



# COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**L-1**

Meeting Date: November 10, 2015

To: Board of Supervisors

From: Kevin R. Hamblin, Planning and Building Department Director *YCH*

Subject: **BIG LAGOON PARK COMPANY** General Plan Amendment and Zone  
 Reclassification  
 Case Numbers GPA-03-01 and ZR-03-04  
 Application Number 2346  
 Assessor Parcel Numbers 517-121-010 and 517-131-009  
 Big Lagoon Area

## RECOMMENDATIONS

That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report, and accept public comment.
2. Close the public hearing and deliberate.
3. Adopt Resolution No. ~~15-117~~ (Attachment 5), acknowledging receipt of the Coastal Commission's resolutions adopted September 10, 2015; referring the Coastal Commission's Suggested Modifications adopted September 10, 2015 to the Planning Commission for report and recommendation; and setting reporting time limit of forty (40) calendar days or less for the Planning Commission report its recommendations on the three proposed amendments to the Board of Supervisors pursuant to Government Code Sections 65356 and 65857.

Prepared by \_\_\_\_\_  
Michelle Nielsen, Planner

CAO Approval *Amy Orsen*

REVIEW: Auditor \_\_\_\_\_ County Counsel *JWZ* Personnel \_\_\_\_\_ Risk Manager \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
 Consent  
 Departmental  
 Public Hearing  
 Other \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:  
 Board Resolution No. 04-87.  
 Meeting of: October 19, 2004 \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**  
 Upon motion of Supervisor *Lovelace*  
 Seconded by Supervisor *Sundberg*  
 Ayes *Sundberg, Lovelace, Fennell, Bohn*  
 Abstain  
 Absent *Bass*

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Nov. 10, 2015*  
 By: *Kathy Hayes*  
**Kathy Hayes, Clerk of the Board**



**SOURCE OF FUNDING:** Project fees are paid by applicant, Current Planning Trust, Account #3697.

The applicant has paid a deposit for costs associated with processing the application. The applicant is responsible for all costs associated with this application.

**DISCUSSION:** On March 17, 2015, by Resolution No. 15-35, the Board of Supervisors approved a General Plan Amendment and Zone Reclassification to amend the North Coast Area Plan (NCAP) to provide relocation sites for up to fourteen of the existing 76 cabins within Big Lagoon Park that are anticipated to face geologic hazards associated with coastal bluff retreat during their economic life. The Board also adopted Ordinance No. 2528 which amended Zoning Maps E7 and E8 to reflect the approved changes to the zoning. As the subject property is in the Coastal Zone, the changes are amendments to the Land Use Plan (LUP) and Implementation Plan (IP) and require certification by the Coastal Commission before becoming effective.

Following the Board's March 2015 action, the amendments were submitted to the California Coastal Commission for certification. Initially Coastal Commission staff recommended that the Coastal Commission certify the amendments as submitted but later determined that relocation of up to fourteen cabins to the designated receiving property would not be consistent with the density provisions of the certified LCP and Sections 30250 and 30253 of the Coastal Act even with the approved amendment. The problem is that the Big Lagoon Park Company, Inc. (BLPC) development predates the adoption of the LUP and IP and is nonconforming as to density. The applicant offered to consolidate the receiving property with other lands held by the BLPC, but Coastal Commission staff was unable to find that this measure alone would fully meet the language of the NCAP and Coastal Zoning Regulations. Accordingly, Commission staff found that the Suggested Modifications to the Land Use Plan were needed for consistency with the Coastal Act and a staff report addendum was issued. The Suggested Modifications are additions to what was approved by the Board of Supervisors in March 2015 and are underlined in Attachment 1. To summarize, the Coastal Commission's Suggested Modifications are: 1) an amendment to the NCAP (the certified Land Use Plan) text for the Residential Estates (RE) land use designation; 2) an amendment to the NCAP land use map to include a notation specific to the subject property; and 3) an amendment to the Residential Single Family (RS) zoning district in the Coastal Zoning Regulations to contain specific Maximum Density provisions for the subject property.

Prior to the September 10, 2015 Coastal Commission hearing, Commission staff discussed the addendum and Suggested Modifications with both the Big Lagoon Park Company, Inc. and the County. Don Tuttle, representing Big Lagoon Park Company, Inc., stated that they did not object to the suggested modifications. In the interest of keeping the project on track in light of how much time has passed since this project was filed with the County, County staff concurred with Big Lagoon Park Company, Inc. By a series of unanimous votes, the Coastal Commission approved the LUP amendment with two Suggested Modifications and approved the IP amendment with one Suggested Modification.

As outlined in the Coastal Commission's letter dated September 11, 2015 (Attachment 3), pursuant to Section 13544 of Title 14 of the California Code of Regulations, effective certification of the LCP amendment will occur after the following:

1. The County of Humboldt acknowledges receipt of the enclosed resolutions as adopted by the Commission, and within six months of the September 10, 2015 action through an adopted resolution:
  - A. accepts and agrees to the modifications as suggested;
  - B. takes whatever formal action is necessary to implement the modifications; and
  - C. agrees to issue coastal development permits subject to the approved Local Coastal Program;
2. The Coastal Commission does not object to the Executive Director's determination that the resolution by the Board of Supervisors is legally adequate; and
3. That the determination is filed with the Secretary of Resources by the Coastal Commission staff.



Item 1 outlines the steps that must be taken by the County to move the proposed General Plan and Coastal Zoning with the Suggested Modifications forward to certification by the Coastal Commission. Moreover, all of the actions in item 1 of the September 11<sup>th</sup> letter must occur by March 10, 2016, six months from the date of the Coastal Commission's September 10, 2015 action. Ultimately, the amendments to the LUP and IP will be certified by the Coastal Commission if the amendments are revised in accordance with the Suggested Modifications and the proper procedure is observed.

Before the Board of Supervisors can take action on the Suggested Modifications, however, these changes need to be considered by the Planning Commission for recommendation because they are substantive and were not previously considered by the Planning Commission. The scope and nature of the Coastal Commission's adopted Suggested Modifications were not considered by the Planning Commission in 2004, so this extra step is necessary prior to the Board taking further action. The necessity to refer the Suggested Modifications to the Planning Commission for recommendation is stipulated in Government Code Sections 65356 and 65857. The language of both §§65356 and 65857 is similar in that both require that substantial modifications to a general plan or zoning ordinance first be referred to the local planning commission for its recommendation. At this point the only action the Board can take in response to the Coastal Commission's September 11, 2015 letter is to acknowledge receipt of the Coastal Commission's resolutions adopted on September 10, 2015.

The timeframes for the Planning Commission to report its recommendation to the Board of Supervisors differs somewhat between Government Code §§65356 and 65857. Government Code §65356 pertains to substantial modifications to the general plan and specifies that the Planning Commission report within 45 calendar days from the date of reference. Whereas §65857 governs modifications to adopted zoning ordinances and requires that the Planning Commission report their recommendations within 40 calendar days from the date of referral. By the same cited statutes, should the Planning Commission fail to report within the specified timeframes the Planning Commission's recommendation is deemed approval of the proposed modifications. While the Planning Commission reporting timeframes differ between these two sections of the Government Code, both also allow the board or council to set alternative timeframes from that specified in the statute. Although it is a minor difference between the 40 day versus 45 day reporting timeframe, given that following the Planning Commission's report the Board must then hold a duly noticed public hearing to consider the proposed Suggested Modifications on or before March 10, 2016, the Board may elect to specify the same reporting timeframe when it refers the changes to the Planning Commission.

### **Staff Recommendation**

Planning staff recommends that the Board acknowledge receipt of the Commission's resolutions, and refer the project to the Planning Commission for recommendation in accordance with Government Code §§65356 and 65857. Further, it is recommended that the Board specify that the Planning Commission report their recommendation on the three proposed Suggested Modifications to the Board of Supervisors within 40 days or less.

**FINANCIAL IMPACT:** There are no increased costs to the General Fund. Staff time costs have been allocated to budget unit 277, Fiscal Year 2014-2015, under the General Fund allocation process.



**OTHER AGENCY INVOLVEMENT:** The Coastal Commission must certify the proposed Amendments to the LCP and Coastal Zoning Regulations.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:** The Board may choose to resubmit a different LCP amendment without the Suggested Modifications that would then be subject to future Commission review. Staff does not recommend this alternative as this will result in additional delays.

#### **ATTACHMENTS**

*NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.*

- Attachment 1: Coastal Commission Suggested Modifications, adopted September 10, 2015
- Attachment 2: Coastal Commission's resolutions and findings, adopted September 10, 2015
- Attachment 3: Coastal Commission letter dated September 11, 2015
- Attachment 4: Board of Supervisors Resolution Nos. 15-35 and 15-36
- Attachment 5: Resolution No. 15-17 - Resolution of Transmittal to the Coastal Commission: Amendment to the Local Coastal Program (LCP)



ATTACHMENT 1

COASTAL COMMISSION SUGGESTED MODIFICATIONS  
APPROVED SEPTEMBER 10, 2015

Land Use Plan/North Coast Area Plan

**SUGGESTED MODIFICATION 1:** The "Gross Density" of the RE [Residential Estates] land use designation description within LUP Section 5.20 (Urban Plan Designation) shall be amended to read as follows:

...

Gross Density: 0-2 units per acre or as designated on Map 2A.

**SUGGESTED MODIFICATION 2:** Map 2A of the LUP shall be amended to depict (1) the reconfigured RE and TC land use designations as submitted, (2) the reconfigured urban limit line as submitted, and (3) the following notation applicable to the RE-designated area on the subject lot only:

"Notwithstanding the otherwise applicable density provisions of the Land Use Plan, the 4.8-acre area designated RE on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs."

Implementation Plan/Coastal Zoning Regulations

**SUGGESTED MODIFICATION 3:** The "Maximum Density" standards of the RS: Residential Single Family zone district standards listed in Section 313-6.1 of the Coastal Zoning Regulations shall be amended as follows:

...

<b>Maximum Density</b>	Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit, <u>or as designated in Note 1 below for APN 517-121-010 in the Big Lagoon area.</u> In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.
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...

"Note 1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations, the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs."



**ATTACHMENT 2**

**CALIFORNIA COASTAL COMMISSION'S RESOLUTIONS AND FINDINGS  
ADOPTED SEPTEMBER 10, 2015**



**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET • SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FAX (707) 826-8960

Hearing Date: September 10, 2015  
Commission Action: Certification with  
Suggested Modifications

**ADOPTED FINDINGS**

**DATE:** September 11, 2015  
**TO:** Interested Parties  
**FROM:** Alison Dettmer, Deputy Director  
Robert S. Merrill, North Coast District Manager  
Melissa Kraemer, Supervising Planner  
**SUBJECT:** **Adopted Findings for Humboldt County Local Coastal Program Amendment No. LCP-1-HUM-15-0011-2 (Big Lagoon Park Company)**, certified with suggested modifications by the Commission on September 10, 2015 at the Commission's meeting in Arcata.

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**STAFF NOTE**

At the Commission meeting of September 10, 2015, the Commission denied certification of Humboldt County LCP Amendment No. LCP-1-HUM-15-0011-2 as submitted, and certified the amendment if revised in accordance with suggested modifications. The LCP amendment involves reconfiguring the boundary lines between the existing Residential Estates (RE) and Coastal Commercial Timberland (TC) land use and zoning designations that apply to a single 13-acre lot owned by the Big Lagoon Park Company (APN 517-121-010). At the hearing, staff presented an addendum that revised the recommendation, motions, and resolutions, added suggested modifications, and changed some of the staff report findings. The following resolutions, suggested modifications, and findings were unanimously adopted by the Commission on September 10, 2015 upon conclusion of the public hearing.



