

Attachment 1

**Resolution No. 17-78 approving Coastal Commission Interim Use LCP Amendment Modifications
and amending the Interim Use LCP Amendment**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of October 3, 2017

RESOLUTION NO. 17-78

A 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 AMENDMENTS TO THE INTERIM USE LOCAL COASTAL PROGRAM AMENDMENT; ACKNOWLEDGING RECEIPT OF, ACCEPTING, AGREEING TO AND APPROVING MODIFICATIONS A, B AND C (OR 1, 2 AND 3) AS ADOPTED BY THE CALIFORNIA COASTAL COMMISSION ON AUGUST 10, 2017; AMENDING THE HUMBOLDT COUNTY GENERAL PLAN/ COASTAL LAND USE PLAN (HUMBOLDT BAY AREA PLAN) CHAPTER 2 SECTION 2.30 CLARIFYING LOCAL COASTAL PROGRAM APPLICABILITY; DIRECTING PLANNING STAFF TO TRANSMIT THE AMENDED INTERIM USE LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION FOR REVIEW AND CERTIFICATION; AND CERTIFYING THE BOARD OF SUPERVISORS INTENDS TO CARRY OUT THE HUMBOLDT COUNTY LOCAL COASTAL PROGRAM IN A MANNER FULLY IN CONFORMITY WITH THE CALIFORNIA COASTAL ACT; CASE NUMBERS GPA-16-01 AND OR-16-01

WHEREAS, 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; and

WHEREAS, pursuant to Section 1452.2 of the Humboldt County Framework Plan, Section 312-50 of Humboldt County Code and the Coastal Act, amendments to the Humboldt County General Plan and Zoning Regulations may be approved if the amendments are in the public interest; base information or physical conditions have changed; to maintain established uses otherwise consistent with a comprehensive view of the plan; the proposed amendments are consistent with the General Plan; the amendments are in conformity with the policies of Chapter 3 of the Coastal Act; and the amendments do 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, on July 19, 2016, by Resolution No. 16-87, *A 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 Interim Use Local Coastal Program Amendment consisting of text amendments to the Humboldt County General Plan/Coastal Land Use Plan (Humboldt Bay Area Plan) adding Section 3.13.B.1.c. and amending Chapter 4, Section 4.10.A MC Industrial/Coastal-Dependent, and text amendments to the Coastal Zoning Regulations/Coastal Implementation Plan amending Title III, Division 1, Chapter 3, Section A, Part 1, Section 313-3.4 and Section B: Regulations in all or Several Zones; part 3: Development Standards Index, and adding Title III, Division 1, Chapter 3, Section B, Part 3, Section 313-104.1. et seq.; directing Planning staff to transmit the Interim Use Local Coastal Program Amendment to the California Coastal Commission for review and consideration; and certifying the Board of Supervisors intends to carry out the Humboldt County Local Coastal Program in a manner fully in conformity with the California Coastal Act; Case Numbers GPA-16-01 and OR-16-01*, hereby incorporated herein by reference, the Board of Supervisors approved an Amendment to the Humboldt Bay Area Plan to provide for noncoastal-dependent interim uses in the MC land use designation; and

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WHEREAS, on July 19, 2016 the Board of Supervisors adopted Ordinance No. 2555, *An Ordinance of the Board of Supervisors of the County of Humboldt Amending Title III, Division 1, Chapter 3, Section A, Part 1, Section 313-3.4 and Section B: Regulations in all or Several Zones, Part 3: Development Standards Index, of the Humboldt County Code/Coastal Implementation Plan; and adding Title III, Division 1, Chapter 3, Section B, Part 3, Section 313-104.1 et seq. to the Humboldt County Code/Coastal Implementation Plan; providing for Interim uses in the Industrial/Coastal-Dependent Zone*, hereby incorporated herein by reference, thereby amending the Humboldt County Coastal Zoning Regulations to provide for noncoastal-dependent interim uses in the MC zone district; and

WHEREAS, the Interim Use Local Coastal Program Amendment application was transmitted to the Coastal Commission and received on August 2, 2016 as LCP-1-HUM-16-0040-1, and deemed "submitted" on December 29, 2016; and

WHEREAS, on August 10, 2017 the California Coastal Commission adopted a resolution denying certification of LUP Amendment LCP-1-HUM-16-0040-1 as submitted by the County, and adopted a resolution certifying LUP Amendment LCP-1-HUM-16-0040-1 if it is modified as suggested by the Coastal Commission as provided by Suggested Modification A in Appendix B of the Coastal Commission staff report dated July 28, 2017; and

