

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-6813
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

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Th11b

To: Commissioners and Interested Parties

From: Peter Douglas, Executive Director
Robert S. Merrill, North Coast District Manager

Date: September 30, 2010

Subject: **Humboldt County LCP Amendment No. HUM-MAJ-O1-08 (Samoa)**
Public Meeting of October 14, 2010 (Oceanside).

I. STAFF RECOMMENDATION

Staff recommends that the Commission deny certification of the County's proposed Land Use and Implementation Plan amendments as submitted, and approve certification if the amendment is revised in accordance with the suggested modifications described in this report. The appropriate Motions and Resolutions commence on Page 27. The summary of the staff's recommendation commences on Page 10.

II. STAFF NOTES

TIMING: The proposed LCP Amendment was submitted on April 23, 2008 and deemed incomplete on May 6, 2008. Supplemental information was submitted by the County on December 15, 2009, and the LCP Amendment was deemed complete on December 16, 2009. A public hearing was scheduled for January 15, 2010, but was postponed at the County's request on January 7, 2010. On March 11, 2010, the Commission extended the time for final action until March 16, 2011.

LOCATION: The site is located on the North Spit of the Samoa Peninsula, near Samoa Beach, northwest of Eureka and south of Arcata, in unincorporated Humboldt County. The Commission visited the site during the Eureka meeting, September 15, 2010.

DESCRIPTION: Humboldt County requests certification of a project-driven (Samoa Pacific Group LLC) amendment of the County's certified Local Coastal Program (LCP), primarily including changes to the Humboldt Bay Area Plan (HBAP) map and the County' zoning maps (Implementation Program) to redesignate and rezone mostly General Industrial lands for the

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purpose of allowing development of the Samoa Brownfield and the historic “company town” of Samoa. The proposed amendment would affect approximately 200 acres. The APNs affected are 401-031-38, 401-031-46, 401-031-55, 401-031-59, 401-031-65, 501-031-67, and 401-031-44. (See tables of Land Use Designation and Zoning changes by APN and acreage from County’s amendment submittal, below)

The subject lands were previously (prior to 2000) part of the Louisiana-Pacific/Simpson Samoa holdings associated with the Samoa pulp mill and industrial timber operations. Samoa Pacific Group LLC/Danco Development (owner/developer) purchased the lands in 2001. The most economically important component of the redesignated site would be a new 20-acre Business Park (retail permitted with a CUP) identified in the County’s 2005 redevelopment program EIR & estimated to produce over 1,000 new retail jobs at buildout. The Business Park boundary would include the Arcata Community Recycling Center’s existing Samoa Processing Facility (approx. 40,000 sq. ft. warehouse for sorting recyclables) which would become a legal, non-conforming use within the Business Park after redesignation of the parcel from General Industrial to BP.

Other proposed land uses within the Samoa town site include residential (about 400 residences and 45 apartments created through a combination of restored historic residential, and new low and medium density housing designed with Planned Unit Development combining zone flexibility); Commercial General - revitalized historic downtown Samoa (with prior soil and groundwater remediation at Lorenzo Shell Station area, if required), Commercial Recreation (including the historic Samoa Cookhouse that is currently being remodeled to include a second-floor hostel, the historic Victorian “manager’s residence” that may become a bed-and-breakfast inn, and lands that would contain 22 vacation rental units if necessary soil and groundwater contamination can be feasibly completed), Public Facilities (3 locations to provide a new on-site sewage treatment plant, secondary discharge fields, and an emergency response vehicle storage site downtown); and areas designated and zoned Natural Resources (where wetlands and non-wetland ESHA were delineated in 2003- 2004 studies). Various other combining zones are proposed; and the County proposes to place an Urban Limit Line around the portion of the interior town lands (a subset of the Samoa Pacific Group holdings) that would be developed with urban uses dependent upon on-site sewage treatment and other infrastructure features.

Although most of the subject lands proposed for active future development are located east of New Navy Base Road, the amendment would convert 1.5 acres of a larger Natural Resource Area within the dunes near Samoa Beach on the west side of New Navy Base Road from Natural Resources to Public Recreation for future use as a public tent camping site. The subject beach lands are undivided from lands within the town owned by Samoa Pacific Group. New Navy Base Road traverses but does not divide the subject lands.

The County’s request would also add countywide policies to the Humboldt Bay Area Plan requiring review of land divisions that would create three or more development sites subject to tsunami inundation hazard and imposition of certain notification and other requirements developed by the National Oceanographic and Atmospheric Agency (NOAA).

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The proposed amendment also includes urban land use designations for “ Business Park” and “Natural Resources” to be added to the Humboldt Bay Area Plan (zoning provisions are already included). Provisions for Samoa design review (including establishment of a design review committee) would be added to the coastal zoning regulations.

The North Coast Railroad Authority (NCRA) railroad tracks bisect the site and are located on lands owned in fee interest by the NCRA. The NCRA ownership interest is a linear, approximately 2.5-acre separate parcel that is approximately 30 feet wide.

The specific amendment the County of Humboldt (“County”) proposes to the County’s certified Local Coastal Program (LCP), including the Humboldt Bay Area Plan (the County’s certified Land Use Plan component) and the LUP Maps and the Coastal Zoning Regulations (the County’s certified Implementation Program component) and Coastal Zoning Maps are as follows: (See Exhibit 2).

1. Amend the Land Use Plan to add the following as Urban Land Use Designations: Business Park (MB), and Natural Resources (NR); and
2. Amend the Land Use Plan (Humboldt Bay Area Plan) to generally re-designate the affected lands as shown on the County’s proposed Land Use Plan Map for Samoa; and
3. Amend the Land Use Plan (Humboldt Bay Area Plan) to include a 138-acre portion of the subject Samoa area within the urban portion of the Urban Limit Line; and
4. Amend the Land Use Plan (Humboldt Bay Area Plan) to add countywide policies that would impose certain restrictions on subdivisions or development projects which could result in three or more additional dwelling units within an area subject to potential tsunami run-up conditions;
5. Amend the Implementation Plan (Humboldt County Coastal Zoning Regulations) to re-zone the affected lands as shown on the County’s proposed Samoa zoning map, establishing zoning through the map (general, not lot-line-specific) as the subject lands have not been surveyed for subdivision at this time, to include areas zoned for Residential Single Family (RS), Residential Multi-Family (RM), Commercial General (CG), Commercial Recreation (CR), Natural Resources (NR), Public Recreation (PR), and Public Facilities (PF). Various “combining zones” (which function similarly to zoning district overlays) are also proposed. As proposed by the County, specific new lot line boundaries would not be determined by the adoption and certification of the map.
6. Amend the Implementation Plan (Humboldt County Coastal Zoning Regulations) to establish a Samoa Design Review Committee and to add standards for protection of existing structures (referred to by the County as “Old Town Samoa”) and to add “Design Guidelines” for Old Town Samoa and for new development (referred to by the County as “Samoa New Town”) portions of the STMP.

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Two charts shown below were provided in the County's LCP amendment submittal to detail the proposed changes requested by LCP Amendment No. HUM-MAJ-01-08 (Exhibit 2). These lists reflect the County's submittal of December 15, 2009, but differ, in part, from the current information provided for these same Assessor's Parcel Areas comprising over 200 acres which appears on the County's Assessor Parcel Maps and GIS maps available on line through the Humboldt County Planning Department web page:

Land Use Designation and Zoning Changes Proposed:

Parcel	Existing		Proposed	
	Land Use	Acres	Land Use	Acres
<i>West of RR ROW</i> 401-031-46 (por.) 401-031-59 (por.) 401-031-60	General Industrial (MG)	131.6	Residential	
			RL	53.3
			RM	3.5
			Business Park - MB	19.2
			Commercial General - CG	4.56
			Recreation/Conservation	
			Commercial Recreation - CR	4.74
Natural Resources - NR	34.9			
Public Recreation - PR	2.9			
Public Facilities - PF	8.5			
<i>East of RR ROW</i> 401-031-38 401-031-46 (por.) 401-031-55 401-031-59 (por.)	Industrial Coastal Dependent	40.1	Residential - RM	0.0
			Coastal Dependent Industrial MC (to remain)	33.5
			Commercial Recreation - CR	4.96
			Commercial General - CG	.04
			Public Facility - PF	1.6
TOTAL		171.7		171.7
<i>West of New Navy Base Road</i> 401-031-44	Natural Resources (NR)	27.7	NR Public Recreation	26.2 1.5

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Zoning				
Parcel	Existing		Proposed	
	Zoning	Acres	Zoning	Acres
<i>West of RR ROW</i> 401-031-46 (por.) 401-031-46 (por.) 401-031-59 (por.) 401-031-60	Industrial General (MG)	131.6	Residential	
			Residential Single Family - RS/D,P	44.5
			Residential Single Family - RS/D,P,V	8.8
			Residential Multi-Family - RM/D/P	3.5
			Business Park - MB/D	19.2
			Commercial General - CG/D	4.56
			Recreation/Conservation	
			Commercial Recreation - CR/D	4.74
Natural Resources - NR/W	34.9			
Public Recreation - PR/D	2.9			
Public Facilities - PF/D	8.5			
<i>East of RR ROW</i> 401-031-38 401-031-46 (por.) 401-031-55 401-031-59 (por.)	Industrial Coastal Dependent/Arch aeological Resource Area (MC/A)	40.1	Residential Multi-Family - RM/A,D,P	0.0
			Coastal Dependent Industrial MC/A (to remain)	33.5
			Commercial Recreation - CR/A,D	4.96
			Commercial General - CG/A,D	0.04
			Public Facilities - PF/A,D	1.6
TOTAL		171.7		171.7
<i>West of New Navy Base Road</i> 401-031-44	Natural Resources/ Wetlands, Beach and Dunes (NR/B,W)	27.7	NR/B,W	26.2
			Public Recreation/B,W	1.5

FOR MORE INFORMATION OR TO SUBMIT COMMENTS: Contact the North Coast District Office Manager, Linda Thomas, at (707) 445-7833, or write to Ms. Thomas at the letterhead address. Do not send correspondence or comments via facsimile or e-mail unless specific arrangements have been made in advance with staff.

ADDENDUM:

This staff report does not contain the complete findings for approval of the LCP amendment. Due to the complexity of the LCP amendment and limited staff resources, staff was unable to complete the findings prior to the mailing of the staff report. Staff will present the remaining portion of the recommended findings for approval of the project as part of the addendum prior to the Commission meeting. The summary of the staff recommendation in this report reflects the basis for certification with suggested modifications contained in the existing findings in this staff report and the findings that will be included in the addendum.

EXHIBITS: To save paper and photocopying expenses, all of the staff report exhibits are provided digitally. Exhibit 1A is the only exhibit that is also attached physically to this staff report. The Commission will receive the exhibits on the e-packet compact disc containing the agenda packet. The exhibits are also available for review on-line at the Commission's website by following the links under "Exhibits" on the on-line version of the staff report. Exhibits from the previous staff report dated December 22, 2009 for the agenda item F11a on the

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Commission's January 2010 agenda, are incorporated into this staff report, and referenced by the same numbers (Exhibit 1, 2, etc.).

New exhibits attached to this staff report are numbered Exhibit 1A, 1B, etc. to distinguish the two sets of exhibits. Readers who do not have internet access but would like to review colored copies of any of the exhibits should contact the Commission's North Coast District Office.

Internet Sources of Pertinent Information and Aerial Images of the Site:

Aerial Photograph Collection of Coastal Records Project:

California Coastal Records Project:

- <http://www.californiacoastline.org/>

Aerial photographs specifically of the subject Samoa site, courtesy of the Coastal Records Project, copyrighted & provided by Kenneth and Gabrielle Adelmanz:

- <http://www.californiacoastline.org/cgi-bin/image.cgi?image=200901329&mode=sequential&flags=0&year=2009>

The original "Master Plan for Samoa" prepared in 2002 is available via Humboldt County's Planning Department resource site:

- http://co.humboldt.ca.us/planning/planning_library/samoa_plan.pdf

Sea Level Rise, State of California website:

- CalAdapt: <http://www.climatechange.ca.gov/visualization/sealevel.html>.

The Humboldt State University Earthquake Education Center website:

- http://www.humboldt.edu/geology/earthquakes/eqk_info.html

The Humboldt State University Tsunami Hazard Map for Humboldt Bay Area:

- http://www.humboldt.edu/geology/earthquakes/rctwg/assets/eureka_web.gif

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IV. LIST OF EXHIBITS

For Exhibits 1 – 16 and Attachments A-I listed below, see:

<http://documents.coastal.ca.gov/reports/2010/1/F11a-1-2010.pdf>

- Exhibit 1. Area Map of Samoa, including Humboldt Bay, Eureka & Arcata.
- Exhibit 2. Humboldt County LCP Amendment Request HUM-MAJ-01-08, revised – Board of Supervisors, October 27, 2009, submitted December 15, 2009. Includes revised Land Use Plan and Zoning Maps, and a Map of the Urban Limit Line. (color version on Commission’s website) 88 pages.
- Exhibit 3. Previous Land Use Plan and Coastal Zoning map components of LCP Amendment Request HUM-MAJ-01-08, submitted April 23, 2008, replaced by County Board of Supervisors as reflected by maps contained in Exhibit 2. (color version on Commission’s website)
- Exhibit 4. Design Guidelines for Samoa, California areas subject to LCP Amendment Request HUM-MAJ-01-08, pursuant to the modifications suggested by the Coastal Commission for certification of LCP Amendment Request HUM-MAJ-01-08. (color version on Commission’s website)
- Exhibit 5. Department of Commerce, National Oceanic & Atmospheric Administration, National Weather Service (NWS) Instruction 10-1802, dated October 6, 2004, “Operations and Services, Stormready and Tsunamiready Recognition Programs.”
- Exhibit 6. Tsunami Hazard Map dated July 28, 2004, Humboldt State University, illustrating tsunami inundation relative hazard areas (including areas relevant to the review of such hazards pursuant to the requirements of the Humboldt Bay Area Plan).
Colored version available through the HSU Humboldt Earthquake Education Center website:
http://www.humboldt.edu/~geology/earthquakes/eqk_info.html
- Exhibit 7. “Samoa Town Master Plan Biological Resources Study,” prepared by Mad River Biologists, dated December 2004. Prepared for County of Humboldt Community Development Services Dept. & Samoa Pacific Group, submitted to Planwest Partners.
- Exhibit 8. “Botanical Survey for Samoa Town Master Plan Coastal Access and Visitor Use Area” prepared by Mad River Biologists, dated August 26, 2009. Prepared for Samoa Pacific Group and Planwest Partners. (colored version scanned for website staff report)
- Exhibit 9. “Samoa Town Master Plan Coastal Access and Visitor Use Area Map” showing approximate location of the Tent Camping Site proposed in LCP Amendment HUM-MAJ-01-08 and sensitive habitat areas, July 16, 2007.
(color version scanned for website staff report)
- Exhibit 10. Regional Water Quality Control Board “Concurrence with Revised Removal Action Workplan for Lead in Soil – Samoa Peninsula Brownfield” dated August 28, 2009 and received September 1, 2009 by the Coastal Commission, signed by Kasey Ashley , P.G., Senior Engineering Geologist, copy only to Commission, pertaining to the July 24, 2009 “Revised Removal Action Workplan-Samoa Peninsula Brownfield” prepared by Winzler & Kelly for Mr. Sean Armstrong, Danco Construction.

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Exhibit 11. “REVISED REMOVAL ACTION WORKPLAN FOR LEAD IN SOIL SAMOA PENINSULA BROWNFIELD,SAMOA, HUMBOLDT COUNTY, CALIFORNIA, NCRWQCB CASE No. 1NHU890, GLOBAL ID: SL0602323372” prepared by Winzler & Kelly for Mr. Sean Armstrong, Danco Construction, dated July 24, 2009.

Exhibit 12. Letter dated November 10, 2009 with attachments, from Kasey Ashley, Senior Engineering Geologist, Regional Water Quality Control Board, pertaining to the Board’s requirements for the Site Cleanup Process for the Samoa Peninsula Brownfield.

Exhibit 13. “THIRD PARTY REVIEW OF SAMOA TOWN MASTER PLAN TSUNAMI VULNERABILITY REPORT” prepared by Jose Borrero, Fredric Raichlen, Harry Yeh (undated). Copy submitted to the Coastal Commission by Humboldt County, March 8, 2007.

Exhibit 14. “Revised Tsunami Vulnerability Evaluation, Samoa Town Master Plan, Humboldt County, California” prepared by GeoEngineers for Samoa-Pacific Partnership, LLC, dated October 17, 2006.

Exhibit 15. “Certificate of Subdivision Compliance” with annotations, issued by Humboldt County Community Development Services on December 5, 2009 for 79 lots owned by Simpson Samoa Company. Recorded as 2000-25874-10 Humboldt County Recorder, December 7, 2000.

Exhibit 16. “Corridor Area” ESHA Map, for protection of wildlife corridor, including wetlands and non-wetland ESHA and connecting areas, including revisions of the proposed land use map, zoning map, and Urban Limit Line map, pursuant to the Coastal Commission’s suggested modifications for Humboldt County LCP Amendment Request No. HUM-MAJ-01-08.

Attachment 1, Sheets A-I. Map Package prepared and submitted by Samoa Pacific Group, LLC, color copied set.

- Exhibit 1A. STMP – MAP PARCELS
- Exhibit 2A. Approximate Boundary of Project Lands
- Exhibit 3A. APN, Certificate Lots & Deed Restricted Areas
- Exhibit 4A. Tent Camping Site, Proposed
- Exhibit 5A. Samoa Site Regional Setting
- Exhibit 6A. Samoa Site Aerial Photo (handout on Commission’s Sept. 15, 2010 site visit)
- Exhibit 7A. Samoa Site Contour Lines 5-ft. Contours
- Exhibit 8A. Comments Submitted by Humboldt County Staff March 2010
- Exhibit 9A. Correspondence from Samoa Pacific Group
- Exhibit 10A. Cascadia Subduction Zone Earthquake and Tsunami Risk
- Exhibit 11A. Rising Risk Estimates Cascadia Subduction Zone Earthquake Pacific Northwest

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Exhibit 12A Master Plan for Town of Samoa (July, 2002)

Exhibit 13A Temperature Trends Climate Change Models (Sea Level Rise Implications)

V. SUMMARY

The project-driven LCP amendment HUM-MAJ-01-08 proposed by Humboldt County is intended to facilitate redevelopment of vacant portions of the Samoa Brownfield and to provide land use and zoning consistent with the Samoa Pacific Group/Danco Development plans to subsequently subdivide into individual parcels and sell the existing historic “company town” residences to individual owners (the historic Samoa neighborhoods of former timber worker cottages are presently located on undivided lands and cannot be sold until redesignated, rezoned, and subdivided), among other mixed use components of the County’s requested amendment.

The owner/developer, Samoa Pacific Group/Danco Development acquired the Samoa lands in 2001. In July 2002, the first version of the “Samoa Town Master Plan” was prepared. In September 2002, the County initiated the pending LCP amendment and commenced the environmental review process under the California Environmental Quality Act. Planwest Partners was hired in March 2003 as the prime Environmental Impact Report preparer. Studies that formed the basis of the subsequent EIR commenced, and Brownfield assessment work under EPA grants continued. The “Phase II” investigations (soil and groundwater testing) progressed, and various remediation requirements were subsequently identified by the Regional Water Quality Control Board (RWQCB) in 2009 (final approval remains pending as of publication of this staff report).

In 2004, the County’s Redevelopment Agency secured funds to undertake a “Samoa Industrial Park Study” which resulted in the identification of the Samoa town site as a targeted Business Park redevelopment project. The Redevelopment Agency assessed the project’s economic potential in the County Redevelopment Plan Draft Program EIR in November 2005, concluding that the Business Park would warrant over \$10,000,000 in redevelopment funds and would produce at least 1,000 retail jobs.

The County subsequently prepared and circulated a series of environmental documents for the “Samoa Town Master Plan”, including: Draft Master Environmental Impact Report (MEIR) & Appendices (January 2006), Final MEIR for Draft MEIR (April 2006), Recirculation Draft 1 MEIR (May 2006), Recirculation Draft 2 MEIR (March 2007), Recirculation Draft 3 MEIR & Appendices (October 2007), and Final Master Environmental Impact Report (MEIR) (February 2008).

The Board of Supervisors authorized transmittal of the County’s LCP amendment request to the Commission for certification. The request was received April 23, 2008 and determined to be incomplete on May 6, 2008. Further studies to characterize the Brownfield contamination were completed in 2008 and 2009. The amendment request was revised by the Board in October, 2009), and the revised submittal to the Commission was deemed complete December 16, 2009. A public hearing was scheduled for January 2010 but was postponed at the County’s request. On

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March 11, 2010, the Commission extended the deadline for final action by the Commission to March 16, 2011.

The County and the developer/landowner, Samoa Pacific Group, LLC are currently seeking Regional Water Quality Control Board final review of plans to clean up areas of the site contaminated by former industrial use or by weathered lead paint that has built up in soils around historic structures. Final evidence of approval by the RWQCB will be available within a month, according to representatives of Samoa Pacific Group/Danco Development. Clean up of contaminated soil and groundwater left from an abandoned gas station in the historic town center (Lorenzo Shell Station) is under the separate review of the County Environmental Health Department.

The Samoa lands included in the amendment area contain the historic town structures (mostly built between 1892-1923). The townsite includes 99 original mill worker cottages, the Samoa Cookhouse, and other period structures such as the striking Victorian Hostelry (proposed to be a bed and breakfast inn). The town is situated in a scenic environment with coastal views to the Pacific Ocean and Humboldt Bay in some locations, as well as to a mile of beach and forest-covered sand dunes. The historic Samoa Cookhouse is a well known tourist attraction and the Hostelry and Samoa Block provide architectural links to the redwood lumber industry heritage of the town. The town itself, while aging, has an endearing quality to it with narrow streets, quaint neighborhoods, small, brightly painted vintage cottages, and a rugged landscape highlighted by tall, mature specimen trees. The existing character of Samoa is a combination of vintage, but declining “company town” and “Coastal Sea Town.” About half of the cottages are rented and the other half are in need of maintenance that limits occupancy. The location and design of proposed new features of the town site development will require careful planning and design to merge with and protect the special community character established by the present historic town features.

The site also includes approximately 55 acres of dunes & rare plant habitat, wetlands, coastal scrub and forests, numerous specimen trees planted during the town’s early days, and wildlife corridors. The substantial remaining coastal forest that borders the historic town location at the higher elevations on the northern end of the site, ties together habitat extending into the Peninsula School property next door, and also extends the native forest through closed canopy sections of non-native tree canopy which extend the habitat cover and attracts a substantial array of birds according to biological surveys prepared for the site.

Arcata Community Recycling Center at Samoa

A 2.5-acre parcel within the General Industrial lands was purchased by the Arcata Community Recycling Center. Thereafter, Danco Development constructed an approximately 40,000 square foot warehouse processing center on the ACRC site to house the Samoa Processing Facility – which resorts recyclables collected elsewhere and then ships the resorted materials. The Samoa Processing Facility operates with a conditional use permit. The parcel is now owned in fee interest by the ACRC as verified by Samoa Pacific Group/Danco Development on September 27, 2010. The County proposes to redesignate and rezone the General Industrial site to part of the

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20-acre Business Park. Upon effective certification of the County's amendment as proposed, the Samoa Processing Facility will become a legal, non-conforming use.

North Coast Journal article about the ACRC problems and the Samoa Processing Center, from June 2010 edition: (<http://www.northcoastjournal.com/news/2010/06/17/redemption-value/>)

The County's pending LCP amendment would redesignate and rezone the ACRC Samoa site from Industrial General to Business Park. The future use of the ACRC Samoa warehouse facilities under Business Park designation and zoning, if the present recycling use does not continue, is unclear. Principal permitted uses in General Industrial include light and general manufacturing, warehousing and wholesaling, research and development, which are consistent with the type of facilities constructed to house the Samoa Processing Center. One significant difference between the existing General Industrial and the proposed Business Park, is that retail uses are permitted with a CUP under Business Park, but not in General Industrial. Unless limited by some development standard or other provision that is not included within the County's proposed LCP amendment (but which Commission staff believes that the suggested modifications do supply), the ACRC facility could be considered for conversion to retail use as a downsized "regional retail" type of warehouse retail facility with a CUP, or to another use permitted within the Business Park designation and zoning. It should be noted that traditional "Big-Box" mega-retail development is shifting away from the giant superstore business model, to downscaled versions that can be accommodated in 10,000-to 40,000- square- foot structures, particularly where the shopping population is in the 30,000 range, as is the case in the Eureka/Arcata area of Humboldt County.

Business Park at Samoa: Future Potential Retail

Adding to the concern that regional or destination retail could arise in the Business Park proposed by the County, bringing with it increased traffic that is not consistent with the congestion and/or safety issues already significantly and adversely affecting key public coastal access routes such as Highway 101 through Eureka, Highway 101 between Eureka and Arcata, and State Route 255 between Samoa and Arcata, is the prospect of business park development including retail uses that generate more ingress/egress traffic than would otherwise be the case without destination retail at Samoa. The County's Redevelopment Plan Program Environmental Impact Report (draft) published in November 2005, prepared in tandem with the publication of the Samoa Town Master Plan Master EIR which was released a few months later, in 2006, and incorporated in full by reference in that document, contained evidence that substantial business park development at Samoa would produce significant retail jobs, but that it was not expected to add significant jobs in service or "other" categories. Figure 2F on page 54 of the County Redevelopment Draft EIR includes pertinent references. Table 2-2 of the Redevelopment EIR (page 41) indicates that buildout of the Samoa redevelopment project would add 1,032 retail jobs,

County deletes previous "Master Plan" for Samoa

During the course of the Commission staff review of the County's requested amendment, it was not clear how future development proposals would be required to conform with the development

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patterns shown, or include amenities such as trails and bikeways that were on the plans but unaccompanied by policies or implementing text provisions. Although the County's originally submitted Samoa Town Master Plan maps showed extensive detail concerning the layout of future development (such as lot boundaries, building envelopes, roads, trails, parking areas, bus stops, etc.), the County verified on request that as proposed, the development layouts and amenities such as pedestrian and bicycle paths shown on the maps could be changed to suit the developer's preferences in the future without being constrained by the specifics illustrated on the Samoa Town Master Plan maps, provided the designation and zoning were consistent with the proposal. The County and the developer/landowner clarified that the Samoa Town Master Plan maps were only intended to provide an illustration or approximation of one way that development might be accommodated within the Samoa lands. The County Board of Supervisors subsequently replaced these illustrative Samoa Town Master Plan land use plan and zoning maps with conventional land use plan and zoning maps (shown in Attachment 1), which were essentially the same maps as before, but without the master planning information. The County also did not provide supplemental policies or provisions that would specifically govern development within Samoa. Thus, the extensive suggested modifications that commence on Page X were initially drafted by staff in the staff report dated December 22, 2009, and substantially revised for this staff report to accommodate this lack of information and take into consideration both comments received since that time from County and Samoa Pacific Group/Danco Development as well as the standards of legal review for future development of the Samoa lands consistent with the requirements of the Coastal Act.

The records submitted by the County previously referred to the subject Samoa lands as being comprised of large parcels that were a relict of the lands being held in the ownership of one corporation at a time for over a hundred years (Vance, to Hammond Lumber, to Georgia Pacific, to Louisiana Pacific, to Simpson Timber/Simpson Samoa, and finally to Samoa Pacific Group LLC, the current owner). In light of the implications for the Commission's review of HUM-MAJ-1-108, staff requested that the County verify the extent of legal lots that would be subject to the proposed LCP amendment.

Specifically, Commission staff requested that the County verify that the assessor parcel numbers and map page copies that had been used to visually and textually describe the subject properties in the LCP amendment submittal were in fact the same as the location and limits of all legal lots comprising the lands subject to the pending LCP amendment. The information was essential to the determination that the LCP amendment request contained a legally complete and adequate project description of both the land use and the intensity of uses the proposed LCP amendment would affect. Without knowing the number, location, configuration and size of lots in relation to the coastal resources existing within the Samoa lands proposed for redesignation and rezoning, the Commission staff could not ascertain what effect the Commission's certification of the proposed LUP designations and zoning maps would have on land use. Thus, clarification was necessary.

The County staff and the landowner/developer responded in various answers provided to staff and acknowledged that as is generally known, assessor parcels do not necessarily represent legal parcels. The County staff indicated that the County issued Unconditional Certifications of Compliance for 79 "historic" Samoa lots on December 5, 2000 (Exhibit 15), however the County

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did not explain the basis for their issuance or why CDPs had not been obtained for the proposed land divisions. The certificate lots acknowledged by the County in 2000 were not settled as to lot legality and the development expectations that the LCP amendment might create for these lots had not been disclosed or analyzed. The proposed LCP amendment request thus did not adequately describe the number, size, and legal configuration of lots and intensity of uses it would affect.

Commission staff has not independently investigated the legality of any of the referenced lots sufficiently to verify the legality of the lots, which would require a substantial investment of time (for the landowner/developer as well). The County staff acknowledges that neither a chain-of-lot-creation nor a chain-of-title-transfer investigation or report has been prepared for the certificate lots. These documents would be necessary to undertake an adequate investigation of the legality of the certificate lots. The lot legality questions therefore cannot be resolved without extensive additional investigation of historic records.

The solution proposed by the suggested modifications

To address the emerging combination of the lot legality issues and the lack of necessary information without rejecting the submittal and sending it back to the County as part of the filing review of HUM-MAJ-01-08, the Commission staff developed a solution that is contained in the suggested modifications set forth in this staff report.

The modifications require the merger and subdivision of all lands affected by the Samoa LCP amendment. The lands would be merged and redivided into Master Area Parcels that could subsequently be further divided if accompanied by the supporting resource information at the CDP stage.

Without the suggested modification requiring a merger and redivision of all affected property into Master Area Parcels that could subsequently be further divided if accompanied by the supporting resource information, the potential would remain for the landowner/developer to seek approval of an intensity or location of development and uses unsupported by the size, legality, and configuration of the lots subject to the LCP amendment or the location of coastal resources on those lots.

The land use designations and zoning and accompanying text approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A. If all property within the STMP-LUP Overlay Area generally depicted on Exhibit 2A is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all property within the STMP-LUP Overlay Area generally depicted on Exhibit 2A is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A, the land use designations and zoning

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approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels generally depicted on Exhibit 1A. No remainder parcels may be created.

If a legal lot containing any APN generally depicted on Exhibit 2A and described as within the STMP-LUP Overlay Area straddles the STMP-LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

If the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective upon recordation of the Final Map for the Master Area Parcels generally depicted on Exhibit 1A, the Master Area Parcels can be further divided or otherwise developed if supporting information can be provided to demonstrate consistency with the requirements of the certified LCP.

This provision will resolve any concerns about lot legality before the land use designations and zoning even if previously certified by the Commission and suggested modifications accepted by the County would have force or effect. To the extent that issues are raised by the underlying legality of any of the property affected by the LCPA, merger and redivision in accordance with the STMP-MAP requirements resolves those concerns by extinguishing illegal lots and legalizing only the Master Area parcels authorized by the Commission on Exhibit 1A.

Staff Recommendation

Staff therefore recommends that the Commission adopt suggested modifications that require merger and redivision of the property affected by the amendment, define a Samoa Town Master Plan Land Use Plan Designation Overlay (abbreviated as: STMP-LUP) and an accompanying Samoa Town Master Plan Special Area Combining Zone (abbreviated as: STMP) within the Coastal Zoning Regulations and prepare numbered policies and zoning provisions to ensure that development of the Samoa lands is undertaken in a comprehensively planned manner, consistent with the resource protection policies of the Coastal Act.

Local Government Response to Staff Recommendation

After postponement of the public hearing on the LCP Amendment, the County staff submitted an alternative version of the suggested modifications the Commission staff had prepared in the December 22, 2009 staff report, in mid-March 2010, requesting that the new version be processed as an amendment of the County's pending LCP amendment request HUM-MAJ-01-08. The County staff did not submit any other comments. Because the amendment has already been filed, Commission staff advised the County staff of the need for action by the Board as well as other procedural requirements necessary to revise the amendment for a complete submittal (return to Board of Supervisors for action, withdrawal of the previous amendment, etc.). The County chose not to complete these requirements. Thereafter, as the Samoa Pacific Group/Danco Development requested a hearing be scheduled, the Commission staff confirmed

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with the County staff (August 2010) that the staff correspondence of March 2010 would be considered comments-only on the previous recommendation, in preparing a new staff report.

County and Samoa Pacific Group/Danco Development Main Concerns With Staff
Recommendation:

The main concerns with the original staff recommended suggested modifications raised by the County staff and the developer/landowner in the alternative modifications submitted by the County staff (Exhibit 8A) are outlined, and the Commission staff response summarized, below:

1. The County staff and the developer/landowner indicated that development options should be more flexible than required by the mandatory development phasing requirements and obligations previously incorporated into the suggested modifications recommended by Commission staff. The need to move the associated costs out and to accelerate the portions of the plans that would generate profits was cited, and the developer/landowner emphasized that without such changes, investor profit goals would not be met and the restoration of the historic “company town” might be abandoned altogether.
2. The County staff and the developer/landowner indicated that the front-end requirements for full Brownfield remediation prior to all other development in Samoa as previously required imposed excessively stringent requirements that would not match the anticipated cash-flow of the developer/landowner. They proposed instead that development be allowed to occur in some areas before cleanup is undertaken in others.
3. Lot mergers required as part of a required overall master subdivision (initially supported by the County staff), and to render moot the existing legal uncertainties surrounding specific parcel boundaries and certificate lots within the subject lands would, according to the developer/landowner, introduce too much uncertainty about the extent of future development that would result from the subsequent master subdivision process that was outlined in the previous recommendation. The extent of the certificate lots according to the landowner/developer is illustrated in Exhibit 3A, which was prepared by Samoa Pacific Group/Danco Development on request on September 28, 2010.
4. The County staff and the developer/landowner opposed the proposed in-lieu fee requirement drafted previously by Commission staff to address potential failure to construct visitor-serving accommodations.
5. The County staff and the developer/landowner requested the deletion of restrictions on retail sales within the proposed business park that that were previously recommended by Commission staff.
6. The County staff and the developer/landowner requested the deletion of the previous requirement included by Commission staff that the proposed new wastewater treatment plant be limited to use by development of the Samoa lands within the boundaries of the proposed new Urban Limit Line. The County staff and the developer/landowner also requested deletion of the

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previous requirements for public management of the sewage treatment plant and the provision of other infrastructure necessary to support the new development.

7. The County proposed that a new tsunami hazard policy apply countywide but only apply to land divisions where three or more new development sites would be created as the result, in areas subject to potential tsunami inundation. The previous staff recommendation had applied the policy to land divisions or redivisions that would result in even one additional building site subject to tsunami hazard. The County staff requested that the number be returned to three.

8. The County staff and the developer/landowner requested the deletion of the requirement drafted by staff that deed restrictions be recorded against new lots created within the subject Samoa lands disclosing the potential of risks associated with geologic hazards including earthquake and tsunami and future sea level rise, and the inclusion of “assumption of risk” provisions within the documents.

9. The County staff and the developer/landowner requested the deletion of suggested modifications that required civil engineering review and recommendations for protection of the structural integrity of historic residences undergoing remediation for lead contamination, etc., where proposed actions could de-stabilize building foundations.

Commission Staff Response to County Staff Concerns:

Regarding items 1 – 3 above: The Commission staff has made substantial changes to the suggested modifications previously recommended to address these concerns. First, the staff looked for ways to substantially increase development flexibility, to allow Brownfield remediation to be undertaken in combination with specific development proposals within discrete areas of the site (rather than required throughout the site as an early requirement of the development process), and to reduce the concerns expressed about the extent of merger/redivision uncertainties.

The primary change made by staff is to revise the development phasing program. As previously recommended by staff, although property affected by all of the Samoa Town Master Plan Area must be merged and redivided, prior to any other development, instead of then requiring a master subdivision be approved for the entire Town area before any further development, the revised phasing program would require subdivision of the merged property into 19 numbered master area parcels (MAPs) that would roughly match significant land use proposals (such as business park, new residential, historic residential, commercial downtown, visitor-serving commercial areas, public facilities, natural resources, etc.). The recommended MAPs are configured in a manner to ensure that based on the preliminary wetland and habitat surveys that have been performed, the MAPS designated under the LCP amendment for residential, commercial, visitor serving, or business park use would have feasible development areas outside of sensitive habitat areas and necessary buffer areas. After completing certain preliminary requirements spelled out in the phasing procedures in the suggested modifications (below), the areas contained within a pertinent STMP-MAP could potentially support further development, which in some cases would require a further subdivision and in all cases would require a CDP. Prior to approval of any such further subdivision or development within authorized MAP, additional wetland and habitat

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surveys and other detailed information would need to be provided to ensure that the proposed development would be undertaken consistent with the protection of coastal resources and Coastal Act and LCP policies. The recommended suggested modifications would require the sequencing of the development of certain MAPs, such as the requirement that the MAPs for public facilities be developed with the necessary sewage treatment infrastructure, prior to the development of other MAPs that are not already served by the existing sewage treatment system. But many other MAPs are independent of the others and offer the developer/landowner a range of flexible options for the sale or further development of the subject MAPs.

While the entirety of legal parcel(s) containing the APNs affected by the LCPA would be merged and redivided into the master area parcels at the outset, the merger and resubdivision into the master area parcels would be achievable at an early stage without necessarily completing Brownfield remediation in other unrelated areas of the site. Once the master area parcels are established, the master area parcels could be sold if necessary to secure cash-flow objectives, thus allowing the requested flexibility and options that would better match cash-flow with cleanup obligation. Otherwise supporting information would be required prior to any further division of the master area parcels, and the Brownfield remediation would be required prior to division or other development within each master area parcel. The requirements that would ensure cleanup of all of the contamination and protection of coastal resources previously recommended by staff are still incorporated into the present recommendation, but the strict mandate that all cleanup and complete merger and redivision of all property affected by the amendment be undertaken at the outset has been eliminated.

Regarding item 4 above: Since the publication of the last staff report, the developer/landowner has completed characterization of the Brownfield contamination and has received feedback on the cleanup requirements that the Regional Water Quality Control Board (RWQCB) has determined necessary for reuse of the site for the proposed mixed uses. (Final RWQCB approval of the various required remedial action plans is anticipated and pertinent documents will be attached as an addendum before the October 2010 hearing).

According to the developer/landowner, as the RWQCB review has progressed and since the publication of the last staff report, the cost of cleaning up the “soccer field” site (one of the contaminated locations within the Brownfield) to RWQCB standards necessary for construction of 22 visitor serving vacation rentals (as had been proposed in the withdrawn master plan) has been determined to be infeasible for use of the site for the originally intended 22 visitor serving units in that location. The previous staff recommendation required that the 22 visitor serving units be constructed at that site or that an in lieu fee be provided for development of a similar number of visitor-serving units off-site.

The developer/landowner has offered a new proposal to reconfigure and expand the low-cost visitor-serving accommodations in the area adjacent to the Samoa Cookhouse and proposed second-floor boutique hotel. The Commission staff has recommended deletion of plans to convert a 1.5-acre site at the Samoa beach and dunes west of New Navy Base Road from Natural Resources to Public Recreation for a tent-camping site with a restroom due to the presence of rare plant habitat at that location. To address that concern, eight previously proposed RV spaces with hookups would be eliminated near the Samoa Cookhouse and replaced with independent

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car/tent camping sites, and 20 small cabins. Shower/bathroom facilities and other amenities such as a fenced pet exercise area would also be included in the landscaped areas. An “Eco-hostel” is presently being pursued on site but the suggested modifications do not mandate the management entity, only that low-cost visitor accommodation as specified be timely constructed and opened to the public. The combination of these changes would result in a Samoa Cookhouse area proposal offering low-cost visitor-serving amenities for use by the general public, including a 20-room hostelry on the second floor of the Samoa Cookhouse with shared bathrooms, 20 small, detached cabins (approximately 10 ft. x 15 ft. in size) which may or may not have kitchens and bathrooms, and 15 independent, attractively landscaped car/tent camping spaces. In addition, a pathway through the Wildlife Corridor to the New Navy Base Road underground tunnel and the beaches, dunes, and dune interpretation area beyond would be required by the suggested modifications, thus tying the low-cost visitor accommodations to the other public coastal access and recreation amenities of the area (Samoa Beach is located immediately west of New Navy Base Road and the town site). The “Cookhouse” parcel is about 5 acres in size, and though low-lying, it is within approximately a 5-minute walk to higher elevation grounds that would offer tsunami evacuation sites.

Staff recommends that the previous in-lieu fee requirement be deleted (it is not included in the suggested modifications) and that the low-cost visitor accommodations listed above be required components of the site redevelopment, with provisions to ensure timely construction and opening for public use.