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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Regional location map

Exhibit 2 – Vicinity map

Exhibit 3 – Proposed plans and maps for Pacific Shores

Exhibit 4 – Proposed plans and maps for Bay Meadows

Exhibit 5 – Aerial photos of Pacific Shores, 1972 & 2013

Exhibit 6 – Public comments received after publication of the 12/19/14 staff report



## I. RESOLUTIONS

### A. DENIAL OF LUP AMENDMENT NO. LCP-1-HUM-15-0011-2 AS SUBMITTED

RESOLUTION A: The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-HUM-15-0011-2 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 WITH SUGGESTED MODIFICATIONS

RESOLUTION B: The Commission hereby certifies the Land Use Plan Amendment No. LCP-1-HUM-15-0011-2 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. DENIAL OF IP AMENDMENT NO. LCP-1-HUM-15-0011-2 AS SUBMITTED

RESOLUTION C: The Commission hereby denies certification of the Implementation Program Amendment No. LCP-1-HUM-15-0011-2 as submitted by the County of Humboldt on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation 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 implementation program amendment as submitted.

### D. CERTIFICATION WITH SUGGESTED MODIFICATIONS

RESOLUTION D: The Commission hereby denies certification of the Implementation Program Amendment No. LCP-1-HUM-15-0011-2 as submitted by the County of Humboldt on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation 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 implementation program amendment as submitted.



**E. SUGGESTED MODIFICATIONS**

**1. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN PORTION OF HUMBOLDT COUNTY LCP AMENDMENT NO. LCP-1-HUM-15-0011-2:**

North Coast Area Plan

**SUGGESTED MODIFICATION 1:** The “Gross Density” of the RE land use designation description within LUP Section 5.20 (Urban Plan Designation) shall be amended to read as follows:

...

*Gross Density: 0-2 units per acre or as designated on Map 2A.*

**SUGGESTED MODIFICATION 2:** Map 2A of the LUP shall be amended to depict (1) the reconfigured RE and TC land use designations as submitted, (2) the reconfigured urban limit line as submitted, and (3) the following notation applicable to the RE-designated area on the subject lot only:

“Notwithstanding the otherwise applicable density provisions of the Land Use Plan, the 4.8-acre area designated RE on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”

**2. SUGGESTED MODIFICATION TO THE IMPLEMENTATION PLAN PORTION OF HUMBOLDT COUNTY LCP AMENDMENT NO. LCP-1-HUM-15-0011-2:**

**SUGGESTED MODIFICATION 3:** The “Maximum Density” standards of the RS: Residential Single Family zone district standards listed in Section 313-6.1 of the Coastal Zoning Regulations shall be amended as follows:



...

<b>Maximum Density</b>	<i>Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit, <u>or as designated in Note 1 below for APN 517-121-010 in the Big Lagoon area.</u> In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.</i>
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...

“Note 1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations, the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”

**II. FINDINGS FOR DENIAL OF THE LUP AMENDMENT AS SUBMITTED AND CERTIFICATION IF MODIFIED AS SUGGESTED**

The Commission finds and declares as follows for proposed Land Use Plan (LUP) amendment LCP-1-HUM-15-0011-2:

**A. STANDARD OF REVIEW**

The applicable LUP segment governing the subject property is the North Coast Area Plan, one of six LUP segments certified as part of the Humboldt County LCP. To certify the amendment to the LUP portion of the County of Humboldt LCP, the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act.



## **B. AMENDMENT DESCRIPTION AND AFFECTED AREA**

On April 22, 2015, Humboldt County transmitted to the Commission an LCP amendment that will affect a 13-acre lot owned by the Big Lagoon Park Company (Exhibits 1-2). The single lot is currently split designated with Residential Estates (RE) and Coastal Commercial Timberland (TC) land use and zoning designations (Exhibit 3). The TC designated area covers a rectangular area on the northeast side of the 13.9 acre lot. The RE designated area covers the remainder of the lot. As submitted, LCP-1-HUM-15-0011-2 will reconfigure the boundary lines between the existing RE and TC land use and zoning designations of the subject property. As reconfigured, the RE designation will cover most of the middle of the lot with the TC designation surrounding the RE designated area in a horseshoe-like fashion. The redesignation will result in a net shift of approximately 2.4 acres from RE to TC and an adjustment of the urban limit line to run coincident with the new RE-designated/zoned area (Exhibit 4).

The subject site (APN 517-121-010) is located at the south end of Big Lagoon in northern Humboldt County, approximately eight miles north of the City of Trinidad (Exhibits 1-2). The subject lot is part of an uplifted marine terrace with elevations ranging from approximately 40-90 feet above mean sea level. The lot is partially forested and is surrounded by rural residential development, commercial timberlands, County and State park and recreation lands, a public school, and trust lands of the Big Lagoon Rancheria. Roundhouse Creek flows across the western end of the property in a deeply incised canyon approximately 35 feet below a relatively level, approximately 4.8-acre open grassy area in the center of the property. This open grassy area is currently planned for TC uses and would be redesignated to RE. The creek corridor and other forested portions of the property, comprising approximately 7.2 acres, currently are planned for RE uses and would be redesignated to TC under this LUP amendment. In sum, the portion of the property designated RE will decrease in area from 7.2 to 4.8 acres, and the portion of the property designated TC will increase in area from 5.8 to 8.2 acres (see Exhibits 3 and 4). Photos of the site are included as Exhibit 5.

## **C. PROPOSED LCP AMENDMENT**

Big Lagoon Park Company is a consortium of residential cabin owners who jointly own three lots: (1) the subject 13-acre undeveloped lot (APN 517-121-010), (2) a 28-acre lot to the immediate north (APN 517-131-009), which is developed with a total of 76 residential cabins/cottages, and (3) a 15-acre lot northeast of the subject site (APN 517-131-011), which is forested and planned and zoned for commercial timberland uses.

The majority of the 76 cabins on the 28-acre lot adjacent to the subject site were constructed in 1929 as a recreational community. Between 1929 and 1965, this 28-acre lot was owned by various lumber companies, which leased the land to Humboldt County, which in turn leased the cabins on the lot to individuals. In 1965, the cabin lessees formed the Big Lagoon Park Company, incorporated, bought the land, and set the total number of home sites at 76 (according to company bylaws). The cabins, which average approximately 900 square feet in size, are individually owned single family residences, though many are used as vacation cabins with seasonal/weekend occupancy. Each of the 76 cabin owners is allocated one share in the company. The members of the Big Lagoon Park Company, Inc. own the land in common and share in all expenses generated in maintaining the property. All of the cabins are served by on-site individual sewage disposal systems and by two wells located within the Park Company property.



Bluff erosion and geologic instability pose current and future risks to existing structures on the property where the 76 existing Big Lagoon Park Company cabins are located. The bluffs along the south end of Big Lagoon have been subject to extraordinary rates of bluff retreat in the past. The bluffs are composed of poorly consolidated terrace sands, and the bedrock layer (Franciscan formation) lies below sea level. Episodic rapid bluff retreat typically occurs when factors such as large waves, high tides, and loss of beach sand expose the bluffs to direct wave attack (e.g., during El Niño events). Rapid rates of bluff erosion have been measured in the area from aerial photographs<sup>1</sup> for the 1930s (58 feet of bluff retreat in a decade),<sup>2</sup> winter 1941/1942 (30 feet in a season),<sup>3</sup> 1980s (at least 55 feet),<sup>4</sup> and winter 1997/1998 (60 feet in a season).<sup>5</sup> Sudden catastrophic bluff failure events have led to emergency relocations of homes along the bluffs between Big Lagoon and Patrick's Point on several occasions, including emergency relocations of cabins on the Big Lagoon Park Company property in the 1940s (12 cabins),<sup>6</sup> 1980s (12 cabins),<sup>7</sup> three cabin relocations in the last 15 years (most recently in 2013),<sup>8</sup> and three emergency relocations of single family residences in the Big Lagoon Estates subdivision immediately west and southwest of the subject site between 1999 and 2003.<sup>9</sup>

In January of 1985, prior to effective certification of the Humboldt County LCP in 1986, the Commission approved CDP 1-84-222, which authorized a "master relocation plan" for the adjacent 28-acre Big Lagoon Park Company lot where the 76 cabins are now located (APN 517-131-009, immediately north of the lot that is the subject of this LCP amendment). Specifically, CDP 1-84-222 authorized the creation of 23 new home sites within the 28-acre property to serve as future relocation sites for existing cabins threatened with imminent bluff erosion risks and a new 350-foot-long roadway extension to serve the new home sites. The plan used a 20-year bluff erosion projection to determine which cabins to prioritize for relocation. In addition to considering bluff erosion hazards in selecting appropriate relocation sites within the 28-acre lot, the master relocation plan also considered leach field feasibility for on-site septic systems, drainage, the number of trees that would have to be removed, view impacts on existing cabins and relocated cabins, access to relocation sites, and various other factors.

In the mid-1990s, the Big Lagoon Park Company Board of Directors continued to take proactive steps to implement a long-term coastal bluff retreat management program for the cabins by purchasing two parcels adjacent to the original parcel – one to the south (the 13-acre lot that is the subject of this LCP amendment) and one to the east (the 15-acre lot referenced above). The company plans to use these in the next 100 to 200 years for the relocation of cabins that have to be removed from the eroding bluff.

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<sup>1</sup> E.g., see Tuttle 1981

<sup>2</sup> Cited in findings for approval of CDP 1-84-222 (Big Lagoon Park Co.)

<sup>3</sup> Ibid.

<sup>4</sup> Cited in findings for approval of CDP 1-85-130 (Haddock)

<sup>5</sup> Cited in findings for approval of CDP 1-98-075 (Wall) and in *de minimis* Waiver CDP 1-99-066-W (Kavich)

<sup>6</sup> Cited in County of Humboldt July 6, 2004

<sup>7</sup> Ibid.

<sup>8</sup> Don Tuttle, President, Big Lagoon Park Co. Board of Directors, pers. comm. 8/13/15

<sup>9</sup> Authorized under CDP 1-98-075 (Wall), *de minimis* waiver 1-99-066-W (Kavich), and emergency permit 1-03-027-G and CDP 1-03-028 (Rohner)



## LCP-1-HUM-15-0011-2 *Adopted Findings*

In 2001, Humboldt County approved CDP-00-28,<sup>10</sup> which authorized a revised master relocation plan for the 28-acre Big Lagoon Park Company property containing the 76 cabins. A geologic study conducted in 2000 in support of the permit application analyzed historical bluff erosion in the area from 1850 to 2000 and determined that episodic erosional events occur about every 40 years and result in the loss of approximately 50 to 70 feet of bluff. The supplemental master relocation plan considered necessary cabin and infrastructure relocations over the next two anticipated catastrophic erosion events (approximately 2025 and 2065). It was determined that at least 15 cabins would need to be relocated by 2065. The County's approval authorized the development of 14 relocation sites on the property to be developed on an as-needed basis in response to imminent bluff erosion hazards. An amendment to the County's permit was approved in 2006 approving two new relocation sites on the property.

Of the sites authorized by the CDPs described above for relocated development within the 28-acre property, only six remain available for use today (the others have already been used for cabin relocations or have already been identified as relocation sites for nearby cabins). Currently there are at least 10 existing cabins on the 28-acre property near the bluff edge that will be subject to geologic hazard risks over the next 50 years. Thus, the proposed LCP amendment is contemplated in order to plan for the creation of up to 14 additional relocation sites on the adjacent 13-acre lot as part of the Big Lagoon Park Company's long-term planning effort to address ongoing bluff retreat concerns for the existing cabins (Exhibit 6).

The County already approved County CDP No. 03-62 for the relocation of 14 cabins from the 28-acre lot onto the subject lot. The CDP was approved in 2004 but noted as not effective unless and until the Coastal Commission certifies the proposed LCP amendment. The County plans to submit a Notice of Final Local Action for the approved CDP to the Commission upon effective certification of the subject LCP amendment application. The CDP authorizes the relocation of up to 14 cabins to the subject site on an as needed basis over a 5-year period from the date of permit effectiveness. Permit conditions allow for the permit to be renewed in 5-year increments subject to approval of requests for renewal if (1) the development has not changed from that for which the permit was granted; and (2) the findings made when the permit was granted can still be made (Section 312-11.3.2 of the County Zoning Regulations). If the findings for renewal cannot be made per one or both conditions, the property owner must apply for an amendment to the CDP to reauthorize the master relocation plan. No change to the total number of Big Lagoon Park Company member cabins (76) is proposed under the CDP or under the LCP amendment as submitted, nor is an increase in the total number of cabins allowed according to the Big Lagoon Park Company bylaws.