WHEREAS, on August 10, 2017 the California Coastal Commission adopted a resolution denying certification of IP Amendment LCP-1-HUM-16-0040-1 as submitted by the County, and adopted a resolution certifying IP Amendment LCP-1-HUM-16-0040-1 if it is modified as suggested by the Coastal Commission as provided by Suggested Modifications B and C in Appendix B of the Coastal Commission staff report dated July 28, 2017; and

WHEREAS, the Coastal Commission's certification is also contingent upon the Board of Supervisors' acknowledged receipt of resolutions adopted by the Coastal Commission on August 10, 2017, and acceptance of and agreement to the suggested modifications by February 6, 2018; and

WHEREAS, the Coastal Commission's certification is further contingent upon the Board of Supervisors agreeing to issue coastal development permits subject to the approved Local Coastal Program; and

WHEREAS, Resolution 16-87 directs that modifications to the Interim Use Local Coastal Program Amendment required by the Coastal Commission for certification shall first be brought back to the Board of Supervisors for consideration prior to certification by the Coastal Commission; and

WHEREAS, the Suggested Modifications may be approved if all of the required findings described below for approving amendments to the General Plan and Zoning Regulations in the attached Findings for Approval, Exhibit B, incorporated herein, can be made; and

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WHEREAS, the described evidence and analysis found in the staff reports and all attachments and addendums thereto dated June 2, 2016 for the Board of Supervisors July 5, 2016 meeting, July 12, 2016 for the Board of Supervisors July 19, 2016 meeting, and September 6, 2017 for the October 3, 2017 meeting, all incorporated herein by reference, and California Coastal Commission staff report and all attachments and addendums thereto dated July 28, 2017 and adopted findings for LCP-1-HUM-16-0040-1 (Interim Uses on Coastal Dependent Industrial Lands) dated August 11, 2017, incorporated herein by reference and identified as Attachment 4 to the Board of Supervisors report dated September 6, 2017, include evidence and analysis in support of making all of the required findings described below in the attached Findings for Approval, Exhibit B incorporated herein, for approving the proposed modifications to the Interim Use Local Coastal Program Amendment included in Exhibit A incorporated herein, and in Ordinance No. 2580 included as Attachment 2 to the Board of Supervisors board report dated August 25, 2017 and incorporated herein by reference, Case Numbers GPA-15-001 and OR-16-001, and Coastal Commission file LCP-1-HUM-16-0040-1; and

WHEREAS, Pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program; the County's action to adopt the Interim Use Local Coastal Program Amendment is statutorily exempt from CEQA. Further, the certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their certification process has been certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA; and

WHEREAS, this Resolution is intended to accept and implement the Coastal Commission's Suggested Modifications to the County's Interim Use Local Coastal Program Amendment.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors, based on Planning and Building Department – Planning Division staff reports and California Coastal Commission staff reports and all attachments thereto, supplemental reports, and testimony presented at public hearings, and having considered testimony from the Planning Commission, that:

1. Amending the Interim Use Local Program Amendment is exempt from CEQA pursuant to Sections 15250, 15251(f) and 15265 of the CEQA Guidelines.
2. The Board of Supervisors makes all the required findings described below in the attached Findings for Approval, Exhibit B, based on the described evidence and analysis found in the staff reports and all attachments thereto dated June 2, 2016 for the Board of Supervisors July 5, 2016 meeting, July 12, 2016 for the Board of Supervisors July 19, 2016 meeting, and September 6, 2017 for the October 3, 2017 meeting, and California Coastal Commission staff report and attachments thereto dated July 28, 2017 and adopted findings for LCP-1-HUM-16-0040-1 (Interim Uses on Coastal Dependent Industrial Lands) dated August 11, 2017 and finds that the proposed Interim Use Local Coastal Program Amendment, as amended, continues to conform to the policies contained in Chapter 3 of the Coastal Act, further finds that the Interim Use Local Coastal Program Amendment will be carried out in accordance with the Coastal Act, and agrees to issue coastal development permits subject to the approved Local Coastal Program.