Staff also recommends that the contaminated “soccer field” area that would have been redesignated to commercial recreation for future construction of 22 vacation rental units, and immediately surrounding undeveloped lands that would have been redesignated to low density residential (about ten lots) instead be redesignated to Natural Resources, an open space designation, within the boundaries of the wildlife corridor generally depicted on Exhibit 16. The developer/landowner indicates that the most contaminated upper soils of the site would be excavated and removed, and the deeper contamination, which includes contaminated groundwater, be stabilized with a cap of clean imported soil. Staff further recommends in the revised suggested modifications, that an appropriate landscape and erosion control plan utilizing locally native plant materials with high wildlife habitat value be implemented as soon as remedial grading has been completed.

Regarding item 5 above: Staff continues to recommend strict limitations on retail uses that could be authorized within the approximately 20-acre area of the Samoa lands that the amendment would redesignate and rezone to “Business Park.” The County’s stated purpose in proposing the business park as part of the mixed use redevelopment of the site is to create an attractive campus-like environment to serve as a business incubator, professional offices, etc. – not as a retail center. The environmental documents certified by the County indicate that the master plan will add approximately 7,000 traffic trips per day to the Highway 101 and 255, the main routes connecting Eureka and Arcata, respectively, to Samoa. The California Highway Patrol has twice informed the County in writing during the County’s consideration of the Samoa Town Master Plan project prior to Commission submittal, that this level of additional development will result in traffic congestion approaching gridlock at the Highway 255/101 intersection (Highway 101 divides into the two one-way arteries of 4th Street and 5th street in the part of Eureka that

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drains Highway 255 traffic from Samoa). Since Highway 101 is the primary coastal access route to all public coastal access and recreation opportunities on the Pacific North Coast north of Eureka, such traffic impacts would have a significant, adverse impact on public coastal access. In addition, Caltrans has identified the Highway 101 corridor immediately north of Eureka as a "Safety Corridor" of mandatory reduced speed because of concerns about the number of accidents that have occurred within that area and the pattern of intersecting traffic directions that give rise to potential directional conflicts in that section of the Highway.

Staff's analysis indicates that while traffic congestion is an important concern, the "Smart Growth" infill represented by the mix of potential employment and housing options within the Samoa redevelopment site is consistent with the requirements of the Coastal Act to protect public coastal access and to reduce vehicle miles traveled. However, retail use that attracts customers from outside of Samoa is not consistent with the Coastal Act requirement that vehicle miles traveled be minimized, and would avoidably increase traffic levels associated with the Samoa development. The Commission staff believes that significant retail uses that could be authorized in the proposed business park with Conditional Use Permits under the County's pending proposal, would add avoidable additional traffic congestion to the key public access corridors, and particularly Highway 101, that serves coastal visitors to the entire North Coast region-- to the detriment of public coastal access and recreation. Staff therefore continues to recommend in the present suggested modifications substantial restrictions on retail uses that would attract customers from outside the business park area, and only allow retail uses that serve the business park itself.

Regarding item 6 above: In summary, without a restriction that limits the new (or upgraded existing) sewage treatment plant to treating the wastes of development located within the proposed Urban Limit Line for Samoa, the amendment could facilitate future growth-inducing impacts that have not been analyzed. Therefore, staff continues to recommend the proposed restriction in the suggested modifications.

In addition, during the Commission's site visit to the subject area on September 15, 2010 the representatives of the developer/landowner indicated that a new sewage treatment system concept has been identified and is in the design and engineering stages. The system as conceptually described may place all components of the entire waste management system into the area north of the proposed Business Park (an area that has already been identified for future Public Facilities). This new option for sewage treatment on site would resolve the developer/landowners' concerns about accommodating offsite effluent for other landowners; however, if such proposals arise in the future, an LCP amendment would be required before any other lands outside of the Samoa Town Plan area could be served by infrastructure situated within the lands subject to the STMP-LUP.

The County and the developer/landowner have also requested deletion of the previous staff recommendation that required that the infrastructure for waste management at Samoa be publicly managed. This requirement remains in the present staff recommendation because it is required by previous County coastal development permits for the subject lands, has been recommended by the RWQCB, and provides a mechanism for continued public financing and maintenance of critical support infrastructure that, if not properly maintained, would have significant, adverse

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water quality impacts that could affect Humboldt Bay (a significant aquaculture resource dependent upon preservation of coastal water quality for oyster cultivation, etc.).

Regarding items 7 & 8 above:

The original proposal of the County that a new tsunami hazard policy only apply to land divisions countywide where three or more new development sites would be created as the result, in areas subject to potential tsunami inundation, was revised by the Commission staff in the suggested modifications so that the policy would apply to the creation of any residential development site. Coastal Act Section 30253 requires that new development protect life and property from geologic hazard, and the Commission routinely applies this standard to all development, including applications for an individual residence where hazardous conditions exist. The Samoa Peninsula is located in a manner that renders it unusually vulnerable to coastal and geologic hazards: situated between the Pacific Ocean and Humboldt Bay in a region that is subject to Cascadia Subduction Zone-generated great earthquakes and tsunami hazards, as well as to significant risk from the potential future effects of sea level rise as discussed in Section V below. Staff believes that the policy proposed by the County in the pending amendment request is sound, but that it should be applied to all land divisions countywide that might result in the creation of new residential building sites vulnerable to tsunami inundation.

For similar reasons, the staff continues to recommend that deed restrictions disclosing the nature and extent of geologic and coastal hazards that may affect safety and development at Samoa be required, and that Assumption of Risk provisions be included so that the Commission and Commission staff are indemnified against liability for the future landowners' decision to undertake development in spite of such risks.

Regarding item 9: Staff has retained the provisions for the structural integrity of historic residences in the implementation measures for the STMP on the recommendation of architects with experience in historic preservation and based on the geologic conditions at Samoa, the type of pier-and-post foundations constructed atop graded former dune fields at the turn of the last century, the extent of potential excavation of adjacent soils required by the RWQCB, etc. Preservation of the historic town structures is a priority in the protection of the special community character of the town of Samoa.

Additional revisions to suggested modifications since December 22, 2009 report:

The present report also recommends that the Natural Resource designation and zoning boundaries be adjusted from what the County proposes to include the area that was proposed for Commercial Recreation and some residential development in the area of the site known as the "soccer field," based on the developer/landowner's determination that it would not be feasible to clean up the "soccer field" soil and groundwater contamination to the standard required by the RWQCB for such re-use. The developer/landowner proposes some remedial excavation of the worst contamination, and capping of the site with imported fill. The area is adjacent to the previously (and presently) proposed boundaries of the Wildlife Corridor. Staff proposes to designate most of the area that was proposed for Commercial Recreation and some residential development in the area of the site known as the "soccer field," Natural Resources, which will

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extend the wildlife corridor benefits of the adjacent location, but not to include the area in the Wildlife Corridor sensitive area due to the potential need for disturbance to remediate the site in the future and the need for staging areas should this become necessary. Revegetation with suitable native plant species would be required post-disturbance.

Exhibit 16 shows the proposed Wildlife Corridor boundaries of the Natural Resources area recommended by staff in the present suggested modifications.

The primary sewage treatment plant is located east of the railroad tracks, as is the Samoa Cookhouse property (these are STMP-MAP-4 and STMP-MAP-13, respectively).

The Cookhouse property (STMP-MAP-13) access is presently supplied via a paved road crossing of the railroad parcel (an unauthorized crossing according to Samoa Pacific Group LLC representatives in reply to Commission staff on September 26, 2010 to questions posed regarding railroad corridor access in July 2010. If that route (through Cookhouse property where paved access is actually being used with or without official authorization, and has been historically) became the default and only such access across the railroad parcel, then sewage plant and water storage traffic, and well as the proposed construction yard traffic, would all be routed through the Samoa Cookhouse parcel which would adversely affect, and potentially eliminate a significant portion of, the low cost visitor-serving accommodations proposed in the suggested modifications. In addition, should that route not be authorized either, in a worst-case scenario there would be no access at all to the STMP-LUP lands east of the railroad parcel, limiting any use of the essential public facilities scheduled for installation at that location.

To resolve the matter of ensuring authorized and appropriate access to the areas of the STMP-LUP lands located east of the railroad property (which includes the area proposed for construction of a new primary sewage treatment plant, a service route for that plant, and the parcel that will provide most of the low cost visitor serving accommodations proposed within the STMP-LUP lands), the suggested modifications contain a provision that requires resolution of the railroad access issue before the land use designations and zoning become effective.

Conclusion:

Staff has identified and incorporated into the presently recommended suggested modifications numerous changes in responses to concerns expressed by the County and the developer/landowner to the extent feasible while considering the applicable requirements of the Coastal Act. To the extent possible consistent with the requirements of the Coastal Act, the suggested modifications have been revised to provide much greater flexibility for planning and development, increased opportunities for the developer/landowner to realize earlier profits and thus to meet project feasibility goals and to finance cleanup and restoration costs, a less expedited (albeit substantively comparable in the long-run) schedule for Brownfield remediation where active cleanup is required by the RWQCB or County Environmental Health (or other regulatory authority/successor-in-interest), and a reduction in the risk perceived previously by the developer/landowner that the complete merger and redivision of all property affected by the LCPA at the outset of the redivision process would eliminate viable development potential of the overall redevelopment project. The recommended suggested modifications unequivocally

require that the approximately 80 small Unconditional Certificate of Compliance lots approved by the County without analysis in 2000 be extinguished through the application of the Samoa Town Master Plan - Master Area Parcel (STMP-MAP) process articulated in the suggested modifications set forth below.

While the entirety of the legal parcel(s) containing the APNs affected by the LCPA would be merged and redivided into the master area parcels at the outset, the merger and resubdivision into the master area parcels would be achievable at an early stage without necessarily completing Brownfield remediation in other unrelated areas of the site. Once the master area parcels are established, the master area parcels could be sold if necessary to secure cash-flow objectives, thus allowing the requested flexibility and options that would better match cash-flow with cleanup obligation. Otherwise supporting information would be required prior to any further division of the master area parcels, and the Brownfield remediation would be required prior to division or other development within each master area parcel.

VI. PROCEDURAL NOTES

A. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification, and amendment of any Local Coastal Program. The County held public hearings and received written comments regarding the project from concerned parties and members of the public. The hearings were duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

The County's public notices and environmental documents identified the affected lands as Assessor's Parcels 401-031-038, 401-031-046, 401-031-055, 401-031-059, 401-031-060 and APN 401-031-044. As now reflected on the County's APN Maps and GIS website, APN 401-031-065 and APN 401-031-067 are also affected APNs.

The County's public notices indicated that the LCP amendment includes tsunami planning provisions that would potentially affect the development potential of coastal properties besides the Samoa town lands, where sites could be subject to tsunami flooding.

B. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of the California Code of Regulations, the County resolution of submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519.

The County's Resolution for this amendment states that the amendment will take effect after Commission certification. However, in this case, because this approval is subject to suggested

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modifications by the Commission, if the Commission approves this Amendment, the County must act to accept the certified suggested modifications within six months from the date of Commission action for the Amendment to become effective (California Code of Regulations Section 13544.5; Section 13537 by reference).

Pursuant to Section 13544, the Executive Director shall determine whether the County's action in accepting the suggested modifications is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission.

C. STANDARD OF REVIEW

Land Use Plan (LUP) Amendments: The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30513(c))

The amendment affects the LUP components of the certified Humboldt County LCP, specifically the Humboldt Bay Area Plan. The standard of review that the Commission uses in reviewing the adequacy of land use plan amendments is whether the proposed changes are consistent with the Chapter 3 policies of the Coastal Act.

Implementation Program (IP) Amendments: The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.

The amendment also affects the Implementation Program of the certified Humboldt County LCP, specifically the Humboldt County Coastal Zoning Regulations. The standard of review used by the Commission in reviewing the adequacy of zoning and other implementing measures is whether or not the implementing procedures are consistent with and adequate to carry out the land use plan.

D. PREVIOUS PROCESSING OF REQUEST

Initial submittal & processing: Humboldt County's LCP Amendment Request No. HUM-MAJ-08-01 was initially submitted on April 23, 2008; the Executive Director determined that the submittal was incomplete for filing on May 6, 2008.

The County revised the pending LCP amendment at a public hearing on October 27, 2009, including finalizing pertinent resolutions and ordinances and substituting ordinary land use and zoning maps for the Samoa Town Master Plan (STMP) versions of land use and zoning maps that had been provided in the County's initial submittal. The County submitted the revised

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amendment and accompanying information on December 15, 2009, with a request for the earliest possible review by the Commission. The Executive Director determined on December 16, 2009 that the submittal was in proper order and legally adequate to comply with the requirements of Coastal Act Section 30510(b) – Section 30512.

The County and the developer/landowner have clarified that the rescinded master plan maps are considered conceptual or advisory only; as such, the master plan maps provide a useful illustration of one “snapshot” of how the Samoa lands might be built out in the future (although some of the development shown in the master plan maps is now outdated). The previous Samoa Town Master Plan land use and zoning maps do not, however, represent binding standards for future development of the Samoa lands. Only the maps submitted by the County in December, 2009, as certified by the Commission, would become a part of the County’s certified Humboldt Bay Area Plan and Coastal Zoning Regulations.

After receiving the updated submittal from the County in December 2009, the staff scheduled a Commission hearing for January 15, 2010 and prepared a recommendation dated December 22, 2009.

On January 7, 2010 the County requested postponement of the pending Commission hearing until at least the following March. Commission staff scheduled a hearing request to extend the 90-day time limit for Commission review and action pursuant to Section 30517 of the Coastal Act (the time limit was set to expire on March 16, 2010). On March 11, 2010 the Commission approved the request and extended the time for review and final Commission action to March 16, 2011.

Humboldt County staff submitted an alternative version of the textual policies and provisions previously included in the suggested modifications recommended by staff (by letter dated March 11, 2010). The County indicated that the document was drafted jointly with representatives of the Samoa Pacific Group LLC, and included a request that the document be processed as an amendment of the County’s pending request (HUM-MAJ-01-08).

Commission staff advised the County (letter dated March 29, 2010) that because the County Board of Supervisors had previously finalized the pending amendment (as described above), the amendment could only be processed (in accordance with Coastal Act requirements) if the County withdrew the pending submittal, obtained County Board of Supervisors review and action on the amendment at the necessary public hearings, and thereafter transmitted the results of the Board’s action(s) to the Commission as a new LCP amendment request.

Staff met further with representatives of the County and the Samoa Pacific Group to discuss the County’s plan to revise the amendment request (May 6, 2010). The County staff indicated a preference at that time to return the matter to the County Board of Supervisors to complete the necessary steps outlined by staff. Several months passed, however, without further instructions from the County staff. The Commission staff advised the County staff by letter dated August 19, 2010 that a Commission hearing would be scheduled and that the documents submitted by the County staff the previous March would be regarded as comments unless the County Board of Supervisors endorsed the County staff’s proposals. The letter requested a response from the

County staff by September 6, 2010 if the County had other instructions. Receiving no other instructions, the staff prepared the present report dated September 22, 2010 for the Commission's October 2010 meeting, utilizing the County staff suggested language as comments on the Commission staff's suggested modifications rather than as an officially amended submittal by the County Board of Supervisors.

VII. STAFF MOTIONS, RESOLUTIONS, RECOMMENDATIONS

A. REJECTION OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

Following a public hearing, staff recommends that the Commission adopt the following resolution and findings:

MOTION 1: I move that the Commission CERTIFY Amendment HUM-MAJ-1-08 to the County of Humboldt Land Use Plan (Humboldt Bay Area Plan) and the Land Use Plan Maps, as submitted by Humboldt County.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **NO** vote. Failure of this motion will result in the rejection of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN (LUP) AMENDMENT AS SUBMITTED:

The Commission hereby DENIES CERTIFICATION of Amendment HUM-MAJ-01-08 to the County of Humboldt Land Use Plan (Humboldt Bay Area Plan) and adopts the findings set forth below on the grounds that the land use plan amendment as submitted 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 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 as submitted.

B. CERTIFICATION OF THE LAND USE PLAN (LUP) AMENDMENT WITH SUGGESTED MODIFICATIONS

Following a public hearing, staff recommends that the Commission adopt the following resolution and findings:

MOTION 2: I move that the Commission CERTIFY Amendment HUM-MAJ-1-08 to the County of Humboldt Land Use Plan (Humboldt Bay Area Plan), if modified as suggested in this staff report.

**Humboldt County LCP Amendment Request No. HUM-MAJ-01-08 (Samoa)
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**STAFF RECOMMENDATION TO CERTIFY THE LAND USE PLAN (LUP) AMENDMENT
IF MODIFIED:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED
MODIFICATIONS:**

The Commission hereby CERTIFIES Amendment HUM-MAJ-01-08 to the County of Humboldt Land Use Plan (Humboldt Bay Area Plan) and adopts the findings set forth below on the grounds that the land use plan amendment with the 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 if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternative have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

**C. REJECTION OF THE IMPLEMENTATION PROGRAM (IP) AMENDMENT AS
SUBMITTED**

Following a public hearing, staff recommends that the Commission adopt the following resolution and findings:

**MOTION 3: I move that the Commission REJECT Humboldt County
Implementation Program Amendment HUM-MAJ-1-08
(Humboldt Coastal Zone Regulations) as submitted.**

**STAFF RECOMMENDATION: REJECTION OF THE IMPLEMENTATION PROGRAM
(IP) AMENDMENT AS SUBMITTED:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION FOR DENIAL OF CERTIFICATION OF THE IMPLEMENTATION
PROGRAM (IP) AMENDMENT AS SUBMITTED:**

The Commission hereby DENIES CERTIFICATION of Amendment HUM-MAJ-01-08 to the County of Humboldt Implementation Program (Humboldt Coastal Zone Regulations) as submitted by the County of Humboldt and adopts the findings set forth below on the 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 as submitted 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 OF THE IMPLEMENTATION PROGRAM (IP)
AMENDMENT WITH SUGGESTED MODIFICATIONS**

Following a public hearing, staff recommends that the Commission adopt the following resolution and findings:

MOTION 4: I move that the Commission CERTIFY Humboldt County Implementation Program Amendment HUM-MAJ-1-08 if modified as suggested in this staff report.

STAFF RECOMMENDATION FOR CERTIFICATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION FOR CERTIFICATION WITH SUGGESTED MODIFICATIONS:

The Commission hereby CERTIFIES Amendment HUM-MAJ-01-08 for the County of Humboldt Implementation Program (Humboldt Coastal Zone Regulations) if modified as suggested and adopts the findings set forth below on grounds that the implementation plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation 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 implementation plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

VIII. SUGGESTED MODIFICATIONS: LAND USE PLAN

The County's proposed LCP amendment (revised October 27, 2009, submitted December 15, 2009) is attached as Exhibit 2. Staff recommends that the Commission certify the County's proposed LUP amendment subject to the following suggested modifications.

Text conventions:

- Language that the County proposes to add pursuant to the pending LCP amendment is shown in **bold single underline**;
- Language staff recommends that the Commission suggest be added is shown in **bold double underline**;
- Language staff recommends that the Commission suggest be deleted is shown in **~~bold strikethrough~~**.
- Modifications that direct changes to the LCP rather than make specific language changes begin with the label “Directive Modification.”

The County’s proposed LCP amendment (revised October 27, 2009, submitted December 15, 2009) is attached as Exhibit 2. Staff recommends that the Commission certify the County’s proposed LUP amendment subject to the following suggested modifications.

Text conventions:

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- Language staff recommends that the Commission suggest be added is shown in **bold double underline**;
- Language staff recommends that the Commission suggest be deleted is shown in **~~bold strikethrough~~**.
- Modifications that direct changes to the LCP Maps rather than make specific language changes begin with the label “Directive Modification.”

In a few cases the suggested modifications may affect existing text contained in the certified LCP. Where this occurs, full passages of the pertinent existing LCP text are provided for context.

1. SUGGESTED MODIFICATION #1 (Adding Definition of Samoa Town Master Plan Land Use Designation Overlay to Existing Definitions Chapter of LUP):

Add the following to Chapter 5 (Definitions) of the Humboldt Bay Area Plan:

“SAMOA TOWN MASTER PLAN LAND USE DESIGNATION OVERLAY (STMP-LUP)”

The Samoa Town Master Plan Land Use Designation Overlay (abbreviated as “STMP-LUP”) governs how development of the lands comprising the Town of Samoa will be authorized. The STMP-LUP overlay area comprises the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A.

The overlay designation directs the phased restoration and further development of the lands subject to the STMP-LUP designation and supplements the base land uses allowed under the principal land use designation. All use limitations and development policies for the principal land use designation shall also apply in the STMP-LUP overlay designation except insofar as they are inconsistent with the use limitations and development policies set forth in the STMP-LUP overlay designation. Where a conflict arises between the policies of the STMP-LUP overlay designation and any other policies of the certified LUP, including the policies of Chapter 3, “Humboldt Bay Area Development and Resource Policies,” the policies of the STMP-LUP overlay designation shall take precedence.

2. **SUGGESTED MODIFICATION # 2 (Amend Introduction to the Existing LUP Plan Designations Chapter to Explain How the STMP-LUP Overlay Policies Take Precedence over Other LUP Policies):**

Add the following language to Section 4.10, “Introduction” of Chapter 4 of the Humboldt Bay Area Plan (language to be added is shown in bold double underline and language to be deleted is shown in bold strikethrough):

STANDARDS FOR PLAN DESIGNATIONS

4.10 INTRODUCTION

The Area Plan Land Use Maps indicate the planned principal use for all areas in the Coastal Zone. These planned uses are the basis on which zoning and subsequent development decisions are made; their intent is to guide the development of each area within the framework of community goals and objectives (Chapter 3 of the Area Plan) and the requirements of Public Resources Code section 30000 et seq., (the California Coastal Act of 1976).

On the maps, the planned principal uses – or planning designations are indicated by symbols; the key on the map indicates which symbol stands for which planning designation. While in some cases these standards are very specific, they are for the most part of a more general nature than the zoning standards, (these are found in the Coastal Zoning Ordinance). This is for a definite reason: the plan designations for an area indicate the **type of development use which is permissible overall pattern of eventual development for several years ahead**, while the zoning **identifies the maximum potentially allowable level of development, now in force limits present development to what can now be supported in the area.** Ordinarily only one zone will be compatible with a single plan designation, and any zoning adopted must confirm with and be adequate to carry out the land use plan.

For each Urban and Rural land use designation, the purpose, principal use, and conditional use, and as applicable, the gross density are identified.

Oil and gas pipelines and electrical transmission lines are allowed in all land use designations, in accordance with Sections 3.14B (5) and (6), in both urban and rural areas, by conditional use

permit. Surface mining and solid waste disposal projects are allowed in certain land use designations according to the policies of Sections 3.14 B (9) and (10).

~~Should a discrepancy exist between the list of allowable uses of these Chapter 4 land use designations and the policies of Chapter 3, the policies of chapter 3 take precedence.~~

The Area Plan Land Use Maps for the area in the vicinity of Samoa show a Samoa Town Master Plan Land Use Designation Overlay (STMP-LUP). The STMP-LUP overlay designation provides standards that supplement the underlying land use designation of the lands to which the STMP-LUP is applied, and is intended to provide for the comprehensive planning and orderly restoration and development of the Samoa community. All uses and development policies for the principal land use designation shall apply to the lands additionally subject to the STMP-LUP overlay designation except insofar as they are inconsistent with the uses and policies set forth in the STMP-LUP overlay designation. Where a conflict arises between the policies of the STMP-LUP overlay designation and any other policies of the certified LUP, including the policies of Chapter 3, "Humboldt Bay Area Development and Resource Policies," the policies of the STMP-LUP overlay designation shall take precedence.

The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-59, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP. If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP-LUP. No remainder parcels may be created.

3. SUGGESTED MODIFICATION #3 (Modify Proposed New Full-Scale LUP Map for Samoa to Include STMP-LUP Overlay):

(Directive Modification) Modify the proposed revised official full scale Area Plan Map for the Samoa Peninsula to show the STMP-LUP land use designation overlay over the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A.

The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP. If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP-LUP. No remainder parcels may be created.

4. SUGGESTED MODIFICATION #4 (Modify Existing Small Scale LUP Map to Reflect Changes to Full Scale LUP Map):

(Directive Modification) The illustrative 8-1/2” by 11” Area Plan Map on Page 90 of Chapter 3 of the Humboldt Bay Area Plan shall be replaced with a new map that reflects the changes to the official full scale Area Plan Map for the Samoa Peninsula as proposed to be amended and modified by Suggested Modification No. 3, including but not limited to showing the area of the STMP-LUP overlay land use designation. As some of the land use designations for the Town of Samoa would appear very small on the illustrative 8-1/2” by 11” Area Plan Map and would be difficult to interpret, an Appendix “L” shall be added to the Humboldt Bay Area Plan that shows all of the land use designations and the Urban Limit Line for the Samoa Town Master Plan area as proposed and modified in a larger scale.

5. SUGGESTED MODIFICATION #5 (Adding Certain Land Use Designations to Existing Lot or Urban Land Uses in Chapter 3 of LUP to Match Proposed LUP Designations in Urban Area of Town of Samoa):

Add the following to the listings of “**HUMBOLDT BAY AREA PLAN LAND USE DESIGNATIONS**” on page 73 of Chapter 3 of the Humboldt Area Master Plan (language to be added is shown in bold double underline and language to be deleted is shown in bold strikethrough):

HUMBOLDT BAY AREA PLAN LAND USE DESIGNATIONS

URBAN

- . . . - URBAN LIMIT LINE
- RL - RESIDENTIAL/LOW DENSITY
- RM - RESIDENTIAL/MEDIUM DENSITY
- RV - URBAN RESERVE
- CG - COMMERCIAL GENERAL
- RE - RESIDENTIAL ESTATES
- MG - INDUSTRIAL GENERAL
- MR - RESOURCE DEPENDENT
- MC - INDUSTRIAL/COASTAL DEPENDENT

MB - BUSINESS PARK

NR - NATURAL RESOURCES

CR - COMMERCIAL RECREATIONAL

PR - PUBLIC RECREATION

PF - PUBLIC FACILITIES

STMP-LUP-SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION

RURAL

- AE - AGRICULTURE EXCLUSIVE/PRIME LANDS
- TC - TIMBER COMMERCIAL
- RR - RURAL RESIDENTIAL
- RX - RURAL EXURBAN
- PF - PUBLIC FACILITY
- PR - PUBLIC RECREATION
- NR - NATURAL RESOURCES
- CR - COMMERCIAL RECREATION
- MG - INDUSTRIAL/GENERAL
- MR - RESOURCE DEPENDENT
- MC - INDUSTRIAL/COASTAL DEPENDENT
- AG - AGRICULTURAL GENERAL

STMP-LUP-SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION

6. SUGGESTED MODIFICATION #6 (Adding Descriptions of New LUP Designations Proposed within Urban Area of Town of Samoa to Existing LUP Chapter Describing Urban LUP Designations:

Add the following to 4.10 of the Humboldt Area Plan, Urban Land Use Designations

MB: BUSINESS PARK

PURPOSE: To provide sites suitable for hazard and nuisance-free (free of objectionable odors, noise, etc.) mixed business development designed in a park-like environment compatible with the resources of a coastal setting, including light industrial, research and development, administrative and business and professional offices, and accessory warehousing and storage facilities. Coastal Business Parks shall emphasize green spaces and incorporate parking areas in a manner that is visually subservient to the structures and landscape elements. Coastal Business Parks shall be designed to limit energy use and vehicle miles traveled, and shall be located where served by public and non-motorized transportation.

PRINCIPAL USE: Mixed business development that includes compatible administrative, business, and professional offices, and research and development. A limited amount of accessory warehouse and storage facilities not greater than 10,000 sq. ft. in size per structure may be included if subservient in size and location to the primary facility within the Coastal Business Park and leased or owned by the same entity as the primary facility.

CONDITIONAL USES: Light industrial, small-scale retail sales and service enterprises occupying less than 10,000 square feet, maximum, primarily for the support of other Coastal Business Park uses or when incidental to and supportive of the principal use, and designed in a manner that is visually and proportionally subservient to the scale and composition of the primary use. Retail enterprises that would attract a majority of customers from outside of the Coastal Business Park shall not be permitted.

NR: NATURAL RESOURCES (URBAN)

PURPOSE: To protect, preserve, and enhance fish, wildlife, native plant habitat, and environmentally sensitive habitat areas in close proximity to urban development and to provide opportunities for passive recreational and interpretive opportunities.

PRINCIPAL USES: Habitat conservation, restoration, and enhancement activities.

CONDITIONAL USES: Repair, maintenance, and replacement of existing public infrastructure within the same location. Improvement of boating facilities consistent with Section 3.50 of the Humboldt Area Plan, designated open-air (unimproved) tsunami evacuation sites and warning sirens, and including minor pathways and incidental signage associated with tsunami evacuation routes, passive recreational uses, and educational and interpretive features designed to educate the public about sensitive species and ecosystems. All uses and development shall be designed to limit disturbance within natural resource areas.

7. **SUGGESTED MODIFICATION #7 (Clarify Role of Coastal Zoning Code in Implementing Land Use Plan in Existing Introductory Section of Land Use Plan):**

Modify Section 1.30 of Chapter 1 of the Humboldt Bay Area Plan as follows (language to be added is shown in bold double underline and language to be deleted is shown in bold strikethrough):

1.30 USE OF THIS DOCUMENT

The California Coastal Act requires that all development within the Coastal Zone have a Coastal Development Permit in addition to any other permit required for development by a local or State agency. In most cases, the Coastal Development Permit is issued by Humboldt County. In some cases, specified types of development are exempt from the requirement for a Coastal Development Permit. **EXEMPT DEVELOPMENTS MUST STILL BE IN CONFORMANCE WITH THIS AREA PLAN AND APPLICABLE ZONING, AND ALL NECESSARY COUNTY PERMITS MUST BE SECURED.** In a few cases, the Coastal Development Permit must still be obtained from the California Coastal Commission. Chapter 2 of the Area Plan indicates which areas or types of development are under local jurisdiction and which require Commission approval.

While all development in the Coastal Zone must conform to this Area Plan, the zoning of a parcel ~~immediately controls sets more specific limits on~~ allowable uses and densities. **The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-59, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP. If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP-LUP. No remainder parcels may be created. The planning designations as presented in this Area Plan are a guide based on the overall concept of a particular area addressed. It indicates how the land should ideally be used. The zoning ordinance, on the other hand, legally dictates what uses can be made of the lands described. The two may not always be in total agreement but there should be reasonable compatibility between them. One method of assessing the degree of compatibility is through a matrix which compares the Plan designation to the Zoning Ordinance designation in a particular area.**

Therefore, aAnyone considering available uses of a property should first consult the Coastal Planning Ordinance and applicable zoning map, available at the office of the Humboldt County

Planning Department. ~~Where the proposed development should be applied for as indicated in the Coastal Zoning ordinance~~
~~In some cases, the proposed development either fails to meet the zoning standards, or (as in the case of a public works extension) is not directly controlled by the zoning. In these cases, the Area Plan is the controlling document.~~ Where a conditional use (as indicated by the zoning), or a variance from specific zoning standards, or a zone change is necessary, such conditional use or variance may only be permitted if consistent with all policies of the STMP-LUP overlay designation. ~~policies and standards of the Area Plan as indicated in Chapter 3 provide guidance for such decisions.~~ Plan designation for the property should ordinarily be determinable from the maps attached to the Area Plan. In cases where this determination is difficult, the official map may be consulted at the office of the Humboldt County Planning Department.

Section .40 of Chapter 2 of the Area Plan details the administrative procedures for Coastal Development Permits, and identifies those areas or types of development where appeals from a county decision can be made to the California Coastal Commission.

8. SUGGESTED MODIFICATION #8 (Modify Existing LUP Section Regarding the Urban Limit Line to Include Description of LUP Classifications Included within Urban Limit Line in Samoa):

Add the following text under Humboldt Area Plan Section 3.11 URBAN LIMIT LINE, A. Planned Use: at the end of the section:

5. Town of Samoa: HBAP urban limit line shall include the residential, commercial, commercial (including visitor-serving) recreation, public facilities, and business park areas of the town of Samoa.

9. SUGGESTED MODIFICATION #9 (Add STMP-LUP Samoa Town Plan Land Use Overlay Designation and Development Policies for This Overlay Designation to Existing Chapter 4 (Land Use Designations) of the LUP):

Add the following to Chapter 4 (Land Use Designations) of the Humboldt Bay Area Plan:

STMP-LUP: Samoa Town Master Plan Land Use Designation Overlay

PURPOSE and GENERAL PROVISIONS:

The purpose of the Samoa Town Master Plan Land Use Designation Overlay (STMP-LUP) is to provide for the comprehensive planning and orderly restoration and further development of the Town of Samoa. Coastal development permit approvals for development within the lands subject to the STMP-LUP shall only be authorized if the following requirements are met in addition to any other applicable requirements of the certified Local Coastal Program. Development within the STMP-LUP shall only be

authorized if the decision-making authority adopts specific findings of consistency with the following numbered policies and provisions and all other applicable requirements of the certified LCP.

Locating New Development; Community Infrastructure; Cumulative Impacts

STMP (New Development) Policy 1 (Phasing of Development)

The authorization and subsequent development of the lands subject to the STMP-LUP shall proceed in the following sequence:

STMP (New Development) Policy 1A (Phasing of Development – Establishment of Samoa Town Master Plan - Master Area Parcels, or STMP-MAPs).

1. Establishment of Samoa Town Master Plan - Master Area Parcels (STMP-MAPs):

A. Prior to any other development, the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit (CDP), to merge and resubdivide into the Samoa Town Master Plan Master Area Parcels shown on Exhibit 1A and listed in subparagraph C below the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A or other land units of any description within the boundaries of the STMP-LUP area.

B. The merger and redivision of all lands subject to the STMP-LUP, i.e. the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A into the STMP-MAPs identified in subparagraph C below shall encompass all such property regardless of the legality of any parcels or lots within the STMP-LUP area, and regardless of whether Certificates of Compliance (conditional or unconditional) have been issued for any of these parcels or lots in the past, and shall fully expunge all development rights that may have existed under any prior land division or transmittal. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A straddles the STMP-LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

C. Evidence that the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A are legal parcels including, but not limited to, chain of title information, Subdivision Map Act approval, and Coastal Development Permit approval shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger and redivision.

D. Evidence that any needed approvals for establishing and/or maintaining railroad crossings necessary to serve each Samoa Town Master Plan Master Area Parcel shown on Exhibit 1A and listed in subparagraph C below have been obtained shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger and redivision.

E. The Samoa Town Master Plan - Master Area Parcels are listed below and are generally shown on Exhibit 1A.

SAMOA TOWN MASTER PLAN – MASTER AREA PARCELS

1. STMP-MAP-1= Arcata Community Recycling Center
2. STMP-MAP-2 = Business Park
3. STMP-MAP-3 = Waste Water Treatment Area A (Adjacent to Business Park)
4. STMP-MAP-4 = Waste Water Treatment Area B (Treatment plant site east of RR tracks)
5. STMP-MAP-5 = New Residential Low Density
6. STMP-MAP-6 = New Residential Medium Density Area
7. STMP-MAP-7 = Old Town Residential Area A (Existing residential area south and west of Samoa Park)
8. STMP-MAP-8 = Old Town Residential Area B (Existing residential area north and east of Samoa Park)
9. STMP-MAP-9 = Emergency Services Area
10. STMP-MAP-10 = Old Town Commercial Area
11. STMP-MAP-11 = Samoa Park
12. STMP-MAP-12 = Samoa Mansion Area
13. STMP-MAP-13 = Historic Samoa Visitor Accommodations Area A (Samoa Cookhouse Area)
14. STMP-MAP-14 = Historic Samoa Visitor Accommodations Area B
15. STMP-MAP-15 = Natural Resources Area A (ESHA/Wildlife Corridor)
16. STMP-MAP-16= Natural Resources Area B (ESHA Area East of Business Park)
17. STMP-MAP-17= Natural Resources Area C (ESHA Area East of Historic Town)
18. STMP-MAP-18 = Dune Recreation Area
19. STMP-MAP-19 = Coastal Dependent Industrial

E. The Coastal Development Permits for the merger and redivision of all lands within the STMP-LUP area generally depicted on Exhibit 1A into the Samoa Town Master Plan – Master Area Parcels generally depicted in Exhibit 1A shall include conditions incorporating the following requirements:

1) Prior to issuance of the coastal development permit, and prior to recordation of the final map for the merger and redivision of the STMP-LUP Overlay Area generally depicted on Exhibit 2A into the Master Area Parcels generally depicted on Exhibit 1A, the landowner shall provide copies to the County for permanent inclusion in the public record prepared for the subject CDP, the complete records of all characterization, remedial action plans and implementing work plans, and other requirements of reviewing agencies including, as

applicable, Humboldt County Environmental Health Department, State Regional Water Quality Control Board, State or Federal Environmental Protection Agency, State Department of Toxic Substances Control, or any other state or federal agency or local government department with review authority over the soil and groundwater contamination status and remediation of the Samoa Town lands establishing the Samoa Town Master Plan - Master Area Parcels and these records shall be retained by the County and available for public inspection.

This requirement shall additionally apply in full to any future Coastal Development Permit or Coastal Development Permit Amendment associated with the subject STMP-LUP lands. The pertinent records shall include at a minimum the following:

- a) the complete record of detection of contamination of soils, surface, or groundwater disclosed by the previous landowner(s) to the landowner/developer (Samoa Pacific Group) at the time of auction/purchase of the subject Samoa lands;
- b) a complete record of all subsequent site investigations (whether of soils, ground or surface waters) undertaken to characterize the soil and groundwater contamination present, including maps of sampling locations, documentation of chain of custody, and associated laboratory test results, analyses, conclusions, and correspondence of the landowner/developer with applicable regulatory agencies with review authority over the soil and groundwater contamination status of the STMP lands;
- c) a complete record of the approved Remedial Action plans and any amendments or revisions to the approved Remedial Action Plans authorized by the State of California Regional Water Quality Control Board (RWQCB);
- d) a complete record of the approved Final Work Plans authorized by the RWQCB to implement the Remedial Action Plans, and any amendments or revisions to the approved Work Plans authorized by the RWQCB; all reports or records of testing or monitoring of ground or surface waters or soil and all remediation actions undertaken in reliance on the direction of the RWQCB or other agency with regulatory oversight of the subject lands whether through RWQCB processes listed herein or through any other authority; and evidence of the implementation status of any remedial measures required by the RWQCB.

2) Prior to issuance of the coastal development permit and prior to recordation of the final map for the merger and resubdivision of the STMP-LUP overlay area generally depicted on Exhibit 2A into the Master Area Parcels generally depicted on Exhibit 1A, the landowner/developer of any of the subject STMP-MAPs shall execute and record, free and clear of all prior liens and encumbrances, against the title of each of STMP-MAP, and provide a copy of such recordation authenticated by the County Recorder for retention in the permanent Coastal Development Permit file, the following deed restrictions:

- a) Deed restriction disclosing the nature and location of any soil and groundwater contamination detected in soils or surface or groundwater within the STMP-LUP lands overall, including a map of the contaminated locations, and for each of the STMP-MAPs where such contamination exists (including in soil, surface water or ground water) within the MAP, or an adjacent MAP, a map showing the specific locations of such contamination and the identity of previous landowners and activities that may have contributed to such contamination in the past, and a list of the documents on file with the Coastal Development Permit for the establishment of the MAP pursuant to Subparagraph D (2) above; and

b) Deed restriction disclosing all requirements of the RWQCB or other applicable authority (such as the County Department of Environmental Health or the State Department of Toxic Substances Control) concerning the underlying soil and groundwater contamination or other hazardous waste-related status of the subject STMP-LUP lands pertinent to each STMP-MAP, including any requirements for cleanup, stabilization, management, monitoring, reporting, or other actions required by the pertinent authority;

c) Deed restriction disclosing that any further division or other development of any of the STMP-MAP lands is subject to the requirements of the certified Humboldt County LCP, including, but not limited to the requirements of the STMP-LUP overlay zone.

STMP (New Development) Policy 1B (Phasing of Development – Further Subdivision of STMP-Master Area Parcels).

1. After merger and redivision of all lands within the STMP-LUP overlay area depicted in Exhibit 2A into the STMP-MAPs generally depicted on Exhibit 1A, and prior to any other development within a STMP-MAP, the landowner shall obtain a Subdivision Map Act approval and a Coastal Development Permit for a division of all lands within the particular MAP. No portion of the MAP shall be left as a remainder parcel.