In addition to the CDP approval, the County has drafted and is prepared to enter into a binding agreement with the Big Lagoon Park Company to hold all three lots owned by the Big Lagoon Park Company as one parcel. Under the agreement, the property owner agrees to hold the three lots as one parcel and agrees not to sell any portion of the subject lots separately until such time as the three parcels are voluntarily merged into one parcel and a Notice of Merger recorded. The County and the Big Lagoon Park Company also have a Conveyance Agreement for development restrictions on the subject 13-acre lot. The draft agreement would relinquish and grant to the County all of the owner's right, power, and privilege to develop the subject property for purposes

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<sup>10</sup> Commission File No. 1-HUM-00-393.



other than relocation of existing cabins. However, the protections afforded by these side agreements are neither included in the LCP amendment proposal as submitted nor are they required to be executed and recorded as a condition of the approved CDP for the cabin relocation plan.

Although the LCP amendment is proposed to accommodate a specific development proposal involving the relocation of existing cabins, the amendment will affect future development of the site whether or not the property owners carry through with the proposed cabin relocation. Under the proposed LCP amendment as submitted, given the LCP's existing limitations on density and the restrictions of the X-combining zone discussed in the Implementation Plan findings below that prohibit further division of the subject parcel, the reconfigured RE-designated area could alternatively be developed with up to one single family residence and one secondary dwelling unit in the proposed 4.8-acre RE-designated area.

## **D. CONSISTENCY WITH RELEVANT COASTAL ACT POLICIES**

### **i. Planning and Locating New Development**

Section 30250 of the Coastal Act states as follows:

*(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.*

As discussed above, the area that is the subject of this LUP amendment application includes one legal lot that is approximately 13 acres in size. The lot is undeveloped and has split land use designations. Currently under the certified LUP (the North Coast Area Plan segment of the County LCP), approximately 7.2 acres of the lot is planned for Residential Estates uses (RE), and approximately 5.8 acres of the lot is planned for commercial timberland uses (TC). The 7.2-acre RE area consists of a portion of Roundhouse Creek and its associated wetlands and riparian habitats. The 5.8-acre TC area consists of relatively level open, grassy habitat with only a narrow strip of forest vegetation along the eastern and northern sides of the property. Surrounding land uses include rural residential development, commercial timberlands, County and State park and recreation lands, a public school, and trust lands of the Big Lagoon Rancheria.

As submitted, LCP-1-HUM-15-0011-2 will reconfigure the boundary lines between the existing RE and TC land use designations, resulting in a net shift of approximately 2.4 acres from RE to TC, and an adjustment of the urban limit line to run coincident with the new RE-designated/zoned area. The portion of the property designated RE will decrease in area from 7.2 to 4.8 acres,



and the portion of the property designated TC will increase in area from 5.8 to 8.2 acres (Exhibits 3-4).

The purpose of the TC land use designation in the North Coast Area Plan is *“to protect productive timberlands for long-term production of merchantable timber.”* Principal uses under the TC designation include *“Timber production as provided in section 3.34 including all necessary site preparation, road construction and harvesting, and residential use incidental to this use...”* and principal uses permitted under AEP (Agriculture Exclusive Prime) *“...except second dwelling.”* The principal uses permitted under AEP include *“Production of food, fiber or plants, as provided in Section 3.54 with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by a parent or child or the owner/operator, including barns, storage sheds, and similar agricultural structures and principal structures and principal uses permitted under TC.”*

The purpose of the RE land use designation in the North Coast Area Plan is *“To allow residential development of areas within Urban Limits where community objectives, including resource protection, limit density of potential development, but where urban services are required.”* Principal uses under the RE designation include detached single family residences.

With respect to the urban limit line in the Big Lagoon area, the North Coast Area Plan (Section 4.42) states that the urban limit line should correspond to areas served by the existing water systems in the area. These include the Big Lagoon Park Company’s private water system, which provides service to the 76 existing cabins on its northern lot, and the water service provided by the Big Lagoon Community Services District to approximately 140 residents of the Big Lagoon Estates subdivision located west and southwest of the subject site. The Big Lagoon Park Company’s existing water system is located in part on the 28-acre lot that currently is developed with 76 residential structures and in part on the adjacent undeveloped 15-acre lot designated TC that also is owned by the Big Lagoon Park Company. The existing urban limit line is drawn around the Big Lagoon Park Company lot where the 76 existing cabins are located and around the Big Lagoon Estates subdivision, which consists of approximately 35 developed lots and a few undeveloped lots. Approximately 7.2 acres of the subject property that currently is designated and zoned for residential uses also is within the existing urban limit line.

Under the proposed LCP amendment, the urban limit line will be shifted to include the 4.8-acre area on the subject lot proposed to be redesignated RE and to exclude the areas of the lot that are proposed to be redesignated for TC uses. As a result, there will be a net decrease of 2.4 acres of land on the subject site that is designated RE and that is within the urban limit line. The proposed shift in the urban limit line is consistent with the limitations on expansion of “serviceable areas” specified in the North Coast Area Plan, which defines the serviceable area within the North Coast Planning Area to include in part areas within 300 feet, by the shortest distance, from the existing water line. The subject site is located approximately 120 feet from the Big Lagoon Park Company’s water service line, which currently serves the existing 76 cabins on the adjacent 28-acre site.

Given the density limitations specified in the existing certified LCP, both the existing 7.2 acre area currently designated RE and the proposed 4.8 acre area proposed to be redesignated RE could be developed with up to one new single family residence and one new secondary dwelling



unit (provided the development could be approved consistent with all other applicable LCP policies and standards). The application includes evidence demonstrating that the area proposed to be redesignated for RE uses is capable of supporting on-site sewage disposal systems<sup>11</sup> and capable of being served by the Big Lagoon Park Company's existing water system. The existing water system contains two wells that supply two water storage tanks, one of which is 10,000 gallons and the other holds 25,000 gallons. The two wells provide around 20 gallons/minute or 28,800 gallons/day, which is adequate to serve the existing level of residential development on the Big Lagoon Park Company lands plus one additional single family residence, which would require about 300 gallons/day.

As discussed above, the subject lot is contemplated to serve as a relocation site for up to 14 existing cabins on the lot to the north that are located closer to the eroding bluff and which will need to be relocated in the future to minimize risks from geologic hazards. The County has already approved County CDP No. 03-62 for the relocation of up to 14 cabins from the 28-acre lot onto the subject lot. The CDP was approved in 2004 but noted as not effective unless and until the Coastal Commission certifies the proposed LCP amendment. The County plans to submit a Notice of Final Local Action for the approved CDP to the Commission upon effective certification of the subject LCP amendment application. The CDP authorizes the relocation of up to 14 cabins to the subject site on an as needed basis over a 5-year period from the date of permit effectiveness. Whether the lot is developed in the future with one new single family residence or with relocated cabins, residential development on the lot will be served by the Big Lagoon Park Company's private water system. As the 4.8-acre RE area to be enclosed within the urban limit line is immediately adjacent to the current urban services area covering other portions of the Big Lagoon Park Company property and is limited to the RE area, the modified urban limit line would concentrate residential development within an area with services able to accommodate the contemplated development consistent with Section 30250 of the Coastal Act.

The County indicates that it approved the LCP amendment as being consistent with the density limitations on the basis that the legal non-conforming density of the 28-acre lot with the 76 cabins would extend to the 13-acre subject lot. However, the non-conforming use provisions of the certified LCP that allow the continuance of the higher than permissible level of density on the 28-acre parcel, Section 313-131.5 of the Coastal Zoning Regulations (CZR), will not sufficiently authorize the contemplated relocation because such provisions provide that non-conforming uses may only occupy the same area that is occupied by the existing nonconforming use. As the subject 13-acre lot is a separate legal lot, the nonconformity provisions of Section 313-131 of the CZR that permit the continuance of a higher than permissible level of residential density on the 28-acre lot would not extend to the subject 13-acre lot. The density limitations for RE-designated lands under the existing LUP limit density on the subject lot to 1 dwelling unit per acre. In addition, the existing certified CZR limits the principally permitted use of land zoned Residential Single Family (RS) to one primary residence per lot, and the X combining zone, which currently applies to the site and will continue to apply to the site under the proposed LCP amendment as submitted, prohibits any further subdivision of the lot. The same density limitations apply to the adjoining 28-acre lot that is developed with 76 existing cabins. Therefore, it is not possible to permit the relocation of up to 14 cabins to the proposed 4.8-acre RE-designated area on the

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<sup>11</sup> SHN 2001



subject lot consistent with the currently certified LCP or the LCP as it is proposed to be amended by the County.

The County has attempted to address the Big Lagoon Park Company's density nonconformance issue in part by drafting a binding agreement to be entered into with the Big Lagoon Park Company to hold all three lots owned by the Big Lagoon Park Company as one parcel. Under the agreement, the property owner agrees to hold the three lots as one parcel and agrees not to sell any portion of the subject lots separately until such time as the three parcels are voluntarily merged into one parcel and a Notice of Merger recorded. The County and the Big Lagoon Park Company also have a Conveyance Agreement for development restrictions on the subject 13-acre lot. The draft agreement would relinquish and grant to the County all of the owner's right, power, and privilege to develop the subject property for purposes other than relocation of existing cabins. However, even with the execution of these agreements, the proposed LUP amendment as submitted does not accomplish the County's desired objective of accommodating the relocation of up to 14 residences within the proposed 4.8-acre RE-designated area, because (1) the continuance of the non-conforming density would impermissibly be extended to a different area, and (2) the agreements are not part of the LCP amendment proposal as submitted, nor are they required to be executed and recorded as a condition of the approved CDP for the cabin relocation plan that the County approved in 2004.

As discussed above, the Big Lagoon Park lots have sufficient septic capacity and water resources to accommodate at least 77 primary residences. An LCP amendment that accommodates the relocation of some of the cabins to the subject lot from the 28-acre lot in a manner that is consistent with all other provisions of the LCP and which does not increase, the overall development potential under the certified LCP in the RE designated area, could be found consistent with the requirements of Section 30250 of the Coastal Act that new residential development be located within or contiguous with existing developed areas able to accommodate it.

Therefore, the Commission finds that only if modified as suggested below to include certain specific provisions to ensure consistency with all LCP provisions and to prevent an increase in overall development potential of the commonly-owned property comprising the Big Lagoon Park area can the LUP amendment be found consistent with Section 30250 of the Coastal Act. The specific provisions include requirements that (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising on APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs. Therefore, the Commission attaches Suggested Modifications 1 and 2 as follows:



**SUGGESTED MODIFICATION 1:** The “Gross Density” of the RE land use designation description within LUP Section 5.20 (Urban Plan Designation) shall be amended to read as follows:

...

*Gross Density: 0-2 units per acre or as designated on Map 2A.*

...

**SUGGESTED MODIFICATION 2:** Map 2A of the LUP shall be amended to depict (1) the reconfigured RE and TC land use designations as submitted, (2) the reconfigured urban limit line as submitted, and (3) the following notation applicable to the RE-designated area on the subject lot only:

**“Notwithstanding the otherwise applicable density provisions of the Land Use Plan, the 4.8-acre area designated RE on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”**

Therefore, the Commission finds the amendment as modified will only allow for residential development within or contiguous with an existing developed area able to accommodate it. Furthermore, as discussed in more detail below, the amendment as modified will not result in any significant adverse effects on visual resources, water quality, environmentally sensitive riparian areas and streams, and other coastal resources. Thus, the proposed LUP amendment as modified is consistent with Section 30250 of the Coastal Act.

