

CALIFORNIA COASTAL COMMISSION

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DATE: August 19, 2011

TO: Commissioners and Interested Parties

FROM: Charles Lester, Interim Executive Director
Robert S. Merrill, District Manager – North Coast District

SUBJECT: **COUNTY OF HUMBOLDT LCP AMENDMENT NO. HUM-MAJ-1-08 (SAMOA)**, Extension of time for Humboldt County to acknowledge and accept the modifications suggested by the Coastal Commission on Humboldt County LCP Amendment No. HUM-MAJ-1-08. For the Commission meeting of September 8, 2011.

At the March 10, 2011 Coastal Commission meeting in Santa Cruz, the Commission denied, and then approved if modified by the Commission's suggested modifications, Humboldt County LCP Amendment No. HUM-MAJ-01-08 (Samoa) as submitted. This LCP amendment involved changing the industrial land use designations and zoning districts within the Town of Samoa located on the Samoa Peninsula on the west side of Humboldt Bay to a mix of residential, commercial, natural resources, and business park uses and extending the urban limit line.

Pursuant to Title 14 California Code of Regulations Section 13544(a), the certification of an LCP amendment shall not be deemed effective until the local government with jurisdiction over the area governed by the certified local coastal program, by action of its governing body, acknowledges receipt of the Commission's resolution of certification including any terms or modifications which may have been suggested for final certification; accepts and agrees to any such terms and modifications; and takes whatever formal action is required to satisfy the terms and modifications. The County has six months from the date of Commission action to accept the Commission's suggested modifications, in this case by September 10, 2011 (Title 14 CCR Section 13537(b) and 13542(b)). If the County has not accepted the suggested modifications by that time, then the Commission's approval with suggested modifications expires at that time, and only the Commission's denial stands.

Coastal Act Section 30517 and Title 14 CCR Section 13535(c) provide that the Commission may extend, for good cause, time limits related to LCPs for a period

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SUGGESTED MODIFICATIONS REVIEW TIME EXTENSION**

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not to exceed one year. Therefore, the County must accept and agree to the Commission's certification of LCP Amendment No. HUM-MAJ-01-08 with suggested modifications within six months of the Commission's March 10, 2011 action unless the Coastal Commission extends the six-month deadline.

The Commission's action on March 10, 2011 to certify the LCP amendment if modified by suggested modifications differed in certain respects from the written staff recommendation published prior to the meeting. As the Commission's action differed from the written staff recommendation, staff prepared revised findings for the Commission's consideration as the needed findings to support its actions which the Commission adopted at the June 17, 2011 meeting in Marina del Rey. As the Commission's revised findings to support its certification of the amendment with suggested modifications were not adopted by the Commission and transmitted to the County until more than half way through the six month time period available to the County for acknowledging and accepting the Commission's action, the County needs additional time to review the Commission's action and schedule and hold the necessary public hearings for consideration of acceptance and satisfaction of the modifications.

Summary of the Staff Recommendation

Staff recommends that the Commission extend, for a period of one year (to September 10, 2012), the expiration date of its approval with suggested modifications, and the six month time limit that applies to the County's acceptance and adoption of the Commission's suggested modifications.

MOTION. I move that the Commission extend, for a period of one year, the expiration date of its approval with suggested modifications of Humboldt County LCP Amendment No. HUM-MAJ-01-08 and the six month time limit for Humboldt County to accept and adopt those suggested modifications.

STAFF RECOMMENDATION. 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 action to effectively certify LCP Amendment No. HUM-MAJ-01-08 as modified to September 10, 2011. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.