A. A complete application for a coastal development permit for the further division of the STMP-MAPs or other development within each STMP-MAP shall at a minimum include all information needed to evaluate the consistency of the development or any division and the subsequent development that would be facilitated by the division for consistency with the STMP-LUP and all other applicable provisions of the certified LCP, and in addition shall specifically include the following information (including a minimum of two full-sized sets of to-scale plans and an 8-1/2 by 11-inch reduced black and white copy of each plan for file and report use):

- (1) Wetland Resources: Wetland delineation, including to-scale map and supporting data prepared in accordance Wetland/ESHA Policy 10.
- (2) Botanical Resources: Seasonally-appropriate botanical surveys, including to-scale map and supporting data;
- (3) Non-wetland ESHA delineations, including to-scale map and supporting data;
- (4) Invasive Species: Non-native, invasive species surveys, to-scale map; supporting data, and Plan for control or removal of these species within the pertinent area;
- (5) Site Plan including but not limited to the surveyed boundaries of: the proposed lot lines, designated building envelopes, areas of special geologic or other hazard concern; wetlands and non-wetland environmentally sensitive habitat area locations and buffers thereof, recorded easements or proposed easements and/or deed restricted areas or areas imposing limitations on other development (trails, bikeways, natural resource protection areas, etc.);
- (6) Locations and limits of all public and private utility lines, hookups, and easements;

- (7) Soil and Groundwater Contamination Analysis: Final Remedial Action Plans and Cleanup Work Plans (implementation of remediation plan) for the cleanup of all contaminated soil and groundwater on the parcel approved by the pertinent regulatory authority, such as State Regional Water Quality Control Board (RWQCB), State Department of Toxic Substances Control, State or Federal Environmental Protection Agency, or County Environmental Health Department;
- (8) Landform Alteration Analysis: Preliminary grading plans including cross sections and daylight lines prepared by a California-licensed Professional Civil Engineer;
- (9) Geologic Hazard Analysis: Geologic stability analysis and to-scale map, including a map at the Site Plan scale, of any areas of special geologic or other hazard concern, including differential boundaries of potential inundation due to tsunami arriving at highest high tide and wave height of ten, twenty, thirty, and forty feet in height; and including locations of areas subject to permanent storm surge or flooding hazard due to sea level rise mapped in increments of one, two, three, four, and five feet of future sea level rise. Areas that may be subject to “daylighting” of groundwater elevations due to sea level rise shall be mapped in similar increments. The analysis shall include evidence that the Site Plan has been evaluated and that all proposed parcels will be safe from flooding, erosion, and geologic hazards, including increasing hazards posed by future sea level rise. If any special structural designs are necessary to achieve safety under the conditions determined to be present at the subject locations, these shall be fully specified in the analysis. The hazards analyzed shall be based on the best available scientific data available at the time of the analysis, including at least 4.5 feet of future sea level rise (a minimum of 3 feet of sea level rise shall be added to the analysis of potential tsunami inundation). The analysis shall verify that all proposed development will be safe from the need to install future shoreline armoring taking into consideration the results of the future hazard analyses, and that the proposed lots and development of such lots would be consistent with the requirements of the Final Samoa Tsunami Safety Plan. The Hazard Analysis, Maps, and Plans shall be prepared by California-licensed professional engineers, including: Civil Engineer with substantial experience in coastal engineering and sea level rise planning and Engineering Geologist or the California- registered professional equivalent thereof with substantial experience in seismic risk analysis and the design of resilient structural foundations for hazard mitigation;
- (10) Final Samoa Tsunami Safety Plan consistent with the requirements of STMP (Hazard) Policy 4;
- (11) Waste Water Treatment: For STMP-MAP-3 and 4, include Plans for development of a waste water treatment facility including evidence prepared by a California-licensed civil engineer of total system capacity, including secondary discharge fields, to serve buildout of the STMP lands, and evidence that the consulting civil engineer has verified that the waste disposal system will function effectively under site conditions consistent with at least 4.5 feet of future sea level rise. For STMP-MAP parcels 1, 2, 5, 7, and 8, include evidence that the new waste water treatment plant and waste disposal system designed to serve the parcel proposed for subdivision has been approved by the RWQCB and the County Environmental Health Department;

- (12) Water Supplies: demonstration that sufficient potable and emergency control water supplies and facilities will be supplied by the pertinent water services district to serve buildout of the subdivision, consistent with the requirements of the STMP-LUP;
- (13) Non-motorized Access: master pedestrian and bicycle circulation plan consistent with the requirements of STMP (Coastal Access) Policy 1;
- (14) Public Transportation Auxiliary Facilities: Plans for the installation of bus stops to serve Samoa consistent with the requirements of STMP (Coastal Access) Policy 6, with implementation of construction appropriate for the STMP-MAP under consideration;
- (15) Public Coastal Access Parking: Detailed coastal access vehicle parking analysis and plan providing sufficient parking to adequately serve the coastal visitor-serving uses;
- (16) Internal Recreation Support/Parks: Plan for the placement of small community parks and other outdoor recreation areas within the subject area, consistent with the requirements of STMP (Wetlands/ESHA) Policy 3;
- (17) Plan for the on-going funding, maintenance, and management of Samoa Town infrastructure, natural areas and public amenities consistent with the requirements of STMP (New Development) Policy 4;
- (18) Evidence that all lots to be created for new residential development can be feasibly developed in a manner that the finished floor elevation of habitable space can be constructed at an elevation of at least 32 feet above mean sea level consistent with the requirements of STMP Hazard Policy 5;
- (19) Samoa Business Park and/or New Samoa Residential subdivisions: Visual analysis of the subdivision as built-out at maximum allowable height for structures while consistent with the requirement that residential development within the tsunami inundation area be limited to a minimum habitable floor elevation of 32 feet above mean sea level. Visual analysis shall include evidence that proposed buildout of the pertinent subdivision can be accommodated in a manner that does not adversely affect the historic community character of the existing Town of Samoa or public coastal views to and along the coast and Humboldt Bay;

B. Any proposed changes to the approved division shall require an amendment to the coastal development permit granted for the division. To be approved, any amendment to the pertinent coastal development permit shall also be fully consistent with the STMP-LUP and all other applicable provisions of the certified LCP.

2. All coastal development permits granted for further division or other development of any of the STMP-MAPs shall authorize development consistent with the following development phasing requirements:

A. The coastal development permit for the division of any MAP generally depicted in Exhibit 1A shall require that prior to issuance of the permit and prior to the recordation of the final map for the division:

(1) the landowner/developer must demonstrate that the work plans for cleanup of contamination approved by the RWQCB or other applicable authority for the STMP-LUP area have been fully implemented and the requisite cleanup of soil and water (ground and surface) completed, and

(2) the RWQCB has verified that the STMP-LUP area has, at a minimum, been “cleaned up to background” and/or is suitable for the type of development proposed without further remediation; and

(3) that the RWQCB further certifies that the STMP-LUP area, if developed as proposed and without further remediation, will not result in the off site migration of contaminants into surface or groundwater that may eventually reach Humboldt Bay or the Pacific Ocean.

B. The coastal development permit for the pertinent subdivision shall require that: prior to issuance of the permit and prior to recordation of the final map for the subdivision, the landowner/developer must demonstrate that:

(1) all deed restrictions required by the RWQCB for lands subject to continuing contamination of soil or water (ground or surface) have been recorded against the single legal parcel comprising the STMP-LUP area; and

(2) a deed restriction has been recorded against the legal title of the single merged legal parcel describing the kinds and location of contamination that has previously been associated with the subject lot, the remedial activities that have been undertaken, the results of final tests completed to verify the adequacy of cleanup (including copies of the pertinent laboratory reports), and the presence and location of any residual contamination that may be present in the soil or water (surface or groundwater) present on site, and whether changing groundwater elevations that may be associated with seasonal rainfall patterns or long term sea level rise may affect the stability of any remaining contamination that could affect the property in the future.

C. After satisfaction of the contamination remediation requirement of Part A, above, existing residences and other historic structures may be remediated, renovated and restored provided such structures are adequately served by the existing Samoa waste disposal system which shall be verified by evidence in the file at the time of the subject coastal development permit approval that the RWQCB authorizes the continuing use of the existing Samoa waste disposal system for such service, and

D. The new emergency services equipment and facilities (fire and life safety; earthquake and tsunami shelter, etc.) at STMP-MAP-9 shall be installed and made available to serve the existing town of Samoa prior to the commencement of construction of any other new development within the STMP lands, other than as provided for in Subparagraph 2(B) above. Existing structures shall be converted to service by the proposed new waste water treatment plant within six (6) months after the new system becomes operational and the old (existing) waste water treatment facilities shall be properly abandoned in accordance with pertinent regulations and necessary permits within one (1) year after the new waste water treatment plant becomes operational.

E. Wastewater Treatment Facilities:

Prior to approval of any coastal development permit for the further division or other development of STMP-MAPs, except for (1) the rehabilitation or remodeling of the existing residences provided the RWQCB authorizes the continuing reliance of such residences on

the existing waste disposal system; and (2) the cleanup of contaminated soil surrounding existing structures in the STMP-LUP overlay area generally depicted on Exhibit 2A that is required by the RWQCB;

(1) Suitable waste treatment facilities and all associated waste water collection, transfer, and effluent disposal facilities shall be sited and designed, and final plans stamped by, a California-licensed professional civil engineer. The engineer shall in so approving verify that the treatment facilities have sufficient capacity to accept and treat all effluent discharged by maximum potential build-out of the STMP-MAP at maximum waste water flow rates and volumes during peak winter storm water runoff and winter high ground water conditions, without exceeding the infiltration capacity of the filtration fields in a manner that would allow septic effluent to “daylight” in any area not specifically designed and approved as a treatment pond. The engineer shall in so approving additionally verify that the subject plant will meet all functional standards set forth herein under conditions imposed on the plant and its setting by future sea level rise calculated at a rate of at least four-and-a-half (4.5) feet per century over the expected life of the subject plant. The engineer shall in so approving additionally verify that the design includes sufficient surge/backup/emergency capacity and containment and backup pumping capacity and emergency/alternative fuel systems sufficient to independently continue to provide waste water capture and treatment for the STMP-MAP development for a minimum of 72 consecutive hours without discharge of effluent overflow directly or indirectly to the waters of Humboldt Bay or the Pacific Ocean if severed from outside water or power supplies;

(2) The waste treatment facilities and all associated facilities shall be approved in final form by the Regional Water Quality Control Board;

3) The California-licensed professional civil engineer shall review and stamp all final waste water treatment and filtration facility plans as conforming to these standards and requirements and to any additional requirements that may be imposed by the Regional Water Quality Control Board in approving plans for the waste water treatment facility.

4) The approved waste water treatment facilities and associated wastewater disposal facilities proposed to serve all development within the STMP-LUP overlay area depicted on Exhibit 2A shall be constructed, tested and determined ready for connection and service prior to construction of any new development proposed for the STMP-LUP overlay area depicted on Exhibit 2A other than (1) the rehabilitation or remodeling of the existing residences provided the RWQCB authorizes the continuing reliance of such residences on the existing waste disposal system; (2) the cleanup of contaminated soil surrounding existing structures in the STMP-LUP area that is required by the RWQCB; and (3) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies. No development that is not already occupied and reliant on the existing waste water treatment facilities shall be added to the existing system.

F. STMP-MAP-2 (Business Park) may be further developed at any time after issuance of the coastal development permit for the master subdivision of STMP-MAP-2 in accordance with the applicable policies and provisions of the STMP-LUP and provided that adequate waste water treatment facilities to serve the development approved by the RWQCB and the

new emergency services equipment and facilities of STMP-MAP-9 are constructed and operational prior to the commencement of construction of the STMP-MAP-2 development, and the County has verified with pertinent public emergency responders that sufficient emergency fire suppression water supplies and pressure exist to protect the resultant development; however the following additional requirements shall apply:

1) Development of the Business Park shall proceed after or concurrently with the renovation of the existing structures in the STMP-MAPs-7 and 8 (Old Town Residential Areas A + B). If development occurs concurrently with renovation, remediation of MAPs 7 and 8 to the extent required by the RWQCB shall be entirely completed pursuant to the policies and provisions of the STMP-LUP before construction within the Business Park area commences. In addition, the landowner of STMP-MAPs-7 and 8 shall provide a plan for the long-term stabilization and protection against further deterioration of all of the existing structures until final restoration commences. The long-term stabilization plan shall be fully implemented before construction of any Business Park development is authorized.

2) The public pedestrian path along the boundary of the deed-restricted natural habitat/wildlife and open space corridor within STMP-MAP-2 shall be surveyed, improved, and opened to the public pursuant to the requirements of the STMP-LUP. In addition, an improved interpretive pedestrian pathway connecting the Samoa Cookhouse Area to the undercrossing of New Navy Base Road, and the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road shall be completed and opened to the public. Furthermore, a mechanism for permanent funding of the long-term maintenance of the public amenities shall be identified and implemented prior to commencement of construction of any other STMP-MAP-2 development.

3. Prior to the commencement of construction of any other STMP-MAP-2 (Business Park) or STMP-MAP-5 and 6 (New Samoa Residential) development, the low-cost visitor serving accommodations area (LCVSA) planned for STMP-MAP-13 Historic Samoa Visitor Accommodations Area A (Samoa Cookhouse) and STMP-MAP-14 (Historic Samoa Visitor Accommodations Area B) shall be remediated to the extent required by the RWQCB, and the features described in STMP (Coastal Access) Policies regarding LCVSA, Dunes interp. pathway connecting shall be constructed and opened to the public.

G. STMP-MAPs-5 and 6 (New Samoa Residential) may be further developed at any time after issuance of the CDP for the further subdivision of the STMP-MAPs-5 and 6 in accordance with the requirements of the STMP-LUP and provided that adequate waste water treatment facilities to serve the development approved by the RWQCB and the new emergency services equipment and facilities of STMP-MAP 9 are constructed and operational before construction of new Samoa residential development commences, and the following additional requirements shall also apply:

1) Development of the STMP-MAPs-5 and 6 (New Samoa Residential) shall proceed after or concurrently with the restoration of the existing structures in STMP-MAPs-7 and 8 the STMP-MAP-6 (Historic Town of Samoa) if development occurs concurrently with

restoration, remediation of STMP-MAP-7 and 8 to the extent required by the RWQCB shall be entirely completed pursuant to the policies and provisions of the STMP-LUP before construction within New Samoa Residential STMP-MAPs-5 and 6 commences. In addition, the landowner of STMP-MAPs-7 and 8 shall provide a plan for the long-term stabilization and preservation of all of the existing structures to protect the structures before final restoration commences, and the long-term plan shall be fully implemented in compliance with a conditional coastal development permit setting forth this requirement, before construction of any New Samoa Residential development is authorized.

2) The public pedestrian path along the boundary of the deed-restricted natural habitat/wildlife and open space corridor within STMP-MAP-15 (as shown in Exhibit 16) shall be surveyed, improved, and opened to the public pursuant to the requirements of the STMP-LUP. In addition, an improved interpretive pedestrian pathway connecting the Samoa Cookhouse Area to the undercrossing of New Navy Base Road, and the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road shall be completed and opened to the public. Furthermore, a mechanism for permanent funding of the long-term maintenance of the public amenities shall be identified and implemented prior to commencement of construction of any other STMP-MAP-5 and 6 development.

3. Prior to the commencement of construction of any other STMP-MAP-2 (Business Park) or STMP-MAP-5 or 6 (New Samoa Residential) development the following requirements shall be satisfied:

- a) the low-cost visitor serving accommodations area (LCVSA) planned for STMP-MAP-13 (Samoa Cookhouse Area) and STMP-MAP-14 shall be remediated to the extent required by the RWQCB for the proposed reuse of the subject area ;
- b) the 22-room hostel on the second floor of the Samoa Cookhouse, 20 detached small housekeeping cabins, and 15 car/tent camping spaces, including bathroom/shower facilities, picnic and play areas, and fenced pet exercise areas required as amenities for the occupants of the cabins and camping spaces, shall be constructed and opened to the public;
- c) the interpretive pedestrian pathway connecting the visitor-serving accommodations near the Samoa Cookhouse Area to the undercrossing of New Navy Base Road through the Natural Resource Corridor, and interpretive signage, shall be completed and opened to the public;
- d) the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road (shown on the map provided in Appendix L of the Humboldt Bay Area Plan) shall be completed and opened to the public.

All of the low-cost visitor serving accommodations and public access facilities specified in subsections a) – d) above shall be permanently maintained and a coastal development permit shall be obtained for any proposed change of use or demolition of these facilities.

Brochures highlighting the habitats and species found along the STMP coastal habitat pathways and the dune interpretive area, explaining the importance of protecting and preserving the resources, explaining earthquake and tsunami safety information, and showing tsunami evacuation areas and routes within the STMP lands shall be continuously

available at the LCVSA facilities and tsunami evacuation routes shall be prominently posted for the benefit of coastal visitors.

4. Prior to the commencement of construction of any other STMP-MAP-2 or STMP-MAP-5 and 6 development, the remediation of soil and groundwater contamination of STMP-MAP-15 (Soccer Field Cleanup Area) shall be completed to the extent determined necessary by the RWQCB or other regulatory agency with jurisdiction over the cleanup to stabilize the site, and to prevent long-term migration of contaminants off site through surface runoff or groundwater movement. The permittee shall provide evidence that the STMP-MAP-15 area has been adequately remediated in accordance with the pertinent RWQCB or other applicable regulatory standards and that the site is suitable for revegetation as part of the Natural Resource Corridor. No contaminated soil or water shall be allowed to remain on the surface of the STMP-MAP-15 area at any time.

H. The coastal development permit for the further division of STMP-MAPs 7 and 8 (Old Town Residential Area A) shall require that the existing soils surrounding structures in the historic Town of Samoa be remediated to the satisfaction of the RWQCB, that structures be stabilized to assure the protection of the structures from collapse due to ground movement and other causes to standards equivalent of contemporary building codes applicable to Humboldt County area, and that structures be stabilized against future deterioration due to exposure to the elements, prior to recordation of the final map for division of STMP-MAPs 7 and 8 and the sale of individual lots containing existing structures.

STMP (New Development) Policy 2:

The subdivision, lot merger, lot line adjustment, or any other form of land division or re-division of any property subject to the STMP overlay area generally shown on Exhibit 2A shall not constitute a principal permitted use and any coastal development permit approved by the County for such development is appealable to the Coastal Commission pursuant to Section 30603 of the Coastal Act.

STMP (New Development) Policy 3:

The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP. If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such

property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP-LUP. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A straddles the STMP-LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A. If the land use designations and zoning approved by the Commission with suggested modification in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective, the Principal Permitted Use of any area subject to the STMP-LUP shall be determined in accordance with the designated Land Uses and in the patterns and locations generally shown on the certified STMP Land Use Map, however the eight (8) STMP-MAPs may include more than one land use within the subject MAP boundaries. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the further subdivision of the pertinent STMP-MAP has been approved.

STMP (New Development) Policy 4:

Prior to approval or issuance of a coastal development permit for the division of any of the STMP-MAPs or any other development within any STMP-MAP, the landowner/developer shall demonstrate the existence of a mechanism, organized under public ownership and management, for the on-going funding and maintenance of the STMP's potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, public open spaces, common areas including streetscapes, parks and community gardens, bicycle/pedestrian pathways (including the pedestrian tunnel under New Navy Base Road), sensitive resource areas, the Samoa Dunes Day Use Area (including parking facilities), and the Samoa car camping spaces (including bathroom/shower and other facilities), except where the County of Humboldt provides evidence that the County will accept the title to and management obligations for any of these.

STMP (New Development) Policy 5:

The administrative rules, regulations, bylaws and/or operating requirements adopted by the service providers funding and monitoring the services provided for pursuant to STMP (New Development) Policy 4 shall be consistent and compliant with all provisions of the STMP-LUP and shall be in place prior to issuance of the coastal development permit application for the division of any STMP-MAP parcel or any other development within any STMP-MAP parcel.

STMP (New Development) Policy 6:

Land divisions, including re-divisions and lot line adjustments of any land subject to the STMP-LUP, shall be permitted only if all resulting parcels can be demonstrated to be buildable and protective of all coastal resources, and safe from flooding, erosion, and geologic hazards, including the effects of at least 4.6 feet of sea level rise, without the future construction of shoreline armoring devices, and that the development proposed on the resultant lots can be constructed consistent with all pertinent policies of the certified LCP.

STMP (New Development) Policy 7:

A. To minimize energy demands, which are associated with structural and transportation energy use, development of lands subject to the STMP-LUP shall minimize vehicle miles traveled, and conserve energy by such means such as, but not limited to, the following:

1. Siting development in a manner that will minimize traffic trips;
2. Prohibiting retail sales establishments designed to attract more than an incidental percentage of customers from offsite areas;
3. Incorporating the “smart growth” development concepts that combine interdependent uses that potentially reduce offsite traffic trips, including adequate grocery and convenience stores in the revitalized downtown area to supply resident and visitor needs with fewer offsite trips;
4. Providing well designed and appropriately located bus stops along Vance Avenue;
5. Providing amenities for the convenience and safety of pedestrians and bicyclists to encourage the use of non-motorized and/or public transportation, including a well-designed network of bicycle paths, safe sidewalks, and separate footpaths that link various areas within Samoa and to the nearby beach and natural resource area interpretive trails;
6. Incorporating energy efficient building technologies;
7. Requiring development to meet high standards regarding the energy efficiency of proposed structures; heating, ventilation, and air conditioning systems (HVAC); hot water heaters, appliances; insulation; windows; doors; and lighting such as the standards of established voluntary programs such as Energy Star, LEED, or Build It Green;
8. Requiring development to incorporate alternative sources of energy such as photovoltaics, solar water heaters, passive solar design, wind generators, heat pumps, geothermal, or biomass;
9. Requiring development to use structural orientation (heat gain from southern exposure) and vegetation patterns to reduce winter heating needs (such as planting deciduous trees near southern exposures to maximize the winter sun);
10. Requiring development to include energy meters that provide real-time information to users regarding energy consumption;
11. Requiring development to use recycled building materials;
12. Requiring development to use building materials that minimize energy consumption during the manufacture and shipment of the materials;
13. Requiring development to use construction techniques that minimize energy consumption;
14. Incorporating structural amenities within non-residential development to encourage the use of non-motorized or public transportation by employees (such as sheltered bicycle storage, bicycle lockers, restrooms with showers/personal lockers, etc.);

15. Encourage employer incentives such as paid bus passes, etc., to encourage employee use of public transportation;

16. Prohibiting restrictions such as covenants or development standards that prevent energy conserving measures such as the use of outdoor clotheslines.

B. Coastal Development Permits authorized for development of lands subject to the STMP-LUP shall include specific findings concerning the extent of the subject project's incorporation of measures to reduce vehicle miles traveled and to minimize the use of energy.

STMP (New Development) Policy 8:

New development authorized within the STMP-LUP overlay area generally depicted on Exhibit 2A and through the restoration of the existing structures and historic town site features shall incorporate the best available practices for the protection of coastal waters, in accordance with the standards outlined in STMP Special Area Combining Zone. To achieve these standards, the applicant shall provide supplemental information as a filing requirement of any coastal development permit application for development within the area subject to the STMP-LUP, and the pertinent decision-makers shall adopt specific findings and attach conditions requiring the incorporation of, and compliance with, these water quality protection measures in approving coastal development permits for subdivision or further development of the STMP MAPs.

The approved waste water treatment facilities and associated wastewater disposal facilities proposed to serve all development within the lands subject to the STMP-LUP shall be constructed, tested and determined ready for connection and service prior to construction of any new development proposed for the STMP-LUP overlay area other than (1) the rehabilitation or remodeling of the existing residences provided the RWQCB authorizes the continuing reliance of such residences on the existing waste disposal system; (2) the cleanup of contaminated soil surrounding existing structures in the STMP-LUP area that is required by the RWQCB; and (3) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies. No development that is not already occupied and reliant on the existing waste water treatment facilities shall be added to the existing system.

STMP (New Development) Policy 9:

Waste water treatment provided for the lands subject to the STMP-LUP shall be limited to provision of service for development authorized pursuant to the STMP-LUP only. No lands or development outside the STMP-LUP shall be served by wastewater treatment facilities provided for the lands subject to the STMP-LUP. No pipeline connections to collect or transfer waste water from off-site to or through the STMP-LUP lands shall be installed on or adjacent to the lands subject to the STMP-LUP.

STMP (New Development) Policy 10:

The existing residences shall be connected to the new or upgraded waste water treatment facilities within ninety (90) days after such facilities are constructed and placed in service. Existing septic system(s) shall be removed or remediated in accordance with RWQCB requirements, and otherwise properly abandoned, subject to any necessary coastal development permit, within ninety (90) days of connection of the subject residences to the new or upgraded waste water treatment facilities. Existing residences may continue to rely on the existing septic disposal system until the new waste water treatment facilities and collection system are constructed, provided the continued use conforms with RWQCB requirements.

STMP (New Development) Policy 11:

The Arcata Community Recycling Center Regional Processing Facility (ACRC Facility) shall be connected to the new waste water treatment facilities within ninety (90) days after the new waste water treatment plant is placed in service. The existing septic system that presently serves the ACRC Facility shall be removed or remediated and properly abandoned in accordance with RWQCB requirements, subject to any necessary coastal development permit, within ninety (90) days after connection to the new waste water treatment plant.

STMP (New Development) Policy 12:

A Prior to approval of a coastal development permit for the further subdivision or other development of lands subject to the STMP-MAPs except (1) the rehabilitation or remodeling of the existing residences provided the RWQCB authorizes the continuing reliance of such residences on the existing waste disposal system; of (2) the cleanup of contaminated soil surrounding existing structures in the STMP-LUP area that is required by the RWQCB:

1. The developer/landowner shall prepare a plan demonstrating that sufficient potable and emergency water supply services exist on site and can be delivered in volume and at pressure necessary to serve and protect the proposed development under routine and significant regional emergency conditions. The plan shall be prepared by a California licensed professional civil engineer and shall be reviewed by the County Office of Emergency Services, the Samoa Peninsula Fire Protection District, and the County Sheriff's office for comment prior to permit approval; and

2. The developer/landowner shall provide evidence of RWQCB approval of the final work plans for implementation of the final remedial action plan for the subject site approved by the RWQCB, if applicable.

B. Prior to final map recordation, the developer/landowner shall demonstrate that:

1. The final work plans for site cleanup approved by the RWQCB or other applicable authority have been fully implemented to the satisfaction of the approving authority;

2. The RWQCB or applicable authority has verified that the subject STMP-LUP area has, at a minimum, been “cleaned up to background” and/or is suitable for the type of development proposed without further remediation;

3. The RWQCB or other applicable authority has verified that if the site is developed as proposed pursuant to the subdivision of the subject lands, residual contaminants allowed to remain in soil or groundwater will not migrate into coastal waters.

STMP (New Development) Policy 13:

Clean up of contaminated soil and water (surface or ground) surrounding existing or previous structures of the historic “Company Town” of Samoa, including excavation of soils surrounding the structures or removal or treatment of remaining lead-contaminated paint on existing structures, shall be undertaken in a manner that protects the stability of the existing structures and retains and preserves the original woodwork, windows, and millwork.

Preservation and Enhancement of Community Character

STMP (Community Character) Policy 1:

Development shall preserve and protect the unique community character of the historic development within the STMP Overlay Area generally depicted in Exhibit 2A by protecting and restoring existing town site structures and by requiring that new construction within the greater Samoa town area extends and enhances the historic community character. The existing town site architectural features and character shall guide the overall design of new development within the STMP-LUP. The long-term preservation of the existing structures shall be prioritized, including the preservation of features such as mature landscaping and specimen trees that provide historic context and contribute to the community character.

STMP (Community Character) Policy 2:

The Design Guidelines for Old Samoa and New Samoa, Parts I and II, dated March 4, 2007 and February, 2007, respectively, are hereby incorporated as standards for development within the STMP-LUP overlay designation and any changes or revisions to the Guidelines shall require an amendment of the LCP, and shall be attached as Appendices to the certified LCP (but may be published under separate cover and made available at the Planning Department on request).

STMP (Community Character) Policy 3:

Energy Efficiency and Conservation: Changes to the existing structures located on lands subject to the STMP-LUP within the historic Samoa “company town” site that may improve energy conservation shall not disrupt, replace, or distract from the existing historic period details. New structures, however, may utilize alternative construction

materials that have the appearance of the original materials, thus achieving aesthetic consistency with the existing structures while increasing energy efficiency.

STMP (Community Character) Policy 4:

The demolition of any structure that is at least fifty (50) years old located on lands subject to the STMP-LUP Samoa shall not be considered a principal permitted use and shall thus require a coastal development permit that is subject to at least one noticed public hearing and is appealable to the Coastal Commission pursuant to Section 30603 of the Coastal Act.

STMP(Community Character) Policy 5:

Development on lands subject to the STMP-LUP shall protect public views of the historic town site as well as views from the town site, and from new development within the lands subject to the STMP-LUP, toward Humboldt Bay and the Pacific Ocean, and of the STMP-LUP lands as viewed from Humboldt Bay and from the Pacific Ocean and the beaches and dunes west of New Navy Base Road.

STMP (Community Character) Policy 6:

A. Remodeling and restoration of historic “Company Town” structures and structures contributing to the character of old town Samoa, and additional structures proposed for lots containing these shall require a coastal development permit and review by the Samoa Design Review Committee, and at least one public hearing, and shall be subject to the following additional requirements:

1. Restoration of existing structures, except for the Fireman’s Hall and garages, shall retain any viable millwork, windows, doors, or other existing exterior material, or if any of these are found to be damaged beyond repair, the feature or material shall be replaced with similar material consistent with the Design Guidelines and installed in such a manner to maintain a comparable exterior building appearance.

2. Exterior remodeling of the existing structures, including but not limited to painting and roofing and the construction of new accessory structures shall be installed in a manner that maintains the exterior appearance of the original building and is consistent with the Design Guidelines.

3. New accessory structures proposed for lots subject to these provisions shall only be approved if designed and located in a manner that harmonizes with and preserves the period character and street views of the primary structure.

B. All coastal development permit applications for exterior remodeling of structures within the historic Samoa neighborhoods shall provide in support of such an application a report prepared by a California state licensed architect with at least five (5) years of historic preservation experience or the equivalent experience that includes the results of a survey of the subject structure undertaken not less than three (3) months prior to submittal

of such application, with recommendations for ensuring the proposed remodeling be consistent with the preservation of the historic architectural elements of the subject structure consistent with the Design Guidelines.

C. A coastal development permit approved for exterior remodeling of structures within the historic Samoa neighborhoods shall be conditioned to require timely post-remodeling submittal of evidence prepared by an architect of the same qualifications as set forth in Subparagraph B above, confirming that the final remodeling has been conducted in accordance with the recommendations of the subject architect, including photographs to be retained by the County in the public record, and as required by the conditions attached to the subject coastal development permit.

STMP (Community Character) Policy 7: Land divisions, including redivisions and lot line adjustments of lands subject to the STMP-LUP shall be permitted only if all resulting parcels can be demonstrated to be suitable for the intended use and protective of community character of historic Samoa.

Protection, Preservation and Enhancement of Wetlands and Non-Wetland Environmentally Sensitive Habitat Areas (ESHA):

STMP (Wetlands/ESHA) Policy 1:

Development within the STMP-LUP shall provide maximum protection, restoration and enhancement of existing environmentally sensitive habitat areas such as wetlands, dunes, forests, coastal scrub, and rare plant habitat, including the habitat of plants that are locally rare. The STMP shall be implemented in a manner that provides: (1) a substantial undisturbed natural resource corridor along the east side of New Navy Base Road and the northern portion of the subject site as shown in Exhibit 16 (Wildlife Corridor) that connects sensitive resource areas and facilitates wildlife movement; (2) an ESHA buffer area that shall generally be a minimum of at least one hundred (100) feet from nearby development; (3) preservation of opportunities for dispersal of species through the preservation of individual plants and seed banks of rare populations; and (4) conservation of water filtering functions in vegetated areas.

STMP (Wetlands/ESHA) Policy 2:

Development within the Wildlife Corridor shown on Exhibit 16 is prohibited except for the removal of invasive non-native plant species and the following activities if authorized by a coastal development permit: (1) restoration and enhancement of previously disturbed areas of wetlands and other sensitive habitat, or (2) repair and maintenance of existing underground utilities within the existing footprint.

STMP (Wetlands/ESHA) Policy 3:

Development within the lands subject to the STMP-LUP shall provide adequate neighborhood parks that include active recreation and play areas and picnic facilities to

minimize the unauthorized recreational use of the Natural Resource Corridor Area and other sensitive habitat areas and buffers.

STMP (Wetlands/ESHA) Policy 4:

A. All wetlands and non-wetland ESHAs located outside of the Wildlife Corridor Area identified in Exhibit 16 (and where no raptor nesting habitat has been identified) shall require a 100-foot setback/buffer, unless it can be demonstrated that a reduced buffer is sufficient to prevent disruption of the habitat. Wetland and non-wetland ESHA buffers shall not be reduced to less than fifty (50) feet. The determination that a reduced buffer is adequate shall be based on the following criteria:

- 1). Biological significance of adjacent lands and the functional relationships among nearby habitat types and areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.
2. Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall take into account subsections (3) and (4) below and consultations with biologists of the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Coastal Commission or others with similar expertise:
3. Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species, which may include reliance on non-native species, including trees that provide roosting, feeding, or nesting habitat;
4. An assessment of the short-term and long-term adaptability of various species to human disturbance; and
5. An assessment of the impact and activity levels of the proposed development on the resource.
6. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.
7. Use of natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.

8. Required buffer areas shall be measured from the following points, and shall include historic locations of the subject habitat/species that are pertinent to the habitats associated with the STMP-LUP area, as applicable:

- The perimeter of the sand dune/permanently established terrestrial vegetation interface for dune-related ESHA.
- The upland edge of a wetland.
- The outer edge of the canopy of coastal sage scrub or forests plus such additional area as may be necessary to account for underground root zone areas.
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys and the likely area containing the dormant seed banks of rare plant species.
- The outer edge of any habitat associated with use by mobile or difficult to survey sensitive species (such as ground nesting habitat or rare insects, seasonal upland refuges of certain amphibians, etc.) based on the best available data.
- Where established “protocols” exist for the survey of a particular species or habitat, the preparing biologist shall undertake the survey and subsequent analysis in accordance with the requirements of the protocol and shall be trained and credentialed by the pertinent agency to undertake the subject protocol survey.

B. A determination to utilize a buffer area of less than the minimum width shall be made by a qualified biologist contracting directly with the County. The reviewing biologist shall assess the pertinent buffer and resources in cooperation with the biologists of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the Coastal Commission. The County’s determination shall be based upon specific findings as to the adequacy of the proposed reduced buffer to protect the identified resource.

STMP (Wetlands/ESHA) Policy 6:

Bicycle and pedestrian paths shall be located outside the Wildlife Corridor depicted on Exhibit 16, except for the narrow area adjacent to the undercrossing of New Navy Base Road, one designated footpath through the forested area on the northern end of the Samoa lands to connect the area between Vance Road near the Cookhouse area and the undercrossing, where necessary to accommodate tsunami evacuation routes. The Wildlife Corridor depicted on Exhibit 16 shall be posted with signage explaining the sensitivity of the habitat and the protective purpose of the reserved area. No lighting shall be installed within adjacent development that directly illuminates the Natural Resource Corridor.

STMP (Wetlands/ESHA) Policy 7:

All new or replacement fencing shall be sited, designed, and constructed consistent with the requirements of STMP (Wetlands/ESHA) Policy 6 and all other wetland/ESHA policies and shall be safely permeable for wildlife using the Wildlife Corridor.

STMP (Wetlands/ESHA) Policy 8:

The use of Motorized Off-road Recreational Vehicles (ORVs) or Motorized All-terrain Vehicles (ATVs) not licensed for street use shall be prohibited on the lands subject to the STMP-LUP, including STMP-MAP-18, except in the limited areas allowed by the certified Humboldt County LCP and within the tunnel under New Navy Base Road.

STMP (Wetlands/ESHA) Policy 9:

Prior to approval of a coastal development permit for any land division or other development of STMP-MAPs except (1) the rehabilitation or remodeling of the existing residences provided the RWQCB authorizes the continuing reliance of such residences on the existing waste disposal system; and (2) the cleanup of contaminated soil surrounding existing structures in the STMP-LUP area that is required by the RWQCB, a plan shall be prepared for the removal of invasive, non-native plant species of particular ecological concern (such as pampas grass) within the subject STMP-MAP. The plan shall contain a timeline and performance milestones, monitoring, and reporting requirements. Compliance with the requirements of the plan shall be attached as a condition of approval of the subject coastal development permit, and the condition shall specify that the plan must be implemented within one year of approval of the coastal development permit.

STMP (Wetlands/ESHA) Policy 10:

Wetlands shall be identified and delineated as follows:

A. Delineation of wetlands shall rely on the wetland definition in Section 13577 of the Coastal Commission regulations set forth in pertinent part below, which requires demonstration of one wetland parameter. The field methods used in the wetland delineation shall be those contained in the Army Corps of Engineers Wetland Delineation Manual as modified by the Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region dated April 2008. Section 13577 states in pertinent part:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

(A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;

(B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or

(C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

B. Wetland delineations shall be conducted according to the California Code of Regulations, Section 13577(b) definitions of wetland boundaries. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum: (1) a map at a scale of 1:2,400 or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points; and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.

C. Wetland delineations shall be prepared by a qualified biologist approved by the County.

D. Wetland delineations should not be greater than five (5) years old at the time of development approval in reliance on the information provided by the delineation(s). If substantial time passes between application submittal and approval, such that a delineation becomes outdated, a supplemental delineation prepared in accordance with the same standards set forth herein, shall be prepared and submitted for consideration.

STMP (Wetlands/ESHA) Policy 11:

Environmentally Sensitive Habitat Areas (ESHA) shall be defined as any area in which plant or animal life or their habitats are either rare, including locally rare, or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The determination of whether ESHA is present shall require a complete coastal development permit application for any land division or other development on lands subject to the STMP-MAP that shall include a detailed, complete biological resources report prepared by a qualified biologist approved by the County. The data concerning surveys of ESHA shall not be greater than five (5) years old at the time of pertinent development authorization.

STMP (Wetland/ESHA) Policy 12:

Development, including any division of lands subject to the STMP-LUP shall not significantly alter drainage patterns or groundwater resources in a manner that would adversely affect hydrology sustaining wetlands or non-wetland ESHA, (2) flood these resources to the extent that a change in the composition of species found within the wetland or non-wetland ESHA would be likely to occur; or (3) change the wetland or other sensitive habitat area in a manner that impairs or reduces its habitat value or water filtering function.

STMP (Wetland/ESHA) Policy 13:

No herbicides or rodenticides shall be used within: (1) the Wildlife Corridor; (2) within wetlands, non-wetland ESHA, or the buffers thereof; or (3) in areas where the effects of

such use could adversely affect the sensitive species or habitats on or near the lands subject to the STMP-LUP. The use and disposal of any herbicides for invasive species removal shall follow manufacturer specifications, comply with imposed conditions, and protect adjacent native vegetation and coastal water quality. Rodenticides containing any anticoagulant compounds, including, but not limited to, bromadiolone or diphacinone shall not be used. Development approvals for lands subject to the STMP-LUP shall attach conditions specifying this requirement.

STMP (Wetlands/ESHA) Policy 14:

Landscaping with exotic plants shall be limited to outdoor landscaped areas immediately adjacent to the proposed development. The planting of invasive non-native plants including but not limited to pampas grass (*Cortaderia* sp.), acacia (*Acacia* sp.), broom (*Genista* sp.), English ivy (*Hedera helix*), and iceplant (*Carpobrotus* sp., *Mesembryanthemum* sp.) shall specifically be prohibited. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or listed as a “noxious weed” shall be used in any proposed landscaping within the lands subject to the STMP-LUP. Development approvals for lands subject to the STMP-LUP shall attach conditions specifying this requirement.

STMP (Wetlands/ESHA) Policy 15:

Proposed land divisions within the area subject to the STMP-LUP, including redivisions and lot line adjustments, shall identify a buildable area for each resultant lot that does not encroach into wetlands, non-wetland ESHAs or the prescribed buffers thereof.

Coastal Access and Recreation

STMP (Coastal Access) Policy 1:

A. The lands included within STMP-MAP-13 and 14 shall be reserved for Low Cost Visitor Serving Accommodations (LCVSA), shall not incorporate or be converted to other uses, and shall include the specific amenities listed below, or the equivalent thereof, and shall be made continuously available to the public at low cost rates:

- 1) A hostel with at least 20 guest rooms and common hallway bathrooms on the second floor of the Samoa Cookhouse;
- 2) 20 detached small housekeeping cabins;
- 3) 15 car/tent camping spaces with tables and benches, grills, covered trash receptacles and potable water outlets at each site;
- 4) bathroom/shower facilities, picnic and play areas, and fenced pet exercise areas for use by the cabin and campsite occupants;
- 5) adequate internal circulation routes and parking for coastal visitors and their guests, as well as day-use visitors, restaurant patrons, and adequate space and turnaround capacity for bus arrivals.

B. The LCVSA facilities shall be attractively landscaped with an emphasis on locally native plant species, which shall be permanently labeled to identify the subject species. The LCVSA facilities and grounds shall be maintained in good repair and kept free of trash and litter.

C. The LCVSA facilities shall be connected to the public undercrossing of New Navy Base Road and the dunes and beaches beyond via a public, pedestrian-only path through STMP-MAP-15 (Natural Resources Area A). In addition, paved streets leading through Samoa development to the New Navy Base Road undercrossing shall be open to the public and shall not be gated.