## **ii. Minimizing Hazard Risks**

Section 30253 of the Coastal Act states in applicable part as follows:

*New development shall do all of the following:*

- (a) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*



*(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs....*

As discussed above, the purpose of the LCP amendment is to plan for managed retreat, as bluff erosion and geologic instability pose current and future risks to existing structures on the lot where the 76 existing Big Lagoon Park Company cabins are located. The bluffs along the south end of Big Lagoon have been subject to extraordinary rates of bluff retreat in the past, and geologic studies of the area have determined that episodic erosional events occur about every 40 years and result in the loss of approximately 50 to 70 feet of bluff. Sudden catastrophic bluff failure events have led to approximately 30 emergency relocations of homes between 1940 and 2013.

The 4.8-acre area to be redesignated for residential uses (RE) will be located a minimum distance of 355 feet inland from the existing bluff edge (as measured in 2014) at an elevation of approximately 80 feet above mean sea level (Exhibit 6). Based on the best available science and using conservative bluff retreat rate estimates that have been applied to other bluff top development that has been approved along the bluffs between Big Lagoon and Patrick's Point, the RE-designated area at this time is sufficiently set back from the bluff edge to minimize geologic hazard risks consistent with Section 30253 of the Coastal Act.<sup>12</sup> The LCP amendment as submitted does not specifically provide for relocated development to be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs. In fact, the County has already approved a CDP authorizing the relocation of 14 cabins onto the subject site from the adjacent 28-acre site (though submittal of the final local action notice is pending certification of this LCP amendment application) with no conditions prohibiting the future construction of a shoreline protective device, which would substantially alter natural landforms along the bluff adjacent to the subject site. Thus, the Commission finds that while the proposed LCP amendment as submitted to redesignate a portion of the site RE will facilitate the removal of existing development out of geologically hazardous areas to more resilient areas further setback from the bluff edge,<sup>13</sup> subsection (4) of Suggested Modification 2, described above, is needed to ensure that the LCP amendment conforms to Section 30253's requirement that development shall be sited and designed to assure stability and structural integrity and at no time engender the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs. Therefore, the Commission finds that the proposed LCP amendment as modified is consistent with Section 30253 of the Coastal Act.

In addition to bluff instability hazards, portions of the Big Lagoon region, including beach areas northwest of the subject lot, are shown on emergency planning maps published in 2009 by the California Emergency Management Agency, California Geologic Survey, and University of

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<sup>12</sup> E.g., see Busch Geotechnical Consultants 2006; LACO Associates 2011; and LACO Associates 2012, which were conducted in support of a CDP application for a single-family residence located 800 feet southwest of the subject site, approved by the Commission in February of 2014 ([CDP 1-12-023 \(Winget\)](#)).

<sup>13</sup> The LCP amendment as submitted incorporates general and specific adaptation included in Chapter 7 of the Commission's [Final Sea Level Rise Policy Guidance](#).



Southern California as being within the zone of potential inundation by a tsunami. If the region experiences megathrust earthquake along the Cascadia Subduction Zone offshore, a local tsunami could hit the Big Lagoon shoreline within minutes. Maximum predicted tsunami wave run-up levels for this area may reach approximately 32 feet above mean sea level.<sup>14</sup> As the specific area proposed to be redesignated RE is located approximately 80 feet to 90 feet above mean sea level, the area currently is above maximum potential flood hazard levels of Roundhouse Creek, which flows across the western portion of the property in an incised canyon at an elevation approximately 35 feet lower than the proposed RE-designated area.

Finally, the subject site is located in a seismically active area, with the active Trinidad Fault located approximately 6.5 miles to the south (capable of generating an earthquake of magnitude 7.3) and the Cascadia Subduction Zone located approximately 50 miles offshore (capable of generating an earthquake of magnitude 8.3 on its southern, or Gorda, extent).<sup>15</sup> The Big Lagoon Park Company commissioned a geologic investigation of the area proposed to be designated RE, which determined the potential for liquefaction-related hazards to be low. The report includes various recommendations for future development of the site (e.g., for site preparation, foundation design, grading, and other development) to reduce the risks associated with seismic hazards. Existing policies and standards of the certified LCP, including Section 30253 of the Coastal Act, which is codified in Sections 3.26 and 3.38 of the North Coast Area Plan, require new development in hazardous areas to be consistent with seismic safety and other recommendations given in required soil engineering and geological engineering investigations. The County and the Commission on appeal will be able to review the consistency of any CDP application submitted for the relocation or development of new houses with these policies.

Therefore, the Commission finds that the LUP amendment as submitted will minimize risks to life and property in this high geologic hazard area consistent with Section 30253 of the Coastal Act.

### **iii. Timberland Resources**

Section 30243 of the Coastal Act states as follows:

*The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.*

The property that is the subject of this LCP amendment application is characterized in part by the presence of forest habitat dominated by Sitka spruce trees. Spruce trees grow across nearly the entirety of the area currently designated for residential uses (about 7 acres), as well as in areas currently designated for commercial timberland uses.

Section 30243 of the Coastal Act requires that (1) conversions of coastal commercial timberlands in units of commercial size shall be limited to providing for necessary timber processing and

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<sup>14</sup> USGS 1999; CalEMA et al. 2009

<sup>15</sup> LACO Associates May 2001



related facilities, and (2) the long-term productivity of soils and timberlands shall be protected. Even though all of the land area that currently supports mature forest vegetation will be within the redesignated TC area, thereby increasing the total area of TC-designated land by 2.4 acres, the LCP amendment as submitted constitutes a conversion of commercial timberland, because some areas currently designated as timberlands TC will be redesignated and rezoned for residential use.

According to a forestry analysis completed for the property by a registered professional forester (Exhibit 7),<sup>16</sup> the market for Sitka spruce lumber has fluctuated over the decades, but currently there is demand for the species in log exports to China. The forester calculated that the entire property contains approximately 7 acres of spruce-dominated forest outside of the riparian habitat buffer areas around Roundhouse Creek. At today's market prices, the analysis concludes that timber from this acreage would be worth approximately \$40,000. However, the analysis concludes that the entire lot does not constitute commercial timberlands of a commercial size, because harvesting of the timber would produce no net revenue to the landowner due to the cost of the necessary timber harvesting plan that would be required to log the timber (conservatively estimated at \$40,000). Therefore, the Commission finds that the proposed conversion of the acreage that is being redesignated from TC to RE is not a conversion of coastal commercial timberlands in a unit of commercial size.

Nonetheless, the LCP amendment as submitted will protect the productivity of timberlands, as (1) virtually all of the land area that currently supports mature forest vegetation will be within the redesignated TC area, (2) the land designated for TC will actually expand by 2.4 acres, and (3) the designation will protect those lands for commercial harvesting in the future if market conditions change again. Even if market conditions do not change, the designation will allow the Big Lagoon Park Company to conduct small scale timber harvesting to supplement their income, even if the harvesting will not be on a commercial scale large enough to support ongoing commercial harvesting. In addition, the reconfigured RE designation that would apply to the 4.8-acre portion of the lot will continue to allow for residential use, such as the relocated cabins.

Therefore, the Commission finds that the proposed LUP amendment as submitted is consistent with the requirements of Section 30243 of the Coastal Act, as the long-term productivity of soils and timberland will be protected, and coastal commercial timberlands of commercial size will not be converted.

#### **iv. Water Quality and Adjacent ESHA**

Section 30230 of the Coastal Act states as follows:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

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<sup>16</sup> Baldwin, Blomstrom, Wilkinson and Associates, Inc. May 5, 2014



Section 30231 of the Coastal Act states as follows:

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

Section 30240 of the Coastal Act states as follows:

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

As discussed above, Roundhouse Creek flows across the western end of the property in a deeply incised canyon approximately 35 feet below the relatively level, open grassy area in the center of the property. Roundhouse Creek and its associated wetland and riparian habitats constitute environmentally sensitive habitat areas (ESHA) under the certified LUP and under the Coastal Act. The existing certified LCP contains numerous policies and standards to protect ESHA, ESHA buffers, and water quality. These policies and standards will continue to regulate, through the CDP process, all development as defined in Section 30106 of the Coastal Act in a manner that protects ESHA and water quality.

The Big Lagoon Park Company commissioned a biological study of the property in support of the LCP amendment application.<sup>17</sup> The biological study delineates the creek and its associated wetlands and riparian habitat as ESHA and notes that the creek may support breeding habitat for northern red-legged frog (*Rana aurora*), a California Fish and Game Species of Concern.<sup>18</sup> The study found no sensitive species or habitats within the area planned to be redesignated for residential uses. The biological report recommends a minimum 100-foot buffer width between future residential development (cabin relocation sites) on the property and riparian and creek ESHA on the property as adequate to protect ESHA resources.

As discussed above, the existing creek corridor and associated riparian and wetland habitats currently are designated for Residential Estates (RE) uses. This portion of the property that contains Roundhouse Creek and its associated riparian and wetland habitats will be redesignated

<sup>17</sup> NRM Corp. June 24, 2010 and May 13, 2014

<sup>18</sup> California Natural Diversity Database (CNDDDB), RareFind 5. July 2015. California Department of Fish and Wildlife, Biogeographic Data Branch, Sacramento.



for commercial timberland (TC) uses under the proposed LCP amendment as submitted. The area planned to be redesignated for RE uses will be a minimum of 100 feet from the outer edge of riparian habitat around Roundhouse Creek (Exhibit 6). Therefore, the Commission finds that the proposed LCP amendment as submitted is consistent with Section 30240 of the Coastal Act, because the proposed reconfiguration of the RE-designated lands on the property (1) protects ESHA against significant disruption of habitat values, and (2) ensures that future residential development on the site will be sited and designed to prevent impacts that would significantly degrade the adjacent riparian and creek ESHA resources and will be compatible with the continuance of the ESHA resources.

In addition to Sections 30230, 30231, 30233, 30236, and 30240 of the Coastal Act, which are codified in Section 3.41 of the certified North Coast Area Plan (NCAP), the existing certified LUP also includes several specific policies to protect creeks, riparian habitat, and water quality from potential impacts related to timber harvesting. These include, but are not limited to, the following:

NCAP Section 3.41.G.5.a.3 states in applicable part:

*...heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line, and shall not be permitted in other portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.*

NCAP Section 3.41.G.5.a.4 states that “*All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.*”<sup>19</sup>

NCAP Section 3.41.G.5.b, which pertains to development involving timber harvests smaller than 3 acres of merchantable timber 18 inches diameter at breast height (dbh) or greater, harvest practices shall be “*...consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas.*”<sup>20</sup>

Thus, future timber harvesting activities that may occur under the proposed TC land use designation will include appropriate measures to protect water quality and ESHA resources, including Roundhouse Creek and its associated wetland and riparian habitats. These measures will apply regardless of whether the future timber removal activities are permitted under the CDP

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<sup>19</sup> The current California Forest Practices Rules 2015, Title 14 CCR Chapters 4, 4.5 and 10, January 2015 version, Sections 931 thru 949.7, includes numerous aquatic life and water quality protection measures, including, but not limited to, measures to (1) prevent the degradation of the quality and beneficial uses of water (Section 934), (2) prevent substantial adverse effects to soil resources and to fish and wildlife habitat (Section 935), (3) protect the beneficial uses of water and riparian functions (Section 936), and (4) protect wildlife habitat (Section 939).

<sup>20</sup> The referenced forest practices rules for stream protection zones in Coastal Commission special treatment areas (STAs) require establishment of a 150-foot-wide stream protection zone (measured from the stream transition line) where (a) no more than 50% of the trees can be removed at any one time, and the remaining trees *shall be vigorous, healthy and well-distributed*; (b) there shall be no soil displacement within 50 feet of the stream that *would lead to degradation of the natural resource*; and (c) *every effort should be made to protect and preserve conifer vegetation within 50 feet of the stream.*



process with the certified LCP as the standard of review or are exempt from the definition of development<sup>21</sup> and are only regulated under the Forest Practice Rules cited above.

