

CALIFORNIA COASTAL COMMISSION

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W21b

DATE: October 20, 2017

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Melissa Kraemer, Supervising Analyst

SUBJECT: Concurrence with the Executive Director’s determination that the action of the County of Humboldt accepting the Commission’s certification of LCP Amendment No. LCP-1-HUM-16-0040-1 is legally adequate.

For the Commission meeting of November 8, 2017 in Bodega Bay

BACKGROUND

The Commission acted on County of Humboldt LCP Amendment (LCPA) Application No. LCP-1-HUM-16-0040-1 on August 10, 2017. As submitted, the LCP amendment involves greater use of underutilized lands zoned for coastal-dependent industrial (CDI) uses (coded “MC” on certified land use and zoning maps) by allowing certain additional uses to be permitted on a temporary “interim” basis on such lands. The LCPA applies to approximately 672 acres of certified MC lands around Humboldt Bay within the County’s coastal development permitting jurisdiction.

By a series of unanimous votes, the Commission: (1) rejected the amendment to the LUP as submitted; (2) approved the LUP amendment with one suggested modification; (3) rejected the amendment to the IP as submitted; and (4) approved the IP amendment with four suggested modifications.

The suggested modification to the submitted Land Use Plan (LUP) adds language conveying the distinctions set forth in Coastal Act section 30519 regarding CDP jurisdiction. The suggested modifications to the implementation plan (IP) amendment in part involve: (1) prioritizing CDI over other coastal-dependent priority uses consistent with the priority use policies of the LUP by deleting in some subsections references to “other priority uses;” (2) providing a separate standard for the allowance of interim uses on lands within County CDP jurisdiction that have not supported CDI use in the past; and (3) specifying maximum acreages of MC-zoned land within County CDP jurisdiction on which longer-term (typically 7-year, up to 10-year) permits could occur. These modifications were necessary to ensure that the IP will conform with and adequately carry out all applicable LUP policies as modified.

EFFECTIVE CERTIFICATION

On October 3, 2017, the Humboldt County Board of Supervisors held a public hearing and adopted Resolution No. 17-78 acknowledging receipt of the Commission's resolution of certification, accepting and agreeing to the Coastal Commission's modifications, agreeing to issue permits in conformance with the modified LCP, and formally approving the necessary changes to the County's LCP (Exhibit 2). Additionally, at the same hearing, the Board adopted Ordinance No. 2581 amending the Coastal Zoning Regulations consistent with the accepted suggested modifications (Exhibit 3).

As provided in Section 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the County of Humboldt's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of LCP Amendment No. LCP-1-HUM-16-0040-1 shall become effective upon the filing of a Notice of Certification for the LCPA with the Secretary of Natural Resources, as provided in Public Resources Code Section 2180.5(2)(V).

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the County of Humboldt to accept the Commission's certification of LCP Amendment No. LCP-1-HUM-16-0040-1 to adopt the necessary changes to the County's Local Coastal Program are legally adequate, as noted in the attached letter, Exhibit 1 (to be sent after Commission concurrence).

EXHIBITS

1. [Draft Notification of Effective Certification Letter](#)
2. [Resolution No. 17-78](#)
3. [Ordinance No. 2581](#)