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3. The Board of Supervisors acknowledges receipt of the resolutions adopted by the California Coastal Commission on August 10, 2017, as contained in Attachment 4 to the Board of Supervisors report dated August 21, 2017 and incorporated herein by reference, and accepts and agrees to Commission Suggested Modifications A, B and C (also listed as Suggested Modifications 1, 2 and 3 by the Coastal Commission) adopted by the Coastal Commission on August 10, 2017 as contained in said attachment.
4. The Board of Supervisors finds the Interim Use Local Coastal Program Amendment, as amended by Coastal Commission Suggested Modifications A, B and C (or 1, 2 and 3) and County staff corrections, remains in conformity with and appropriately carries out the policies of Humboldt County's Local Coastal Program, and certifies its intent to carry out the Local Coastal Program in a manner fully consistent with the California Coastal Act.
5. The Board of Supervisors approves the amendment to the Humboldt County Local Coastal Program- Humboldt Bay Area Plan amending Chapter 2 Section 2.30 as contained in Exhibit A attached herein, and finds the Interim Use Local Coastal Program Amendment, as amended, will become effective immediately upon its certification by the Coastal Commission.
6. The Board of Supervisors authorizes and hereby directs Planning staff to transmit the amended Interim Use Local Coastal Program Amendment to the California Coastal Commission for their review and certification.
7. The Board of Supervisors directs the Clerk of the Board to give notice of the decision to the County Assessor's Office and any other interested party.
8. The Board of Supervisors directs the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption by the Board, along with the names of those Supervisors voting for and against the ordinance, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance.

Dated: October 3, 2017



RYAN SUNDBERG, Vice-Chair
Humboldt County Board of Supervisors

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

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

STATE OF CALIFORNIA)
County of Humboldt)

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I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By BROOKE EBERHARDT

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

EXHIBIT A

California Coastal Commission suggested modification A as included in Appendix B of the Coastal Commission staff report dated July 28, 2017, is shown in double strikethrough for deletions, and double underlined for additions. Single strikethrough and underline indicated County staff correcting edits.

CHAPTER

2.30 POST CERTIFICATION ADMINISTRATION OF THE HUMBOLDT BAY PLAN

- A. Local administration of the plan ~~hinges upon a substantial number of unresolved issues. This critical section of the plan will be developed~~ may be further implemented jointly by the Coastal Commission and Humboldt County and added to this plan at a later date. ~~Unresolved issues~~ Further implementation measures include, but are not limited to:
1. Where the State Coastal Commission retains primary permit authority consistent with Coastal Act Section 30519 and 14 CCR 13576-13577;
 2. What areas in which the State Commission will hear appeals consistent with Coastal Act sSection 30603 and 14 CCR 13576-13577;
 3. Procedures for local notice and approval consistent with 14 CCR 13560-13574; and
 4. Procedures for how coastal zone boundary determinations will be made consistent with 14 CCR 13255-13259.
- B. In those areas where the California Coastal Commission retains coastal development permit authority on submerged lands, tidelands, and public trust lands (Public Resources Code Section 30519), the standard of review for proposed development is the Chapter 3 policies of the California Coastal Act. The provisions of this plan do not govern the review and approval of coastal development permits within the Commission's retained jurisdiction. The Local Coastal Plan may be used as guidance.

Exhibit B

Findings of Approval

A. 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. Per State Planning and Zoning Law (Government Code Section 65000 et seq.) and the Framework Plan, Section 1452.2, *Findings Required*, a general plan amendment may be approved upon making the following findings:

- 1.a The amendment is in the public interest, and one or more of the following findings:
- 2.a. Base information or physical conditions have changed; or
- 2.b. Community values and assumptions have changed; or
- 2.c. There is an error in the plan; or
- 2.d. To maintain established uses otherwise consistent with a comprehensive view of the plan.

B. Required Findings for Amendments to the Zoning Maps and Regulations

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

3. The proposed amendment is in the public interest;
4. The proposed amendment is consistent with the General Plan;
5. If the proposed amendment requires a Local Coastal Plan Amendment, the amendment is in conformity with the policies of Chapter 3 of the Coastal Act;
6. The proposed 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.

A. 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:

7. Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).
8. Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquaculture uses, and priority of development purposes).
9. Marine Resources (including protecting biological productivity, preventing hazardous waste spills, diking, filling, dredging, fishing, revetments and breakwaters, and water supply and flood control).
10. Land Resources (including protection of environmentally sensitive habitats, agricultural lands, timberlands, and archaeological or paleontological resources).
11. 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).
12. Industrial Development (including location or expansion of coastal-dependent industrial facilities, Use and design of tanker facilities, oil and gas development, refineries or petrochemical facilities, thermal electric generating plants, offshore oil transportation and refining).