Furthermore, the certified coastal zoning regulations also contain numerous standards to protect streams and riparian corridors, which are applicable to all perennial and intermittent streams delineated on U.S. Geological Survey 7.5-minute quadrangles. Roundhouse Creek is a perennial stream delineated on a USGS 7.5-minute quadrangle map, and therefore the additional stream and riparian corridor protection standards specified in Section 313-33 of the certified IP will apply to future development on the subject site. These include, but are not limited to, (1) limitations on the types of development allowed within stream channels and riparian corridors, (2) specific limitations on timber management activities allowed within riparian corridors, and (3) required mitigation for development within riparian corridors, such as replanting of disturbed areas with riparian vegetation.

Therefore, the Commission finds that the proposed LUP amendment as submitted is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

#### **v. Protection of Visual Resources**

Section 30251 of the Coastal Act states in applicable part as follows:

*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...*

The land that will be affected by the proposed LCP amendment abuts portions of two public roads, Big Lagoon Park Road and Roundhouse Creek Road. Views through the subject and adjoining parcels from the public roads are limited due to intervening forest vegetation. Portions of the property, including portions of the property proposed to be redesignated for residential uses, may be partially visible from the public beach. However, views of the property from much of the beach are blocked by bluff topography, as the beach is at least 40 feet lower in elevation than the subject site. Some of the existing cabins on the 28-acre lot owned by the Big Lagoon Park Company property north of the subject site are visible to the public from the different public vantage points.

The portion of the property that abuts Big Lagoon Park Road currently is designated for TC uses and will continue to be designated for TC uses under the proposed LUP amendment as submitted. The portions of the property that abut Roundhouse Creek Road and that are adjacent to the bluff edge above the beach currently are designated for RE uses and will be redesignated for TC uses under the proposed LUP amendment as submitted. The portions of the property

<sup>21</sup> Coastal Action Section 30106 defines "development" subject to CDP requirements as including, in applicable part, **(emphasis added)** "...*the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).*"



along Roundhouse Creek Road and along the bluff edge above the beach include a stretch of Roundhouse Creek and its associated riparian habitat.

Section 30251 of the Coastal Act, which is included in Section 3.42 of the North Coast Area Plan, requires that permitted development 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. The existing certified NCAP also includes several specific visual resource protection policies requiring development to be compatible with the physical scale of surrounding development and requiring the protection of natural landforms.

It will be possible to site future residential development on the portion of the site proposed to be redesignated for RE uses under the proposed LUP amendment as submitted so that it will not interfere with views to and along the ocean or scenic coastal areas due to intervening forest vegetation and the site's distance (over 350 feet) from the bluff edge. In addition, as the area planned to be redesignated for RE uses is relatively flat, future residential development in the area will involve minimal grading and no land form alteration. Furthermore, as the portion of the property that abuts Big Lagoon Park Road currently is designated for TC uses and will continue to be designated for TC uses under the proposed LUP amendment as submitted, there will be no change to the character of this portion of the site. Moreover, as residential development is currently and will continue to be visible from other public vantage points, the partially developed character of the site as viewed from other vantage points will be largely unaffected. Finally, the numerous policies and standards applicable to the site under the existing certified LCP that provide for the protection of creeks and riparian habitats, the forested character of the portions of the site along Roundhouse Creek Road and along the bluff above the beach will continue to apply to future development facilitated by the proposed LCP amendment as submitted.

Therefore, the Commission finds that the proposed LUP amendment as submitted is consistent with Section 30251 of the Coastal Act.

#### **vi. Archaeological Resources**

Section 30244 of the Coastal Act states as follows:

*Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

The project site is located within the ancestral lands of the Yurok Tribe. A cultural resources study was completed for the subject parcel and for the parcel to the north by Roscoe and Associates in 2003. The report concludes that no archaeological resources are present on the site. In addition, Commission staff referred the project to the Big Lagoon Rancheria, Trinidad Rancheria, and Yurok Tribe for comment on August 14, 2015 and received no comments from the tribes to date.

Existing policies of the certified LCP include Section 30244 of the Coastal Act (Sections 3.27 and 3.39 of the North Coast Area Plan), which requires that reasonable mitigation be required



where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer. The County and the Commission on appeal will be able to review the consistency of any CDP application submitted for the relocation or development of new houses with these policies and impose mitigation measures as necessary. Thus, the Commission finds that the proposed LUP amendment as submitted is consistent with Coastal Act Section 30244, as future development on the site can be conditioned to include mitigation measures to ensure that development will not adversely impact archaeological resources.

#### **vii. Public Access**

The subject site is located between the first through public road (Highway 101) and the sea on an uplifted marine terrace approximately 40-90 feet above mean sea level. The northwest corner of the property is adjacent to the existing bluff edge, and the inland extent of the subject property is approximately 400 feet inland from the bluff edge. As discussed above, the site abuts two public roads, Big Lagoon Park Road, and Roundhouse Creek Road. Big Lagoon Park Road connects with other County roads (A Road and B Street), which lead to Big Lagoon County Park, Big Lagoon, and the ocean shoreline. Roundhouse Creek Road leads to another County road – Ocean View Drive – which leads to the County Park and ocean shoreline.

The public access policies of the Coastal Act are included in Section 3.50 of the certified North Coast Area Plan. The closest access points to the subject site identified in the NCAP are Big Lagoon County Park (site #13) and “Big Lagoon Park” (site #14), both located about ¼-mile north of the property. In addition, the northwest corner of the property, where Roundhouse Creek flows from the property down the bluff to the beach, is adjacent to an eroded away section of Ocean View Drive, which currently affords public access to the shoreline.

The proposed LUP amendment as submitted will have no effect on lateral or vertical beach access. There is no evidence that the property has been used by the public to gain access to the ocean, and as mentioned above, there are multiple public access points west and north of the site. Therefore, the Commission finds that the LUP amendment as submitted will not adversely affect public access, and the amendment as submitted is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

#### **viii. Conclusion**

As discussed herein, Suggested Modifications have been identified to both the land use maps themselves, and other portions of the LUP, to ensure such Coastal Act consistency. The Commission finds that if modified as suggested above, the proposed amendment would be consistent with the policies and standards of the Coastal Act.

### **III. FINDINGS FOR DENIAL OF THE IP AMENDMENT AS SUBMITTED AND CERTIFICATION IF MODIFIED AS SUGGESTED**

The Commission finds and declares as follows for proposed Implementation Program (IP) amendment number LCP-1-HUM-15-0011-2:

#### **A. ANALYSIS CRITERIA**



To certify the amendment to the Implementation Plan (IP) portion of the County of Humboldt LCP, the Commission must find that the amended IP will conform with and adequately carry out the provisions of the certified LUP (in this case the North Coast Area Plan segment), as amended.

## **B. IP AMENDMENT DESCRIPTION**

The proposed IP amendment will rezone the boundary lines between the existing Residential Single Family (RS) and Coastal Commercial Timberland (TC) zoning designations of the subject property, resulting in a net shift of approximately 2.4 acres from RS to TC, and an adjustment of the urban limit line to run coincident with the new RS-zoned area. Under the certified coastal zoning regulations (CZR), the principally permitted uses allowed within the RS zone include Single Family Residential, Second Residential Unit, Cottage Industry, and Minor Utilities to serve these uses. The principally permitted uses allowed within the TC zone include Single Family Residential (including residential occupancy of a single detached main building by one family), General Agriculture, Timber Production, Cottage Industry, and Minor Utilities to serve these uses.

The existing RS zoning on the property includes two overlay or “combining” zones: “X,” designating the area as “No Further Subdivision Allowed,” and “D,” designating the area as requiring “Design Review.” The existing TC-zoned portion of the property also includes the D combining zone. The proposed IP amendment will retain the D combining zone across the entire property as well as retain the X combining zone across the RS portion of the property. In addition, the Planned Unit Development (“P”) combining zone also will be added to the RS portion of the property to provide for clustered development (multiple cabin relocation sites) on the subject lot. The purpose of the “P” combining zone, as described below, is to encourage planned developments and to allow flexibility in the administration of development standards. The P combining zone regulations are applicable to any site where more than four dwelling units are proposed. In sum, the proposed IP amendment as submitted would result in 4.8 acres of the property zoned RS-X/D/P and 8.2 acres of the property zoned TC-D.

The purpose of the “D” combining zone is (CZR Section 313-19 in part):

*...to provide design review for conformance of new development with the policies and standards of the General Plan and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area’s historical, cultural or scenic values.*

The purpose of the “P” combining zone is (CZR Section 313-31 in part):

*...to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of:*  
*Permitting more flexibility to cope with difficulties due to topography and other natural or manmade features.*  
*Providing for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services;*



*Encouraging a more creative approach to land development through waiver of development standards and application of less rigid development criteria where such flexibility can better provide for the protection and enhancement of designated sensitive habitats and cultural resources provided all the required findings for approving subdivisions can be made.*

The “X” combining zone is described in CZR Section 313-39 in part as follows:

*...where the development standards are modified for the sole purpose of prohibiting further subdivisions of any lots within the zone.*

At the time that the County approved CDP No. 03-62 for the relocation of up to 14 cabins from the 28-acre lot onto the subject lot, the County also approved a Planned Unit Development permit for the relocated development. The PUD permit was requested by the Big Lagoon Park Company not for the purpose of seeking an increase in applicable residential density standards but rather to conform to the specified design guidelines for planned unit developments with respect to circulation considerations, parking standards, common areas, and other considerations.

### **C. IMPLEMENTATION CONFORMITY**

For any proposed change to a property’s zoning designation to be certifiable, the implementing zoning designation must be shown to conform with its LUP counterpart and adequately carry out all applicable LUP policies. In this case, the proposed RS-X/D/P zoning district must implement the proposed RE land use designation as amended, and the proposed TC-D zoning district must implement the proposed TC land use designation for the site. The boundaries of the adjusted zoning districts match the boundaries of the redesignated land use designations. The RS-zoning district allows for the same range of uses as the RE land use designation, in particular single family residential uses, but with the X, D, and P combining zones, the development of the site for future residential uses must also conform to the designated combining zone standards. The TC-zoning district allows for the same range of uses as the TC land use designation, in particular timber production and related uses, agricultural uses, and single family residential uses. The D standards must also be applied. The proposed reconfiguration of zoning district boundaries on the site will not significantly change the kind or intensity of land use that is currently allowed under the current RS and TC district standards.

In addition, the application of the P combining zone to the RS portion of the site will not lead to any increase in allowable density on the site because (1) the density of the base zone, which allows for one dwelling unit per acre, must be adhered to, (2) the “X” combining zone applied to the 13-acre lot prohibits any future subdivision of the lot, and (3) even if the property owner of the subject lot was not otherwise precluded from seeking an increase in density standards for the lot in the future, the P combining zone only allows for an increase of up to 25% above the applicable residential density standards (which in this case would allow for a maximum of 1.25 dwelling units on the subject lot).

However, because the RS zone district with its attached X combining zone only allows for the construction of one new single family residence on the subject lot, the proposed IP amendments would not conform with or be adequately carry out the LUP’s provisions as modified as described above. Because the IP amendment as submitted does not adequately carry out the



provisions of the LUP as modified, it must be denied pursuant to Section 30513 of the Coastal Act. However, with the suggested modification shown below, the zoning districts and land use classifications will remain in conformance with the LUP as modified.

**SUGGESTED MODIFICATION 3:** The “Maximum Density” standards of the RS: Residential Single Family zone district standards listed in Section 313-6.1 of the Coastal Zoning Regulations shall be amended as follows:

<i>Maximum Density</i>	<i>Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit, <b>or as designated in Note 1 below for APN 517-121-010 in the Big Lagoon area.</b> In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.</i>
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**“Note 1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations, the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”**

Therefore, the Commission finds the County’s Implementation Program, as modified, conforms with and is adequate to carry out the requirements of the certified Land Use Plan as amended, consistent with Section 30513 of the Coastal Act.