D. The LCVSA owner/manager shall prepare and make continuously available to coastal visitors at no cost, brochures highlighting the habitats and species found along the Natural Resource Corridor pathway and in the beach and dune habitats west of New Navy Base Road. The brochures shall explain the importance of protecting and preserving the resources, and shall provide earthquake and tsunami safety information including Samoa tsunami evacuation routes and assembly areas. Tsunami evacuation routes and assembly areas shall also be prominently posted for the benefit of coastal visitors.

E. The LCVSA owner/manager shall be responsible for daily litter cleanup and the collection and disposal of trash from the LCVSA facilities, from the Samoa Dunes Interpretive Area and associated parking facilities, and shall periodically collect litter from the connecting trail between these, until or unless the County accepts such responsibilities.

F. The County shall ensure that permit conditions for the pertinent STMP development incorporate the conditions necessary to secure the obligations set forth in this policy.

STMP (Coastal Access) Policy 2:

A. All approved pedestrian and bicycle paths, corridors, trails and tsunami evacuation routes within the lands subject to the STMP-LUP shall be open to the public at all times, properties. These routes shall not be blocked, gated, obscured, or otherwise barricaded at any time except as may be necessary for initial construction and for occasional short-term maintenance. All approved public park and open space and pedestrian/bikeway paths and related amenities shall be completed and the facilities opened to the public prior to the commencement of construction of either the Business Park development or new residential structures.

B. Prior to the recordation of the final map creating the STMP-MAPs identified in Exhibit 1A, the location of pedestrian and bicycle routes subject to this policy shall be surveyed and mapped and a deed restriction protecting against conversion to another use shall be recorded. In addition, a dedication or offer of dedication in perpetuity of a public access easement to a public agency or qualified non-profit organization shall be recorded for all existing or proposed pedestrian or bicycle routes, including routes prescribed elsewhere in these policies for coastal access and recreational purposes. The dedication or

offer of dedication shall not contain a “sunset” provision and shall remain valid in perpetuity until or unless accepted by a qualified party.

C. A map of the subject bicycle and pedestrian pathway/trail system shall be developed and posted at publicly visible central locations within the STMP-LUP area, including at the main entrance to the Samoa Cookhouse area. No interference with access to the tunnel crossing of New Navy Base Road or use of other areas where prescriptive rights may exist shall be authorized before construction of the trail amenities are completed and opened to the public.

STMP (Coastal Access) Policy 3:

Prior to construction of the Business Park or new Residential development other than the renovation of existing structures:

A. Public coastal access day-use parking improvements required by the County shall be constructed and signed at the public beach and dune interpretive area proposed west of New Navy Base Road, including sufficient space and turnaround area to safely accommodate a school bus.

B. The 1.5-acre site west of New Navy Base Road contained within MAP 18 and identified on Exhibit 1A shall be designated as the Samoa Dunes Interpretive Area and shall be available for day use only. Permanent interpretive displays explaining the ecology of the sensitive habitat surrounding of the site shall be installed; the content of the signs shall be approved by a qualified biologist and the design and location of the display shall be approved by the County. The boundaries of the interpretive area shall be marked by symbolic cord-and-post fencing. Picnic tables and benches sufficiently sized and located to accommodate school field trips shall be provided, in addition to covered trash collection receptacles impervious to wildlife.

C. A public pedestrian path through STMP MAP 15 (Natural Resources Area A) east of New Navy Base Road shall connect the Samoa Cookhouse area to the Samoa Dunes Interpretive Area via the tunnel undercrossing of New Navy Base Road. The pedestrian path shall be constructed and shall be bordered by cord-and-post symbolic fencing throughout its length. The fencing shall be designed to prevent habitat disturbance caused by the use of informal routes. Signage restricting access to the designated areas shall be posted at reasonable intervals.

D. The Samoa Dunes Interpretive Area contained within MAP 18 and identified on Exhibit 1A, including public parking area and connector trails shall be maintained by the landowner/manager of the Samoa Low Cost Visitor Accommodations area until or unless the County accepts such responsibility.

E. The Samoa Dunes Interpretive Area shall be made available to visitors free of charge.

STMP (Coastal Access) Policy 4:

A. At least two weather-protected bus stops with emergency call boxes, security lighting, and tsunami evacuation maps, shall be constructed within the Town of Samoa at the following locations: 1) a location within the historic Samoa downtown area; and 2) a location within the Business Park. A landscaped and signed pedestrian pathway separated from traffic shall be installed to connect the Samoa Cookhouse visitor-serving area with the downtown bus stop.

B. The improvements required in Subparagraph A shall be installed prior to commencement of construction of any new residential or business park structures.

C. Bus service between at least Samoa and downtown Eureka shall be implemented at the earliest opportunity in coordination with the Redwood Transit Authority.

STMP (Coastal Access) Policy 5:

The restored historic downtown Samoa shall include at least one small retail grocery or convenience market that supplies commonly used daily provisions for residents and coastal visitors, thus reducing out-of-Samoa area convenience shopping-related vehicle trips. Such facilities should be scaled to serve Samoa shopping demand and shall not be designed in a manner that attracts more than incidental numbers of traffic trips from retail customers outside of the Samoa area. Visitor-serving establishments located in the restored historic downtown Samoa area may include modestly-scaled restaurants, galleries, and other small-scale tourist and neighborhood oriented shops and services provided adequate parking and other support services are included in the subject development.

Business Park Development (STMP-MAP-2)

STMP (Business Park) Policy 1:

A. The economic vitality of the STMP-LUP shall be enhanced through a compatibly designed business park that conveys a sense of visual continuity with the modest coastal “company town” aesthetic of historic Samoa structures. The primary purpose of the business park shall be the incubation of new, small businesses in Humboldt County, and secondarily, as part of the mixed-use “Smart Growth” infill design for Samoa, to provide employment for Samoa residents.

B. Retail sales within the Business Park, subject to a conditional use permit, shall be limited to sales and service enterprises occupying less than 10,000 square feet, maximum, primarily for the support of other Coastal Business Park uses or when incidental to and supportive of the principal use, and designed in a manner that is visually and proportionally subservient to the scale and composition of the primary use. Retail enterprises that would attract a majority of customers from outside of the Coastal Business Park shall not be permitted. Enterprises reliant on exceptionally high energy and water use, such as indoor plant cultivation, shall not be permitted within the Business Park.

C. No activities that produce significant noise, night lighting of substantial outdoor areas, or detectable odors, or pose a significant danger to health, safety or property shall be allowed within the business park, nor shall the use or storage of chemicals or materials, including biological materials, that may pose a significant risk of fire or explosion, or pose a biohazard risk to other business park occupants, be allowed.

STMP (Business Park) Policy 2:

Boxy, monolithic “industrial park” and warehouse-style development shall be avoided. Structures shall be no more than three (3) ordinary stories in height and shall be sited, designed, scaled and landscaped to blend compatibly with the community character of the existing town of Samoa. Individual structures shall be limited to a maximum of 10,000 square feet. The business park shall be designed in manner that ties all development within the park together in an aesthetically compatible manner, with an emphasis on public greenways and common areas. Parking areas shall be located behind structures and screened with landscape plantings.

STMP (Business Park) Policy 3:

Business Park Structural Restrictions:

A. The final plans and designs for all structures within the business park shall incorporate the following requirements unless a suitable vertical evacuation structure designed to withstand earthquake and tsunami risk posed by a Cascadia Subduction Zone earthquake and regional tsunami is provided within the distance that can be covered by a five-minute walk for the average person:

- 1) the uppermost accessible floor of the subject structure shall be at an elevation not lower than the tsunami inundation elevation calculated for the subject area plus three additional feet to account for future sea level rise;
- 2) access to the uppermost accessible floor of the subject structure shall be continuously accessible to occupants of the building (i.e., interior stairwells shall not be locked) without resort to elevators;
- 3) the uppermost accessible floor shall be large enough to shelter the maximum number of people that would be present within the subject building at any time;
- 4) tsunami escape routes such as stairwells shall be prominently posted and routes shall not be blocked, used for storage, lined with unsecured shelving or other furniture that may shift or fall during an earthquake or otherwise block the route, or used for electrical, gas or other building services that may pose a hazard within the escape route;
- 5) the uppermost floor designated for potential shelter shall have features that allow occupants to escape to the outside of the building directly from that elevation if lower elevations are blocked by flooding or damage;
- 6) no lockable entrances to stairwells or other escape routes from inside the structure shall be included in the plans or otherwise authorized.

B. The plans and designs, including final plans, shall be stamped by a California-licensed professional civil engineer and shall include the most earthquake and tsunami-resilient building designs feasible, including measures that may exceed the minimum requirements of the applicable building code.

STMP (Business Park) Policy 4:

A landscaped buffer separating the STMP-MAP-2 parcel from adjacent STMP-MAP-1 shall be designed to screen the warehouse facility from the business park and from other public coastal viewing locations, and to minimize the odor, noise, light and other impacts that may be generated by the industrial use and detected offsite.

STMP (Business Park) Policy 5:

Land divisions of lands subject to the STMP-LUP, including redivisions and lot line adjustments shall be permitted only if all resulting parcels can be demonstrated to be buildable and consistent with the requirements of the STMP (Business Park) policies.

STMP (Business Park) Policy 6:

Access to the STMP-MAP-1 shall be primarily via New Navy Base Road; service and delivery truck traffic associated with the site shall not ordinarily use surface streets within the town of Samoa.

Hazards

STMP (Hazard) Policy 1:

Prior to approval of any further land division or any other development of the lands subject to the STMP-LUP, a site-specific geologic study and review of proposed lot lines and development plans shall be prepared and accompanied by the written determination of a California licensed professional civil engineer or California licensed professional engineering geologist stating specifically that the proposed lots would support a buildable site for the proposed development, and that a structure so located if constructed in accordance with the expert's recommendations, will be safe from hazards posed by landslide, slope failure, shaking or other ground movement and associated conditions (such as liquefaction) or other failure, including flooding, that may be caused by natural hazards including the maximum credible earthquake and tsunami. The pertinent decision-makers shall require as a condition of the coastal development permit for such development that the pertinent licensed expert review the final plans and designs for the further land divisions (where applicable) and the subject individual development (where applicable) and affix the appropriate engineering stamp thereby assuring that the reviewed plans and designs fully incorporate the licensed expert's recommendations.

STMP (Hazard) Policy 2:

The best available and most recent scientific information with respect to the effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all requisite geologic, geo-technical, hydrologic, and engineering investigations. Development at nearshore sites shall analyze potential coastal hazards from erosion, flooding, wave attack, scour and other conditions, for a range of potential sea level rise scenarios, from three to six feet per century. The analysis shall also consider localized uplift or subsidence, local topography, bathymetry, and geologic conditions. A similar sensitivity analysis shall be performed for all critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazard analyses shall be used to identify current and future site hazards, to help guide site design, development location, and hazard mitigation requirements, and to identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes, development projects shall assume a minimum sea level rise of three (3) feet per century and significant or critical infrastructure development of community-wide significance shall assume 4.5 feet per century; greater sea level rise rates shall be used if development is expected to have an exceptionally long economic life, if the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level.

STMP (Hazards) Policy 3:

New development associated with the provision of critical or significant community support functions (such as waste water treatment, provision of potable or fire fighting water, or fire and life safety command and equipment centers) or that may be converted into critical community shelter facilities in an emergency, or structures that house vulnerable populations that cannot be readily evacuated, including hospitals, schools, and care facilities for the elderly and/or disabled, shall be designed and located in a manner that will be free of the risk of catastrophic failure associated with earthquake or tsunami hazard, taking into account a minimum of 4.5 feet of sea level rise per century, and the plans for such facilities shall be reviewed and stamped as conforming to this standard by a California licensed professional civil engineer or a California licensed professional engineering geologist.

STMP (Hazards) Policy 4:

All new development entailing the construction of structures intended for human occupancy, situated within historic, modeled, or mapped tsunami inundation hazard areas, shall be required to prepare and secure approval of a tsunami safety plan. The safety plan shall be prepared in coordination with the Humboldt County

Department of Emergency Services, Sheriff's Office, and City Police Department, and shall contain information relaying the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experience seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation. The safety plan information shall be conspicuously posted or copies of the information provided to all occupants. No new residential land divisions of the lands subject to the STMP-MAPs shall be approved unless it can be demonstrated that timely evacuation to safe higher ground, as depicted on adopted tsunami hazard maps, can feasibly be achieved before the predicted time of arrival of tsunami inundation at the project site.

STMP (Hazards) Policy 5:

New residential development situated within historic and modeled tsunami inundation hazard areas, such as depicted on the tsunami hazard maps published by Humboldt State University, shall be designed and sited such that the finished floor elevation for residential occupancy of all new permanent residential units are constructed at an elevation of at least thirty-two (32) feet above mean sea level. Additionally, all such structures containing permanent residential units shall be designed to withstand the hydrostatic and hydrodynamic loads and effects of buoyancy associated with inundation by storm surge and tsunami waves up to and including the tsunami runup depicted on the Tsunami Hazard Maps, without experiencing a catastrophic structural failure. For tsunami-resilient design purposes, a minimum sea level rise rate of 3 feet per century shall be used when combined with a maximum credible tsunami condition. For purposes of administering this policy, "permanent residential units" comprise residential units intended for occupancy as the principal domicile of their owners, and do not include timeshare condominiums, visitor-serving overnight facilities, or other transient accommodations.

STMP (Hazard) Policy 6:

Prior to any conveyance of title to lands and prior to the occupancy of any development within the lands subject to the STMP-LUP, including either new development or existing structures that have been cleared of lead contamination through approved remediation activities, the reviewing authority shall require the submittal of evidence that a Deed Restriction has been recorded against the legal title of such lands, and against title of lands containing the subject development, setting forth the following disclosures,

- (1) Disclosure that the lands situated within the STMP-LUP are subject to extraordinary hazards posed by earthquake and tsunamis, and by future sea level rise, which may also increase the risks posed by coastal erosion, storm surge, and wave attack; and
- (2) Disclosure of the existence of an approved final Tsunami Safety Plan pertinent to the subject property, including the date of the plan and how a copy may be obtained; and

- (3) Disclosure that no shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within the STMP-LUP against future hazards that may arise due to the coastal setting of the Samoa lands, and the prospect of increased sea level rise in the future, and that the present landowners have taken future sea level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development of the STMP-LUP, and further, have acknowledged the possibility that no such protective structures would secure approval for construction.

8. MODIFICATION #8:

The County proposes to make the certain text amendments to Section 3.17.B.3 Tsunamis of the Humboldt Bay Area Plan (HBAP). Suggested modifications to Section 3.17.B.3, including suggested modifications of the County's proposed text amendments are set forth below.

Note: The County's proposed amended text as submitted in HUM-MAJ-01-08 is shown in **bold underline**, proposed modification language is shown in **bold double underline** for suggested additional text and in **~~bold strikethrough~~** to indicate suggested deletions of existing or County-proposed text.

3.17.B.3 Tsunamis

3. Tsunamis—New development below the level of the 100 year tsunami run-up elevation described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26) shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, and pipelines, and dredge spoils disposal. **New subdivisions or development projects which could result in three one or more additional dwelling units within a potential tsunami run-up area shall require submission of a tsunami vulnerability report which provides a site-specific prediction of tsunami-run-up elevation resultant from a local cascadia subduction zone major earthquake. Such developments shall be subject to the following standards or requirements:**

1. **New residential development shall not have habitable living space below the predicted tsunami run-up elevation calculated at maximum tide plus a minimum of three (3) feet to account for future sea level rise plus one foot of freeboard space.**
2. **New residential development shall be required to meet the requirements of a Tsunami Safety Plan (TSP) based on the Tsunami-Ready Guidelines of NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, October 6, 2004, Appendix D.**
3. **The Approving Authority shall only authorize residential development proposed on legal lots in areas located within a tsunami run-up inundation area if the pertinent decision-makers adopt specific findings at the time of approval of such development stating that the guidelines set forth in the Tsunami-Ready Guidelines of the NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, dated October 6,**

2004, Appendix D, have been reviewed and have been fully met or implemented as applied to the specific location of the proposed development.

4. The County shall only authorize residential development proposed on a legal lot located within a tsunami run-up inundation area if a Tsunami Safety Plan (TSP) for the subject site has been prepared by a California licensed professional civil engineer with substantial coastal hazard analysis experience specifically including evaluating tsunami hazards stating that if the reviewing engineer's recommendations are met, the site will be safe for the subject development from catastrophic failure or inundation caused by a local great Cascadia Subduction Zone earthquake event and accompanying tsunami. The final plans and designs shall be reviewed and stamped by the reviewing California licensed professional engineer to confirm that all pertinent recommendations set forth in the subject final TSP have been incorporated into the final plans and designs.

(The Appendix D document is attached to this staff report as Exhibit 5, for reference.)

9. MODIFICATION #9: Map Changes

The maps included by Humboldt County in the certification submittal request for HUM-MAJ-08-01 shall incorporate the general changes required to the Urban Limit Line (such that it excludes only STMP-MAP-15), and the additional changes to the Samoa Town Master Plan Zoning and Land Use Plan Maps listed here:

Samoa Land Use Plan Map:

Revise the illustrated extent of the footprint of development of Business Park (MB), Public Facilities (PF), Residential Low Density (RL), and Residential Medium Density (RM) and any other land uses affected by the changes shown in Exhibit 1A. (These changes replace the changes that were previously described in Exhibit 1A.) Such changes include the changes in the footprint of Natural Resources (NR) to approximate the changes now shown in Exhibit 1A.

Delete the proposed change in land use classification from Natural Resources to Public Recreation in the area west of New Navy Base Road (retain the existing Natural Resources designation).

Delete the proposed change in land use classification of the area of the Samoa Post Office to Commercial General and retain the Coastal Dependent Industry designation

Change the proposed General Commercial land use classification of the area adjacent to the proposed Commercial Recreation areas in the vicinity of the Samoa Cookhouse to the Commercial Recreation designation.

Change the proposed Public Facilities land use classification of the area immediately east of the proposed Business Park area and south of the proposed extension of Vance Avenue to the Natural Resource designation.

Add the following statement to the Samoa Land Use Plan Map:

- A. The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP. If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP-LUP. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A straddles the STMP-LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

10. MODIFICATION #10:

The County shall attach the pertinent NWS Instruction 10-1802, dated October 6, 2004, as referenced in the tsunami policy provisions, as an Appendix to the Humboldt Bay Area Plan.

11. MODIFICATION #11:

Delete references in the Land Use Plan Amendment to any specific density of number of houses to be built.

IX. SAMOA TOWN MASTER PLAN AMENDMENT: SUGGESTED MODIFICATIONS FOR IMPLEMENTATION PROGRAM:

1. Suggested Implementation Program Modification #1:

The County’s proposed ordinances to amend the certified Implementation Program (Coastal Zoning Regulations) include establishment of a Design Review Committee and associated requirements, as described in the County’s proposed LCP Amendment Request HUM-MAJ-01-08 pursuant to Ordinance No. 2425 Attachment C3-Exhibit C3-1, amending Section 1. Section

313-19.1, Chapter 3, Division 1, to Title III of the Humboldt County Code having to do with Design Review of lands subject to the “D” designation (as is the Samoa Town Master Plan) on the County’s certified coastal zoning maps. The text proposed by the County and shown in Exhibit 2 attached to this staff report references, but does not attach certain Design Guidelines referenced only as “Exhibit D”. This modification (Suggested STMP Implementation Plan Modification #X) requires the County to attach the referenced Design Guidelines for Old Samoa (existing structures within the Samoa Town Master Plan area) and New Samoa (new development within the Samoa Town Master Plan area) as an Appendix to the County’s certified Coastal Zoning Ordinance (a copy of the Guidelines provided by Humboldt County staff is attached to this staff report as Exhibit 4). As such, if the Guidelines are changed in the future, an amendment of the certified LCP would be required to incorporate such changes.

2. Suggested Implementation Program Modification #2:

Modify Section 313-15.2 of the Humboldt County Zoning Regulations as follow: (language to be added is shown in **bold double underline** and language to be deleted is shown in **~~bold strikethrough~~**):

**SECTION A: REGULATIONS FOR ZONING DISTRICTS
PART 2: SPECIAL AREA COMBINING ZONES**

**313-15 SPECIAL AREA COMBINING ZONES: PURPOSE, WHERE
THEY APPLY, AND LIST OF ZONE DESIGNATIONS**

A Combining Zone is an additional zoning designation applied to some (but not all) properties. A Combining Zone modifies the allowed land use in some way when necessary for sound and orderly planning. The following regulations for each of the Combining Zones shall modify the regulations for the Principal Zones with which they are combined. All uses and development regulations for the Principal Zone shall apply in the Combining Zone except insofar as they are modified or augmented by the uses and regulations set forth in the Combining Zone regulations.

313-15.1 PURPOSE

The purpose of these regulations is to establish regulations for land use and development in special areas, as identified in the Humboldt County General Plan and associated plan maps. (See, Chapter 1 for an explanation of the zoning maps.)

313-15.2 APPLICABILITY

The Special Area Combining Zone Regulations shall apply when any of the special area combining zones are combined with a principal zone by the County Board of Supervisors. When more than one regulation is applicable to the same subject matter within a zone, the most restrictive regulation is applicable. **except in the case of conflicts between the regulations of the Samoa Town Master Plan (STMP) Special Area Combining Zone and other regulations of the zoning ordinance. Where a conflict arises between the regulations of the STMP Combining Zone and any other regulation of the zoning ordinance, the regulations of the STMP Combining Zone shall take precedence. The land use designations and zoning**

approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP. If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP-LUP. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A straddles the STMP-LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

3. Suggested Implementation Program Modification #3:

Modify the table in Section 313-15.3 entitled, “Special Area Combining Zones and Respective Designations” to include a new Samoa Town Master Plan (STMP) Special Area Combining Zone. In addition, add the following language to the table:

The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP. If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other

applicable provisions of the STMP-LUP. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A straddles the STMP-LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

4. Suggested Implementation Program Modification #4:

Add the following to Section A: Regulations For the Zoning Districts Part 2: Combining Zones of Chapter 3 of the Humboldt County Zoning Regulations. Number subsections in a manner consistent with the format for Part 2 of Section A of Chapter 3.

313-34.5 STMP: SAMOA TOWN PLAN STANDARDS

Purpose: The purpose of these regulations is to provide for the comprehensive planning and orderly development of the community of Samoa.

Applicability: These regulations shall apply to the Town of Samoa, specifically the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A.

Modifications Imposed by the STMP Regulations: These regulations shall be in addition to regulations imposed by the primary zone, development regulations, and other coastal resource special area regulations. Where a conflict arises between the regulations of the STMP Combining Zone and any other regulation of the zoning ordinance, the regulations of the STMP Combining Zone shall take precedence.

The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP. If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action

on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP-LUP. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A straddles the STMP-LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

Coastal development permit approvals for development within the lands subject to the STMP shall only be authorized if the following requirements are met, in addition to any other applicable requirements of the certified Local Coastal Program. Development within the STMP may only be authorized if the decision-making authority adopts specific findings of consistency with the following numbered regulations and provisions and all other applicable requirements of the certified LCP.

STMP (New Development) Standard 1:

1. New development authorized within the STMP-LUP including restoration of existing structures shall incorporate the best available practices for the protection of coastal waters. To achieve these standards, the applicant shall provide supplemental information as a filing requirement of any coastal development permit application for development within the area subject to the STMP, and the pertinent decision-makers shall adopt specific findings and attach conditions requiring the incorporation of, and compliance with, these water quality protection measures in approving coastal development permits for subdivision or further development of the lands subject to the standards of the STMP.

A. Construction pollution control plan. A construction-phase erosion, sedimentation, and polluted runoff control plan (“construction pollution control plan”) shall specify interim best management practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials, to the maximum extent practicable. The construction pollution control plan shall demonstrate that:

- (1) During construction, development shall minimize site runoff and erosion through the use of temporary BMPs (including, but not limited to, soil stabilization measures), and shall eliminate the discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, asphalt and cement compounds, and debris), to the extent feasible.
- (2) Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities

- shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.
- (3) Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which is important for preventing erosion and sedimentation.
 - (4) Development shall implement soil stabilization BMPs, including but not limited to re-vegetation, on graded or disturbed areas as soon as feasible.
 - (5) Grading operations shall not be conducted during the rainy season (from October 1 to April 15), except in response to emergencies, unless the County determines that soil conditions at the project site are suitable, the likelihood of significant precipitation is low during the period of extension, (not to exceed one week at a time), and adequate erosion and sedimentation control measures will be in place during all grading operations.
 - (6) The construction pollution control plan shall be submitted with the final construction drawings. The plan shall include, at a minimum, a narrative report describing all temporary polluted runoff, sedimentation, and erosion control measures to be implemented during construction, including:
 - (a) Controls to be implemented on the amount and timing of grading.
 - (b) BMPs to be implemented for staging, storage, and disposal of excavated materials.
 - (c) Design specifications for structural treatment control BMPs, such as sedimentation basins.
 - (d) Re-vegetation or landscaping plans for graded or disturbed areas.
 - (e) Other soil stabilization BMPs to be implemented.
 - (f) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction.
 - (g) Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (including but not limited to paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff.
 - (h) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials.
 - (i) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation.
 - (j) A site plan showing the location of all temporary erosion control measures.
 - (k) A schedule for installation and removal of the temporary erosion control measures.

B. Post-Construction Stormwater Plan. A plan to control post-construction stormwater runoff flows, and maintain or improve water quality (“post-construction stormwater plan”) shall specify site design, source control, and if necessary, treatment control BMPs that will be implemented to minimize stormwater pollution and minimize or eliminate increases in stormwater runoff volume and rate from the development after construction. The post-construction stormwater plan shall demonstrate that:

- (1) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources.
- (2) Permanent erosion control measures shall be installed, as may be needed, depending upon the intensity of development proposed and the sensitivity of receiving waters.
- (3) Runoff from the project shall not increase sedimentation in receiving waters.
- (4) On-site filtering, grease, and/or sediment trapping systems shall be installed, as needed, to capture any pollutants contained in the runoff.
- (5) Permanent runoff/drainage control improvements, such as subsurface drainage interception, energy dissipaters, recovery/reuse cisterns, detention/retention impoundments, etc. shall be installed, as needed, at the point of discharge.
- (6) In the application and initial planning process, the applicant shall submit a preliminary post-construction stormwater plan, and prior to issuance of a building permit the applicant shall submit a final post-construction stormwater plan for approval by the County. The plan shall include, at a minimum, the following components:
 - (a) Proposed site design and source control BMPs that will be implemented to minimize post-construction polluted runoff.
 - (b) Proposed drainage improvements (including locations of infiltration basins, and diversions/ conveyances for upstream runoff).
 - (c) Measures to maximize on-site retention and infiltration (including directing rooftop runoff to permeable areas rather than to driveways).
 - (d) Measures to maximize, to the extent practicable, the percentage of permeable surfaces, and to limit the percentage of directly connected impervious areas, to increase infiltration of runoff.
 - (e) Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.
 - (f) A site plan showing the location of all permanent erosion control measures.
 - (g) A schedule for installation and maintenance of the permanent erosion control measures.
 - (h) A schedule for installation and maintenance of the sediment and debris filtration, grease and/or sediment trap, etc., as warranted for the type of development and site.
 - (i) A site plan showing finished grades in one-foot contour intervals and associated drainage improvements.

C. Site design using low impact development techniques. The post-construction stormwater plan shall demonstrate the preferential consideration of low impact development (LID) techniques in order to minimize stormwater quality and quantity impacts from development. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its

source, and preservation of permeable soils and native vegetation. LID techniques to consider include, but are not limited to, the following:

- (1) Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.
- (2) Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, to the maximum extent practicable. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).
- (3) Development shall maintain or enhance, where appropriate and feasible, on-site infiltration of stormwater runoff, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants.
Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.
- (4) Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas in order to maintain, or enhance where appropriate and feasible, on-site stormwater infiltration capacity.
- (5) To enhance stormwater infiltration capacity, development applicants shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.

D. Water quality and hydrology plan for developments of water quality concern. In addition to the information to be provided in the post-construction stormwater plan, applicants for “developments of water quality concern,” shall submit a water quality and hydrology plan and be subject to the additional requirements listed below.

- (1) “Developments of water quality concern” include the following:
 - (a) Housing developments of five or more dwelling units, including but not limited to residential subdivisions.
 - (b) Hillside developments on slopes greater than 20 percent, located in areas with highly erodible soil, such as soils deposited in association with dune formation.
 - (c) Developments that will cumulatively result in the creation, addition, or replacement of one acre or more of impervious surface area.

(d) Parking lots with 10,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff, or where, combined with adjacent structures, will cumulatively exceed 10,000 square feet.

(e) Vehicle service facilities, including retail gasoline outlets, commercial car washes, and vehicle repair facilities, with 10,000 square feet or more of impervious surface area.

(f) Business or Industrial parks, or other commercial or recreational development with 10,000 square feet or more of impervious surface area, including associated parking.

(g) Commercial, recreational or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the County based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or coastal waters.

(h) Business, industrial, commercial, agricultural, or recreational developments of any size that utilize chemicals that may contribute pollutants to the storm drain system that would adversely affect the functioning of the vegetated filtration fields associated with the waste water treatment plant.

(i) Streets, roads, bus stops, and adjacent bicycle lanes and sidewalks cumulatively equaling 10,000 feet or more of impervious surface area, but not including Class I (stand-alone) pedestrian pathways, trails, and off-street bicycle lanes.

(j) All developments entailing the creation, addition, or replacement of 5,000 square feet or more of impervious surface area, located within 200 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody (i.e., outflow from the drainage conveyance system is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.)

(2) Additional Requirements for developments of water quality concern:

(a) Water quality and hydrology plan. The applicant for a development of water quality concern shall be required to submit a water quality & hydrology plan (WQHP), prepared by a California licensed civil engineer or landscape architect, which supplements the post-construction stormwater plan. The WQHP shall include calculations, per County standards, that estimate increases in pollutant loads and changes in stormwater runoff hydrology (i.e., volume and flow rate) resulting from the proposed development, and shall specify the BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts. The WQHP shall also include operation and maintenance plans for post-construction treatment control BMPs. In the application and initial planning process, the applicant shall be required to submit for approval a preliminary WQHP, and prior to issuance of a building permit the applicant shall submit a final WQHP for approval by the County Engineer.

(b) Selection of structural treatment control BMPs. If the County determines that the combination of site design and source control BMPs is not sufficient to protect water quality and coastal waters, a structural treatment control BMP (or suite of BMPs) shall also be required. developments of water quality concern are presumed to require treatment control BMPs to meet the requirements of the coastal land use plan and state and federal water quality laws, unless the water quality & hydrology plan demonstrates otherwise.

The water quality & hydrology plan for a development of water quality concern shall describe the selection of treatment controls BMPs. Applicants shall first consider the treatment control BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.

(c) 85th percentile design standard for treatment control BMPs. For post-construction treatment of stormwater runoff in developments of water quality concern, treatment control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

(d) Maintain pre-development hydrograph. In developments of water quality concern where changes in stormwater runoff hydrology (i.e., volume and flow rate) may result in increased potential for streambank erosion, downstream flooding, or other adverse habitat impacts, hydrologic control measures (e.g., stormwater infiltration, detention, harvest and re-use, and landscape evapotranspiration) shall be implemented in order to ensure that the pre- and post-project runoff hydrographs match within 10% for a two-year return frequency storm.

(5) Content. The water quality and hydrology plan shall contain the following:

(a) Site design, source control, and treatment control BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts.

(b) All of the information required in sub-section A for the post-construction stormwater plan.

(c) Pre-development stormwater runoff hydrology (i.e., volume and flow rate) from the site.

(d) Expected post-development stormwater runoff hydrology (i.e., volume and flow rate) from the site, with all proposed non-structural and structural BMPs in place.

- (e) Measures to infiltrate or treat runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the site, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, structural treatment control BMPs including biofilters, grassy swales, on-site de-silting basins, detention ponds, or dry wells.
- (f) A description of how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs.
- (g) Appropriate structural post-construction Treatment Control BMPs selected to remove the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process.
- (h) A long-term plan and schedule for the monitoring and maintenance of all structural Treatment Control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

E. Best management practices (BMPs); selection and incorporation.

- (1) All development shall incorporate effective site design and long-term post-construction source control BMPs, as necessary to minimize adverse impacts to water quality and coastal waters resulting from the development, to the maximum extent practicable. BMPs that protect post-construction water quality and minimize increases in runoff volume and rate shall be incorporated as necessary in the project design of developments in the following order of priority:
 - i. Site design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.
 - ii. Source control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

iii. Treatment control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters.

(2) The selection of BMPs shall be guided by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development and specific to a climate similar to Humboldt County's. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs. Additional guidance on BMPs is available from the state water resources and water quality boards, the U.S. Environmental Protection Agency, regional entities such as the Bay Area Stormwater Management Agencies Association's (BASMAA) "Start at the Source: Design Guidance Manual for Stormwater Quality Protection," and/or as may be developed from time to time with technological advances in water quality treatment.

(3) Where BMPs, are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPs to protect water quality and coastal waters shall be guided by Tables 21-55B-1 through -3, below, or equivalent tables which list pollutants of concern and appropriate BMPs for each type of development or land use.

2. In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement, the following supplemental findings, based on factual evidence and the imposition of conditions of approval shall be made for new development or uses that may significantly and adversely affect the quality of coastal waters:

A. Development shall be undertaken in accordance with the approved erosion and stormwater control final plans and/or water quality management plan. Any proposed changes to the approved final plans shall be reported to the director. No changes to the approved final plans shall occur without an amendment to the coastal development permit, or equivalent, unless the director determines that no amendment is legally required.

STMP (New Development) Standard 2:

A. Remediation of contamination, including contaminated soils or residual lead paint on structural surfaces, and/or reinforcement/replacement of the foundations of aging structures associated with the "company town" of Samoa shall be undertaken with special care to preserve the structural integrity and authentic period details (such as original

woodwork, windows, and millwork) of the structures, in accordance with the following additional requirements:

1. Proposals for remediation shall clearly indicate the removal methods that will be used for the soil, groundwater, and the existing structures in the coastal development permit application submitted to the reviewing authority for each project. In addition, such proposals shall include a Standard Operating Procedure for safe implementation of removal methods that will be used on or near the existing structures, and the Standard Operating Procedure shall be incorporated into each applicable removal contract and which shall clearly state the manner in which release of contaminants to the environment will be prevented;

2. A coastal development permit application for such work shall include a survey of each existing structure (a "Building Survey") included in the proposed project or within a 25-foot radius of the proposed project. The Building Survey document shall include at a minimum: a section and plan of the proposed site including existing structures and if a soil removal is proposed – a section and plan prepared by a California-licensed professional civil engineer ("civil engineer") indicating the excavation limits (depth and distance from existing structures), elevation drawings (each façade) of all existing buildings within the proposed project area and the project radius, an evaluation of the structural integrity of each existing structure (including the foundation, exterior walls, and all attached structures such as porches and decks), photographs to support the findings, a description of any prior site disturbance as the result of past remedial actions or naturally occurring earth movement, and provide a written report of the survey conclusions, including recommendations to ensure that the structure remains stable throughout the proposed removal work as well as post-remediation. In addition, the civil engineer shall clearly determine whether the existing foundation of each structure will adequately support the building throughout the removal of hazardous materials or if a new foundation is recommended.

3. In the event that a new foundation is recommended by the civil engineer pursuant to Subparagraph 2 above, the civil engineer shall propose an appropriate foundation which meets current California State building standards. The reviewing authority shall require that the new foundation be installed in accordance with the civil engineer's recommendations prior to any site disturbance that the civil engineer indicates could compromise the stability of an existing structure. The civil engineer shall provide a post-remediation survey of each historic structure and warrant the continued stability of the structure in a final report submitted to the reviewing authority, including documentation that the recommendations of the civil engineer have been fully implemented, including the construction of the new foundations where such recommendation has been identified. Should unanticipated de-stabilization of any existing structure occur during remedial activities, site disturbance shall be halted, the structure temporarily stabilized, and a civil engineering analysis and recommendations to stabilize the structure permanently shall be obtained by the reviewing authority and implemented before remediation or other site disturbance resumes. All civil engineering analyses and reports pertaining to these requirements shall be collected and preserved by the reviewing authority and retained in permanent public files. All survey and civil engineering work performed in accordance

with these requirements shall be undertaken by a California State-licensed registered professional civil engineer.

STMP (New Development) Standard 2:

Existing structures associated with the historic town shall be restored and maintained in a manner that protects the historic character, period details, and authentic original materials of the original structures. Replacement of period details and features with new materials or methods designed to achieve energy conservation shall not be undertaken in a manner that would replace or distract from the existing period details such as original wood-framed windows and hand-turned wooden decorative details evident in many of the existing Samoa “company town” structures.

STMP (Wetlands/ESHA) Standard 1:

The biological report required by STMP (Wetlands/ESHA) Policy 11 shall include, but is not limited to, the following:

- a. A study identifying biological resources existing on the site, and the historical extent of the resources as identified in previous reports, surveys, delineations, maps, or publications, disclosing the history, ecology and habitat requirements of the relevant resources, such as plants and wildlife, in sufficient detail to permit a review of functional relationships, their potential for restoration, the potential location of dormant seedbanks of rare (particularly annual) plants, habitat (including non-native species such as individual trees or groves that provide habitat architecture and other resources for birds or other species, or wetlands that may be used by amphibians during specific lifecycle stages) that may be used during specific lifecycle stages or seasonally by migratory species for roosting, breeding or feeding during specific seasonal windows, and present and potential adverse physical and biological impacts on the identified biological resources or on the associated ecosystem, either individually or cumulatively;
- b. An identification of “fully protected” species and/or “species of special concern,” and an identification of any other species of rarity, including plants designated “List 1B” or “List 2” by the California Native Plant Society, that are present or have the potential to occur on the project site;
- c. Photographs of the site labeled with orientation noted on pertinent maps;
- d. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;
- e. A site map depicting the location of biological resources, both current and historical. The resources shall be shown within the context of a topographic based map that shall be at a scale sufficiently large to permit clear and accurate depiction of the extent of sensitive resources identified through appropriate field investigations and where pertinent, protocol surveys for sensitive species, vegetation associations and soil types in relation to any and all proposed development (minimum 1:2,400) and other information, such as the locations of specific trees, habitat boundaries, etc. discussed in the text of the subject biological report.

Contour intervals shall be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date).

f. An analysis of the potential impacts of the proposed development on the identified habitat or species;

g. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition (note: vegetation or other resources previously surveyed as present but absent at the time of preparation of the subject biological report shall be explained, and if no reasonable ecological basis for the change exists, the County shall presume that unauthorized disturbance of the pertinent resources may have occurred and shall investigate and respond to this information accordingly and the results of the pertinent investigation shall be presented to the pertinent decision-makers. Development of areas subject to prior unauthorized disturbance shall not be authorized until or unless resolution of the potential violation has been achieved.);

h. Project alternatives, including project modifications and off-site options designed to avoid and minimize impacts to identified habitat or species;

i. A buffer adequacy analysis consistent with the requirements of STMP (Wetland/ESH) Policy 5 where an ESH buffer of less than 100 feet (100') is proposed. The buffer adequacy analysis shall at a minimum include the following:

1. Biological significance of adjacent lands. The functional relationships among nearby habitat types and areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.

2. Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with biologists of the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Coastal Commission or others with similar expertise:

3. Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species, which may include reliance on non-native species, including trees that provide roosting, feeding, or nesting habitat;

4. An assessment of the short-term and long-term adaptability of various species to human disturbance; and

5. An assessment of the impact and activity levels of the proposed development on the resource.

6. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands.

A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.

7. Use natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.

8. Required buffer areas shall be measured from the following points, and shall include historic locations of the subject habitat/species that are pertinent to the habitats associated with the STMP-LUP area, as applicable:

- The perimeter of the sand dune/permanently established terrestrial vegetation interface for dune-related ESH.
- The upland edge of a wetland.
- The outer edge of the canopy of coastal sage scrub or forests plus such additional area as may be necessary to account for underground root zone areas. All root zones shall be protected as part of the associated ESH.
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys and the likely area containing the dormant seed banks of rare plant species.
- The outer edge of any habitat used by mobile or difficult to survey sensitive species (such as ground nesting habitat or rare insects, seasonal upland refuges of certain amphibians, etc.) within or adjacent to the lands subject to the STMP-LUP based on the best available data.
- Where established public agency “protocols” exist for the survey of a particular species or habitat, the preparing biologist shall undertake the survey and subsequent analysis in accordance with the requirements of the protocol and shall be trained and credentialed by the pertinent agency to undertake the subject protocol survey.

