

## CALIFORNIA COASTAL COMMISSION

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# W14a

DATE: May 20, 2010

TO: Commissioners and Interested Parties

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

SUBJECT: **COUNTY OF HUMBOLDT LCP AMENDMENT NO. HUM-MAJ-2-09 (NEW HEART COMMUNITY CHURCH)** Extension of time for Humboldt County to accept and agree to the Commission's certification of Humboldt County LCP Amendment No. HUM-MAJ-2-09 with suggested modifications. (For the Commission meeting of June 9, 2010, Item W.14a)

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On September 9, 2009, the Coastal Commission denied Humboldt Co. LCP Amendment No. HUM-MAJ-2-09 (New Heart Community Church) as submitted by Humboldt County, and then certified the amendment if modified as suggested to incorporate minor changes. Staff is recommending that the Commission extend the time for Humboldt County to accept and agree to the Commission's certification of the amendment with suggested modifications.

### **Proposed LCP Amendment**

The amendment as modified would change the Land Use Plan and Zoning Designations of APN 511-401-39 in McKinleyville from Commercial Recreation (CR) to Public Facilities (Urban) (PF-1). 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.

### **Effective Certification Process**

Pursuant to Section 13544 of the Commission's regulations, the certification of an LCP amendment shall not be deemed final and effective until: (a) the local government acknowledges receipt of the Commission's resolution, accepts and agrees to the modifications, takes whatever formal action is required to satisfy the modifications, and agrees to issue coastal development

permits for the total area included in the certified local coastal program; (b) the Executive Director determines in writing that the local government's actions take to satisfy the above requirements are legally adequate, (c) the Executive Director reports the determination to the Commission and the Commission does not object to the determination, and (d) notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency. Pursuant to Sections 13537(b) and 13542(b), the Commission's certification of an LCP amendment with suggested modifications shall expire six months from the date of the Commission's action. Therefore, the local government must accept and agree to the Commission's certification of an LCP amendment with suggested modifications within six months unless the Commission extends the six-month deadline. Section 13535(c) of the Commission's Regulations provide that the Commission may extend for good cause any time limit within the subchapter of regulations on LCPs for a period not to exceed one year.

### **Reasons for Proposed Extension**

The County could not take the required actions under Section 13544 of the Commission's regulations within the six-month time frame because the County lacked the staff resources necessary to schedule the necessary local hearings and prepare the needed local staff recommendation. The County is undergoing a comprehensive update of its General Plan, which requires multiple dedicated planners, thereby contributing to a deficit of staff resources available to work on other projects, such as the subject action. Staff resources also have been inadequate due to budget shortfalls. Therefore, the County has experienced extraordinary circumstances that have caused a delay in taking the actions required under Section 13544.

### **Staff Recommendation**

Staff recommends that the Commission vote to extend the deadline for effective certification for up to a year.

### **MOTION:**

*I move that the Commission extend the expiration date of its approval with suggested modifications and the six-month time limit for Humboldt County to accept and agree to the Commission's certification of Humboldt County LCP Amendment No. HUM-MAJ-2-09 (New Heart Community Church) with suggested modifications for a period not to exceed one year.*

### **STAFF RECOMMENDATION TO GRANT EXTENSION:**

Staff recommends a YES vote. Passage of this motion will result in an extension of the period in which the County must accept and agree to the suggested modifications and take further action to effectively certify the amendment as modified to March 9, 2011. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

### **RESOLUTION:**

The Commission hereby extends the limit for Humboldt County to accept and agree to the Commission's certification of Humboldt County LCP Amendment No. HUM-MAJ-02-09 (New Heart Community Church) with suggested modifications, and take further actions to implement the amendment, for a period of one year to March 9, 2011.



COMMUNITY DEVELOPMENT SERVICES  
PLANNING DIVISION  
COUNTY OF HUMBOLDT

<http://co.humboldt.ca.us/CDS/Planning>

April 22, 2010

Melissa B. Kraemer  
Coastal Planner  
710 E Street, Suite 200  
Eureka, CA 95501-1885

RECEIVED  
APR 22 2010  
CALIFORNIA  
COASTAL COMMISSION

Re: Request for Continuance; New Heart Community Church item; HUM-MAJ-02-09

Dear Melissa Kraemer,

Through our office, Humboldt County requests a 6-month continuance of the New Heart Community Church LCP amendment as we have been unable to revise the submittal according to the suggested modifications of the Coastal Commission. The item is tentatively scheduled for the Board of Supervisors meeting of June 15, 2010.

The modification we are recommending the Board of Supervisors approve are:

**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.**

- and -

**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.

Please let me know if you have any questions or comments.

Thanks!

Michael Richardson  
Senior Planner

Cc: applicant, agent

EXHIBIT NO. 1
APPLICATION NO. HUM-MAJ-2-09
HUMBOLDT COUNTY LCP AMENDMENT
COUNTY CORRESPONDENCE