#### **IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA. Instead, the CEQA responsibilities are assigned to the Coastal



Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

The County's LCP Amendment consists of a Land Use Plan amendment (LUP) and an Implementation Plan (IP) amendment. The Commission incorporates its findings on Coastal Act and land use plan conformity into this CEQA finding as it is set forth in full. As discussed herein, the LUP amendment as originally submitted cannot be found to be consistent with the Coastal Act. The Implementation Plan amendment as originally submitted does not conform with and is not adequate to carry out the policies of the certified LUP. The Commission, therefore, has suggested modifications to bring the Land Use Plan into full conformance with the Coastal Act and the Implementation Plan amendment into full conformance with the certified Land Use Plan. As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

The Commission finds that the Local Coastal Program Amendment, as modified, will not result in significant unmitigated adverse environmental impacts under the meaning of the CEQA. Further, future individual projects would require coastal development permits, issued by the County, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.



**APPENDIX A  
SUBSTANTIVE FILE DOCUMENTS**

- Application File for LCP Amendment No. LCP-1-HUM-15-0011-2 (County of Humboldt).  
Baldwin, Blomstrom, Wilkinson and Associates, Inc. May 5, 2014. 1 p. letter signed by G. Blomstrom (RPF 1877).
- Busch Geotechnical Consultants. 2006. "Recommended Setback for a Bluff-top Home Based on Erosion-Rate and Factor-of-Safety Considerations, 254 Roundhouse Creek Road, Big Lagoon Park Subdivision, Humboldt County, California [Lot 18, Melvin, APN 517-251-018]." 27 pp. unpublished report signed by B. Whitney, M. Woodward and R.E. Busch, Jr., Ph.D. (CEG 1448).
- California Coastal Commission. August 12, 2015. *Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits*.
- California Coastal Records Project: <http://www.californiacoastline.org/>
- California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDDB). *RareFind* (Version 5, government subscription). Accessed on July 31, 2015.
- California Emergency Management Agency, California Geological Survey, and University of Southern California. June 1, 2009. "Tsunami Inundation Map for Emergency Planning." Rodgers Peak Quadrangle/Trinidad Quadrangle. State of California, County of Humboldt.
- California Forest Practice Rules 2015:  
[http://bofdata.fire.ca.gov/regulations/ca\\_forest\\_practice\\_rules\\_other\\_title\\_14\\_codes/california\\_forest\\_practice\\_rules/2015\\_fp\\_rulebook\\_with\\_tra\\_no\\_1\\_final.pdf](http://bofdata.fire.ca.gov/regulations/ca_forest_practice_rules_other_title_14_codes/california_forest_practice_rules/2015_fp_rulebook_with_tra_no_1_final.pdf)
- CDP File Nos. 1-84-222 (Big Lagoon Park Co.), 1-85-130 (Haddock), 1-98-075 (Wall), 1-99-066-W (Kavich), 1-03-028 (Rohner), and 1-12-023 (Winget)
- Coastal Data Management System File No. 1-HUM-00-393 (Humboldt County CDP File No. CDP-00-28).
- County of Humboldt. July 6, 2004. "Mitigated Negative Declaration for Big Lagoon Park Company, Inc." County of Humboldt Local Coastal Program
- LACO Assoc. May 2001. "R-2 Geologic/Soils Report, Proposed Relocation Sites for Existing Residential Buildings, APN 517-121-10." 10 pp report + figures and attachments, signed by G.L. Manhart (PG 7169) and D.N. Lindberg (CEG 1895).
- LACO Assoc. December 16, 2011. "Geotechnical Report, New Single Family Residence, 254 Roundhouse Creek Road, Big Lagoon, California." 12 pp. geotechnical report signed by G.A. Vadurro (PG 7437).
- LACO Assoc. November 19, 2012. "Request for Information, Coastal Development Permit Application 1-12-023, Assessor's Parcel Number 517-251-018." 2 pp. letter signed by B. Dussell (CEG 2555).
- NRM Corp. June 24, 2010. "Biological Reconnaissance at Big Lagoon Cabins Site." 3 pp. letter signed by J. Meyer, Environmental Services Director.
- NRM Corp. May 13, 2014. "Extent of Riparian Vegetation on Roundhouse Creek." 1 p. letter signed by Prairie Moore, Environmental Services Director
- SHN Consulting Engineers and Geologists. April 27, 2001. "Feasibility Study for Sewage Disposal Systems, Big Lagoon Park, Big Lagoon, CA; APN 517-121-10." 2 pp. letter plus enclosures, signed by G. Williston, Laboratory Manager.
- Tuttle, D.C. 1981. "Investigation and methods for determining coastal bluff erosion, historical section." Unpublished Sea Grant Report. 161 pp.



**ATTACHMENT 3**

**COASTAL COMMISSION LETTER DATED SEPTEMBER 11, 2015**



## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET • SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FAX (707) 826-8960



September 11, 2015



Michelle Nielsen  
Humboldt County Planning Division  
3015 H Street  
Eureka, CA 95501

RE: LCP amendment LCP-1-HUM-15-0011-2 (Big Lagoon Park Company)

Dear Michelle:

The purpose of this letter is to formally notify you of the Coastal Commission's action on the LCP amendment that reconfigures the Land Use Plan and Zoning Designations of APN 517-121-010 in the Big Lagoon area. By a series of unanimous votes, the Commission: (1) rejected the amendment to the LUP as submitted; (2) approved the LUP amendment with two suggested modifications; (3) rejected the amendment to the IP as submitted; and (4) approved the IP amendment with one suggested modification. The modifications were detailed in the staff report addendum dated September 8, 2015, which made several substantive changes to the original staff report dated August 28, 2015. The resolutions of certification and the three modifications are listed in Attachment 1 to this letter.


Pursuant to Section 13544 of Title 14 of the California Code of Regulations, effective certification of the LCP amendment will occur after:

1. The County of Humboldt acknowledges receipt of the enclosed resolutions as adopted by the Commission, and within six months of the September 10, 2015 action through an adopted resolution:
  - A. accepts and agrees to the modifications that are suggested;
  - B. takes whatever formal action is necessary to implement the modifications; and
  - C. agrees to issue coastal development permits subject to the approved Local Coastal Program;
2. The Commission does not object to the Executive Director's determination that the resolution by the Board of Supervisors is legally adequate; and
3. That determination is filed with the Secretary of Resources by the Coastal Commission staff.

Alternatively, the County has the option to resubmit a different LCP amendment without the Suggested Modifications that would then be subject to future Commission review.

If we can provide any assistance in completing the final steps outlined above to achieve effective certification of the amendment, please don't hesitate to contact us.

Sincerely,



Melissa B. Kraemer  
Supervising Planner

Encl. Attachment 1: *Resolutions and Suggested Modifications*  
Cc: Don Tuttle, Big Lagoon Park Company



**ATTACHMENT 4**

**BOARD OF SUPERVISORS RESOLUTION NOS. 15-35 AND 15-36**



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-35

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE BIG LAGOON PARK COMPANY AMENDMENT OF THE HUMBOLDT COUNTY GENERAL PLAN AND LOCAL COASTAL PLAN (NORTH COAST AREA PLAN) IN THE BIG LAGOON AREA, CASE NUMBERS GPA-03-01 AND ZR-03-04, ASSESSOR PARCEL NUMBERS 517-121-010 AND 517-131-009, WHICH WILL BECOME EFFECTIVE UPON CERTIFICATION BY THE COASTAL COMMISSION**

**WHEREAS**, State law provides for local governments to amend their General Plans up to four (4) times per year; and

**WHEREAS**, on September 3, 2002, the Board of Supervisors approved a General Plan Petition to amend the North Coast Area Plan to reconfigure the boundary lines between Residential Estates and Coastal Commercial Timberland with a net shift of approximately 2.4 acres into Commercial Timberland, and to relocate the Urban Limit Line to run coincident with the new Residential Estates designated area to facilitate the relocation of fourteen cabins threatened by an unstable coastal bluff; and

**WHEREAS**, the applicant, Big Lagoon Park Company, Inc., submitted an application and evidence in support of approving the General Plan Amendment and Zone Reclassification, Planned Development Permit, and Coastal Development Permit; and

**WHEREAS**, the proposed General Plan Amendment and Zone Reclassification; that is, to reconfigure the boundaries between Residential Estates (RE) and Commercial Timberland (TC) and Residential Single Family (RS-X-D) and Commercial Timber (TC-D), add the Planned Unit Development combining zone to principal zone of Residential Single Family (RS-X-D-P), as well as to relocate the Urban Limit Line to run coincident with the new RE designated area, may be approved if it can be found that: (1) The physical conditions have changed; (2) The proposed change is in the public interest; (3) The proposed change is consistent with the General Plan; and (4) The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

**WHEREAS**, the County Planning Division reviewed evidence about the submitted application and evidence and referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the project is subject to environmental review pursuant to of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the County Planning Division, the lead agency, prepared a Mitigate Negative Declaration (State Clearinghouse No. 2004072056), which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15074; and



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-35

**WHEREAS**, Attachment C of Attachment 5 in the staff report to the Planning Commission includes evidence in support of making all of the required findings for approving the proposed General Plan Amendment, Zone Reclassification, Planned Development Permit, and Coastal Development Permit application for Case Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62; and

**WHEREAS**, the Planning Commission reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on August 19, 2004; and

**WHEREAS**, at their August 19, 2004 meeting, the Planning Commission recommended the Board make the necessary findings and approve the General Plan Amendment and Zone Reclassification by unanimously approving Resolution 04-78; and

**WHEREAS**, the Board of Supervisors reviewed and considered said reports and other written and spoken evidence and testimony presented to the Board of Supervisors during a public hearing on October 19, 2004; and

**WHEREAS**, at their October 19, 2004 meeting, the Board of Supervisors adopted the Mitigate Negative Declaration, and found there was no substantial evidence that the proposed project will have a significant effect on the environment; and

**WHEREAS**, at their October 19, 2004, the Board of Supervisors made the findings for Case Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62 based on the submitted evidence, and the proposed General Plan Amendment, Zone Reclassification, Planned Development Permit, and Coastal Development Permit were approved unanimously by Resolution 04-87 thereby amending the General Plan-North Coast Area Plan, and tentatively amending Section 311-7 Humboldt County Code; and

**WHEREAS**, on December 13, 2007, in accordance with Resolution 04-87 and the California Coastal Act, the Planning Division transmitted the Big Lagoon Park Company Inc.'s General Plan Amendment and Zone Reclassification application, along with many others in a consolidated single application, to the California Coastal Commission for certification as it is an amendment to the Local Coastal Plan's North Coast Area Plan and implementing zoning maps; and

**WHEREAS**, the California Coastal Commission by letters dated December 24, 2007 and February 11, 2008, provided comments and requested additional information on individual projects, the Big Lagoon Park Company, Inc. General Plan Amendment and Zone Reclassification being one such project; for the Big Lagoon Park Company Inc.'s application, said letters specified that the following items be addressed in supplemental information and in the revised transmittal resolution:

1. Information concerning timber capability, geological safety, and further biological assessment; and
2. That the Board of Supervisor's action to amend to Section 311-7 Humboldt County Code clearly

Page 2 of 5



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-35

- state the effective date of that action upon certification by Coastal Commission; and
3. Include the shift of the Urban Limit Line to run coincident with the new Residential Estates designated area on the parcel.