STMP (Hazards) Standard 1:

Sea Level Rise Analysis. Applications for development adjacent to the shore or that may be subject to the influence of sea level over the life of the project shall include an analysis of possible impacts from sea level rise. The analysis shall take into account the best available scientific information with respect to the effects of long-range sea level rise for all requisite geologic, geotechnical, hydrologic, and engineering investigations. Residential and commercial development at nearshore sites shall analyze potential coastal hazard sensitivities for a range of potential global sea level rise scenarios, from three to six feet per century. The analysis shall also take into consideration regional sea level variability, localized uplift or subsidence, local topography, bathymetry and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazard analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level thresholds after which limitations to the development’s design and siting would cause the improvements to become significantly less stable.

5. Suggested Implementation Program Modification #5: Map Changes

The maps included by Humboldt County in the certification submittal request for HUM-MAJ-08-01 shall incorporate the general changes required to the Urban Limit Line (such that it excludes only STMP-MAP-15), and the additional changes to the Samoa Town Master Plan Zoning and Land Use Plan Maps listed here:

Add the following statement to the Samoa Zoning Map:

- A. The land use designations and zoning and accompanying text approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A. If all property within the STMP-LUP Overlay Area generally depicted on Exhibit 2A is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all property within the STMP-LUP Overlay Area generally depicted on Exhibit 2A is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels generally depicted on Exhibit 1A. No remainder parcels may be created.
- B. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A and described as within the STMP-LUP Overlay Area straddles the STMP-LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

Revise the illustrated extent of the footprint of the proposed zoning districts in the same manner as listed in the suggested modification for revising the footprint of the proposed land use classification areas in the Samoa Land Use Plan (LUP Suggested Modification No. 9).

Revise the proposed zoning map to incorporate the Natural Resource Corridor Area shown in Exhibit 16.

6. Suggested Implementation Program Modification #6

Delete references in the Implementation Program Amendment to any specific density of number of houses to be built.

X. FINDINGS FOR APPROVAL OF LAND USE PLAN AMENDMENT IF MODIFIED AS SUGGESTED

The following findings support the Commission’s approval of the LCP Amendment if modified as indicated in Sections II and III (suggested modifications) above. The information contained in the Section I, Subparagraphs A through H set forth above is hereby incorporated in full into this Section, as part of the Commission’s findings, by reference. The information contained in the staff summary, above, is also hereby incorporated by reference.

The commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

1. Contents of the Amendment:

The County of Humboldt (“County”) proposes to amend the County’s certified Local Coastal Program (LCP) (the amendment includes proposed changes to both the Land Use Plan (LUP) (known locally as the Humboldt Bay Area Plan) and the Implementation Plan (IP) (known locally as the Humboldt County Coastal Zoning Regulations) to undertake the following changes:

- Amend the Land Use Plan to add the following as Urban Land Use Designations: Business Park (MB), and Natural Resources (NR); and
- Amend the Land Use Plan (Humboldt Bay Area Plan) to re-designate the affected lands as shown on the Samoa Land Use Plan Map; and
- Amend the Land Use Plan (Humboldt Bay Area Plan) to include a portion of the Samoa lands within the urban portion of the Urban Limit Line; and
- Amend the Land Use Plan (Humboldt Bay Area Plan) to add policies that would impose certain restrictions on subdivisions or development projects which could result in three or more additional dwelling units within an area subject to potential tsunami run-up conditions;
- Amend the Implementation Plan (Humboldt County Coastal Zoning Regulations) to re-zone the affected lands as shown on the Samoa Coastal Zoning maps, establishing overall zoning boundary lines through the map adoption method (not parcel-specific), to include areas zoned for Residential Single Family (RS), Residential Multi-Family (RM), Commercial General (CG), Commercial Recreation (CR), Natural Resources (NR), Public Recreation (PR), and Public Facilities (PF). Various “combining zones” (which function similarly to zoning district overlays) are also proposed. As proposed by the

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County, the specific new lot line boundaries would not be determined by the adoption and certification of the map, but would be identified by future subdivision;

- Amend the Implementation Plan (Humboldt County Coastal Zoning Regulations) to establish a Samoa Design Review Committee and to add standards for protection of existing structures (referred to by the County as “Old Town Samoa”) and to add “Design Guidelines” for Old Town Samoa and for new development (referred to by the County as “Samoa New Town”) portions of the STMP.

2. Effect of the Amendment Request:

The County’s LCP amendment request is primarily project-driven and has been requested by the County on behalf of developer/landowner Samoa Pacific Group LLC (“Samoa Pacific Group”). The County has, in the LCP amendment submittal (Exhibit 2), identified the parcels affected by the amendment request as APN(s) 401-031-038, -044, -046, -055, -059, and -060. The County’s Submittal notes (Ordinance No. 2424, page 17 of 88, Exhibit 2) that the lands affected total approximately 171.1 acres, of which 138.2 would be redesignated from General Industrial to other mixed uses, with the balance remaining Coastal Dependent Industrial south of the railroad parcel. According to the County’s Assessor Parcel Maps and GIS records available on-line through the Planning Department website, the lands are now comprised of 7 APN(s) (401-031-038, -044, -046, -055, -059, -065 and 067) containing more than 200 acres of land. The acreage portion of APN 401-031-044 that is being proposed by the County for redesignation from Natural Resources to Public Recreation is a 1.5-acre area that is part of a larger APN and has not been proposed to become a separate parcel even if redesignated and rezoned to Natural Resources as proposes by the County.

The County’s environmental impact report for the Samoa Town Master Plan states in Table 2.8.2 that the affected parcels presently contain the following lands that will be affected by the proposed LCP amendment:

“West of the NCRA Right of Way

401-031-046 (portion)	61 acres – Industrial/General (99 residences and Samoa Block)
401-031-059	33 acres - Industrial/General (“vacant”)
401-031-060 (por.)	33.5 acres – Industrial/General (“vacant”)

“East of the NCRA Right of Way

401-031-038	0.95 acres - Industrial/General (Samoa cookhouse and gift shop)
401-031-046(por.)	3.7 acres - Industrial/General (parking area for the cookhouse)
401-031-055 (por.)	17 acres - Industrial/General (“vacant”)
401-031-060 (por.)	20.5 acres – post office & vacant industrial

The amendment now includes a 1.5 area within APN 401-031-044 that would be designated NR but would not comprise a separate existing or proposed parcel. The STMP-LUP lands are comprised of at least 200 acres among at least 7 APN(s) (401-031-038, -044, -046, -055, -059, -65 and -067 as noted previously and as shown in various public County records.

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Almost all of the lands within the 171+-acres east of New Navy Base Road (over 200 acres including the lands west of New Navy Base Road) are owned by Samoa Pacific Group, LLC according to the County's submittal. The County staff and the Samoa Pacific Group/Danco Development representatives have each stated that an approximately 2.5-acre parcel near the intersection of New Navy Base Road and LP Drive exists as a separate parcel owned by the Arcata Community Recycling Center (ACRC). A representative of Samoa Pacific Group LLC has stated that the ACRC parcel is owned in fee interest by the ACRC as discussed above.

Other changes to the Humboldt Bay Area Plan: The amendment includes new policies that would apply to all lands subject to the HBAP, including but not limited to the Samoa town site. These include: 1) the addition of tsunami hazard policies that would apply to land divisions creating 3 or more lots where development would be subject to potential tsunami inundation; and 2) the addition of "Business Park" and "Natural Resources" land use designations to the urban land uses in the HBAP (the certified Implementation Plan (IP) component of the County's LCP already includes the corresponding zoning provisions).

The surveyor/agent for Samoa Pacific Group indicates that the railroad corridor traversing the site is owned in fee interest by the North Coast Railroad Authority (NCRA).¹ The County may have incorrectly identified the corridor as a "railroad right-of-way easement" in a number of references, which is typically the description used when an easement for a railroad traverses lands and the railroad owns an easement to cross while the fee interest belongs to the underlying real property owner. The County has estimated that the corridor occupies approximately 2.5 acres (an approximately 30-ft-wide-corridor running the length of the subject lands). The County has not produced maps identifying the parcels that comprise the railroad's fee interest, which Samoa Pacific Group representatives indicate are not available at the County Assessor's or County Recorder's offices, but instead must be obtained from the State Board of Equalization, which taxes railroad properties. The County's on-line parcel database, however, shows APN 401-031-039 as the identifier for the railroad property through the Samoa lands.

The County's Master EIR for the Samoa Town Master Plan, certified by the Board of Supervisors in February of 2008, states with regard to the proposed new sewage treatment plant:

The primary wastewater treatment facility would be located east of the NCRA railroad right-of-way, and secondary wastewater treatment areas (percolation ponds) would be located between the business park (to the south) and residential area (to the north). Approximately five acres of treatment ponds and surrounding area are proposed to be

¹ Telephone communication of M. O'Hern with Commission staff on request on September 21, 2010, followup on letter from Mr. O'Hern (copy of) to Samoa Pacific Group regarding the railroad corridor. Mr. O'Hern confirms that references to the railroad as a "right-of-way easement" in the vicinity of the Samoa lands subject to the pending amendment are incorrect, and that there is no public crossing of the railroad property into the Samoa lands authorized by the NCRA. Negotiations with the NCRA and Samoa Pacific Group have occurred since 2003 but NCRA has so far not granted authorization for crossing of the track lands to Samoa Pacific Group. Mr. O'Hern did not know how the Arcata Community Recycling Center obtained the two crossings of the tracks that the County describes in the County's June 23, 2005 notice of local action on CDP-04-84, CUP-04-29 and LLA-04-35. He stated that he had performed preliminary research on potential acquisition of such easements on behalf of Samoa Pacific Group but arrangements for the crossings of the railroad property were not made with the NCRA while he was affiliated with the project.

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rezoned Public Facilities [PF]. Water and wastewater lines and drainage facilities would be upgraded to meet applicable codes. Natural gas is currently available only to the Samoa Cookhouse, but it is proposed to be extended throughout the town. The current electric power infrastructure was upgraded in 1999 and will remain; however, electrical lines will be placed underground. The existing electrical utility substation that is currently adjacent to the Women's Club would be relocated to the proposed corporation yard which would be located either in the proposed business park or behind the Samoa Block. (emphasis added)

The Samoa Pacific Group has not succeeded to date in obtaining any authorized crossings of the North Coast Railroad Authority fee –interest parcels that separate the General Industrial from most of the Coastal Dependent Industrial lands (except for the approximately 5 acres that contains the Cookhouse and parking area). There may be one crossing south of the parcel toward the pulp mill, but it would take access directly across a wetland and is not deemed feasible to implement in that location as impermissible fill of wetlands would be required. If the waste water treatment plant cannot be served by a dedicated, authorized accessway that crosses the railroad tracks, implementation of the sewage plant construction would not be feasible at the location shown as the proposed new sewage treatment plant (adjacent to the Samoa Cookhouse property, east of the railroad parcel). The Samoa Pacific Group has reportedly undertaken an alternative sewage treatment facility design that would rely on the site designated for Public Facilities adjacent to the Business Park in the County's proposed LCP amendment. Demonstration of feasibility of that option would be required prior to development of new effluent sources within the Samoa lands. The suggested modifications require numerous measures to ensure adequate infrastructure provisions and require that before LCP Amendment HUM-MAJ-01-08 takes effect, after certification, that the County and the developer/landowner must demonstrate that there is an authorized crossing of the railroad property that will allow access of service vehicles to the areas of the lands subject to the STMP-LUP that lay east of the railroad property. Moreover, the suggested modifications require that the subject access road across the railroad property be located in an area that does not affect wetlands or other habitat areas, or require that the lands outside of the STMP-MAP-13 take access through STMP-MAP-13.

Pending Samoa land use changes: As requested by the County, the pending LCP amendment would redesignate and rezone General Industrial lands (129 acres), including the Arcata Community Recycling Center (ACRC) parcel (2.5 acres), plus lands designed Coastal Dependent Industrial (7 acres) and Natural Resources (2 acres), to mixed uses including: Business Park (20 acres, including the ACRC parcel); Low- & Medium-density Residential (58 acres); Commercial General (5 acres); Commercial Recreation (5 acres); Public Recreation (5 acres); Public Facilities (10 acres); and Natural Resources (35 acres). The amendment would also redesignate and rezone 1.5 acres of land west of New Navy Base Road from Natural Resources to Public Recreation. A variety of combining zones including Planned Unit Development (P), Vacation Homes (V), Wetland (W), Archaeological Resource (A) and Design Review (D) are also applied within the area subject to the proposed amendment. All acreages are approximate.

The suggested modifications contain a variety of modifications to these proposed changes. In addition, the Suggested Modifications clarify that the lands affected by the STMP-LUP include

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the entirety of the legal parcel(s) containing APN 401-031-59, 401-031-46, 401-031-55, 401-031-44, 401-031-067, 401-031-65, and 401-031-038, totaling over 200 acres of land. The Samoa Pacific Group has explained on September 28, 2010 at the request of Commission staff that the total acreage owned by SPG including on both sides of New Navy Base Road totals 219.8 acres, that the total acreage owned by SPG excluding lands on the west side of New Navy Base Road totals 168.8 acres (similar to the County's approximation of 171.7 acres), that the total acreage owned by SPG east of New Navy Base Road but west of the NCRA railroad corridor parcel totals 128.7 acres, that the Coastal Dependent Industrial lands located east of the railroad corridor parcel total 40.1 acres, and that the acreage owned by SPG west of New Navy Base Road (beach and dune lands) totals 51.0 acres. The Samoa Pacific Group/Danco development representatives prepared a diagrammatic exhibit of all of the land holdings referenced, including the locations of deed restricted areas required by RWQCB, certificate lots (of uncertain legality from the Coastal Commission perspective, but considered legal by Samoa Pacific Group LLC as noted on the legend of the diagram).

The above differences in acreage reflect that all of the Coastal Dependent Industrial lands east of the railroad right-of-way were included in the earliest acreage assessment, but in the subsequent assessment, the area of Coastal Dependent Industrial land owned by Samoa Pacific Group that would not be redesignated to other uses was located outside of the proposed Urban Limit Line. The County proposed to enclose all of the lands owned by Samoa Pacific Group within the boundaries of the new Urban Limit Line location; however, the County had not included these Coastal Dependent Industrial lands within the study boundaries for the master plan amendment. In part, to clarify all of this and to ensure that all of the pertinent lands are managed in accordance with the provisions of the suggested modifications, the phasing requirements set forth in the modifications require that the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A be merged and redivided and underlying development entitlements of any kind extinguished before the amendment shall be considered in force and effect.

The application of the STMP policies and provisions, including the County's requested LUP and zoning map changes, would not result in *de facto* divisions of land, and would not establish new lot lines. However, it is the intent of the process of establishing and applying the STMP-Master Area Parcels to provide for the orderly development of the subject lands in accordance with the definition and designations thereof. As such, the STMP-Master Area Parcels (MAPs) include the following (See Exhibit 1A for a map version showing the locations of the subject STMP):

STMP-MAP PARCEL DESCRIPTIONS

STMP-MAP-1= Arcata Community Recycling Center

STMP-MAP-2 = Business Park [redesignated to Business Park as a legal non-conforming use]

[
STMP-MAP-3 = Waste Water Treatment Area A (Adjacent to Business Park)

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[The blue area south of Vance Avenue will be included in STMP-MAP-16 because it is not needed for treatment facilities according to developer, and the area is a wetland buffer]

STMP-MAP-4 = Waste Water Treatment Area B (Treatment plant site east of RR tracks)

STMP-MAP-5 = New Residential Low Density

STMP-MAP-6 = New Residential Medium Density Area

STMP-MAP-7 = Old Town Residential Area A (Existing residential area south and west of Samoa Park)

STMP-MAP-8 = Old Town Residential Area B (Existing residential area north and east of Samoa Park)

STMP-MAP-9 = Emergency Services Area

STMP-MAP-10 = Old Town Commercial Area

STMP-MAP-11 = Samoa Park

STMP-MAP-12 = Samoa Mansion Area

STMP-MAP-13 = Historic Samoa Visitor Accommodations Area A (Samoa Cookhouse Area)

STMP-MAP-14 = Historic Samoa Visitor Accommodations Area B

STMP-MAP-15 = Natural Resources Area A (ESHA/Wildlife Corridor)

STMP-MAP-16= Natural Resources Area B (ESHA Area East of Business Park)

STMP-MAP-17= Natural Resources Area C (ESHA Area East of Historic Town)

STMP-MAP-18 = Dune Recreation Area [will be retained as Natural Resources along with rest of APN 401-031-44]

STMP-MAP-19 = Coastal Dependent Industrial

[NOTE: This area is the portion of the town ownership east of the RR (not including STMP-MAP-4 and STMP-MAP-13 that is already zoned as CDI. Note that it will include the post office site which will be considered a legal non-conforming use]

B. BACKGROUND

Location and nearby land uses:

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The Town of Samoa is a small historic working village situated in a sparsely developed area of the North Spit of Humboldt Bay. The North Spit is part of the Samoa Peninsula, a sandy strip of land once covered by undisturbed fields of sand dunes. The North Spit is approximately 6 miles long and less than a mile wide, separating Humboldt Bay from the Pacific Ocean. (Exhibits 1, 5A and 6A) Samoa is close to both of the cities of Eureka and Arcata; therefore the County's LCP proposing land uses supportive of mixed use development within the affected lands, in a location close to other housing and employment centers will encourage "smart growth" infill development. Such patterns are preferred by contemporary planners to those that would place new development in outlying lands where support services and infrastructure impose a fiscal burden on local government and transportation miles and energy expenditures produce comparatively greater energy impacts and reduce long term sustainability of communities – and likely increased living expenses for residents in outlying areas as fuel prices rise in the future. The Arcata Community Recycling Center is located within the subject area, and was constructed by Samoa Pacific Group/Danco Development. The facility is the first LEED Silver-certified structure of its type in Humboldt County.

Samoa is accessed from Eureka via U.S. Highway 101, which is divided into the one-way Fourth Street and Fifth Street segments nearest the R Street intersections that connect Highway 255 to Highway 101 via the Samoa Bridges over Humboldt Bay. From Arcata, the most direct route to Samoa is via Highway 255, through the community of Manila. At build-out of Samoa (which the County estimates will take about 30 years to complete), the County's master environmental impact report estimates about 7,000 traffic trips per day will be added to these routes. Based on more recent studies prepared for the City of Eureka's recent Marina Center environmental impact report, these figures may be underestimated somewhat, but the likelihood is that the slow progress of the site construction will lead to only gradual increases in traffic for the first five to ten years, and will likely intersect evolving changes in driving patterns due to rising fuel prices, changes in car sizes, transportation route improvements, and more efficient public transportation systems as well. The Marina Center environmental document represents a project-specific analysis, as well, which contrasts with the County's document, a master environmental impact report that must be followed up with additional and more refined, site specific environmental review in areas of the subject Samoa lands when future development is proposed. The County estimates that approximately 60% of the total would be traffic trips generated by the Samoa development will travel between Samoa and Eureka and beyond, while approximately 40% would be generated by traffic trips between Samoa and Arcata or beyond.

The Samoa site is bounded on the north by the Samoa Peninsula School parcel and across New Navy Base Road, the beach lands owned by the Samoa Pacific Group, also border lands now owned by local real estate developer/investor Rob Arkley (the property is known as the "Dog Ranch" and is shown on the exhibit marked "Proposed Urban Limit Boundary" in the County's most recent LCP Amendment submittal, labeled page 53 of 88, Exhibit 2).

The first "Samoa Town Master Plan" prepared in 2002 included the "Dog Ranch" property, which was the site proposed for an 80-unit RV Park within the Plan. The County initiated the LCP amendment necessary for the Samoa project in September 2002, with this version of the STMP shown.

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The sensitivity of the Dog Ranch site (dune hollow wetlands, archaeological resources, etc.) and the Natural Resources designation and zoning suggested that securing permit approvals for the RV Park would be difficult, as explained by Samoa Pacific Group representatives. The Dog Ranch site was thereafter deleted from further iterations of the Samoa Town Master Plan. Samoa Pacific Group representatives have explained that options held to purchase the Dog Ranch site were allowed to lapse. In 2005, Simpson Samoa sold the parcel to Rob Arkley. The Friends of the Dunes, with Coastal Conservancy and Harbor District support were also attempting to purchase the Dog Ranch property at the time. The current Master Plan concept confines almost all development to the area on the Bay side of New Navy Base Road, and generally west of the North Coast Railroad Authority railroad corridor.

Although the County did not include the Coastal Dependent Industrial lands east of the railroad tracks in the Samoa Town Master Plan environmental impact report, these lands have been assigned a STMP-MAP number and are considered part of the area affected by the LCP amendment.

The North Coast Railroad Authority's railroad property traverses the subject Samoa lands. As discussed above, the landowner/developer has indicated that the railroad owns the property in fee interest, and has not granted any authorizations for access across the tracks to Samoa Pacific Group, even though SPG has been in contact with NCRA for this purpose since 2003 according to Samoa Pacific Group agents.

East of the railroad corridor is a large area designated Coastal Dependent Industrial that is also owned by Samoa Pacific Group, and beyond, at the edge of Humboldt Bay is the Humboldt Bay Harbor Conservation and Recreation District's Redwood Marine Terminal. The Samoa pulp mill (presently idle, and widely reported in September 2010 to be on the verge of permanent closure and dismantling) is located south/southeast of the site. (See Exhibit 5A-6A).

The Samoa lands include the historically significant timber "company town" of Samoa dating to 1893. 99 vintage residences remain, and most are in need of substantial restoration. Most of the physical evidence of former industrial use of the site has been removed, but contaminated soil and groundwater remains in some areas. Brownfield remediation is under the review of the Regional Water Quality Control Board (RWQCB). Brownfield characterization was completed in mid-2009 and the Samoa Pacific Group representatives indicate that final approvals from the RWQCB for the remedial action plans and specifically the deed restrictions awaiting final review by the RWQCB are expected soon.

Brownfield; industrial timber history

The site's industrial timber history has, as stated above, resulted in residual contamination of soil and groundwater, which is common at sites formerly used for timber processing in Humboldt County. "Brownfield" is the term used for contaminated sites that must be remediated before redevelopment proceeds, but fall into a category that does not pose worst-case hazards, such as radioactive contamination, or Superfund site status. Resolution of the Samoa Brownfield status will eventually be completed under the direction of the State Regional Water Quality Control Board. A number of additional steps must still be completed by the landowner/developer,

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including the preparation of work plans for RWQCB approval, coastal development permits for the actual cleanup work, and final testing to confirm adequacy of remediation where development would proceed. Some areas may be authorized by the RWQCB for retention of the contaminants rather than active remediation, and where this is the case, the RWQCB requires recordation of pertinent deed restrictions. In one location, the landowner/developer has determined that cleanup to the standard that would be necessary to develop 22 proposed vacation rentals is not economically feasible, and therefore proposes to remove only a portion of the contamination and cap the remainder for retention on site. Installation of adequate structural foundations is not possible under this scenario. In the other contaminated locations, the landowner/developer will address the contamination as necessary to ensure that the development suggested by the conceptual Samoa Town Master Plan would likely prove feasible in the future.

In particular, the RWQCB has specified that the removal of lead-contaminated paints and soils near existing and former structures is necessary. In these locations, RWQCB has determined that lead paint has weathered off structures in levels too high for the proposed residential redevelopment. The lead contamination is associated with older structures on the site, which were typically painted with highly leaded paints that resisted the corrosive salt air of the Samoa coastal environment. The repeated painting and weathering process allowed lead to build up to very high levels in many locations. In addition, while RWQCB staff note that surface waters have not been systematically tested to determine whether any pattern of lead contaminated runoff may be occurring, such a pattern is possible according to the RWQCB. Therefore, even though the primary concern of the RWQCB staff concerns exposure of children to lead contaminated soils in residential yards and play areas, the cleanup of these soils will also benefit coastal water quality. Much of the Samoa site drains directly into Humboldt Bay, which contains important fisheries and commercial oyster beds. Lead and other contaminants may be mobilized if soil is disturbed, leading to discharges of chemicals into runoff waters entering the Bay or the Pacific Ocean. Cleanup of the contaminated areas to RWQCB standards will protect residents of the nearby structures, but the cleanup will also prevent future releases of lead contamination into the environment at Samoa. The Samoa lands drain, depending on location, to either the Pacific or to Humboldt Bay. Humboldt Bay is an important habitat for fish and wildlife and is also an important oyster aquaculture base that is dependent on maintaining a healthy aquatic environment.

Urban/rural boundary; Infrastructure

The existing Samoa town site is located outside of the certified Urban Limit Line. The proposed inclusion of the site within the urban area requires significant improvement in the current infrastructure and emergency response capacity of the area. The existing timber company town is served by an old, failing septic disposal system and antiquated water lines. The RWQCB has documented that the existing system is contributing to groundwater pollution and must be upgraded or replaced (the system eventually proposed will require RWQCB approval). The pending LCP amendment does not propose a specific waste treatment system, but environmental documents prepared by the County during the planning stages clearly indicate that a new system is required for both the existing and proposed new development within the site. The Samoa Pacific Group/Danco Development have undertaken preliminary engineering and feasibility studies and have demonstrated that sufficient areas of the site exist and are suitable to develop

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the necessary waste treatment and effluent discharge systems. The STMP –MAP-3 is the likely centralized location under the latest system design that is presently under review by the Samoa Pacific Group/Danco Development consulting engineers. In addition, at the request of Commission staff the Samoa Pacific Group/Danco Development had consulting engineers evaluate the feasibility of the proposed waste disposal system performance under conditions of at least 4.5 feet of sea level rise. The primary system, if constructed at STMP-MAP-4 location east of the railroad tracks, would be constructed atop a five-foot-high concrete pad to meet this test, which the landowner/developer indicated would be a feasible project. The landowner/developer also reports that the aging potable water lines serving the existing town are leaking chronically and must be replaced. Master water service lines may require capacity upgrades as well. The proposed expansion of the town has raised concerns about the status of the small, underfunded local volunteer fire department that serves Samoa. The existing facilities and equipment require significant upgrades to address the emergency response demands that will be posed by the projected new development. A third Public Facilities site has been identified within the historic downtown area, where an emergency services vehicle facility will be constructed above the tsunami inundation elevation established for Samoa (above 32-foot elevation), at STMP-MAP-9.

2. Physical Setting.

The property is located in the Samoa area on the Samoa Peninsula, or the North Spit of Humboldt Bay (see Exhibits 1, 5A, 6A). The Samoa Peninsula is a 17-mile long barrier of sand separating the northern part of Humboldt Bay from the Pacific Ocean; the North Spit portion of the Peninsula is about 7 miles long and up to one mile wide. At the Samoa Brownfield site, the North Spit is only about one-half-mile wide. Elevations at the site range from about 10 feet above sea level at the southerly, lowest end, to over 40 feet above sea level at the northerly end of the site, nearest the adjacent Peninsula School.

The area is located approximately 4.5 miles north of the Humboldt Bay entrance and comprises previously graded areas and undeveloped sand dunes. It is generally level, with slopes ranging from less than 5% in the graded areas to up to approximately 20% in the north portion of the plan area, with small areas (cuts and dune slip faces) steeper than 20%. (See Exhibit 7A) Elevations within the plan area range from approximately 45 feet above mean sea level (MSL) at the north end of the plan area, to less than 10 feet above MSL along the eastern margin. Some areas within the plan area are developed on cut and fill pads, which altered the original topography. Prior to development, the plan area likely consisted of bare, active sand dunes with some areas stabilized by vegetation.

To the west of Navy Base Road, and adjacent to the Pacific Ocean, is a sand dune area. Elevations range primarily from 15 to 30 feet, except for the northern portion of the property line where elevations reach up to 60 feet. To the north of the project boundary between Navy Base Road and Vance Avenue is the elementary school. This area contains a small ridge ranging from 30 to 40 feet that slopes toward Vance Avenue on one side and Navy Base Road on the other side. Moving to the south, within the project boundary, the terrain becomes severely undulated with hills and gullies that vary in elevation from 15 to 70 feet. These landforms terminate into two low-lying plateaus. The plateau near Vance Avenue is about 18 feet and the plateau near Navy Base Road about 28 feet. To the south is the residential area around Sunset Avenue where

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elevations range from 25 to 45 feet. To the southeast is another residential area that borders Vance Avenue where elevations range from 20 to 35 feet. South of these residential areas, elevations quickly decrease to about 18 feet reaching a large flat area that slopes southwest, terminating into a swell along Navy Base Road.

To the north between Vance Avenue and the existing railroad alignment is a residential area along Fenwick Avenue resting on a 40-foot plateau. Elevations quickly decline to 12 feet to a low-lying area immediately to the north. The low-lying area to the south slopes from 19 feet near Vance Avenue to 15 feet near North Bay View Avenue. Between Vance Avenue and the existing railroad alignment there is a meandering ridge between the large plateau west of Vance Avenue and the industrial area. This ridge slopes from 25 to 10 feet toward Humboldt Bay. At the north end the Samoa Cookhouse is stationed on the east edge of a 29-foot plateau. To the south of the Cookhouse, between the existing rail alignment and Humboldt Bay, the flat terrain slopes mildly toward the 7-foot bay shoreline.

The most recent geologic map of the area (McLaughlin, et al., 2000) shows the entire plan area underlain by Quaternary Marine (Qm) shoreline and eolian sand and gravel deposits. These recently deposited, unconsolidated, surficial sands and gravels form a thin veneer that is locally as little as 10 feet thick, and is underlain by older, moderately to well consolidated marine sediments believed by most consultants to be either Holocene or Pleistocene in age. Pacific Affiliates (1994) indicates that these older sediments likely belong to the middle to late Pleistocene Hookton Formation, which is described by Ogle (1953) as “gravel, sand, silt, and clay, which have a characteristically yellow-orange color.” Older bedrock underlying the Hookton Formation is reported to consist of late Paleocene to Eocene Yager Formation or the Cretaceous to late Pliocene Coastal Belt Franciscan Formation (McLaughlin, et al., 2000).

Most of the surficial materials within the plan area have been disturbed by grading for previous residential and industrial development. Aerial photo analysis of the plan area by PWA (1992) show some developed areas as early as 1939, with active sand dunes in the southern portion of the plan area. According to the Samoa Terminal Reconstruction EIR (Pacific Affiliates, 1994), deep borings on the adjacent parcel to the south of the plan area encountered unconsolidated, loose to dense sands at depths above an elevation of 15 feet MSL. Very dense sands were encountered below 15 feet MSL. Their report concluded that the upper unconsolidated sands represent recent eolian (dune) deposits that form a thin mantle overlying the significantly denser Holocene or late Pleistocene sands below. The depth to Franciscan bedrock in the vicinity is estimated to be 1,000 to 2,000 feet (Caltrans, 2001).

Samoa Peninsula is shown on the maps of the Planning Scenario of a Great Earthquake on the Cascadia Subduction Zone (CSZ, CDMG, 1995, Map S-1) as being within the zone of potential inundation by a tsunami. Topographic elevations on the site range from 5 feet above sea level in the very lowest pockets of elevation on the site, to over 40 feet above sea level at the northerly end. Exhibit 6 contains an illustration of the degree of tsunami risk posed to the Samoa lands, prepared by Humboldt State University (see also the on-line resources in the “staff notes” above). As can be seen from the Exhibit, the most current planning and education information concerning tsunami inundation potential along the Humboldt County coastline shows all of the subject site as exposed to varying degrees of tsunami hazard.

The Commission staff geologist and civil engineer have concluded that future sea level rise may erode the existing beaches and dunes west of the site, eventually exposing New Navy Base Road to erosion hazards. The state's CalAdapt website also illustrates this possibility at one meter of sea level rise (about 3 feet), which is well within the range of credible projections of sea level rise for the next century (see staff notes for the link to CalAdapt). The Samoa dunes provide a protective feature that buffers the site, but not completely, from potential tsunami inundation. Geologists at Humboldt State University indicate that the dunes absorbed a significant amount of energy from the tsunami that resulted from the last great Cascadia Subduction Zone earthquake (January of 1700), and that this buffering effect may have helped to prevent the overtopping of the North Spit during that event.

The portion of the site proposed for redevelopment was once part of the Samoa dunes habitat that still stretches for miles along the Samoa Peninsula. The previous use of the site for industrial timber processing operations severely impacted large areas of the dune fields that once covered the site. Large expanses of the dune fields that once covered the site completely were graded flat to accommodate timber industry operations. Scars from log stacks remain clearly visible in aerial photos of the site (see "staff notes" for internet links to aerial photograph archives that show these features). In addition, past off-road vehicle (ORV) use has created a web of informal trails, leaving widely scattered patterns of disturbance that are visible in aerial photographs. Beachgoers tend to keep using established informal paths, perpetuating and expanding patterns of disturbance and preventing vegetation from growing in the worn areas. Despite these influences, aerial photographs of the area show that significant dune features and many other habitat types remain within the subject lands.

3. Biological setting.

A biological survey of the Samoa site was prepared by Mad River Biologists on behalf of Humboldt County for the preparation of the Master Environmental Impact Report certified by the Board of Supervisors in 2008. The surveys are dated now (conducted in 2002-2003) but the analysis of the complexity of habitats at Samoa that is described in the resultant report remains relevant. The site contains a complex mosaic of natural and disturbed habitat areas, including a variety of wetlands including relatively rare dune hollow wetlands, northern coastal scrub, coastal coniferous forest, dune mat habitat, and rare plants such as Beach Layia and Dark-Eyed Gilia. Approximately half of the approximately 220 total acres of Samoa lands owned by the Samoa Pacific Group contain dunes, wetlands, and other sensitive habitat areas. In addition, the town's long history includes substantial landscape plantings and mature specimen landscape trees extend the native coniferous forest habitat architecture. The list of bird species utilizing the various habitats was longest for the more landscaped or even somewhat disturbed areas of the site in many cases, according to the biological studies and species lists prepared for the 2004 Biological Resource Study prepared for Humboldt County by Mad River Biologists (Exhibit 7).

The Samoa lands included in the amendment request contain dunes, rare plant habitat, coastal coniferous forest, northern coastal scrub, wetlands, and disturbed or landscaped areas with non-native vegetation that also provides wildlife habitat. Remnant dunes that have been colonized by non-native vegetation remain, and provide substantial habitat areas nevertheless, as well as

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wildlife corridor linkages. Historically landscaped areas of the site also contain many mature specimen tree plantings that provide habitat – used particularly heavily by birds, including seasonal migrants. Some areas of the site have been significantly disturbed, and have been colonized by invasive species, and some of the wetlands have hydrology influenced by a long history of septic-style disposal systems and leaking water pipeline infrastructure. However, the wildlife habitat value and movement corridor provided by the collection of habitat niches at the site is collectively very high.

Coastal access and recreation opportunities in Samoa are also significant. The Samoa Beach and the dune fields and beaches along the Peninsula are accessible from the New Navy Base Road undercrossing that connects the Samoa Town Master Plan area with the beach side of the highway. The town site offers options for low-cost as well as market-rate visitor serving accommodations. The Samoa Cookhouse area, STMP-MAP-13, offers a second floor boutique hotel or hostel (an Eco-hostel is in the planning stages while the Cookhouse second floor undergoes remodeling) , and the suggested modifications call for 20 small detached cabins and 15 car/tent camping sites with accessory facilities (including bathrooms and showers). The STMP-MAP-13 amenities would be significantly enhanced by the connection to the dunes and beaches west of New Navy Base Road of the designated connecting trail to be appropriately improved through the NR area and Wildlife Corridor associated with STMP-MAP-15.

Lot legality and land use concerns

The proposed LCP amendment request thus did not adequately describe the number, size, and legal configuration of lots and intensity of uses it would affect. To address the emerging combination of the lot legality issues and the lack of necessary information without rejecting the submittal and sending it back to the County as part of the filing review of HUM-MAJ-01-08, the modifications require the merger and subdivision of all lands affected by the Samoa LCP amendment. The lands would be merged and redivided into Master Area Parcels that could subsequently be further divided if accompanied by the supporting resource information at the CDP stage.

Without the suggested modifications requiring a merger and redivision of the entirety of the legal parcel(s) containing all affected APNs into Master Area Parcels that could subsequently be further divided if accompanied by the supporting resource information, the potential would remain for the landowner/developer to seek approval of an intensity or location of development and uses unsupported by the size, legality, and configuration of the lots subject to the LCP amendment or the location of coastal resources on those lots. Merger and redivision in accordance with the STMP-MAP requirements resolves those concerns by extinguishing illegal lots and legalizing only the Master Area Parcels authorized by the Commission on Exhibit 1A.

Therefore, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 1B and described as the Samoa Town Master

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Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable requirements of the STMP-LUP. If all such property generally depicted on Exhibit 1B is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable requirements of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property generally depicted on Exhibit 1B is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable requirements of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable requirements of the STMP-LUP.

No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 1B straddles the STMP-LUP overlay boundaries generally depicted on Exhibits 1A and 1B, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

If the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective upon recordation of the Final Map for the Master Area Parcels generally depicted on Exhibit 1A, the Master Area Parcels can be further divided or otherwise developed if supporting information can be provided to demonstrate consistency with the requirements of the certified LCP.

These suggested modifications will resolve any concerns about lot legality before the land use designations and zoning become effective – even if previously certified by the Commission and suggested modifications accepted by the County – would have force or effect. To the extent that issues are raised by the underlying legality of any of the property affected by the LCPA, merger and redivision in accordance with the STMP-MAP requirements resolves those concerns by extinguishing illegal lots and legalizing only the Master Area parcels authorized by the Commission on Exhibit 1A.

This provision will resolve any concerns about lot legality before the LCP amendment – even if previously certified by the Commission and suggested modifications accepted by the County – would have force or effect. To the extent that issues are raised by the underlying legality of any of the property affected by the LCPA, merger and redivision in accordance with the STMP-MAP requirements resolves those concerns by extinguishing illegal lots and legalizing only the Master Area Parcels authorized by the Commission on Exhibit 1A.

ACRC Samoa Processing Center – included in Amendment area: The Samoa lands include a 2.5-acre area owned by the Arcata Community Recycling Center, designated in the suggested modifications as STMP-MAP-1. The parcel is located within the area presently designated General Industrial; however, if the amendment is certified as requested, the parcel be

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redesignated and rezoned to Business Park, and included within the boundaries of the 20-acre Business Park area. The ACRC obtained a Coastal Development Permit/Conditional Use Permit from the County in 2005 for the Samoa Processing Center, including an approximately 40,000-sq.-ft. warehouse facility for sorting recyclables. The Samoa Processing Center will become a legal, non-conforming use if the lands are re-designated and re-zoned as the County is requesting.

NCRA railroad fee-interest lands - not included in Amendment area: As noted above, approximately 2.5 acres of the North Coast Railroad Authority right-of-way borders or traverses portions of the Samoa lands. The railroad is presently idle and commercial freight has not been shipped through the Samoa segment of rail for at least 13 years. If the NCRA corridor is permanently abandoned in the future, a priority for reuse of the narrow parcel would be for public coastal access such as a car-free pedestrian and bicycle path, with linear park landscaping elements that could also serve as a potential wildlife corridor connection to the areas of the Samoa lands designated Natural Resources.

Opportunities and challenges at Samoa site:

The Samoa LCP amendment request, as noted above, is primarily project-driven. The amendment contains proposed changes to the County's certified LCP that have been designed by Humboldt County and the developer/landowner for the purpose of redeveloping the Samoa Brownfield.

Brownfield redevelopment is one of the most challenging types of projects. In the case of Samoa, the redevelopment is complicated by the presence of the heritage timber "Company Town" of Samoa – one of the last of its kind. The historic town with its eclectic mix of Victorian mansion with simple timber worker cottages; the town has a unique, though very much faded charm and special community character enhanced by its seaside setting. Visitor attractions such as the Samoa Cookhouse and nearby Maritime Museum also evoke and preserve the ethos of the original logging town culture that gave rise to Samoa.

Cleanup of contamination around the structures (mostly built between 1892-1923) requires careful planning – the earthwork necessary to recover the lead contaminated soils and remove them for appropriate disposal could destabilize the weakly consolidated soils of the site. Many of the existing cottages have very primitive foundations by contemporary building standards, and the support structures are delicate. Appropriate renovation and conservation of the historic site is challenging and requires expert care.

Site purchase in 2000: The Samoa lands owned by the Samoa Pacific Group LLC total over 200 acres. Led by managing owner Dan Johnson, who owns Danco, a local real estate development company, the Samoa Pacific Group bid successfully on the historic timber "Company Town" and surrounding lands at an international public auction in 2000; escrow closed in 2001. As the Samoa Pacific Group representatives acknowledge, they reviewed and accepted disclosure information regarding the Brownfield status of the site before close of escrow, and thus were aware that extensive testing, planning, and eventual cleanup of soil and groundwater would likely be necessary. Samoa Pacific Group representatives have also explained that they agreed to

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indemnify the former owners for cleanup costs in excess of industrial standards (such as for residential use) that might be necessary to obtain regulatory clearance for other mixed use development.

Regional Water Quality Control Board staff confirmed on request of Commission staff, as discussed below, that the private indemnification agreements between the buyer and seller do not in any way override the liability of the previous owners for the eventual cleanup responsibilities at Samoa. The state retains the authority to seek cleanup from former owners such as Georgia-Pacific and Louisiana-Pacific. Samoa Pacific group also carries insurance to protect the investors against liability that may result from the cleanup or redevelopment of Samoa.

