pacific Group, LLC) notified Commission staff that they required significant additional time to review the staff recommendation and requested a postponement of the pending Commission hearing to at least March, 2010 so that they could evaluate the recommendation and prepare a written response. The request for postponement was memorialized by the County in a letter to the Coastal Commission staff/North Coast District Office, dated January 7, 2010.

As of the date of this report (February 18, 2010), the written comments have not yet been received by staff. Thus, there is not sufficient time to review the County

and the landowner/developer's pending written comments and to complete a revised staff report that takes into account those comments within the prescribed time for Commission action.

Section 30517 of the Coastal Act provides that the Commission may extend for good cause the 90-day time limit for Commission action on an LCP Amendment for a period not to exceed one year. For all of the reasons explained above, the Commission staff requests that the Commission extend the deadline for the review of Humboldt County LCP Amendment No. HUM-MAJ-01-08 for a period not to exceed one year (through March 16, 2011).

Motion, Recommendation, and Resolution

Staff recommends that the Commission vote to extend the deadline for Commission action on Humboldt County LCP Amendment HUM-MAJ-01-08 for one year. The appropriate motion and resolution are as follows:

MOTION:

I move that the Commission extend the time limit to act on Humboldt County Local Coastal Program Amendment No. HUM-MAJ-01-08 for a period of one year.

STAFF RECOMMENDATION TO GRANT EXTENSION:

Staff recommends a YES vote. Passage of this motion will result in a one year extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from March 16, 2010 to March 16, 2011. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

The Commission hereby extends the time limit to act on Humboldt County Local Coastal Program Amendment No. HUM-MAJ-01-08 for a period of one year to March 16, 2011.