**WHEREAS**, because more than six months had passed since the last public hearing, on February 6, 2014, the California Coastal Commission returned the Local Coastal Plan Amendment application number HUM-MAJ-1-07, submitted on December 13, 2007, and that the Big Lagoon Park Company Inc.'s application was a component of application number HUM-MAJ-1-07; and

**WHEREAS**, between June 2010 and October 2014, the applicant, Big Lagoon Park Company, Inc., submitted supplemental information and evidence to the County Planning Division addressing the concerns identified in the Coastal Commission's letters dated December 24, 2007 and February 11, 2008; and

**WHEREAS** this supplemental information demonstrates there have been no substantive changes to the application for the General Plan Amendment and Zone Reclassification, Case Numbers; GPA-03-01 and ZR-03-04 to facilitate the relocation of fourteen cabins threatened by bluff erosion; and

**WHEREAS**, this supplemental information does not show that any of the three conditions described in Section 15162 of the CEQA Guidelines that require the preparation a subsequent Mitigate Negative Declaration have occurred; and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the previously adopted Mitigated Negative Declaration (State Clearinghouse No. 2004072056), in Attachment 5 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and

**WHEREAS**, Attachments 1, 2, 3, and 5, hereby incorporated by reference, includes evidence in support of making all of the required findings described below in the attached Findings for Approval, Exhibit A, which is incorporated herein, for approving the proposed General Plan Amendment and Zone Reclassification Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62; 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 August 19, 2004; and

**WHEREAS**, the Board of Supervisors reviewed and considered all the information considered by the Humboldt County Board of Supervisors for the project, including the public testimony received on the project during the public hearing on October 19, 2004; and



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-35

**WHEREAS**, the Board of Supervisors conducted a public hearing on March 17, 2015 to consider the proposed Addendum to the previously adopted Mitigate Negative Declaration in Attachment 5 and proposed project.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors, based on Planning and Building Department – Planning Division staff reports, supplemental reports, testimony presented at the public hearing, and having considered the recommendation of the Planning Commission, that:

1. The Board of Supervisors approves the proposed Addendum to a previously approved Mitigated Negative Declaration in Attachment 5 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. The Board of Supervisors makes all the required findings described below in the attached Findings for Approval, Exhibit A, based on the described evidence found in Attachments 1, 2, 3, and 5, and finds that the proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act, and further finds that the Local Coastal Program Amendments will be carried out in accordance with the Coastal Act.
3. The Board of Supervisors approves the amendment to the Humboldt County Local Coastal Program- North Coast Area Plan, as recommended by the Planning Commission, for the subject property in the Big Lagoon area by: 1) reconfiguring the boundary line between Residential Estates and Coastal Commercial Timberland to follow the existing vegetation on the site such that the cleared area in the middle of the property is designated Residential Estates (RE), and the surrounding forested area is designated Coastal Commercial Timberland (TC), resulting in a net shift of approximately 2.4 acres from Residential Estates to Coastal Commercial Timberland as detailed in Attachments 1 and 5 in the Supplementary Staff Report, Board of Supervisors Staff Report, and Planning Commission Staff Report for Case Nos. GPA-03-01 and ZR-03-04, and 2) adjusting the Urban Limit Line in the Humboldt County Local Coastal Program-North Coast Area Plan, Big Lagoon area, to run coincident with the new Residential Estates designated area on the subject parcel. These changes will become effective upon certification of the amendment by the Coastal Commission.
4. The Board of Supervisors adopts Ordinance No. 2528 amending Section 311-7 of the Humboldt County Code to rezone property in the Big Lagoon area to reconfigure the boundaries between Residential Single Family (RS-X-D) and Commercial Timber (TC-D), and add the Planned Unit Development combining zone to principal zone of Residential Single Family (RS-X-D-P), in conformance with the mapping prepared for ZR-03-04 (Big Lagoon Park Company, Inc.), which will become effective upon certification by the Coastal Commission.
5. The Board of Supervisors directs staff to submit the Local Coastal Program and Implementation Plan amendments to the Coastal Commission for certification.
6. The Board of Supervisors directs that modifications to the Local Coastal Program and Implementation Plan amendments required by the Coastal Commission for certification shall be brought back to the Board of Supervisors for consideration at a future public hearing.



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RESOLUTION NO. 15-35

7. The Board of Supervisors directs that Current Planning Division Staff prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.
8. The Board of Supervisors directs the Clerk of the Board to give notice of the decision to the applicant, the County Assessor's Office and any other interested party.
9. The Board of Supervisors directs the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

Dated: March 17, 2015



ESTELLE FENNELL, Chair  
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Lovelace, seconded by Supervisor Sundberg, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Fennell, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA )  
County of Humboldt )

I, KATHY HAYES, Clerk of the Board of Supervisors, 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-entitled 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.

  
By ANA HARTWELL

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



# BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on March 17, 2015

## Exhibit A

### Findings of Approval

#### Required Findings for General Plan Amendments

The General Plan of Humboldt County is a dynamic document that can be modified to reflect changing social, economic or environmental conditions, or changes in state law. These changes include changing property from one plan designation or zone to another. Per Section 1452.2, *Findings Required*, of the Framework Plan, an amendment may be approved:

1. Upon making any of the following findings:
  - a) Base information or physical conditions have changed; or
  - b) Community values and assumptions have changed; or
  - c) There is an error in the plan; or
  - d) To maintain established uses otherwise consistent with a comprehensive view of the plan.

#### Required Findings for General Plan Amendments/Zone Reclassifications

State Planning and Zoning Law (Government Code Section 65000 et seq.), Section 1452.2 of the Framework Plan, and Section 312-50 of the Humboldt County Code (HCC) states the following findings must be made to approve changes in the Zoning Maps and Regulations:

2. The proposed amendment is in the public interest;
3. The proposed amendment is consistent with the General Plan;
4. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

#### Required Findings for Consistency with the Coastal Act

Title 14, Section 13551 of the Coastal Commission's Administrative Regulations, Public Resources Code, Section 30200, and Section 312-50.3.3 HCC requires proposed amendments to conform to the policies contained in Chapter 3 of the Coastal Act, which sets forth policies regarding the following issues:

5. Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).
6. Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aqua-cultural uses, and priority of development purposes).
7. Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control).
8. Land Resources (including protection of environmentally sensitive habitats, agricultural lands, timberlands, and archaeological or paleontological resources)
9. 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)



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-36

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT  
MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND DIRECTING PLANNING STAFF  
TO SUBMIT TO THE CALIFORNIA COASTAL COMMISSION THE PROPOSED BIG  
LAGOON PARK COMPANY, INC. AMENDMENT TO THE LOCAL COASTAL PROGRAM  
FOR REVIEW AND CERTIFICATION**

**WHEREAS**, on September 3, 2002, the Board of Supervisors approved a General Plan Petition to amend the North Coast Area Plan to reconfigure the boundary lines between Residential Estates and Coastal Commercial Timberland with a net shift of approximately 2.4 acres into Commercial Timberland, and to relocate the Urban Limit Line to run coincident with the new Residential Estates designated area to facilitate the relocation of fourteen cabins threatened by an unstable coastal bluff; and

**WHEREAS**, the County Planning Division reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the County Planning Division, the lead agency, prepared a Mitigated Negative Declaration (State Clearinghouse No. 2004072056), in Attachment 5 as required by Section 15074(b) of the CEQA Guidelines, and found that there is no substantial evidence that the proposed project will have a significant effect on the environment; and

**WHEREAS**, the County Planning Division prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the General Plan Amendment/Zone Reclassification/Planned Unit Development/Coastal Development Permit (Case Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62); and

**WHEREAS**, the Planning Commission reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

**WHEREAS**, on August 19, 2004, the Planning Commission adopted Resolution No. 04-78 recommending that the Board of Supervisors approve the General Plan Amendment and Zone Reclassification for the Big Lagoon Park Company, Inc. facilitate the relocation of fourteen cabins threatened by an unstable coastal bluff; and

**WHEREAS**, at their October 19, 2004 meeting, the Board of Supervisors adopted the Mitigated Negative Declaration, and found there was no substantial evidence that the proposed project will have a significant effect on the environment; and

**WHEREAS**, at their October 19, 2004, the Board of Supervisors made the findings for Case Nos.: GPA-03-01/ZR-03-04/PDP-03-01/CDP-03-62 based on the submitted evidence, and the proposed General Plan Amendment, Zone Reclassification, Planned Development Permit, and Coastal Development Permit were approved unanimously by Resolution 04-87 thereby amending the General



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Plan-North Coast Area Plan, and tentatively amending Section 311-7 Humboldt County Code subject to California Coastal Commission review and approval, and approved a resolution of submittal to the California Coastal Commission; and

**WHEREAS**, the California Coastal Commission by letters dated December 24, 2007 and February 11, 2008, provided comments and requested additional information on individual projects, the Big Lagoon Park Company, Inc. General Plan Amendment and Zone Reclassification being one such project; for the Big Lagoon Park Company Inc.'s application, said letters specified that the following items be addressed in supplemental information and in the revised transmittal resolution:

1. Information concerning timber capability, geological safety, and further biological assessment; and
2. That the Board of Supervisor's action to amend to Section 311-7 Humboldt County Code clearly state the effective date of that action upon certification by Coastal Commission; and
3. Include the shift of the Urban Limit Line to run coincident with the new Residential Estates designated area on the parcel.

**WHEREAS**, because more than six months had passed since the last public hearing, on February 6, 2014, the California Coastal Commission returned the Local Coastal Plan Amendment application number HUM-MAJ-1-07, submitted on December 13, 2007, and that the Big Lagoon Park Company Inc.'s application was a component of application number HUM-MAJ-1-07; and

**WHEREAS**, between June 2010 and October 2014, the applicant, Big Lagoon Park Company, Inc., submitted supplemental information and evidence to the County Planning Division addressing the concerns identified in the Coastal Commission's letters dated December 24, 2007 and February 11, 2008; and

**WHEREAS**, the Local Coastal Plan Amendment and proposed Zone Reclassification have been revised to incorporate the supplemental information requested by the California Coastal Commission.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the Humboldt County Board of Supervisors that the following findings regarding the Big Lagoon Park Company, Inc. amendment be hereby made:

1. The Plan amendment is in the public interest because reduces the exposure of people and property from the threat of episodic rapid-rate bluff erosion, and on-going and continuing hazard at this location.
2. As documented in the Mitigated Negative Declaration for the project, there is no substantial evidence that the proposed Plan amendment will have a significant effect on the environment.
3. The Plan amendment is in the public interest because it more accurately designates lands based on existing vegetation and uses, protects timberlands from conversion and addresses geologic hazards due to coastal bluff retreat.



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4. The Plan amendment is necessary because base information and physical conditions have changed; i.e. coastal bluff hazards have been identified since the North Coast Area Plan was completed.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the following findings regarding the Big Lagoon Park Company, Inc. Zone Reclassification be hereby made:

1. The Zone Reclassification is in the public interest because it more accurately designates lands based on existing vegetation and uses, protects timberlands from conversion and addresses geologic hazards due to coastal bluff retreat as amended.
2. The Zone Reclassification is consistent with the comprehensive view of the Plan in that it is consistent with policies that protect timberlands from conversion and policies that seek to minimize risk to development due to geologic hazards as amended.
3. Based on the evidence presented in the Mitigated Negative Declaration and the Addendum included in the staff report, there is no substantial evidence that the proposed project will have a significant effect on the environment.

**NOW THEREFORE BE IT RESOLVED** that this Board of Supervisors hereby finds that the proposed Local Coastal Plan Amendment and the proposed zoning ordinance amendment have been prepared in accordance with the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended, and is consistent with the provisions of said Act.

**BE IT FURTHER RESOLVED** that this Board of Supervisors hereby intends to carry out the Local Coastal Program in a manner fully consistent with the California Coastal Act.

**BE IT FURTHER RESOLVED** that this Board of Supervisors hereby provides notice to the California Coastal Commission and its staff that the proposed Local Coastal Plan Amendment and zoning ordinance amendments are adopted as amendments that will take effect upon Coastal Commission certification.

**BE IT FURTHER RESOLVED** that this Board of Supervisors hereby directs Planning staff to submit the approved coastal plan and zoning ordinance amendments to the California Coastal Commission for their review and certification.

Dated: March 17, 2015



ESTELLE FENNELL, Chair  
Humboldt County Board of Supervisors



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of March 17, 2015

RESOLUTION NO. 15-36

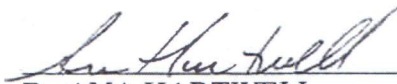
Adopted on motion by Supervisor Lovelace, seconded by Supervisor Sundberg, and the following vote:

AYES: Supervisors Sundberg, Lovelace, Fennell, Bohn, Bass  
NAYS: Supervisors --  
ABSENT: Supervisors --  
ABSTAIN: Supervisors --

STATE OF CALIFORNIA )  
County of Humboldt )

I, KATHY HAYES, Clerk of the Board of Supervisors, 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-entitled 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.