Brownfield disclosure; indemnification: Samoa Pacific Group purchased the original approximately 60 acres and the “company town” in 2001. Limited interest in the town at that time reflected the decaying condition of the town’s structures, the inadequate infrastructure service that requires complete replacement, the extensive potential liabilities associated with the Brownfield, and the uncertainty that envisioned future development entitlements would ultimately be secured. The Samoa Pacific Group representatives report that the estimated costs to clean up the site have continued to rise as more detail about the kinds and locations of contamination, and the standards of cleanup for the land uses proposed, have become clearer. Site characterization was mostly completed in 2009, and most of the remedial action plans prepared by Samoa Pacific Group received Regional Water Quality Review Board (Santa Rosa office) preliminary approval in late 2009 – final approval is presently pending (including finalization of deed restriction requirements that must be recorded against title to the affected Samoa lands) by the RWQCB.

Private, for-profit objectives of the owner: Samoa Pacific Group representatives have emphasized to the County and to Commission staff that the profit goals of the investors must be met if redevelopment of Samoa is to proceed. In other words, though the redevelopment would provide significant public benefits, the project remains a private, for-profit business venture.

Public investment: The Samoa redevelopment project has not been an exclusively private one. A substantial investment of public funds has also been made to facilitate redevelopment of the Samoa Brownfield. Since the transfer of the lands to the Samoa Pacific Group in 2001, Humboldt County and various public agencies, including the EPA, have supplied approximately \$900,000 in various grants for the review of soil and water contamination on site, for planning studies, sustainable/green development analyses, design reviews, and to prepare the underpinnings of the Samoa Town Master Plan (prepared in 2002), which was the basis of the project description set forth in the master environmental impact report (certified by the Board of Supervisors in 2008).

Further public investment in the site continued. The California Conservation Corps has had crews assisting with the remodeling currently underway at the Samoa Cookhouse (visited by the Coastal Commission during the Eureka meeting, September 15, 2010.) The remodeling is being undertaken by the Corps as training in the restoration of historic structures (two other historic sites besides Samoa are included) through a Headwaters Fund grant.

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Humboldt County considers the redevelopment of the Samoa Brownfield to be a significant rural economic development initiative. The County has supported the redevelopment of the site as a way to renovate and restore the charming and locally-beloved historic “Company Town” of Samoa, and to expand the economic prospects of the area so that the town’s economy might be revitalized as well. A Business Park to provide space for light manufacturing, new business incubation facilities, research, professional offices and related businesses in an attractively landscaped, “campus” environment has been a key part of the conceptual town plan since it was first published in 2002. The County leaders recognized that the redevelopment of the Samoa Brownfield would provide substantial public benefits and the “bones” of appropriate “Smart Growth” urban infill development. To further the mixed-use concept, the existing town site would be expanded with new housing, a revitalized Samoa downtown area, visitor serving accommodations, with some habitat set aside as natural resource areas.

Finding the right “algorithm” for Samoa development: The challenge of Samoa Brownfield redevelopment from the perspective of ensuring consistency of the project with Coastal Act requirements, is to find an LCP amendment template for Samoa – a sort of “development algorithm” - that combines the feasibility and flexibility the developer/landowner needs to realize the site’s development opportunities, with the timely cleanup of contaminated areas, preservation of the special community character of the historic “Company Town,” and the protection of coastal resources and public coastal access. This is the primary purpose of the suggested modifications set forth above.

Brownfield; industrial timber history

The site’s industrial timber history has resulted in residual contamination of soil and groundwater, which is common at sites formerly used for timber processing in Humboldt County. “Brownfield” is the term used for contaminated sites that must be remediated before redevelopment proceeds. Resolution of the Samoa Brownfield will eventually proceed under the direction of the State Regional Water Quality Control Board. RWQCB has directed the characterization of the Brownfield prepared over the past four years, and final plans for site remediation with RWQCB approval pending as of September 30, 2010. A number of additional steps must still be completed by the landowner/developer, including the preparation of work plans for RWQCB approval, coastal development permits for the actual cleanup work, and final testing to confirm adequacy of remediation where development would proceed. Some areas may be authorized by the RWQCB for retention of the contaminants rather than active remediation, and where this is the case, the RWQCB requires recordation of pertinent deed restrictions. In one location, the landowner/developer has determined that cleanup to the standard that would be necessary to develop 22 proposed vacation rentals is not economically feasible, and therefore proposes to remove only a portion of the contamination and cap the remainder for on site retention. Installation of adequate structural foundations is not possible under this scenario. In the other contaminated locations, the landowner/developer will address the contamination as necessary to ensure that the development suggested by the conceptual Samoa Town Master Plan would likely prove feasible in the future.

In particular, the RWQCB has specified that the removal of lead-contaminated paints and soils near existing and former structures is necessary. In these locations, RWQCB has determined that

lead paint has weathered off structures in levels too high for the proposed residential redevelopment. The lead contamination is associated with older structures on the site, which were typically painted with highly leaded paints that resisted the corrosive salt air of the Samoa coastal environment. The repeated painting and weathering process allowed lead to build up to very high levels in many locations. In addition, while RWQCB staff note that surface waters have not been systematically tested to determine whether any pattern of lead contaminated runoff may be occurring, such a pattern is possible according to the RWQCB. Therefore, even though the primary concern of the RWQCB staff concerns exposure of children to lead contaminated soils in residential yards and play areas, the cleanup of these soils may also benefit coastal water quality. Much of the Samoa site drains directly into Humboldt Bay, which contains important fisheries and commercial oyster beds. .

Urban/rural boundary; Infrastructure

The Samoa townsite is located outside of the certified urban/rural boundary line. The proposed inclusion of the site within the urban area requires significant improvement in the current infrastructure and emergency response capacity of the area. The existing timber company town is served by an old, failing septic disposal system and antiquated water lines. The pending LCP amendment does not specifically propose a waste treatment system, but environmental documents prepared by the County during the planning stages clearly indicate that a new system is required for both the existing and proposed new development within the site. The Regional Water Quality Control Board has noted that the existing system is contributing to groundwater pollution and must be upgraded. The applicant/landowner proposes construction of a new sewer treatment plant and upgraded and new secondary effluent disposal (to ground) system. The landowner/developer also reports that the aging potable water lines serving the existing town are leaking chronically and must be replaced. Master water service lines may require capacity upgrades as well. The proposed expansion of the town has raised concerns about the status of the small, underfunded local volunteer fire department that serves Samoa. The existing facilities and equipment require significant upgrades to address the emergency response demands that will be posed by the projected new development.

Community character; visual resources

The existing town is a relatively intact and very rare (possibly the only such example remaining in the United States) example of a historic timber company mill town. About 99 cottages that once provided worker housing remain, and about half of the cottages are rented – many by tenants with an expressed interest in purchasing their homes once a master subdivision of Samoa is approved. Almost half of the cottages, however, have been allowed to decay to the extent that the structures are not presently suitable for occupancy and require restoration. The County and the landowner/developer have stated consistently since the first public presentations of the “Samoa Town Master Plan” in 2002 that the restoration of the existing structures that are part of the historic town would be the first phase of work undertaken at the site. (For photographs of the individual structures contributing to historic town character, see the Design Guidelines for Samoa, attached as Exhibit 4, particularly the color version scanned for the Exhibit posted on the Commission’s website. The Design Guidelines contain a detailed inventory of the existing structures as well as photographic documentation.)

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A Victorian mansion has also been preserved on site, and many of the original community structures remain, and provide significant historic context. The town has an attractive presence enhanced by its charming architecture, pleasant coastal setting, and unique neighborhood character. Some of the existing structures, such as the original Samoa Cookhouse, have become landmark tourist destinations. At the height of Samoa's timber days, the Cookhouse fed as many as 500 workers at a sitting and continues to serve "logger-sized meals" to tourists and local residents.

Most of the historic Samoa buildings show signs of advanced age and substantial deferred maintenance. Since purchasing the town at auction in 2000, the present owners have taken only limited steps toward restoration of the town, indicating since the County's submittal of the LCP amendment that the investors in Samoa Pacific Group will not invest in any significant further restoration work (including remediation of hazardous wastes within the site) until/unless the certification of the pending LCP amendment provides sufficient entitlement for the projected commercial development "profit leaders" (primarily the business park). Nevertheless, although the County has withdrawn the previous conceptual master plan for the town's redevelopment and expansion (replacing this with a map change LCP amendment), the landowner/developer previously pledged that the restoration of the working village would be undertaken as "Phase I". As a practical matter, restoring the existing town and selling off individual single family residences and lots is the only significant commercial venture that the landowner/developer can implement until the new waste water treatment plant and associated facilities are in place. Securing the restoration and preservation of the historic company town, and protecting the stability of the aging structures during hazardous waste remediation operations (such as excavation and removal of contaminated soils) is a significant focus of the recommended modifications.

Mixed-use infill development; restricting retail sales

As discussed above, and in the staff summary, retail use at Samoa that would attract traffic from outside of the Samoa area is a problem in terms of exacerbating significant adverse traffic congestion that already affects the safety and enjoyment of a regional key coastal access corridor. The County estimates that at buildout, the development facilitated by the Samoa town redevelopment could add more than 7,000 traffic trips per day. However, the proposed development of Samoa is considered "infill" development in the broadest sense, based on the proximity of the north spit of the Samoa Peninsula to the cities of Eureka and Arcata. The development of the town is also designed to accommodate mixed land uses that would bring jobs and housing together in a synergistic way that should reduce overall commuter traffic. In addition, public bus stops would be included for eventual service of the expanded town site by the Redwood Transit Authority. Nevertheless, the potential 7,000 traffic trips per day will, according to the California Highway Patrol, cause congestion on some intersections along Highway 101 (where it passes through the City of Eureka as 4th Street) to approach gridlock at times.

The recommended modifications include restrictions on retail sales within the proposed new Business Park area of Samoa to reduce the increased traffic impacts on the U.S. Highway 101

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and Highway 255 corridors near Samoa. The recommended modifications support limiting the new business park to non-retail ventures such as research/incubator support, clean/light manufacturing, professional, and non-retail business uses. Minimal retail use that supports the other business park occupants may be approved. Retail shoppers visiting Samoa by car could add significant offsite traffic trips which are avoided if retail is located inland where congestion does not pose significant adverse impacts on coastal resources.

The previous Samoa Town Master Plan also included conceptual trails connecting various areas of the site to reduce the need for driving within the Samoa area. The STMP was withdrawn by the County and replaced with the current map change version of the LCP amendment, but several of the recommended modifications provide policies and implementing measures to ensure that these features are provided.

Low-Cost Visitor Serving Facilities

As shown in the aerial view of Samoa included in Exhibits 1 and 5A, and the maps included in Exhibit 6A, the town site of Samoa is not only a place of special coastal community character, it is also uniquely situated in a location that offers premium access to substantial coastal access and recreation amenities. The town has working-class roots, demonstrated by the quaint remaining cottages that once provided timber worker housing, and by amenities such as the Samoa Cookhouse, which still serves “logger style” family meals to the public in the location where loggers were fed as early as 1894. The Samoa Cookhouse was originally for loggers and dockworkers and is the last logging camp-type cookhouse in the western United States. The Cookhouse began serving family style meals to timber workers in the late 1800s at community table. The Coastal Act policies protect not only places of special character but also the opportunities for low cost visitor serving facilities and accommodations. The purpose of these protections is articulated in numerous Coastal Act policies and public coastal access is specifically protected by the California constitution. The suggested modifications provide specific requirements for the provision of low-cost visitor accommodations.

Wildlife corridors, sensitive habitat

The Samoa site contains a mosaic of sensitive habitat areas, including remnant dune habitat, dune hollow (and other) wetlands, coastal scrub and forests, and rare plant populations. The site also provides habitat for a variety of seasonal and year-round wildlife, and contains corridors that connect important habitat areas and allow for wildlife movement through the site. The variety of habitats and the continuous spatial connections between habitats found on and near the site contributes to a complexity of habitat niches that is often associated with an increased richness of species that are present.

The County’s consultants performed biological surveys and prepared a Biological Report (Mad River Biologists, 2004, Exhibit 7) that identified wetlands, non-wetland ESHA, and prepared species surveys in support of the Master Environmental Impact Report for Samoa Town Master Plan, certified by Humboldt County Board of Supervisors in February 2008. The County has placed areas clearly defined as ESHA by the consultant in a Natural Resource designation and zone, but buffers/setbacks of as little as 50 feet were identified for non-wetland ESHA and in

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many locations (see the Business Park boundary at the southern end of the Samoa lands, for example, adjacent to New Navy Base Road, where areas of delineated sensitive habitat are fragmented by the Business Park land use footprint).

The Wildlife Corridor overlay has been identified (was previously termed the Area Corridor in the December 22, 2009 staff report, Exhibit 16) and would be similarly applied to the LUP map in accordance with the suggested modifications, with minor revisions as called out in the suggested modifications. The Wildlife Corridor follows the same boundaries as STMP-MAP-15 Natural Resources, but toward the northern end of the site, areas shown on the County's proposed land use and zoning maps as residential and commercial recreation within the boundaries of STMP-MAP-15 would be designated and zoned Natural Resources but would be located *outside* of the boundaries of the Wildlife Corridor. This is in addition to the three residential areas near the boundary of STMP-MAP-14, which were included within the Wildlife Corridor in the previous staff recommendation as well. One of the main reasons for the inclusion of the additional areas with NR in this report is that the so-called "soccer field" contamination area will only be superficially remediated (some excavation and disposal, plus clean fill cap if finalized as authorized method by the RWQCB, which is anticipated by Samoa Pacific Group Inc). Restoration after cleanup with wildlife-appropriate locally native species would be required. This portion is not proposed for inclusion within the Wildlife Corridor however because access for cleanup, areas for staging equipment, etc. will result in disturbance of the area in the future if and when additional active remediation is required to prevent the migration of contaminated underlying soils or groundwater under RWQCB order.

Several other STMP-MAPs incorporate smaller areas of Natural Resource lands, and STMP-MAP-18 includes all of the beach and dune lands commencing with the shared boundary with the STMP-MAP -15 Natural Resources/Wildlife Corridor boundary.

Tsunami Hazard Policy

The County's proposed LCP amendment also contains text amendments to the certified LUP that apply to all coastal lands within the area of the Humboldt Bay Area Plan that lay within areas subject to potential tidal inundation by tsunami. The proposed policy text would limit some land divisions that, if implemented, would increase the potential amount of new development that would be located in coastal areas subject to inundation by tsunami. The tsunami provisions reference to certain guidelines published by the National Weather Service as an appendix to another NWS document, but do not attach the referenced material for certification. (Exhibit 5 contains the referenced NWS guidelines). The suggested modifications require "three" to be changed to "one" and the attachment of the referenced guidelines for preservation of content for the public reference. The suggested modifications contain numerous other provisions to address tsunami safety, including evacuation and shelter, vertical shelter, and limitations on permanent residential occupied first floor elevations above the 32-foot-elevation, discussed below.

County's revision of the pending amendment

The pending LCP amendment continues to be commonly referred to as the "Samoa Town Master Plan." The County's proposed amendment was originally based on a "master plan" for the town

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build out, which was meant to illustrate a generic kind of “possible” layout, rather than a binding version of the mapped features (lot sizes and locations, etc. were featured). During staff review of the submittal, the County and the Commission staff realized that the Commission certification review process could not accommodate conceptual planning documents as certifiable LCP amendments. Another approach to this problem might have been the preparation of a Specific Plan. To remedy the problem, in October 2009 the County revised the pending LCP maps before the amendment was deemed complete for review, substituting ordinary Land Use Plan and Coastal Zoning maps. (Exhibit 2)

Need for Suggested Modifications

The proposed LCP amendment, after the October 2009 revision, lacked text policies and provisions to implement the revised land use and zoning maps. The County staff had previously asserted that the County’s Master Environmental Impact Report (MEIR) adequately serves this function. However, the MEIR has not been submitted for certification as an amendment of the LCP, which would be necessary for the document to become part of the legal standard of review for future development subject to the LCP. Moreover, the MEIR was not prepared for this purpose and would be difficult to fit into such a framework. When the County eventually reviews a coastal development permit for the extensive master subdivision and redevelopment that will be required to move the conceptual plans forward, the LCP would not contain policies and provisions sufficient to ensure that the master plan is consistent with Chapter 3 of the Coastal Act, unless policies and provisions are provided to guide the development of Samoa lands in a comprehensively planned manner.

- C. NEW DEVELOPMENT: Locating New Development, Public Services, Community Character, Energy Conservation, Phasing and Cumulative Impacts

Coastal Act Policies

Section 30250 (Locating New Development) states, in pertinent part:

(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...

Section 30251 (Scenic Resources; Visual Character and Compatibility) of the Coastal Act states, in relevant part:

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 (Minimization of Adverse Impacts; Protection of Community Character) of the Coastal Act states, in relevant part:

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.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30254 Public works facilities

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

LCP Policies

The County's certified Humboldt Bay Area Plan (HBAP) directly incorporates Coastal Act Chapter 3 policies 30250, 30251, 302 53, and 30254 (set forth above).

In addition, the County's certified HBAP contains specific hazard policies in Section 3.17, Chapter 3, Page 26 requiring among other things that new development be consistent with the

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adopted Humboldt County Safety and Seismic Safety element of the General Plan, and that geologic stability be evaluated in accordance with specific provisions set forth in Section 3.17.

Extend Urban Limit Line: The HBAP provides specific guidance on the Extension of Services pursuant to the Coastal Act Section 30254. The County proposes in LCP amendment request HUM-MAJ-01-08 to extend the Urban Limit Line to an area that presently is designated rural in the certified LCP. HBAP at Chapter 3, page 34 (Development Policies) provides: “Extension of Urban Limit Line” that the Planning Commission shall consider in amending the Urban Limit Line the following, and make findings accordingly: a) Service systems within the Urban Limit are adequate to serve the proposed addition under Urban Development standards; b) (not affect agriculture or timberlands) – none present on site; c) Expansion of the Urban Limit and the development permitted under such expansion shall be consistent with the Resource Protection Policies and Standards in section 3.30. (Section 3.30 incorporates by reference Chapter 3 Coastal Act Section 30240, 30233, and Coastal Act Section 30607.1). Section 3.30 also contains policies regarding the uses appropriate in disturbed dune habitat in the area west of New Navy Base Road and south of the intersection that includes the Samoa Bridge... “...natural resources designation has been proposed with the following industrial-related uses permitted. The applicant shall demonstrate that there is no less environmentally damaging alternative in the immediate area.” Six allowable uses are listed, including (1) Transmission and water line construction; (2) Dredge spoils disposal; (3) Pipeline construction for surf zone disposal of dredge spoils; (4) Parking lot construction for coastal-dependent industrial facilities located directly adjacent to the proposed parking area on the east side of New Navy Base Road; parking shall be made available for public access to the ocean on the subject parcel; (5) ocean outfall, intake, pipelines; (6) underground utilities.

Discussion

The County proposes a number of changes in the pending LCP Amendment Request No. HUM-MAJ-01-08. These include substantially intensifying the development of an area that is presently located outside of the Urban Limit Line. The traffic study prepared by the Humboldt County as part of the County’s Master Environmental Impact Report established that the implementation of the “Samoa Town Master Plan” buildout would add at least 7,000 traffic trips per day, which would add congestion to the Highway 101 and Highway 255 corridors. The LCP Amendment Request also proposes land use plan map changes and similar zoning map changes that would convert approximately 10 acres of General Industrial and Coastal Dependent Industrial lands, total, to Public Facilities for the purpose of constructing a new on site waste water treatment plant, accessory structures, and effluent filtration fields.

North Coast Railroad Authority railroad corridor parcel/site access

In addition, as discussed above, the Samoa lands that are the subject of the pending LCP amendment are traversed by the North Coast Railroad Authority (NCRA) train tracks. Thus, all lands within the STMP-LUP area that are located east of the NCRA railroad property require authorized access to traverse the train transportation corridor. Neither the County in approving the LCP amendment and transmitting the amendment for certification to the Commission, nor the landowner/developer, Samoa Pacific Group LLC/Danco Development have provided evidence of

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authorization by NCRA for formalized crossings of the NCRA corridor. In addition, authorization by the NCRA requires confirmation and approval by the California Public Utilities Commission as well. Samoa Pacific Group agents have been negotiating with NCRA for establishment of an authorized crossing, and have had site visits with the CPUC according to the representatives, but a resolution has not been achieved so far.

Samoa Pacific Group LLC representatives explained that there may be one crossing authorized if past patterns of historic use are considered (from the old Samoa pulp mill train service days), but official evidence that this crossing exists and is authorized by both NCRA and the CPUC has not been provided to date. The permanent abandonment of the closed Samoa Pulp Mill was announced in the Eureka Times-Standard local newspaper, front page, dated September 29, 2010 and poses the possibility that these lands might become available for purchase. Such a circumstance could present an opportunity for Samoa Pacific Group to secure lands or an easement to an appropriate route across the pulp mill or other land holdings bordering the STMP-LUP lands for an alternative site access route option to resolve the lack of approved railroad access in an appropriate location. It is important to note the potential consequences to the overall STMP-LUP proposal if an appropriate route to the Coastal Dependent Industrial and other lands that are located on the east side of the railroad property is not secured. As stated previously, the primary sewage treatment plant is located east of the railroad tracks, as is the Samoa Cookhouse property (these are STMP-MAP-4 and STMP-MAP-13, respectively).

The Cookhouse property (STMP-MAP-13) access is presently supplied via a paved road crossing of the railroad parcel (an unauthorized crossing according to Samoa Pacific Group LLC representatives in reply to Commission staff on September 26, 2010 to questions posed regarding railroad corridor access in July 2010. If that route (through Cookhouse property where paved access is actually being used with or without official authorization, and has been historically) became the default and only such access across the railroad parcel, then sewage plant and water storage traffic, and well as the proposed construction yard traffic, would all be routed through the Samoa Cookhouse parcel which would adversely affect, and potentially eliminate a significant portion of, the low cost visitor-serving accommodations proposed in the suggested modifications. In addition, should that route not be authorized either, in a worst-case scenario there would be no access at all to the STMP-LUP lands east of the railroad parcel, limiting any use of the essential public facilities scheduled for installation at that location.

To resolve the matter of ensuring authorized and appropriate access to the areas of the STMP-LUP lands located east of the railroad property (which includes the area proposed for construction of a new primary sewage treatment plant, a service route for that plant, and the parcel that will provide most of the low cost visitor serving accommodations proposed within the STMP-LUP lands), the suggested modifications contain a provision that requires resolution of the railroad access issue before the land use designations and zoning become effective.

As stated above, the County's amendment proposes to extend the Urban Limit Line but to place it in a manner that appears to be located west of the railroad property. (See page 15 of 88 in Exhibit 2, LCP Amendment submittal). The issue of access across the railroad track property was not analyzed in the County's review of the LCP amendment nor discussed in the submittal documents. Therefore, to ensure that it is clear that all STMP-LUP lands that are associated with

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potentially necessary access route options affecting the STMP lands east of the railroad property, the Urban Limit Line must be routed along the outermost boundary of the STMP lands east of the railroad tracks so that the Commission is able to determine that the infrastructure, including road accessways, and access to the essential public services infrastructure proposed east of the railroad tracks is resolved in a manner consistent with the requirements of the Coastal Act and of the LCP policies set forth above. Coastal Act Sections 30250 and 30254 in particular establish requirements concerning the provision of adequate infrastructure in the location and authorization of new development. In addition, should the present unauthorized access route to the Samoa Cookhouse property (STMP-MAP-13) be terminated through some action by the NCRA to stop the use of the allegedly-unauthorized crossing that is the only access to that site, all of the low-cost visitor-serving accommodations that would be provided within the lands subject to the STMP-LUP could be forced to close. The Coastal Act policies that provide for the protection and provision of public coastal access and recreation resources are identified in Section E below, but the connection between the railroad property access concern with regard to the location of new development and the concern with regard to the implications for public access and recreation if the Cookhouse MAP should be restricted from public access and use in the future, underscores the need for suggested modifications set forth herein to address this concern prior to the land use designations and zoning of certified LCP amendment No. HUM-MAJ-01-08 taking force and effect.

In addition, the location that was tentatively identified by Samoa Pacific Group representatives as possibly being an authorized access across the railroad parcel is located near the wetland and wetland buffer of STMP-MAP -16. Although that area was identified in the County's amendment request as a small area of "Public Facilities" in the County's amendment request, it has been included in the STMP-MAP -16 Natural Resources because Samoa Pacific Group representatives confirmed that the area was not needed for the secondary effluent facilities that are contained in STMP-MAP-3. Regardless, a road crossing of the protected wetland habitat of STMP-MAP 16 would not support certification of the County's requested LCP amendment.

The majority of the area proposed for new development would be developed for non-Coastal Act priority uses, and although the initial versions of the Samoa Town Master Plan (conceptual) contained substantial visitor-serving amenities and accommodations, these previously proposed amenities have been replaced by single family residential development in some cases. In other cases, the lower-cost visitor serving overnight accommodations that are still conceptually proposed face challenges, including feasibility concerns, due to unresolved costs – and potential adverse impacts on coastal resources --- that are associated with brownfield cleanup obligations that will be necessary to complete before these facilities could be constructed.

A benefit of allowing a substantial amount of non-Coastal Act priority development to be planned for the overall site, however, is the potential for restored economic vitality in the nearby area such that restoration of the existing historic mill town of Samoa is attractive as a component of the overall site redevelopment. The unique community character of the historic company town lends overall charm and attractiveness that enhance the site's value as a coastal visitor-serving resource, helping thereby to establish that support for some of the lower-priority uses of coastally situated lands could provide resources to facilitate improvement of coastal access and recreation.

As described in previous sections, the County revised the originally submitted LCP amendment to replace the land use plan and zoning maps that had shown the Samoa Town Master Plan features in detail (See Exhibits 2 and 3) with maps that contained the same land use and zoning change outlines, but without any plan features. In order to address the omissions in the County's submittal and provide development standards that would guide future development of lands subject to the LCPA, the Commission finds it necessary to suggest substantial suggested modifications. Some suggested modifications to the maps submitted in the LCP amendment are also necessary. The suggested modifications have been designed in part as a new land use plan designation overlay ("STMP-LUP") and a new special area combining zone ("STMP") to implement the LUP overlay, including accompanying policies, provisions and standards. The suggested modifications establishing the policies and provisions within the suggested new Samoa Town Master Plan Land Use Designation Overlay (STMP-LUP) and the new Samoa Town Master Plan Coastal Zoning Overlay (STMP-CZ) contain policies and provisions that are organized according to Coastal Act policy subjects.

The Commission finds that several concerns must be addressed within the appropriate sequences. Therefore, a suggested modification (STMP ((New Development)) Policy 1 ((Phasing Plan)) establishes the pertinent requirements. The Commission finds this manner of organizing the suggested modifications necessary due to concerns that have arisen during the staff review of the County's proposed LCP amendment.

BROWNFIELD CONTAMINATION

The land use changes proposed pursuant to the County's LCP Amendment Request No. HUM-MAJ-01-08 for the subject Samoa lands cannot be implemented for areas that contain brownfield contamination; such areas are subject to unknown final cleanup requirements that may be imposed by the Regional Water Quality Control Board at the time that development of the new land uses (proposed) is implemented.

The County and the landowner/developer have requested, and the RWQCB has approved, the use of "institutional controls" as an interim measure for eight (8) locations within the subject Samoa lands that have been shown to have soil and water contamination that exceeds the levels that the RWQCB considers to be the threshold for certifying the closure of the affected areas.

The landowner/developer has previously requested that the RWQCB determine that the subject sites can be certified as requiring no further cleanup or land use restrictions even with the residual levels of soil and water contamination that have been identified on site, but the RWQCB has denied this request. Instead, the RWQCB has authorized the landowner/developer to record deed restrictions against the title of the lands that are located within the referenced eight areas, thus deferring the determination of final cleanup requirements (if any) to an unspecified time in the future.

The RWQCB has explained that the recordation of such deed restrictions generally means that the landowner/developer need not take any further action at the present time; however, if there is a change in land use or development, or activities are proposed that would disturb the soils of the

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site, then the landowner/developer at that time must contact the RWQCB for a determination of how to proceed (at that time, RWQCB requirements could include additional testing of soils and/or water at the site, and, based on the results, the RWQCB could potentially require remediation of the contamination prior to implementing the proposed land use change or development). In addition, pumping of groundwater is restricted in the affected areas that are subject to the deed restrictions.

The RWQCB staff provided a letter explaining the institutional controls and included a copy of the draft deed restriction provisions under consideration by the Board, attached as Exhibit 12. The RWQCB has explained that the soil and groundwater contamination affecting the sites subject to the deed restrictions has been in place for decades (if not longer), is not likely to migrate beyond the areas where the contamination presently is located, and thus is not likely to contaminate ground or surface waters trending toward, or draining directly into Humboldt Bay or the Pacific Ocean. The RWQCB staff has also explained that the Board reserves the right to pursue the previous landowners to secure cleanup of the site. Previous landowners of the subject lands (prior to purchase of the subject lands by Samoa Pacific Group) include Simpson Timber Company/Simpson Samoa, Georgia Pacific, and Louisiana Pacific (the latter two are “Fortune 500” corporations still in existence).

The RWQCB staff acknowledges, as does the landowner/developer, that the institutional controls do not demonstrate the feasibility of cleanup of the affected areas. The landowner/developer has postponed investigating the ultimate cleanup requirements and thus the feasibility of implementing the requirements is unknown. The landowner/developer cannot produce evidence, therefore, at the present time that the costs of undertaking whatever cleanup requirements the RWQCB may eventually impose would be such that the proposed new land use designations could be implemented at an estimated profit sufficient to induce the landowner/developer to pursue that land use.

The RWQCB staff has also identified three areas of the site that are contaminated to such an extent that the RWQCB requires active cleanup. These areas include: (1) the soils and groundwater beneath an abandoned gasoline station (“Lorenzo Shell”) in the Samoa downtown area, (2) the upper soil layers of the “soccer field” site (approximately overlapping the location proposed for redesignation to Commercial Recreation and proposed by the landowner/developer as the possible site of 22 vacation condominium rental units), and (3) the outer painted surfaces and soils surrounding existing structures (most – but not all -- are single family residences associated with Samoa’s historic timber mill town past) and locations where structures once stood. Lead paint applied to past and present structures over Samoa’s long history has weathered into the surrounding soils and accumulated there at hazardous levels.

The RWQCB staff and the staff of the federal Environmental Protection Agency (the EPA provided grant money for the testing/characterization of the Samoa Brownfield to facilitate the future redevelopment of the site) have stated that cleanup of contaminated areas at Samoa will be best accomplished if undertaken while only one landowner is involved. In addition, both the RWQCB and the EPA staff have noted that cleanup activities may raise complicated concerns, such as whether methods of cleanup undertaken might exacerbate the release of additional contaminants into the environment. For example, cleanup of lead from existing houses and soils

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– even with protective measures in place -- could release lead-contaminated dusts and vapors during the process. Since the structures of concern are mostly residences, human health risks could arise that would be difficult to resolve if the 99 cottages have been subdivided into individual lots and sold to numerous new owners. And, new homeowners may differ in their financial means to pursue the necessary cleanup process, and in their willingness to endure the neighborhood disruption of piecemeal cleaning efforts. Potential conflict could prevent the completion of the RWQCB's cleanup requirements, and even if individual homeowners decided to bear the risk of living with the lead contamination as-is, the slow release of lead contamination into the environment, and ultimately into coastal waters, would continue according to the RWQCB staff if the lead contamination is allowed to remain in place.

The general advice of state and federal agency staff contacted by the Commission staff, and the advice of the Commission's water quality staff, has been that it is important to ensure that the necessary cleanup activities are concluded before the Samoa lands are subdivided, while control of cleanup plans and the ability to implement a comprehensive approach to cleanup is possible. Both agencies indicated that the sole-owner cleanup approach provides multiple benefits for human health and for the environment and is generally the most environmentally protective way to proceed. (U.S. EPA and NCRWQCB staff advise consolidated cleanup of lead-contaminated soils affecting Samoa neighborhoods before parcelization and transfer of individual lots)

To ensure that the development of the Samoa lands in accordance with the new land designations proposed in the LCP amendment is feasible before the lands are subdivided, and to ensure that final cleanup and RWQCB closure certification are achieved before any lots are sold, the Commission finds that suggested modification #7, STMP (New Development) Policy 1 (Phasing of Development), the remaining phasing requirements of the STMP (New Development) policies is necessary.

The Commission notes that Humboldt County Redevelopment Plan Program Environmental Impact Report – Draft, dated November 2005 (SCH#2004122020) states (the Samoa Town Master Plan Master EIR incorporates the Redevelopment Plan Program Environmental Impact Report in full by reference):

Samoa Wastewater System Development

Currently, the town of Samoa has two wastewater collection, treatment, and disposal systems. It is estimated by project engineers that the system is operating at about 70% of capacity. These systems will need to be completely upgraded to accommodate all new development planned as part of the Samoa Town Master Plan. A limited amount of new development can be accommodated with the remaining 30% of the existing sewage treatment plant's capacity. Later Samoa Town Master Plan development phases will require expanded wastewater treatment capacity. Planned development will necessitate the removal of the existing treatment facilities and filtration areas subsequent to construction of the new facility. The Master Plan includes a site for the new sewage treatment plant and the associated treatment ponds.

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The primary wastewater treatment facility proposed as part of the Samoa Town Master Plan would be located east of the NCRA railroad right-of-way. After primary treatment, effluent would be pumped to wastewater treatment areas (treatment wetlands) located between the business park (to the south) and residential area (to the north). The treatment ponds and surrounding area are proposed to be rezoned Public Facilities [PF]. Ponds for secondary wastewater discharge would be located west of Vance Avenue, south of Soule Street, and along the north boundary of the Business Park. The existing primary wastewater treatment plant and system piping is proposed to be upgraded....

... The Samoa Pacific Group would be responsible for developing infrastructure needed to attract business park users. The Redevelopment Agency would fund any infrastructure reimbursements first through grant sources, followed by Redevelopment funds in the form of low-interest loans....Land purchase may also be arranged using the same redevelopment mechanisms.”

The County, the landowner/developer, the staff of the County Environmental Health Department, and the staff of the RWQCB all agree that a new waste water treatment facility must be designed and constructed on the subject site before new development can be constructed. This facility is needed because the septic system facilities serving the existing town (approximately half of the 99 existing single family residences on site are occupied) have outlived their useful life and are failing. RWQCB staff have indicated that the Board has refrained from issuing orders requiring replacement of the systems, which are not adequately treating or controlling waste water effluent presently, because the Samoa Pacific Group has assured the staff that a new waste water treatment plant will be installed soon and that the existing houses will be connected to the new system as soon as it is operational.

As stated above, the County proposes in the proposed LCP amendment to extend the Urban Limit Line to encircle a portion of the lands subject to the STMP-LUP. Section 30250 of Chapter 3 of the Coastal Act requires that sufficient infrastructure be available to support such development. The subject site is located on a peninsula of land that is less than a mile wide. Surface waters drain from the site toward the Pacific Ocean and Humboldt Bay, and groundwater beneath the site is shallow (approximately four feet below the lower surface elevations on site) and trends toward Humboldt Bay according to the staff of the RWQCB. Inadequate waste water treatment facilities, whether the facilities are inadequate due to deterioration of aging equipment, obsolete design, or limited capacity may contaminate coastal waters and degrade sensitive habitat if effluent is not properly managed.

For the reasons discussed above, a timely-constructed new waste water treatment facility of adequate design and capacity is necessary to serve the land uses proposed in the County's pending LCP amendment. The necessary waste water treatment plant is a critical community facility. For this reason, suggested Modification #7, STMP (New Development) Policy 1 (Phasing of Development) requires that the coastal development permit for a master subdivision of the Samoa lands be conditioned by the appropriate authority to require the construction of necessary waste water treatment facilities prior to construction of any new development.

Modification #7, STMP (New Development) Policy 1 (Phasing of Development) also addresses the timely provision of visitor serving and public access facilities. The Commission finds that this suggested modification is necessary to ensure that non-Coastal Act priority development does not occur before (or to the exclusion of) Coastal Act priority land uses. Therefore, STMP (New Development) Policy 1 (Phasing of Development) requires that the public access trail network and the public access day use facility west of New Navy Base Road, as well as all visitor serving accommodation facilities not offset by in lieu fee provisions, be constructed and made available to the public before non-Coastal Act priority land uses such as the development of residential, commercial, and business or industrial uses.

Conclusion

The Commission finds that to ensure that new development is located in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act, it is necessary for the LCP to designate the appropriate location, and development standards applicable to each kind of proposed development. Such designations must also take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality. As such, the Commission finds that the subject suggested modifications set forth above are necessary to ensure that the County's certified LCP contains the clear and comprehensive planning framework necessary to provide, in particular, for the master planning for the lands of the Samoa area.

The Commission finds therefore that the proposed LUP amendments as submitted are inconsistent with and inadequate to carry out the pertinent requirements of Sections 30250, 30251, 30252, and 30253 of the Coastal Act unless modified as suggested above. In addition, the Commission finds that the suggested modifications will also ensure that the LCP amendment as modified by the suggested modifications will be consistent with the pertinent policies of the County's certified Humboldt Bay Area Plan.

D. WETLANDS; NON-WETLAND ENVIRONMENTALLY SENSITIVE HABITAT AREAS, WATER QUALITY

Coastal Act Policies

Section 30210 Access; recreational opportunities; posting

*In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, **and natural resource areas from overuse.** (emphasis added)*

Section 30230 Marine resources; maintenance

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.

Section 30231 Biological productivity; water quality

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

Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients, in pertinent part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

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Section 30234.5 Economic, commercial, and recreational importance of fishing

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

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

Section 30252 Maintenance and enhancement of public access

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) **assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.** (emphasis added)*

LCP Policies:

The County's certified Humboldt Bay Area Plan incorporates directly a number of Coastal Act policies protective of wetlands and non-wetland ESHA, and defines wetlands as ESHA. Coastal Act Sections 30240, 30233, and 30607.1 are incorporated by reference.

In addition, the HBAP includes numerous specific provisions to address sensitive habitat and wetlands, and calls for the protection of the dune area extending west of Manila and Samoa Bridge as ESHA dunes, to be designated and protected "Natural Resources." The HBAP also provides specific guidance on the establishment of buffers and setbacks from wetlands, calling for specific protections for North Spit Dune Hollow wetlands which occur on the subject site, but also concedes that some industrial uses may require impacts to these wetlands. Although the site is being converted from industrial to other uses in the locations where sensitive wetlands have been identified, no fill of Dune Hollow wetlands is proposed for the subject LCP amendment.

Discussion

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The lands affected by the County's proposed LCP Amendment, and as shown in Exhibit 1B, include the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 1B. The County proposes a number of changes in the pending LCP Amendment Request No. HUM-MAJ-01-08. These include substantially intensifying the development of an area that is presently located outside of the Urban Limit Line. The site contains a variety of sensitive coastal resources, including wetlands and a variety of non-wetland Environmentally Sensitive Habitat Areas, including rare plant populations and wildlife corridors. Numerous biological studies prepared in the area have confirmed the presence of these resources (see Exhibit 7-9). The areas that are not proposed for urbanization but that contain sensitive resources may be adversely affected by the potential overuse by residents, guests, and coastal visitors.

The Samoa Peninsula is a scenic beach area convenient to Eureka and Arcata and of regional public coastal access and recreation significance. The beach and dunes including Samoa Beach and the corridor west of New Navy Base Road are connected to the subject site via a publicly-owned tunnel under New Navy Base Road, providing an important public coastal access and recreation corridor linkage between the two.

The site contains a mosaic of sensitive habitat areas, including remnant dune habitat, dune hollow (and other) wetlands, coastal scrub and forests, and rare plant populations. The site also provides habitat for a variety of seasonal and year-round wildlife, and contains corridors that connect important habitat areas and allow for wildlife movement through the site. The variety of habitats and the continuous spatial connections between habitats found on and near the site contributes to a complexity of habitat niches that is often associated with an increased richness of species that are present. (See Exhibit 1A, STMP-MAP-18 for the general beach and dune area west of New Navy Base Road.)

The County's LCP amendment request would redesignate and rezone the subject lands from mostly Industrial use to a variety of mixed uses, including residential. The existing "company town" Samoa residences (99) plus a maximum of approximately 300 additional new single family residences and 45 multi-family units would be constructed or renovated at build out. Although a specific number of residences is being sought for approval, this LCPA does not approve any such specific number. The density of development will instead be determined at the CDP stage. The occupants of these potentially allowable structures would be expected to enjoy the beach access amenities of the site, but would also potentially impact the protected natural resource and habitat areas also shown on the STMP-MAP in exhibit 1A. In addition, Commercial Recreation uses will include visitor-serving accommodations that would be expected to attract coastal visitors who will also enjoy visiting the scenic dunes and beaches west of the STMP area. Other proposed mixed uses of the site may also attract additional incidental visitors.