By ANA HARTWELL  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California



BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA  
Certified copy of portion of proceedings, Meeting of March 17, 2015

**ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY  
REZONING PROPERTY IN THE BIG LAGOON AREA [ZR-03-04 (BIG LAGOON PARK  
COMPANY, INC.)]**

**ORDINANCE NO. 2528**

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

**SECTION 1. ZONE AMENDMENT.** Division I of Title III of the Humboldt County Code (the Zoning Ordinance), Section 311-7 of the Humboldt County Code is hereby amended (Designation and Adoption of Zoning Maps) for the approximate 13-acre parcel, described in Exhibit B, by reconfiguring the existing boundary line between Residential Single Family with No Further Subdivision and Design Review combining zones (RS-X-D) and Commercial Timber with Design Review combining zone (TC-D) consistent with the General Plan Amendment (GPA-03-01). The zone boundary line is hereby reconfigured to follow the existing vegetation on site with the cleared area in the middle of the property to be zoned Residential Single Family with No Further Subdivision, Planned Unit Development and Design Review combining zones (RS-X-P-D). The surrounding forested area to be zoned Commercial Timber with a Design Review combining zone (TC-D). Said reconfiguration of the boundary line results in a net shift of approximately 2.4 acres from RS to TC. The property is shown on Humboldt County Zoning Maps E7 and E8 and on the map attached as Exhibit A.

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

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of March, 2015 on the following vote, to wit.

AYES: Supervisors Sundberg, Lovelace, Fennell, Bohn, Bass  
NOES: Supervisors --  
ABSENT: Supervisors --



ESTELLE FENNELL, Chair  
Board of Supervisors of the County of Humboldt,  
State of California

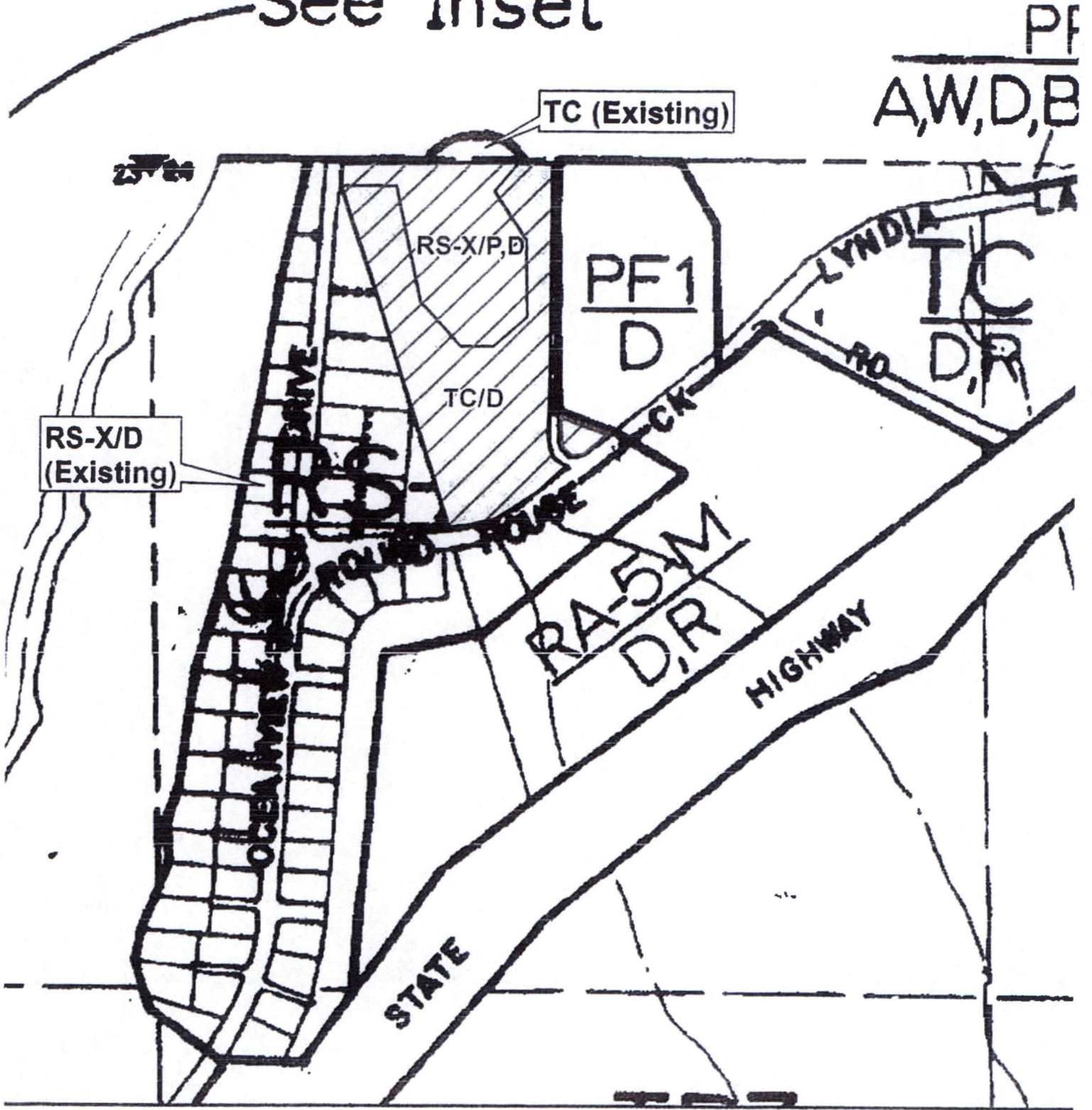
(SEAL)

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

By:   
Ana Hartwell, Deputy



EXHIBIT A  
See Inset



PROPOSED ZONING DESIGNATIONS  
BIG LAGOON PARK COMPANY, INC.  
GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION &  
COASTAL DEVELOPMENT PERMIT  
BIG LAGOON AREA

GPA-03-01/ZR-03-04/CDP-06-62  
APN: 517-121-010

Subject Parcel = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



## EXHIBIT B

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

All that portion of the Northwest Quarter of the Northwest Quarter of Section 24, Township 9 North, Range 1 West, lying East of the East line of Tract 22 – Big Lagoon Park Subdivision Block A filed August 28, 1962 in Book 14 of Maps, Pages 24, 25 and 26, Humboldt County Records;

lying West of the West line of that parcel of land described in the Deed to the County of Humboldt on November 4, 1965 in Book 859, Pages 41 and 47, Humboldt County Official Records;

and North of the South line of that parcel of land described in the Deed to the State of California on June 11, 1928 in Book 203 of Deeds, at Page 398, Humboldt County Records.







**ATTACHMENT 5**

**RESOLUTION NO. 15-117**



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of November 10, 2015

RESOLUTION NO. 15-117

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT  
ACKNOWLEDGING OF THE COASTAL COMMISSION ADOPTED RESOLUTIONS AND  
REFERRING THE SUGGESTED MODIFICATIONS TO THE PLANNING COMMISSION  
FOR REPORT AND RECOMMENDATION**

**WHEREAS**, on March 17, 2015, by Resolution No. 15-35, the Board of Supervisors approved a General Plan Amendment and Zone Reclassification to facilitate the relocation of fourteen cabins threatened by an unstable coastal bluff; and

**WHEREAS**, on March 17, 2015, by Resolution No. 15-36, the Board of Supervisors directed Planning staff to submit to the California Coastal Commission the proposed Big Lagoon Park Company, Inc. amendments to the Local Coastal Program and Implementation Program for certification; and

**WHEREAS**, on September 10, 2015, the California Coastal Commission adopted resolutions denying the amendment to the Local Coastal Program as submitted, and approved the Local Use Plan amendment with two Suggested Modifications, subject to the acceptance by the Humboldt County Board of Supervisors; and

**WHEREAS**, on September 10, 2015, the California Coastal Commission adopted a resolution denying the Implementation Program amendment as submitted, and approved the Implementation Program amendment with one Suggested Modification subject to acceptance by the Humboldt County Board of Supervisors; and

**WHEREAS**, on September 11, 2015, the California Coastal Commission sent the County a letter stating that additional actions are necessary before certification of the amendments to the Local Coastal Program and Implementation Program will occur; and

**WHEREAS**, by Resolution No. 15-35, the Board of Supervisors directed that modifications to the Local Coastal Program and Implementation Plan amendments required by the Coastal Commission for certification be brought back to the Board of Supervisors for consideration; and

**WHEREAS**, the three Suggested Modifications shown in the underlined text in Exhibit A of this Resolution are substantial modifications to the amendments approved by the Board of Supervisors by Resolution No. 15-35 and shall first be referred to the Planning Commission for report and recommendation in accordance with Government Code Sections 65356 and 65857; and

**WHEREAS**, pursuant to Government Code Sections 65356 and 65857, the Board may designate an alternate timeframe for the planning commission to report its recommendation to the Board of Supervisors.

**NOW, THEREFORE**, be it resolved that the Humboldt County Board of Supervisors:

1. Hereby acknowledges receipt of the Coastal Commission's resolutions adopted September 10, 2015 for the Big Lagoon Park Company, Inc. General Plan Amendment and Zone Reclassification Case Nos.: GPA-03-01 and ZR-03-04.

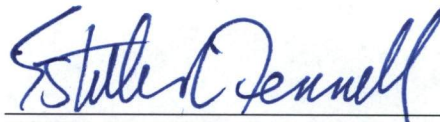


**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of November 10, 2015

RESOLUTION NO. 15-117

2. Requests that the Planning Commission review, report and make recommendations on the proposed Suggested Modifications to the Big Lagoon Park Company's General Plan Amendment and Zone Reclassification shown in the underlined text in Exhibit A of this Resolution, which is incorporated into this Resolution as if set forth fully herein.
3. Should the Planning Commission not report its recommendations to the Board of Supervisors on the three proposed Suggested Modifications shown in the underlined text in Exhibit A of this Resolution in forty (40) calendar days or less after reference, the Planning Commission's recommendation shall be deemed to be approval of the three proposed Suggested Modifications.
4. Directs Planning Division staff to facilitate Planning Commission review of the three proposed Suggested Modifications to the Big Lagoon Park Company's General Plan Amendment and Zone Reclassification in a timely manner.

Dated: November 10, 2015



ESTELLE FENNELL, Chair  
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Lovelace, seconded by Supervisor Sundberg, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Fennell, Bohn
NAYS:	Supervisors	--
ABSENT:	Supervisors	Bass
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA )  
County of Humboldt )

I, KATHY HAYES, Clerk of the Board of Supervisors, 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-entitled 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.



By ANA HARTWELL  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of November 10, 2015

RESOLUTION NO. 15-117

**EXHIBIT A**

**COASTAL COMMISSION SUGGESTED MODIFICATIONS  
ADOPTED SEPTEMBER 10, 2015**

Land Use Plan/North Coast Area Plan

**SUGGESTED MODIFICATION 1:** The “Gross Density” of the RE [Residential Estates] land use designation description within LUP Section 5.20 (Urban Plan Designation) shall be amended to read as follows:

...

Gross Density: 0-2 units per acre or as designated on Map 2A.

**SUGGESTED MODIFICATION 2:** Map 2A of the LUP shall be amended to depict (1) the reconfigured RE and TC land use designations as submitted, (2) the reconfigured urban limit line as submitted, and (3) the following notation applicable to the RE-designated area on the subject lot only:

“Notwithstanding the otherwise applicable density provisions of the Land Use Plan, the 4.8-acre area designated RE on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of November 10, 2015

RESOLUTION NO. 15-117

Implementation Plan/Coastal Zoning Regulations

**SUGGESTED MODIFICATION 3:** The “Maximum Density” standards of the RS: Residential Single Family zone district standards listed in Section 313-6.1 of the Coastal Zoning Regulations shall be amended as follows:

...

<b>Maximum Density</b>	Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit, or as <u>designated in Note 1 below for APN 517-121-010 in the Big Lagoon area.</u> In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.
------------------------	---

...

“Note 1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations, the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.”