The new development will increase demand for coastal recreation, such as the use of the dune environment and the natural resource areas where amenities such as a pedestrian trail connecting STMP-MAP 13 and STMP-MAP 14 with STMP-MAP-18 and the rest of the town areas, via a

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public pathway that is to be improved via STMP-MAP 15 to lead coastal visitors through the site and to the beaches and dunes beyond. In addition, the County's LCP amendment request includes a tent camping site on the west side of New Navy Base Road in an area shown since that conceptual plan was outlined (through more recent biological surveys) to include habitat for rare plants endemic to the Samoa dunes.

Natural resource areas have been designated by the County in the proposed amendment; however, wetlands and non-wetland ESHA have not been recently delineated in accordance with Commission standards. At the time specific development or further subdivision of STMP-MAP area would be proposed, a site specific, current wetland delineation and appropriate biological resources survey would be prepared and would guide the review of development on the basis of that more exact and accurate information. The County and the developer/landowner have stated that fill of wetlands is not contemplated for any development that would be facilitated by the proposed LCP amendment.

Consistency Analysis

The County proposes a number of changes in the pending LCP Amendment Request No. HUM-MAJ-01-08. These include substantially intensifying the development of an area that is presently located outside of the Urban Limit Line. The site contains a variety of sensitive coastal resources, including wetlands and a variety of non-wetland Environmentally Sensitive Habitat Areas, including rare plant populations and wildlife corridors. Numerous biological studies prepared in the area have confirmed the presence of these resources (see Exhibit 7-9).

In addition, the County and the landowner/developer propose through LCP Amendment request No. HUM-MAJ-01-08 to substantially intensify residential and other use of the Samoa lands, and the layout of residential lots is proposed to abut the sensitive resource areas of the site. As can be readily seen from the illustrative maps showing the concept of lot layout on the site (see Exhibit 3, for example), dense development on small lots, and the placement of multi-family housing and potentially dense clusters of condominiums for visitor-serving uses are proposed. While there is one proposed park location, no community parks are distributed through the areas proposed for residential development, even though pockets of wetlands and other sensitive habitat areas adjoin the proposed residential areas. If the Samoa lands are developed in this manner, without including community park facilities with designated play areas and equipment, community gardens, and other similar features at distances convenient for families with young children for example (typically within two blocks of home), it is likely that the sensitive habitat areas of the site will become *de facto* recreation areas. Much of the soil base on the site is relatively sandy and weakly consolidated and is very prone to erosion. As the result of increased disturbance in ESHA, the sensitive resource areas would be significantly and adversely affected by the substantial disturbance and degradation of habitat that would result from trampling, erosion, etc.

As described in the suggested modifications and explained in more detail below, the Commission identifies herein a Wildlife Corridor (previously called a Corridor Area) (see Exhibit 16) to establish a protective standard that limits the fragmentation of habitat and allows unified connecting areas to preserve areas of wildlife habitat and movement. The STMP-MAPs shown

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in Exhibit 1A also provide guidance as to the locations of Natural Resource areas (STMP-MAPs – 18, -15, -16, -17), though not all of these areas are located within the Wildlife Corridor shown in Exhibit 16.

The site contains a mosaic of sensitive habitat areas, including remnant dune habitat, dune hollow (and other) wetlands, coastal scrub and forests, and rare plant populations. The site also provides habitat for a variety of seasonal and year-round wildlife, and contains corridors that connect important habitat areas and allow for wildlife movement through the site. The variety of habitats and the continuous spatial connections between habitats found on and near the site contributes to a complexity of habitat niches that is often associated with an increased richness of species that are present.

The Commission considers the overall protection of connected corridors that provide wildlife corridors as well as habitat connections important and in the case of the Samoa lands, substantial corridors of wildlife habitat exist along primarily along the western and northern boundaries of the site (in general terms). To ensure that these areas receive protection from the encroachment of development, the boundaries between the Natural Resources land use designation and the adjoining proposed land uses proposed by the County in the subject LUP map for the Samoa Lands is adjusted as shown in Exhibit 16, and as discussed in the suggested modifications. These changes eliminate some portions of proposed development that would be constructed if the changes were not required.

In addition, the Commission finds it necessary to ensure that the STMP-LUP lands are carefully delineated to find the locations and limits of sensitive wetlands and other non-wetland ESHAs at the time further subdivision or other development of the Master Area Parcels is proposed. The suggested modifications contain detailed requirements and procedures for preparing the biological resource studies, delineations, etc. necessary for this purpose, including the requirement that pertinent data be reasonably current and in no case older than five (5) years old.

The Commission further finds that the County and the landowner/developer have submitted biological survey data for the area west of New Navy Base Road that shows that ESHA exists within the boundaries of the area proposed for redesignation from Natural Resources to Public Recreation. The area remaining after taking into consideration ESHA and necessary buffers for sensitive habitat is too small to provide the tent camping area that is conceptually proposed for that location. The Commission finds it necessary to delete this change, but to allow for a simple, minimally equipped day use assembly area (without bathrooms) that would be suitable for environmental interpretation activities and would contain pertinent amenities and habitat protection features (such as symbolic post-and-rope fencing) at that location, and improved parking at the parking site adjacent to New Navy Base Road.

The Commission also finds that the County and the landowner/developer propose substantially intensified development of the subject lands if the land use changes shown on the proposed LUP map for the Samoa lands are implemented. The single family residential and multi-unit residential areas in particular do not contain small neighborhood recreational parks and community garden facilities that would compensate for the small (or non-existing) open spaces that accompany small lot or apartment-style development. If adequate parks and recreation

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spaces are not provided (and studies show that these must typically be within two blocks or less if the facilities are to be convenient enough to attract neighbors without requiring driving, and this is particularly true families with small children), it is likely that the sensitive resources such as those protected by the Corridor Area (Exhibit 16) will become *de facto* recreation areas for residents and their guests, to the detriment of the sensitive habitat areas disturbed by such unauthorized use.

The Commission finds that the following suggested modifications are necessary to ensure that the County's proposed LCP Amendment Request No. HUM-MAJ-01-08 is consistent with the pertinent requirements of the Coastal Act pertaining to the protection of coastal waters, wetlands, and ESHA.

The Commission finds that to ensure that new development is located in areas able to accommodate it without significantly and adversely impacting sensitive resources such as wetlands and other non-wetland environmentally sensitive habitat areas, and to ensure that new development is sited and designed in a manner protective of coastal waters, including groundwater and surface waters that trend toward and may affect the quality of the Pacific Ocean and Humboldt Bay, the suggested modifications set forth above are necessary to ensure that the County's LCP amendment is sufficiently protective of these resources. The Commission further finds that the fisheries, including oyster culture activities, dependent on the waters of Humboldt Bay and the Pacific Ocean are important coastal resources and that protecting the quality of the waters supporting fisheries is critical to their function.

In particular, the Commission finds that protection of the Wildlife Corridor (previously referred to as a Corridor Area) – an area shown in Exhibit 16, generally on Page 1 (of 7 total pages) of the exhibit, and more specifically defined and located pursuant to Sheets 1-6 of Exhibit 16. Exhibit 16 relies on the most recent wetland delineation and other environmentally sensitive habitat survey data that is currently available (primarily biological surveys conducted by Mad River Biologists on behalf of Humboldt County in 2002-2003 pursuant to maps contained in the project file for HUM-MAJ-01-08, North Coast District Office).

The Corridor Area, referenced and described within the suggested modification attached hereto, and as set forth above, provides a substantial corridor for wildlife habitat use and movement through the natural areas of the site, connects the mosaic of individually-delineated wetlands, including the rare Dune Hollow wetlands, dune mat habitat (many areas of dune mat habitat contain rare plant species such as Beach Layia and Dark- Eyed Gilia, including areas of the Samoa lands east of New Navy Base Road), Northern Coastal Scrub, Coastal Coniferous Forest, and other environmentally sensitive habitat and buffers thereof. Some areas mapped as Corridor Area are established to connect habitats and buffers and other areas show reduced or even absent buffers, but the overarching consideration in establishing the corridor is to protect overall habitat and to provide for species dispersal and the enhancement of areas within the corridor that while degraded by disturbance, offer the potential of recovery, or serve to buffer and connect adjacent habitats. The Corridor Area as a whole provides more substantial and significant habitat by unifying, rather than allowing further isolation of habitat within that corridor as development of the lands subject to the STMP-LUP proceeds in the future.

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Other wetlands and non-wetland ESHA within the areas of the STMP-LUP are also subject to protective provisions set forth in the STMP-LUP suggested modifications, but the manner in which these areas would be protected (the location and extent of needed buffers, for example) would be considered on a case-by-case basis at the CDP stage, in light of more current biological data, and in accordance with the methods for delineation and evaluation set forth in the suggested modifications. The County and the developer/landowner have stated that no wetlands would be filled to build out the lands subject to the STMP-LUP ; therefore some land use designations and zones shown in the LCP amendment and in the Exhibit 1A STMP-MAPs appear to show development in areas with wetlands, but the suggested modifications contain requirements to ensure that these resources are delineated and protected at the time further subdivision or other development of a pertinent STMP-MAP area is proposed.

In addition, because overuse of natural areas and sensitive habitat may occur if development adjacent does not contain sufficient areas and amenities for recreational use, STMP-MAP 11, and other provisions contained more specifically in the suggested modifications call for the protection and provision of parks and other recreational amenities. In addition, the existing gymnasium (STMP-MAP -14) and other features of the site also have recreational value. The suggested modifications call for the improvement of appropriately located and designed pathways in both the Natural Resources and Wildlife Corridor areas to ensure that public access is channeled appropriately to reduce the overuse caused by informal trails that are evident at the site in aerial photographs, and could worsen with additional development without these protections.

The suggested modifications STMP (Wetlands/ESHA) Policies 1 through 15 set forth detailed measures to prescribe specific provisions for protection of wetlands and other sensitive habitat areas within the STMP-LUP lands in a manner tailored specifically to the unique area and the master plan for mixed development that has been established conceptually in the Samoa Town Master Plan and more specifically in the suggested modifications.

The Wildlife Corridor described above is established based on the biological data available presently because the guiding principle for describing the corridor is the interconnection of otherwise fragmented habitats and their buffer areas (which are typically only 50 feet for non-wetland ESHA in the Wildlife Corridor) recognizing that some areas that are not described specifically as ESHA or buffer will also be included to establish connections and wildlife passage areas, thus making the “whole” of the Wildlife Corridor sufficient to describe the location and extent of the Wildlife Corridor and to thus also direct the necessary revisions of the County’s LUP and Coastal Zoning Maps to incorporate the Wildlife Corridor.

Brownfield remediation, sewage treatment facilities

The Samoa Brownfield has been recognized as a residually contaminated site leftover from industrial timber operations over the past 100+ years. The current landowner/developer purchased the affected lands that are the subject of the County’s proposed LCP amendment in 2001 and has not contributed to the contamination present on site.

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The Samoa lands subject to the pending amendment have been characterized by the landowner/developer under the jurisdiction and supervision of the assigned Engineering Geologist of the North Coast Regional Water Quality Control Board and other RWQCB staff since the LCP amendment was initially submitted. Final Remedial Action Plans for all areas of the site have since received preliminary approval and final approval with confirming review of deed restriction recordations and other components is pending. Thereafter the landowner/developer will present clean up plans and obtain the necessary permits to initiate active cleanup in the locations where the RWQCB has required intervention. In some areas, the Board has determined that recordation of deed restrictions would be sufficient based on evidence that residual contamination of soil and/or groundwater is stable, unlikely to migrate, and poses no (or very little) risk to environmental receptors or to ground or surface water quality.

In addition, the County Environmental Health Department is overseeing the characterization and clean up requirements associated with the former Lorenzo Shell gasoline station (abandoned) in the downtown area (STMP-MAP-10, Exhibit 1A).

The Commission defers to the RWQCB's judgment as to the cleanup standards that the Board has determined will be protective of the waters that may be affected by the Brownfield resolution. In addition, the RWQCB will eventually review and authorize the new or improved waste treatment facilities called for in the County's LCP amendment. The Samoa lands drain by surface to the Pacific Ocean and into Humboldt Bay. To ensure, therefore, that the treatment plant and accessory structures protect groundwater and surface water quality, and that all site disturbance required to implement authorized development is undertaken in accordance with the highest standard of erosion control, provision of Best Management Practices, revegetation, and a variety of other measures that protect water quality, the Commission finds STMP (New Development) Phasing and Development requirements set forth in detail in the suggested Modification 9 et. seq. necessary.

Finally, because the County proposes to move the Urban Limit Line to include the area within the portion of the subject lands that would be urbanized by new development, the Commission finds it necessary to ensure that adequate waste water treatment facilities are approved and installed before new development not previously constructed is undertaken on site. The RWQCB has informed Commission staff that the existing, antiquated treatment facilities may be authorized for current use, but that this could change, and that all new development must rely on a new waste water treatment facility. Suggested Modification 9 contains numerous policy provisions designed to ensure that development dependent on a new facility is phased appropriately and to ensure that the RWQCB authorizes any new system that is proposed for the site. The modifications also limit the new treatment facilities and infrastructure to the service of only development existing or constructed within the new Urban Limit Line as specified herein. The area of secondary field effluent discharge has been designed and sized in accordance with studies that show that the area designated for public facilities is adequate for this purpose but capacity to treat additional wastes has not been included and the areas of effluent discharge border wetland ESHA and cannot be allowed to expand or flood those areas. Thus, the limits on system use are necessary to protect wetlands and the water quality filtering function of nearby wetland resources within the STMP-LUP lands. In addition, the Modifications require that the new or improved sewage treatment facility and other community infrastructure be managed by a

public entity consistent with the requirements set forth in the modifications. This is recommended by the RWQCB to ensure adequate standards and funding sources to provide long term management, maintenance and water quality protection.

Conclusion

For all of these reasons the Commission finds that the subject suggested modifications set forth above are necessary to ensure that the County's certified LCP contains the clear and comprehensive planning framework necessary to provide for the master planning for the wetlands and non-wetland sensitive habitat areas of the lands subject to the STMP-LUP in a manner consistent with the Chapter 3 policies of the Coastal Act that are protective of sensitive resources. The Commission finds therefore that the proposed LUP amendments as submitted are inconsistent with and inadequate to carry out the pertinent requirements of Sections 30210, 30230, 30231, 30233, 30234.5, 30240, 30251, and 30252 of the Coastal Act unless modified as suggested above.

E. PUBLIC COASTAL ACCESS AND RECREATION;

Coastal Act Policies

The Coastal Act, cited below in pertinent part, protects public coastal access and recreational opportunities:

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 New development projects

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public

agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30214 Implementation of public access policies; legislative intent

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to [Section 4 of Article X of the California Constitution](#). Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under [Section 4 of Article X of the California Constitution](#).

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30221 Oceanfront land; protection for recreational use and development

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 Private lands; priority of development purposes

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 Upland areas

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30250 Location; existing developed area

(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.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 Minimization of adverse impacts (in pertinent part only)

New development shall:

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

LCP Policies

The County's certified Humboldt Bay Area Plan incorporates by reference most of the key Chapter 3 policies of the Coastal Act protective of coastal access and recreation, and contains the following policies:

3.50 Access

A. Planned Uses

Formal coastal access exists at a number of locations within the planning area, such as Mad River Beach County park, Table Bluff, Samoa Boat Ramp, Fields Landing Boat Ramp, and several other locations. Public access provides for recreational opportunities around the Bay area that add to the local economy, and enhance the quality of life for local residents.

The following access inventory proposes increased public pedestrian access near Manila, an accessway for handicapped persons behind Redwoods United Workshop, ORV access to the beach across from the Fairhaven and Samoa industrial areas, increased access at the end of the North Spit, a trail from the Samoa Boat Ramp to Fairhaven, access to the Bracut Marsh Restoration Project, access to King Salmon Beach, access to the proposed Wildlife Refuge, access to the end of the South Spit, and several other proposals.

Accessway Improvements and Funding

a. Public agencies or other entities having or accepting responsibility for accessways shall provide support facilities compatible with the character of the land and adequate for the number of people using them prior to opening the access to public use.

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(1) Minimal improvements should be scheduled for unimproved access points in character with the rural nature of the communities they serve, and accessways accepted by the responsible entity or agency should include but shall not be limited to, the following as they are found consistent with the identified uses, modes of access and limitations as identified in the Access Inventory.

(a) parking

(b) roads

(c) trails, stairs, and ramps

(d) sanitary facilities (Including trash collection)

(e) facilities for the handicapped

(f) fencing and barriers to inappropriate uses

(g) signing of access points, trails and hazard areas

(h) maintenance and operation of the accessway and support facilities

(3) When the approving authority finds adverse impacts associated with improving access in conjunction with the criteria within this section appropriate mitigation measures shall be provided.

(5) Funding for acquisition, improvement, maintenance and operations, and coverage for associated liability on new accessways required as part of the Coastal Plan mandated by the State shall be from sources other than Humboldt County.

Discussion

Public coastal access, provision of low-cost visitor accommodations, controlling excess traffic impacts on key coastal access corridors:

The subject lands affected by the County's proposed LCP Amendment, and as shown in Exhibit 1B, include the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 1B.

The Samoa Peninsula is a scenic beach area convenient to Eureka and Arcata and of regional public coastal access and recreation significance. The County's Samoa Beach is located directly across New Navy Base Road from the subject Samoa town lands subject to the County's proposed amendment. The beach and dunes including Samoa Beach and the corridor west of New Navy Base Road are connected to the subject site via a publicly-owned tunnel under New Navy Base Road, providing an important public coastal access and recreation corridor linkage between the two. (See Exhibit 1A, STMP-MAP-18 for the general beach and dune area west of New Navy Base Road.)

The County's LCP amendment request would redesignate and rezone the subject lands from mostly Industrial use to a variety of mixed uses, including residential. The existing "company town" Samoa residences (99) plus a maximum of 300 additional new single family residences and 45 multi-family units are proposed to be constructed or renovated at build out. Although a specific number of residences is being sought for approval, this LCPA does not approve any such specific number. The density of development will instead be determined at the CDP stage. The occupants of these structures would be expected to enjoy the beach access amenities of the site,

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but could also significantly and adversely impact the protected Natural Resource and Wildlife Corridor areas of the site through overuse or through perpetuation of the myriad informal trails that criss-cross the sensitive dune fields in the areas subject to the STMP-LUP (on both sides of New Navy Base Road). In addition, there are sensitive wetlands in numerous areas of the site, and compaction of soil in wetland habitat that can result from foot traffic, may lead to permanent changes that impair the function of the wetland and reduce plant diversity and wildlife use of the habitat as the result.

In addition, Commercial Recreation uses that the County's proposed amendment provides for would include visitor-serving accommodations that would be expected to attract coastal visitors who will also enjoy visiting the scenic dunes and beaches west of the STMP area. Other proposed mixed uses of the site may also attract additional incidental visitors. Taken together, the increased urbanization of the lands subject to the STMP-LUP requires careful planning to ensure the optimal mix of habitat protection and management for the benefit of the resources, together with plans to provide adequate low cost visitor accommodations and other visitor-serving amenities that enhance coastal access and recreation for residents, guests, and coastal visitors in general.

Consistency

The new development will increase demand for coastal recreation, such as the use of the dune environment and the natural resource areas where amenities such as a pedestrian trail connecting STMP-MAP 13 and STMP-MAP 14 with STMP-MAP-18 and the rest of the town areas, via a public pathway that is to be improved via STMP-MAP 15 to lead coastal visitors through the site and to the beaches and dunes beyond. In addition, the County's LCP amendment request includes a tent camping site on the west side of New Navy Base Road in an area shown in biological surveys to include habitat for rare plants endemic to the Samoa Dunes. While the tent camping site would provide an affordable accommodation for coastal visitors, the placement of the facility within a dune habitat area that could be restored for sensitive plant habitat raises concerns. A feasible resource - consistent alternative is to provide car/tent camping sites in the STMP-MAP 13 and/or 14 area designated Commercial Recreation, and near the Samoa Cookhouse and other related amenities. A trail connecting that location to the underground tunnel at New Navy Base Road would allow campers to access the area that would have been the tent camping site fairly readily, and in addition parking improvements at the Samoa Beach parking turnout west of New Navy Base Road would also provide more convenient access and additional parking for visitors who are not camping, as well.

The County estimates that the potential build out of the Samoa lands subject to the pending LCP amendment will add approximately 7,000 traffic trips per day divided between Highway 255 (toward Arcata) and Highway 101 (toward Eureka via Highway 255/Samoa Bridges). Highway 101 is a critical coastal access corridor and is already highly congested at some intersections within Eureka city limits, especially near the intersection with R Street/255. The California Highway Patrol has provided written comments indicating concern that the proposed project could bring some Highway 101 intersections within Eureka to gridlock, and that the additional traffic could worsen safety problems on the Eureka-Arcata 101 Safety Corridor.

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The County and the developer/landowner have asserted that the proposed approximately 20-acre Business Park (STMP-MAP-1 and STMP-MAP-2, Exhibit 1A) should be allowed to include retail sales uses. Retail sales businesses have the potential to produce significantly higher traffic trip counts than any other uses proposed within the Business Park. The increased traffic of any significant retail sales component within the Business Park has not been addressed in the County's master environmental report for the subject project. The environmental impact report prepared by the City of Eureka for the Marina Center project analyzed retail traffic, however. The Marina Center EIR indicates that a significantly higher traffic trip count would be associated with retail uses as compared to the traffic counts that are used to generate "business park" traffic trip counts.

The County's Draft Redevelopment Program EIR dated November 2005 was incorporated in full by reference into the County's Master EIR for the Samoa Town Master Plan. The Redevelopment Program EIR reviewed the Samoa Business Park as a major redevelopment program potential project and with regard to the traffic impacts that the Business Park might generate, states that:

"Implementation of the Redevelopment Plan would not increase Plan Area traffic volumes beyond General Plan levels. As shown in Table 3.2-3, the anticipated build-out trip levels will not result in operation falling below LOS C except on SR 255 across the Samoa Bridge, which is already at LOS D and would be expected to drop to LOS E under future volumes due to traffic increases associated with build-out of anticipated development. "

Thus the potential for 7,000 additional traffic trips that the proposed LCP amendment would facilitate could have a significant and adverse impact on coastal access and recreation corridors, particularly the Samoa Bridges and State Route 255. The Samoa Bridges are narrow, cannot be widened without replacement, and drain into an area of Highway 101 within Eureka that currently, even in off-peak hours, requires two light changes to pass through nearby Highway 101 intersections. In addition, the Highway 101 corridor between Eureka and Arcata is in a "Safety Corridor" condition to reduce speeds. Caltrans staff has indicated as recently as September 16, 2010 to Commission staff that safety problems with the corridor between Eureka and Arcata appear to be increasing, as rates of minor accidents have risen somewhat in the past few years despite mandatory reduced speeds of 50 miles per hour in that section. Since Highway 101 is the key route for public coastal access both to the Samoa Peninsula and the popular beach and dune areas beyond, but also to regional links to coastal access and recreation throughout the county and the rest of the North Coast region.

The Redevelopment Program Draft EIR cited above continues:

These average daily trip levels represent the full development potential of the General Plan and could occur with or without the approval of the proposed Redevelopment Plan. The vehicle trips that would be generated by future Redevelopment Plan-related activities would be evaluated as part of subsequent project reviews. During the environmental assessment associated with project review, the Redevelopment Agency would identify mitigation measures, as needed, to reduce impacts to a less-than-significant level.

Decisions regarding transportation improvements would be consistent with the General Plan, especially those Framework Plan policies regarding development timing, road system development, transportation decisions and level of service standards. Should any future redevelopment activity have the potential to result in traffic related impacts, standard development review requirements and County policies would be applied to reduce potential impacts to a less than significant level.

Determination:

Less than significant for all segments except SR 255 on the Samoa Bridge.

Mitigation:

The only potential mitigation for improving capacity and operation on SR 255 across the Samoa Bridge is to widen the bridge. This is likely to be infeasible from both cost and environmental standpoints. The cost of widening this bridge would be many millions of dollars, and with operation at acceptable levels except during a few hours of the day, the associated benefit would be considerably less than could be gained using these funds for other capacity or safety improvements. Similarly, the area under the bridge has wetlands and other environmentally significant habitats that would be disrupted or potentially destroyed. The environmental cost would also significantly exceed the environmental benefit achieved through reducing congestion for a few hours' time. The impact is therefore considered significant and unavoidable.

As discussed in the background section above, the County's Redevelopment Program envisioned the build out of the Samoa Business Park creating over 1,000 new retail jobs. The Business Park use the County proposes to replace the existing General Industrial designation and zoning with has a key distinction: The Business Park land use and zoning allows retail use with a Conditional Use Permit; the Industrial uses do not allow typical retail uses. In addition, the Arcata Community Recycling Center's Samoa Processing Center facility, approved by the County in 2005 and constructed by Samoa Pacific Group/Danco Developers and opened in 2007, is struggling to survive. Local media has reported for the past year on the worsening financial environment for the non-profit recyclables management organization and it is not clear that they will continue to occupy the \$8.1 million facility. The County's proposal would redesignate the ACRC site to Business Park, rendering the 40,000 square foot warehouse facility a legal, non-conforming use.

The County could have retained the General Industrial designation for the site, which was approved for a General Industrial use even though the LCP amendment for the Samoa Town Master Plan, showing "Business Park" designation and zoning for the site had been initiated by the Board of Supervisors in September 2002, and the Master EIR for the Samoa Town Master Plan was in preparation by PlanWest consultants under the supervision of the planning department staff. Taking together the potential to convert the 40,000 square foot warehouse to Business Park use, and considering that Business Park use allows retail development with a Conditional Use Permit, the potential for a regional retail facility to take over the Samoa Processing Center appears to be possible. As discussed above, and explained further below, the Redevelopment analysis for a Samoa Business Park redevelopment project anticipated the creation of over 1,000 retail jobs as the result of the project (the jobs could not be attributed to any other likely Samoa Peninsula employer that would be established or expanded in the Samoa area and was analyzed in the subject EIR).

As noted, the County’s Draft Master EIR for the Redevelopment Agency projects dated November 2005 included a new business park at Samoa and other town revitalization projects.

The MEIR included Table 3.1-5 (below), page 3.1-6 of the document, which shows the redevelopment agency’s projections for new employment that – upon buildout - would be attributed to the listed redevelopment projects. What is notable about Samoa is that while there is very little employment in the town presently, and almost no retail sales unless meals at the Samoa Cookhouse restaurant and museum gift shop sales are included, which is unlikely to total more than 50 retail jobs as the most conservative baseline possible under existing conditions, in the definition of retail sales, the new jobs created at Samoa included over 1,000 retail jobs and no jobs in any other category. This projection appears to anticipate a significant number of retail jobs being created in the proposed Samoa “Business Park”:

Table 3.1-5 Maximum Employment at Buildout - Redevelopment Sub- Areas

Jobs by Business Type

Sub-Area	Service	Other	Retail	Total Jobs
Alton - - - -				
Fields Landing	56	17	139	212
Glendale	141	32	81	254
Manila	78	18	41	137
Orick	595	218	634	1,447
Samoa	-	-	1,032	1,032
Willow Creek	619	274	874	1,767
Total	1,489	559	2,801	4,849

Source: Humboldt County Community Development Services.

(Bold emphasis added)

All of these factors, combined with the existing traffic congestion on Highway 101 and 255 indicate that the Commission must include limitations on the development that may be authorized in the Samoa Business Park to restrict retail uses. The suggested modifications limit retail use to no more than 10,000 square feet, and require that Business Park retail with a CUP be of a kind that is based on customers within the Business Park and does not draw significant customers from outside of the Business Park. In this way, the Commission ensures that the mixed use development of the lands subject to the STMP-LUP provides economic vitality and a synergistic mixture of employment and housing opportunities *within* the subject site. This combination affords flexibility and opportunity for a successful revitalization of the Samoa Brownfield and historic “company town” without attracting retail shopper traffic trips over the critical coastal access route of Highway 101, and Highway 255 to the subject site and at inter-tied Highway 101 intersections.

Visitor-serving Accommodations

The County’s LCP amendment request includes land use changes that could facilitate – but not require as a future legal standard of development review - the provision of several sources of

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low-cost visitor accommodations within the lands subject to the STMP-LUP. As none of the possible facilities is specifically required, the Commission finds it necessary to require through Modification #9 the following:

Samoa Cookhouse second floor guest lodging – a minimum of 20 rooms, with bathrooms on the same floor, continued use of the Samoa Cookhouse as a restaurant open to the public, at least 20 small free standing cabins, and at least 15 car/tent camping sites. Amenities including a water and electrical supply, a picnic table with benches, a grill, and adjacent car parking for car camper spaces where feasible, shower/restroom facility, picnic areas, fenced dog run, etc., would be required, as stated. In addition, a pathway through the Wildlife Corridor and or Natural Resources area (STMP-MAP-15) to the New Navy Base Road underground tunnel and the beaches, dunes, and dune interpretation area beyond would be required by the suggested modifications, thus tying the low-cost visitor accommodations to the other public coastal access and recreation amenities of the area (Samoa Beach is located immediately west of New Navy Base Road and the town site). The “Cookhouse” parcel is about 5 acres in size, and though low-lying, it is within approximately a 5-minute walk to higher elevation grounds that would offer tsunami evacuation sites. These facilities would be owned and operated as low-cost visitor accommodations.

Other visitor-serving uses that would be facilitated by the County’s amendment request include a bed and breakfast inn at the Victorian “Manager’s Mansion” dating from the industrial timber town days of Samoa, into a bed and breakfast inn, and application of “V” combining zone to residential areas of the site. There is not, however, any binding requirement in the LCP

The Commission finds that the previous in-lieu fee requirement be deleted (it is not included in the suggested modifications) and that the low-cost visitor accommodations listed above be required components of the site redevelopment, with mandatory provisions to ensure timely construction and opening for public use. These are contained in the suggested modifications provided in Modification #9.

The Commission also finds that the contaminated “soccer field” area that would have been redesignated to commercial recreation for future construction of 22 vacation rental units, and immediately surrounding undeveloped lands that would have been redesignated to low density residential (about ten lots) instead be redesignated to Natural Resources within the boundaries of the wildlife corridor. The developer/landowner indicates that the most contaminated upper soils of the site would be excavated and removed, and the deeper contamination, which includes contaminated groundwater, be stabilized with a cap of clean imported soil. The Commission further requires in the suggested modifications, that an appropriate landscape and erosion control plan utilizing locally native plant materials with high wildlife habitat value be implemented as soon as remedial grading has been completed. The low cost visitor accommodations at STMP-MAP-13, and potentially -14, the other visitor serving amenities, and the public bikeways and paths to be incorporated through build out, among other features, will provide adequate public coastal access and recreation within the lands subject to the STMP-LUP.

Conclusion:

For all of these reasons the Commission finds that the subject suggested modifications set forth above are necessary to ensure that the County's certified LCP contains the clear and comprehensive planning framework necessary to provide for the master planning for the lands affected by the STMP-LUP in a manner consistent with the Chapter 3 policies of the Coastal Act. The Commission finds therefore that the proposed LUP amendments as submitted are inconsistent with and inadequate to carry out the pertinent requirements of Sections 30210, 30211, 30212, 30212.5, 30213, 30214, 30220, 30222, 30223, 30250, 30252, and 30253 of the Coastal Act unless modified as suggested above.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County's Redevelopment Agency secured funds in 2004 to undertake a "Samoa Industrial Park Study" which resulted in the identification of the Samoa town site as a targeted Business Park redevelopment project. The Redevelopment Agency thereafter assessed the project's economic potential in the County Redevelopment Plan Draft Program EIR in November 2005, concluding that the Samoa Business Park would warrant over \$10,000,000 in redevelopment funds and would produce at least 1,000 retail jobs. The County subsequently prepared and circulated a series of environmental documents for the "Samoa Town Master Plan", including: Draft Master Environmental Impact Report (MEIR) (which incorporated the County's Redevelopment Plan Draft Program EIR) & Appendices (January 2006), Final MEIR for Draft MEIR (April 2006), Recirculation Draft 1 MEIR (May 2006), Recirculation Draft 2 MEIR (March 2007), Recirculation Draft 3 MEIR & Appendices (October 2007), and Final Master Environmental Impact Report (MEIR) (February 2008).

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the LCP or LCPA does conform with the provisions of CEQA section 21080.5(d)(2)(A) that the LCPA will not be approved or adopted as proposed if there are feasible alternatives 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 of Humboldt's LCPA consists of a Land Use Plan amendment and an Implementation Plan Amendment. The Land Use Plan amendment as originally submitted raises a number of concerns regarding the Chapter 3 policies of the Coastal Act and thus cannot be found to be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The Commission, therefore, has suggested modifications to bring the Land Use Plan amendment into full conformance with the requirements of the Coastal Act. As modified, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

Humboldt County LCP Amendment Request No. HUM-MAJ-01-08 (Samoa)
September 30, 2010

Further, the Commission finds that approval of the Implementation Program Amendment with the incorporation of the suggested modifications to implement the Land Use Plan would not result in significant adverse environmental impacts under the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Therefore, the Commission finds that approval of the LCP amendment conforms to the applicable provisions of CEQA as there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

Pacific Ocean

MANILA

Peninsula Dr.

Samoa Town Master Plan

SAMOA

Kalene Ave

New Navy Base Rd

Indian Island

Woodley Island

EUREKA

Arcata Bay

ARCATA

255

255

101

101

0 1 2 Miles

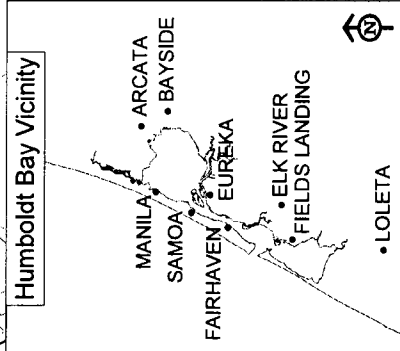


EXHIBIT NO. 1

APPLICATION NO.

HUM-MAJ-1-08 - HUMBOLDT COUNTY LCP AMENDMENT (SAMOA TOWN PLAN)

AREA MAP



- Primary Roads
- Secondary Roads
- Minor Roads
- NW Pacific Railroad

**NOTE: Color copies of maps are
available at the Commission's website
www.coastal.ca.gov - Public Meetings**

EXHIBIT NO. 2

APPLICATION NO.

**HUM-MAJ-1-08 - HUMBOLDT
COUNTY LCP AMENDMENT
(SAMOA TOWN PLAN)**

**LOCAL COASTAL PLAN
AMENDMENT (1 of 88)**



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
K-1

For the meeting of: October 27, 2009

DATE: October 19, 2009

TO: Board of Supervisors *Kirk Girard*

FROM: Kirk Girard, Director of Community Development Services

SUBJECT: Continued Public Hearing on the **Samoa Town Master Plan General Plan Amendment (Local Coastal Plan Amendment)/Zone Reclassification/Urban Limit Line Extension Ordinances and Resolutions; File No. APN 401-021-29; Case No: GPA-02-01/ZR-02-02 Continued from October 20 2009**

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing in the manner prescribed by law, and receive staff report and public testimony.
2. Deliberate on the project as necessary.
3. Close the public hearing.

(Recommendations continued next page)

RECEIVED

DEC 15 2009

CALIFORNIA
COASTAL COMMISSION

Prepared by: *Michael E. Wheeler* CAO Approval: _____
 Michael E. Wheeler, Senior Planner

REVIEW:			
Auditor _____	County Counsel _____	Personnel _____	Risk Manager _____
TYPE OF ITEM:		BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT	
_____ Consent	_____ Departmental	Upon motion of Supervisor <i>Nelly Lovelace</i>	
X _____ Public Hearing	_____ Other _____	Seconded by Supervisor <i>Lovelace</i>	
PREVIOUS ACTION/REFERRAL:		And unanimously carried by those members present, The Board hereby adopts the recommended action contained in this report.	
Board Order No. <u>2008 02 26</u>		Dated: <u>October 27, 2009</u>	
Meeting of: <u>February 26, 2008</u>		Kathy Hayes, Clerk of the Board	
		By: <u><i>Jukei Curran</i></u>	

Recommendations continued from previous page...

4. Approve revised resolutions and ordinances (Attachment A, Attachment C and Attachment D) to be submitted to the California Coastal Commission for amendment of the Humboldt County General Plan (Humboldt Bay Area Plan (HBAP)). The resolutions and ordinances adopt a proposed land use map for the Samoa town site by reconfiguring the boundary lines as shown on the proposed Samoa Town Master Plan land use map (Attachment A, Exhibit A-1). The revised resolutions also address text amendments to the HBAP that add the Natural Resource (NR) and Business Park (MB) land use designations to Section 4.10A, Urban Land Use Designations of the HBAP, amend Section 3.17.B.3 of the HBAP to add a requirement that a tsunami risk assessment be conducted for future subdivisions and development projects that could result in three (3) or more additional dwelling units within a potential tsunami run-up area (Attachment A, Exhibit A-2), and map the urban limit line extension around the Samoa town site (Attachment A, Exhibit A-3).
5. Introduce the ordinance by title, waive the first reading, and approve the adoption of Ordinance No. _____ amending Section 311-7 of the Humboldt County Code. The proposed rezoning would amend the zoning for the approximate 171.1-acre making up 6 parcels of the Samoa town site by designating the boundary lines of the following zones and combining zones: Residential Single Family (RS), Residential Multi-Family (RM), Commercial General (CG), Commercial Recreation (CR), NR, Public Recreation (PR), Public Facilities (PF), and Coastal Dependent Industrial (MC) zones; and Planned Unit Development (P), Wetland (W), Archaeological Resource (A) and Design Review (D) combining zones. The zoning amendment will not become effective until final approval and certification by the Coastal Commission of the proposed Local Coastal Plan Amendment.
6. Introduce the ordinance by title, waive the first reading, and approve the adoption of Ordinance No. _____ amending Section 313-19.1, Design Review, of the Coastal Zoning Regulations to establish a Samoa Design Review Committee and add standards for protection of historic structures. The zoning amendment will not become effective until the Coastal Commission has certified the proposed Local Coastal Plan Amendment.
7. Adopt a Revised Resolution of Transmittal to the Coastal Commission for the proposed amendment of the Local Coastal Plan and transmit the Local Coastal Program amendments to the HBAP land use plan and implementing zoning maps to the California Coastal Commission for certification in accordance with the Coastal Act.
8. Direct the Clerk of the Board to give notice of the decision to the applicant, to the Assessor's Office and any other interested party.

SOURCE OF FUNDING:

Source of Funding is Current Planning Trust #3697. The applicant has paid a deposit for costs associated with processing the application. The applicant is responsible for paying all fees for services rendered.

DISCUSSION:

SUMMARY

Your Board approved the Samoa Town Master Plan General Plan Amendment and Zone Reclassification and certified the Final Environmental Impact Statement for the project on February 26, 2008. Subsequently, a Local Coastal Plan Amendment application for the project was submitted to the California Coastal Commission. Coastal Commission staff has asked for specific minor revisions in the resolutions of approval and ordinances to be consistent with their review and approval process. The changes they have requested include the following:

- Revision of the Resolution Making the Findings: Resolved Item 10, change "recommends approval" to "approves." Note: final approval remains subject to Coastal Commission approval and certification of the Local Coastal Plan amendment.
- Revision of the Resolution Making the Findings: Further Resolved Item 2, add exhibits which identify text and map changes, eliminate interpretation of Environmentally Sensitive Habitat Areas (ESHAs), and add reference to establishment of the urban limit line. Note: precise delineation of the ESHAs would be deferred until the Coastal Development Permit/Final Map review stages.

Also the urban limit line was more precisely mapped based on feedback from Coastal Commission staff.

- Ordinances are to become effective immediately following review, final approval and certification by the California Coastal Commission of the Local Coastal Plan Amendment.
- Make clear in the hazards discussion of the HBAP the requirement that a tsunami risk assessment will be conducted for future subdivisions and development projects that could result in three (3) or more additional dwelling units within a potential tsunami run-up area.

The revised resolutions and ordinances are attached with revisions in underline/strike-through format.

FINANCIAL IMPACT:

As required for all individually initiated plan amendments and zone reclassification, the applicant would be responsible to pay for all actual costs involved in processing the application.

OTHER AGENCY INVOLVEMENT:

The Community Development Services – Planning Division staff has referred the proposed General Plan Amendment and Zone Reclassification to numerous agencies for comments and recommendations. All responding agencies have either recommended approval or conditional approval of the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could request modified language for the resolutions and ordinances. Planning Division staff does not recommend this alternative as the language provided has been developed in consultation with Coastal Commission staff to meet their needs. However, to implement this alternative, it is recommended your Board direct the Planning Division staff to draft the necessary revised resolution and/or ordinance, and bring them back to your Board for consideration at a future (continued) public hearing.

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 A:	Resolution Making the Required Findings and Recommending Conditional Approval of the Samoa Town Master Plan Application
Attachment A, Exhibit A-1:	Land Use Map Revisions
Attachment A, Exhibit A-2:	Humboldt Bay Area Plan Text Amendments
Attachment A, Exhibit A-3:	Urban Limit Line to be Adopted
Attachment C1:	Zoning Map Ordinance
Attachment C1, Exhibit C1-1:	Map of Area to be Rezoned
Attachment C1, Exhibit C3-1:	Design Review Code Change
Attachment C2:	Summary Ordinance for Zoning Map Ordinance
Attachment C3:	Zoning Text Change Ordinance for Design Review
Attachment C4:	Summary Ordinance for Zoning Text Change Ordinance for Design Review
Attachment D:	Resolution of Transmittal to the Coastal Commission: Proposed Amendment to the Local Coastal Program (LCP)
Attachment E:	Board Report for original approval of February 26, 2008.

Note: Attachments B1 (Statement of Findings) and B2 (Statement of Overriding Considerations) of the original staff report are not proposed to be revised and are not included as attachments to this report. They may be found, however, in Attachment E.

ATTACHMENT A

**Resolution Making the Required Findings, Approving Proposed Changes to the Land Use Plan and
Recommending Conditional Approval of the Samoa Town Master Plan Application**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of proceedings, Meeting October 27, 2009

RESOLUTION NO 09-85

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND RECOMMENDING CONDITIONAL APPROVAL OF THE SAMOA PACIFIC GROUP APPLICATION: CASE NUMBERS GPA-02-01/ZR-02-02; ASSESSOR PARCEL NUMBERS 401-021-29 ET AL.

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

WHEREAS, **Samoa Pacific Group** submitted an application and evidence in support of approving the General Plan Amendment, Zone Reclassification, Urban Limit Line Extension application associated with the Samoa Town Master Plan ; and

WHEREAS, the proposed General Plan Amendment and Zone Reclassification may be approved if it can be found that: (1) The proposed change is in the public interest; and (2) The proposed change is consistent with a comprehensive view of the General Plan; and

WHEREAS, the Community Development Services - Planning Division has 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 project is subject to environmental review pursuant to of the CEQA; and

WHEREAS, Planning Division staff caused the preparation of a Master Environmental Impact Report, which indicates that the project meets all requirements of the CEQA pursuant to Section 15074; and

WHEREAS, Attachment 2 of the Planning Division staff's report includes evidence in support of making all of the required findings for approving the proposed General Plan Amendment, Zone Reclassification, Urban Limit Line Extension application for Case Nos.: GPA-02-01/ZR-02-02; and

WHEREAS, Planning Division staff has 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 project; and

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

WHEREAS, the Planning Commission held public hearings on March 16, 2006, April 6, 2006, April 13, 2006, and January 9, 2008 on this matter to receive other evidence and testimony; and

WHEREAS, at their January 9, 2008 meeting, the Planning Commission resolved, determined, and ordered that the following findings be and are hereby made:

1. The Planning Commission found that based on the evidence presented in the Draft Master Environmental Impact Report and Proposed Final Master Environmental Impact Report included in the Planning Division staff report, there is evidence that the proposed project will have a significant effect on the environment, and recommended that a Statement of Overriding Considerations be adopted; and
2. The Planning Commission made the findings in Attachment 2 of the Planning Division staff's report for Case Nos.: GPA-02-01/ZR-02-02 based on the submitted evidence.

NOW, THEREFORE, BE IT RESOLVED, determined, and ordered by the Board of Supervisors of the County of Humboldt that:

1. The Board of Supervisors certifies the proposed Final Master Environmental Impact Report as required by Section 15090 of CEQA Guidelines, and finds that: a) the Final Environmental Impact Report has been completed in compliance with CEQA; b) the Final Environmental Impact Report was presented to the Humboldt County Board of Supervisors, and the Humboldt County Board of Supervisors reviewed and considered the information contained in the Final Environmental Impact Report prior to approving the project; and c) the Final Environmental Impact Report reflects the lead agency's independent judgement and analysis.
2. The Board of Supervisors makes the findings for Case Nos.: GPA-02-01/ZR-02-02 based on the submitted evidence.
3. The Board of Supervisors finds that the proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act.
4. The Board of Supervisors finds that the Local Coastal Plan Amendment will be carried out in accordance with the Coastal Act pursuant to Section 30510(a) of the Act.
5. The Board of Supervisors finds that the proposed service systems within the Urban Limit will be adequate to serve the proposed addition under Urban Development standards.
6. The Board of Supervisors finds that development allowable in the addition under Urban Development Standards would not adversely impact agriculture or timberlands bordering the addition.
7. The Board of Supervisors finds that expansion of the Urban Limit and the development permitted under such expansion will be consistent with the Resource Protection Policies and Standards in section 3.30.
8. The Board of Supervisors finds that project development will conform with Government Code Section 65590 regarding low- and moderate-income housing within the Coastal Zone and the County's adopted Housing Element.
9. The Board of Supervisors finds that, with respect to demolition of the Fireman's Hall, a contributing historic structure, there are specific economic, legal, social, technological, or other considerations, which make infeasible the mitigation measures or project alternatives identified in the final Environmental Impact Report which might have allowed for reconstruction or re-use of the structure in place.
10. The Board of Supervisors ~~recommends approval~~ approves of the General Plan Amendment, Zone Reclassification, Urban Limit Line Extension application as recommended by the Planning Commission at their January 9, 2008 meeting for Case Nos.: GPA-02-01/ZR-02-02.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. The Final Master Environmental Impact Report prepared for the project is hereby certified, ensuring compliance with the CEQA;
2. The Board of Supervisors ~~tentatively~~ approves the General Plan Amendment of the Humboldt County General Plan (Humboldt Bay Area Plan (HBAP)), including the land use plan changes for the subject lands, the land use map, by reconfiguring the boundary lines as shown on the proposed Samoa Town Master Plan land use map as shown in Exhibit A-1; Tentatively approves text amendments to the HBAP to add the Natural Resource (NR) and Business Park (MB) land use designations to Section 4.10, Urban Land Use Designations of the HBAP as described in Exhibit A-2; approves text amendments to the HBAP to add requirements for tsunami risk assessment for future subdivisions or development projects that could result in three or more additional dwelling units within a potential tsunami run-up area; and tentatively approves interpretation of environmentally sensitive habitat areas (ESHAs) for 6 parcels making up the Samoa town site as shown on the Samoa Master Plan, and approves the establishment of an urban limit line as shown in Exhibit A-3.
3. Subject to California Coastal Commission approval of the Local Coastal Plan Amendment, the Zone designations for the approximate 171.1-acre making up 6 parcels of the Samoa town site are rezoned from the existing zoning to the following zones and combining zones: Residential Single Family (RS), Residential Multi-Family (RM), Commercial General (CG), Commercial Recreation (CR), Natural Resources (NR), Public Recreation (PR), Public Facilities (PF), and Coastal Dependent Industrial (MC) zones; and Planned Unit Development (P), Wetland (W), Archaeological Resource (A) and Design Review (D) combining zones as indicated on the Samoa Master Plan Proposed Zoning Map. The rezoning ~~would also~~ amends Section 313-19.1, Design Review, of the Coastal Zoning Regulations to establish a Samoa Design Review Committee and add standards for protection of historic structures.
4. Planning Division staff is hereby directed to transmit the Local Coastal Program amendments to the North Coast Area Plan (NCAP) land use plan and implementing zoning maps to the California Coastal Commission for certification in accordance with the Coastal Act.
5. Planning Division staff is hereby directed to prepare and file a Notice of Determination for the project; and
6. The Clerk of the Board is hereby directed to give notice of the decision to the applicant and any other interested party.


Vice - Chair, Humboldt County Board of Supervisors

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

AYES: Supervisors: Duffy, Neely, Clendenen, Lovelace

NOES: Supervisors:

ABSENT: Supervisors: Smith

STATE OF CALIFORNIA

County of Humboldt


)
) SS.
)

I, Kathy Hayes, Clerk of the Board of Supervisors of the 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-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

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

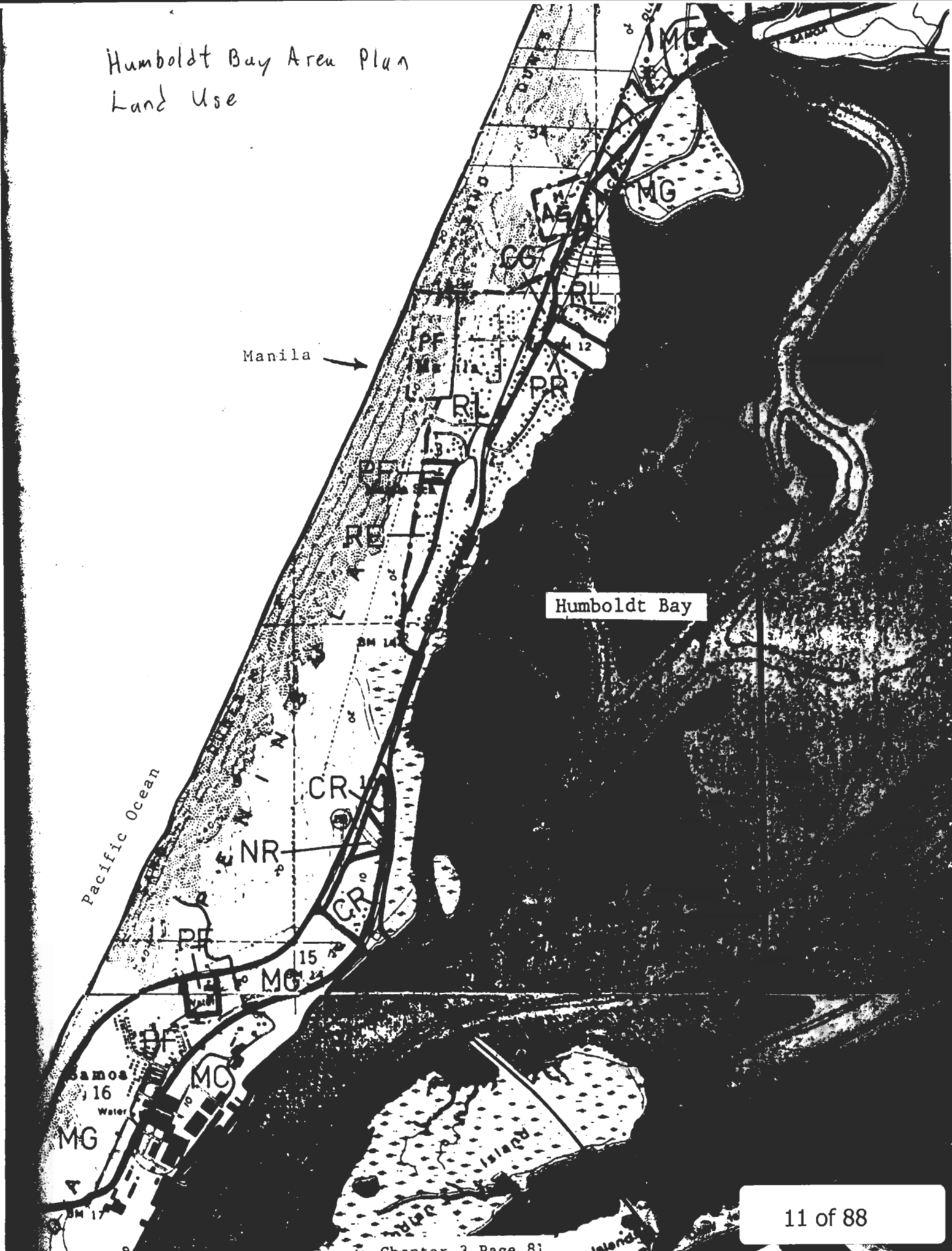


Deputy

ATTACHMENT A – Exhibit A1

**Existing Humboldt Bay Area Plan Land Use Map (Chapter 3, Page 81) to be revised and
Proposed Land Use Map for the Samoa Town Master Plan**

Humboldt Bay Area Plan
Land Use

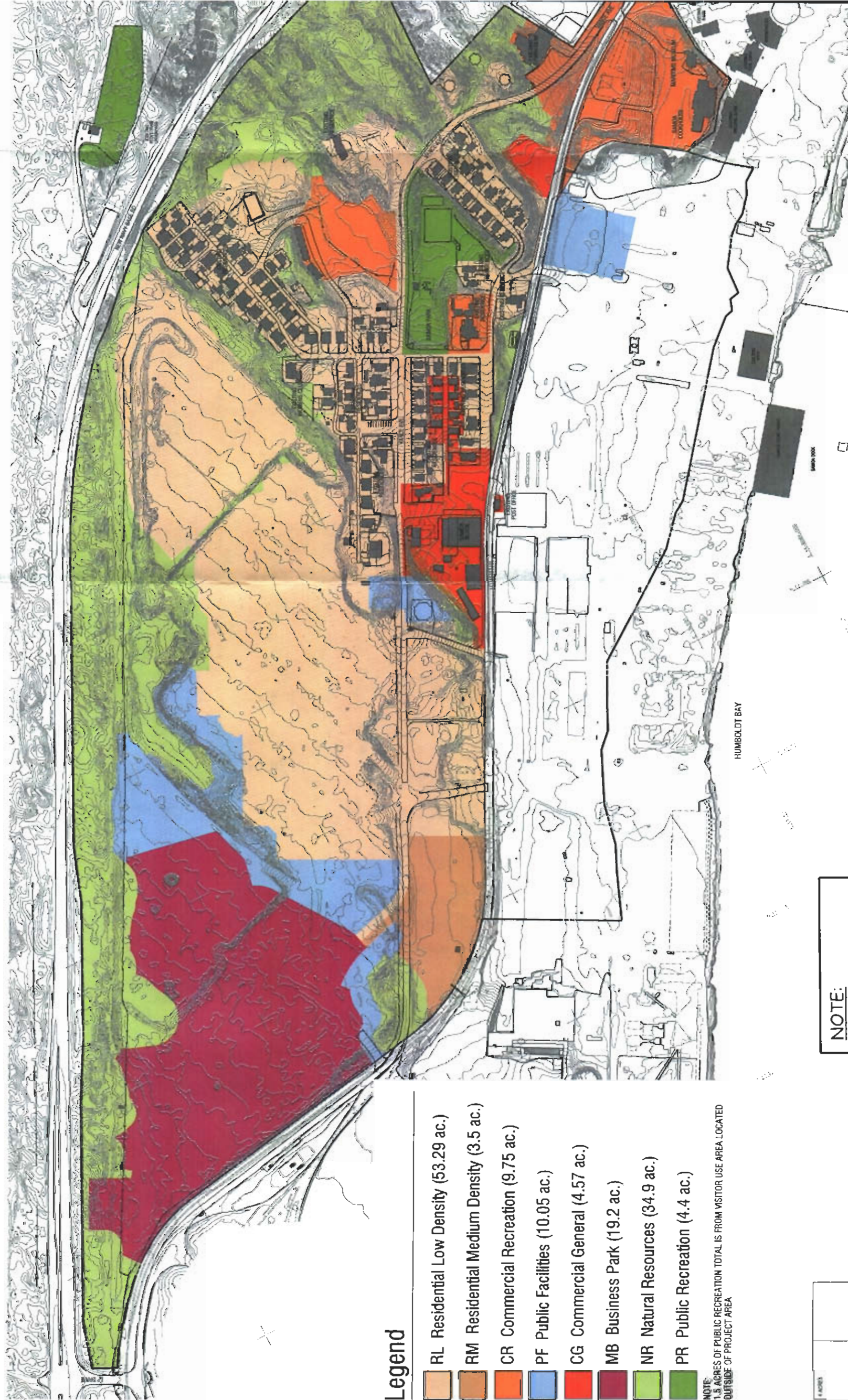


Manila →

Humboldt Bay

Pacific Ocean

Samos Water



Legend

- RL Residential Low Density (53.29 ac.)
- RM Residential Medium Density (3.5 ac.)
- CR Commercial Recreation (9.75 ac.)
- PF Public Facilities (10.05 ac.)
- CG Commercial General (4.57 ac.)
- MB Business Park (19.2 ac.)
- NR Natural Resources (34.9 ac.)
- PR Public Recreation (4.4 ac.)

NOTE:
1.5 ACRES OF PUBLIC RECREATION TOTAL IS FROM VISITOR USE AREA LOCATED OUTSIDE OF PROJECT AREA



NOTE:
Color copies of maps
Are available at the
Commission's website
www.coastal.ca.gov -
Public Meetings

Land Use Plan
Samoa Town Master Plan
Samoa, Humboldt County, California

Text Amendments Section 3.17.B.3. Tsunamis of the Humboldt Bay Area Plan (HBAP) (underlined language to be added):

3. Tsunamis–New development below the level of the 100 year tsunami run-up elevation described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26 by the Corps of Engineers) shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, and pipelines, and dredge spoils disposal. New subdivisions or development projects which could result in three or more additional dwelling units within a potential tsunami run-up area shall require submission of a tsunami vulnerability report which provides a site-specific prediction of tsunami run-up elevation resultant from a cascadia subduction zone major earthquake. Such developments shall be subject to the following standards or requirements:

1. New residential development shall not have habitable living space below the predicted tsunami run-up elevational contour.
2. New residential development shall be required to meet the applicable Tsunami-Ready Guidelines of NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, October 6, 2004, Appendix D.

Text Amendments to Section 4.10, Urban Land Use Designations of the Humboldt Bay Area Plan (HBAP) to add the following land use designations (underlined language to be added):

4.10 URBAN PLAN DESIGNATIONS (The standards below apply only within Urban Limits as shown in the Area Plan)

MB: BUSINESS PARK

Purpose: to provide sites which are suitable for "business park" developments: Well designed and mixed industrially commercial areas composed of nuisance-free light industrial, research and development, administrative and business and professional office, warehousing and storage facilities, developed in a park-like environment.

Principal Uses: research/light industrial, office and professional service, administrative, and warehousing, storage and distribution.

Conditional Uses: retail sales, retail service uses, transient habitation uses which are incidental to or supportive of principal uses.

NR: NATURAL RESOURCES

Purpose: To protect and enhance valuable fish and wildlife habitats, and provide for public and private use of their resources, including hunting, fishing, and other forms of recreation.

Principal Use: Management for fish and wildlife habitat.

Conditional Uses: Wetland restoration, development of hunting blinds and similar minor facilities, improvement of boating facilities in estuaries consistent with Section 3.50 of the plan, accessway development and improvement and removal of trees for firewood, disease control and public safety purposes. Uses as Per Sections 3.30B.4 and 3.30B.11.

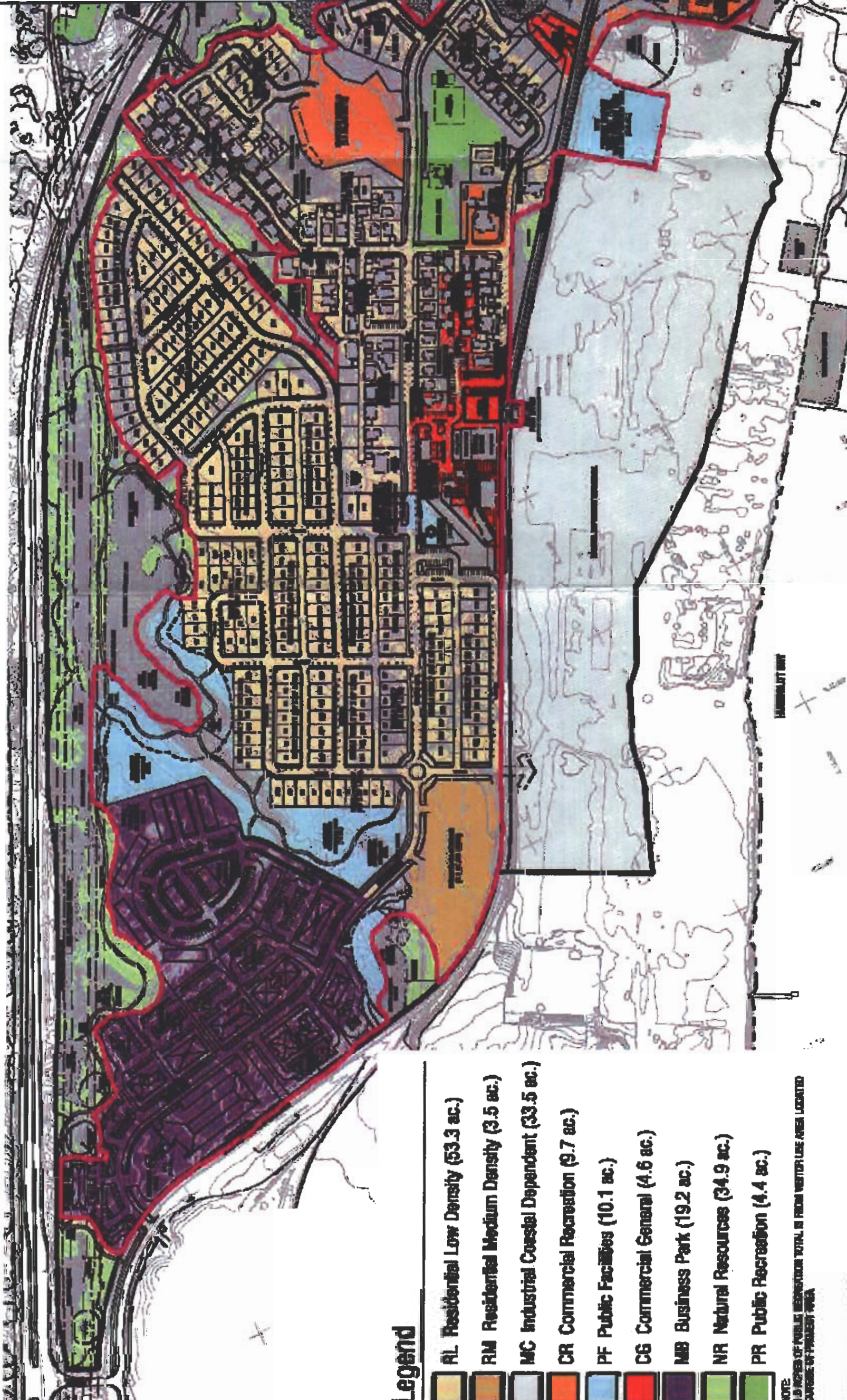
ATTACHMENT A – Exhibit A-3
Urban Limit Line



Legend

- PL Residential Low Density (63.3 ac.)
 - RM Residential Medium Density (2.6 ac.)
 - IMC Industrial Coastal Dependent (33.5 ac.)
 - CR Commercial Recreation (2.7 ac.)
 - PP Public Facilities (10.1 ac.)
 - CG Commercial General (4.6 ac.)
 - MB Business Park (19.2 ac.)
 - NR Natural Resources (24.9 ac.)
 - PR Public Recreation (4.4 ac.)
- Urban Limit Line is shown in red. Urban Limit Line is shown in red. Urban Limit Line is shown in red.

Urban Limit Line



Legend

- RL Residential Low Density (53.3 ac.)
- RM Residential Medium Density (3.5 ac.)
- MC Industrial Coastal Dependent (33.5 ac.)
- CR Commercial Recreation (9.7 ac.)
- PF Public Facilities (10.1 ac.)
- CG Commercial General (4.6 ac.)
- NMB Business Park (19.2 ac.)
- NR Natural Resources (34.9 ac.)
- PR Public Recreation (4.4 ac.)

NOTE:
 1.9 ACRES OF PUBLIC RECREATION TOTAL IS FROM VENTURA LAGOON LOCATED
 OUTSIDE OF PRESENT AREA

Urban Limit Line

NOTE:
 Color copies of maps
 Are available at the
 Commission's website
www.coastal.ca.gov -
 Public Meetings

ATTACHMENT C1

ORDINANCE NO. 2424

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
TO REZONE PROPERTY IN THE SAMOA AREA**

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended for the approximate 171.1-acre parcels, as shown described in Exhibit C1-1 (legal description rezone map), by designating the boundary lines of the following zones and combining zones (Planned Unit Development (P), Vacation Homes (V), Wetland (W), Archaeological Resource (A) and Design Review (D) combining zones) consistent with the General Plan Amendment (GPA-02-01) that reconfigures the boundary line between the following land use designations. The properties are shown on Humboldt County Zoning Maps D-15, 16 and in Exhibit C1-1 (rezone map) and ~~Exhibit C1-3 (land use map)~~.

Zoning

Parcel	Existing		Proposed	
	Zoning	Acres	Zoning	Acres
<i>West of RR ROW</i> 401-031-46 (por.) 401-031-46 (por.) 401-031-59 (por.) 401-031-60	Industrial General (MG)	131.6	Residential	
			Residential Single Family - RS/D,P	44.5
			Residential Single Family - RS/D,P,V	8.8
			Residential Multi-Family - RM/D/P	3.5
			Business Park - MB/D	19.2
			Commercial General - CG/D	4.56
			Recreation/Conservation	
			Commercial Recreation - CR/D	4.74
			Natural Resources - NR/W	34.9
Public Recreation - PR/D	2.9			
Public Facilities - PF/D	8.5			
<i>East of RR ROW</i> 401-031-38 401-031-46 (por.) 401-031-55 401-031-59 (por.)	Industrial Coastal Dependent/Archaeological Resource Area (MC/A)	6.6	Commercial Recreation - CR/A,D	4.96
			Commercial General - CG/A,D	0.04
			Public Facilities - PF/A,D	1.6
			TOTAL	138.2
<i>West of New Navy Base Road</i> 401-031-44	Natural Resources/ Wetlands, Beach and Dunes (NR/B,W)	1.5	Public Recreation/B,W	1.5

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective ~~thirty (30) days~~ immediately after the date of its passage of completion of review and final approval by the California Coastal Commission.

SECTION 3. A Summary of the proposed ordinance shall be published and a certified copy of the full text of the proposed ordinance shall be posted in the office of the clerk of the board of supervisors at least five (5) days before the date set for adoption. A summary of the adopted ordinance shall be published and a certified copy of the adopted ordinance shall be posted, along with the names of those Supervisors voting for and against the ordinance, fifteen (15) days after passage [Government Code §25124 (b) (1)]

PASSED, APPROVED AND ADOPTED this 27th day of October 2009, on the following vote, to wit:

AYES: Supervisors: Duffy, Neely, Clendenen, Lovelace

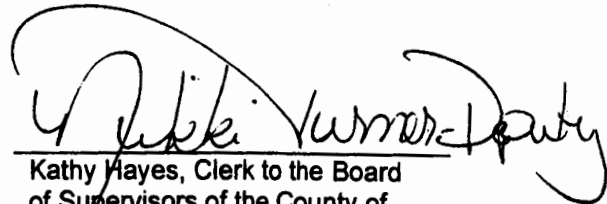
NOES: Supervisors:

ABSENT: Supervisors: Smith



Vice - Chair of the Board of
Supervisors of the County of
Humboldt, State of California

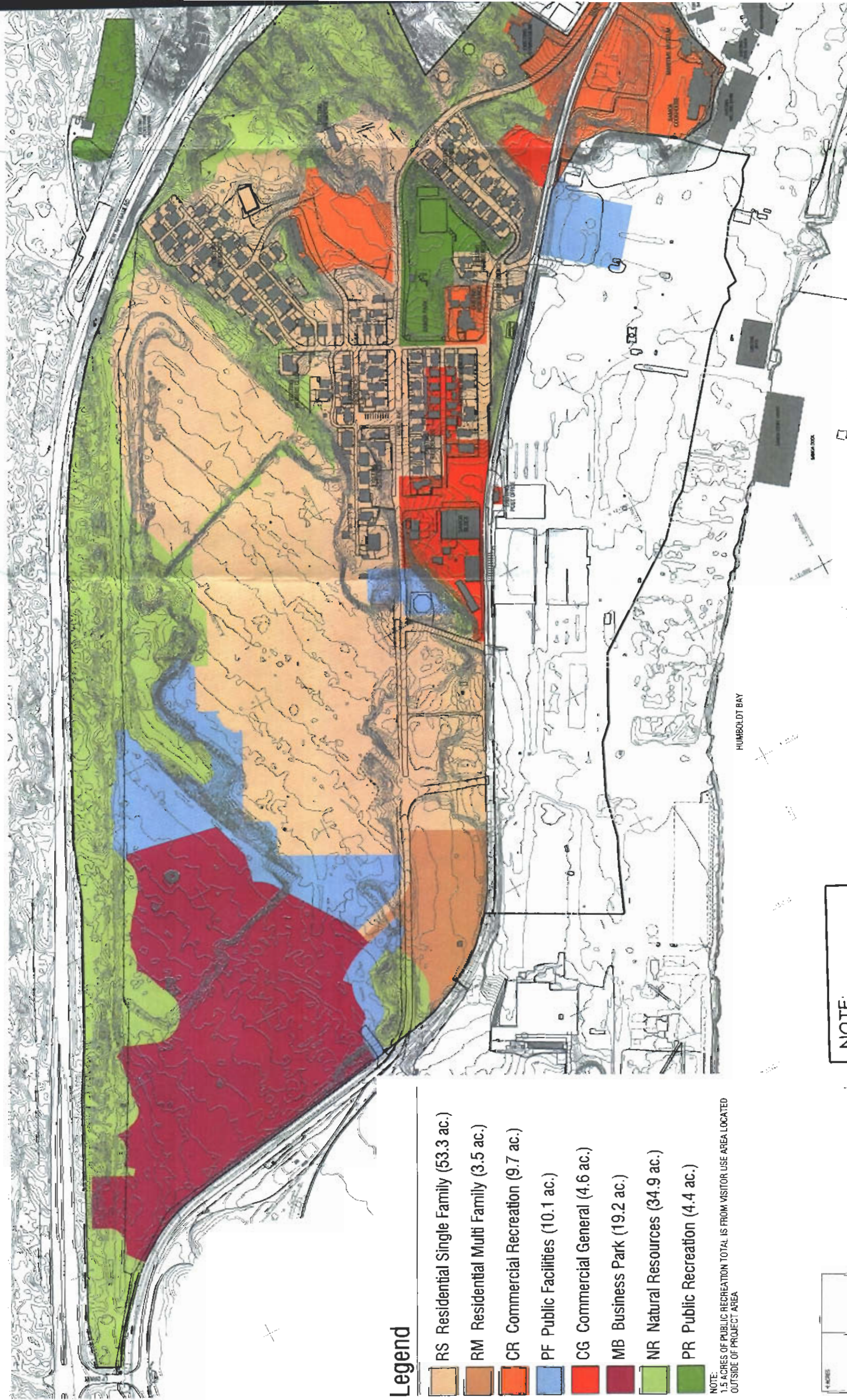
(SEAL)
ATTEST:



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

C1 - EXHIBIT C1-1

Map of Property To Be Rezoned (ZR-02-02)



Legend

- RS Residential Single Family (53.3 ac.)
- RM Residential Multi Family (3.5 ac.)
- CR Commercial Recreation (9.7 ac.)
- PF Public Facilities (10.1 ac.)
- CG Commercial General (4.6 ac.)
- MB Business Park (19.2 ac.)
- NR Natural Resources (34.9 ac.)
- PR Public Recreation (4.4 ac.)

NOTE:
1.5 ACRES OF PUBLIC RECREATION TOTAL IS FROM VISITOR USE AREA LOCATED OUTSIDE OF PROJECT AREA



NOTE:
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Are available at the
Commission's website
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Public Meetings

Zoning Plan
Samoa Town Master Plan
Samoa, Humboldt County, California

ATTACHMENT C2 - DRAFT ZONING MAP ORDINANCE SUMMARY

PRE-ADOPTION SUMMARY OF ORDINANCE
(For publication prior to adoption)

On October 27, 2009, the Humboldt County Board of Supervisors will consider adopting Ordinance No. 2424 which will amend the zoning of property in the Samoa area as shown on the above map marked Exhibit A, by rezoning, through an immediate rezone, lands in the Samoa area out of General Industrial (MG), Industrial Coastal Dependent/Archaeological Resource Area (MC/A), and Natural Resources/Wetlands, Beach and Dunes (NR/B,W) into Residential Single Family/Design Review, Planned Development - RS/D,P; Residential Single Family/Design Review, Planned Development, Vacation Rental - RS/D,P,V; Residential Multi-Family/Design Review, Planned Development - RM/D/P; Business Park/Design Review - MB/D; Commercial General/Design Review - CG/D; Commercial Recreation/Design Review - CR/D; Natural Resources/Wetlands - NR/W; Public Recreation/Design Review - PR/D; Public Facilities/Design Review - PF/D; Residential Multi-Family/ Archaeological Resource Area, Design Review, Planned Development - RM/A,D,P; Commercial Recreation/ Archaeological Resource Area, Design Review - CR/A,D; Commercial General/ Archaeological Resource Area, Design Review - CG/A,D; Public Facilities/ Archaeological Resource Area, Design Review - PF/A,D; and Public Recreation. If the Ordinance is adopted, the new zones will become effective immediately after the date of completion of review and approval by the California Coastal Commission.

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

POST-ADOPTION SUMMARY OF ORDINANCE
(For publication after adoption)

On October 27, 2009, the Humboldt County Board of Supervisors adopted Ordinance No. 2424, which amends the zoning of property in the Samoa area as shown on the above map marked Exhibit A, by rezoning, through an immediate rezone, lands in the Samoa area out of General Industrial (MG), Industrial Coastal Dependent/Archaeological Resource Area (MC/A), and Natural Resources/Wetlands, Beach and Dunes (NR/B,W) into Residential Single Family/Design Review, Planned Development - RS/D,P; Residential Single Family/Design Review, Planned Development, Vacation Rental - RS/D,P,V; Residential Multi-Family/Design Review, Planned Development - RM/D/P; Business Park/Design Review - MB/D; Commercial General/Design Review - CG/D; Commercial Recreation/Design Review - CR/D; Natural Resources/Wetlands - NR/W; Public Recreation/Design Review - PR/D; Public Facilities/Design Review - PF/D; Residential Multi-Family/ Archaeological Resource Area, Design Review, Planned Development - RM/A,D,P; Commercial Recreation/ Archaeological Resource Area, Design Review - CR/A,D; Commercial General/ Archaeological Resource Area, Design Review - CG/A,D; Public Facilities/ Archaeological Resource Area, Design Review - PF/A,D; and Public Recreation. The new zones will become effective immediately after the of completion of review and approval by the California Coastal Commission. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors: Duffy, Neely, Clendenen, Lovelace

NOES: Supervisors:

ABSENT: Supervisors: Smith

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

Attachment C3

Zoning Text Change Ordinance for Design Review

ORDINANCE NO. 2425

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
AMENDING SECTION 313-19.1, CHAPTER 3, DIVISION 1, TO TITLE III OF THE HUMBOLDT
COUNTY CODE HAVING TO DO WITH DESIGN REVIEW IN THE COASTAL ZONE FOR
LANDS DESIGNATED "D" ON THE COUNTY ZONING MAPS.

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. Section 313-19.1, Chapter 3, Division 1, to Title III of the Humboldt County Code having to do with Design Review in the Coastal Zone for lands designated "D" on the county zoning maps, is hereby amended as shown in Exhibit C3-1 attached (new language being added or amended is underlined).

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective ~~thirty (30) days~~ immediately after the date of its passage of completion of review and approval by the California Coastal Commission.

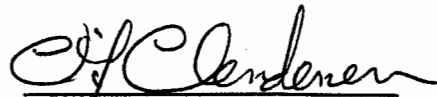
SECTION 3. A Summary of the proposed ordinance shall be published and a certified copy of the full text of the proposed ordinance shall be posted in the office of the clerk of the board of supervisors at least five (5) days before the date set for adoption. A summary of the adopted ordinance shall be published and a certified copy of the adopted ordinance shall be posted, along with the names of those Supervisors voting for and against the ordinance, fifteen (15) days after passage [Government Code §25124 (b) (1)]

PASSED, APPROVED AND ADOPTED this 27th day of October 2009, on the following vote, to wit:

AYES: Supervisors: Duffy, Neely, Clendenen, Lovelace

NOES: Supervisors:

ABSENT: Supervisors: Smith



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

(SEAL)
ATTEST:



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

ATTACHMENT C3 – EXHIBIT C3-1

NOTE: SECTIONS TO BE ADDED TO EXISTING CODE ARE UNDERLINED.

313-19.1 D: DESIGN REVIEW

19.1.1 **Purpose.** The purpose of these regulations is 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. (Former Section CZ#A314-57(A))

19.1.2 **Applicability.** These regulations shall apply to lands designated "D" on the Zoning Maps. Solar collectors for on site use are exempt from the design review requirement of this section. (Former Section CZ#A314-57(B))

19.1.3 **Special Permit Required.**

19.1.3.1 A Special Permit is required for all development subject to these regulations (Former Section CZ#A314-57(C))

19.1.3.2 The application for the permit shall be accompanied by a fee in the amount established by ordinance or resolution of the Board of Supervisors. (Former Section CZ#A314-57(C); Added by Ord. 1913, 10/30/90)

19.1.4 **Appointment and Composition of the Design Review Committee(s).** The Board of Supervisors may select any person(s) or organization who, in the opinion of the Board, is qualified to serve on the committee. Such person(s) must be devoid of any and all financial interest in the development application under consideration. The representatives of the Design Review Committee(s) shall not exceed five (5) persons. In the absence of any Board of Supervisors' approved representatives, the Director shall be the reviewing authority. (Former Section CZ#A314-57(D))

19.1.4.1 There is hereby created a Samoa Design Review Committee, which shall consist of the following members:

Five members, who shall be appointed by the Board of Supervisors. These members shall have demonstrated experience in historic preservation or cultural resource land use issues or other qualifications satisfactory to the Board.

The terms of the appointed members shall begin upon Board approval and shall be for five (5) years and may be renewed.

19.1.4.1.1 Authority and Responsibilities of the Samoa Design Review Committee

A. The Samoa Design Review Committee shall:

1. Review applications to alter or demolish all or part of any structure identified as a contributing historic structure in the Samoa Town Master Plan Master Environmental Impact Report.

2. Adopt maximum times for its historic preservation review to be completed, which if exceeded, may be treated as no comment on a project.

B. The SDRC shall, to the extent it deems appropriate, have the authority to:

1. Make recommendations to the Humboldt County Planning Commission for discretionary projects or to the Planning Director for ministerial projects involving contributing historical structures for approval of or conditional approval of projects under review. These recommendations may include restrictions on the use of such property or requirements to retain historical characteristics. These recommendations shall be based on the application of the *Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]* - http://www.cr.nps.gov/local-law/arch_stnds_0.htm, Department of Interior's *Standards of Rehabilitation*, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, and the Samoa Design Guidelines (Exhibit D).
 2. Assist studies or programs designed to identify and evaluate structures, other physical features, sites, and areas which are worthy of preservation.
 3. Review projects for development of new structures for consistency with Samoa Design Guidelines and for compatibility with existing contributing historic structures.
 4. Inspect and investigate structures, other physical features, sites, and areas which are worthy of preservation.
 5. Consider methods other than those described above for encouraging and achieving preservation of worthy structures, other physical features, sites, and areas, including exploring means of financing the restoration or maintenance thereof.
 6. Make appropriate recommendations on the general subject of preservation to the Planning Commission, Board of Supervisors, other public and private agencies and bodies, and the general public.
- 19.1.4.1.2 In the Absence of an appointed Samoa Design Review Committee
- A. Historic Assessment Report required: In the absence of an appointed Samoa Design Review Committee, the Director will require a preliminary assessment report (Historic Assessment Study). This report shall be based on a visual examination of the property and historic research conducted by a professional historic resource consultant who then prepares a written report that contains their findings and recommendations. The report will also describe any further actions that might be needed to avoid or lessen development related impacts to any historical resources encountered.

B. Historic Assessment Study Contents: The historic assessment study should, at the minimum, contain:

- (1) Evidence of a full background literature search through the local depositories such as Humboldt County Historical Society, Humboldt State University Library, Humboldt County Library, etc.
- (2) A brief description of the project parcel(s) and the expectations of the consultant at the onset of the inventory report;
- (3) A clear description of the methods and results of the field inventory including rationale for surface coverage and a brief discussion of any historic resources encountered. This treatment should be patterned after the *Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]* - http://www.cr.nps.gov/local-law/arch_stnds_0.htm ;
- (4) A generally accurate map (7.5' USGS topographic, parcel map or engineers map) in a scale sufficient to show the intensity and coverage of the field inventory as well as the location of any resources encountered;
- (5) A description and evaluation of any structures and a determination of whether or not they qualify as historical resources.
- (6) If the resource is historic, provide recommended means to avoid or lessen development related impacts to any historical resources encountered on the parcel(s);
- (7) The names of any local persons consulted during the preparation of the report;
- (8) Statement of Qualifications (education, employment, field experience, previous reports and publications in historic resources). Qualification requirements used shall be the requirements used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61.

C. Performance Standard. Applicants should avoid impacts to historical resources where feasible. When this is not feasible, mitigation measures shall be incorporated into the project to

lessen the impact of the project on these resources. Mitigation shall be in accordance with the Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated] - http://www.cr.nps.gov/local-law/arch_stnds_0.htm, Department of Interior's Standards of Rehabilitation, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, the Samoa Design Guidelines and Appendix K of the State CEQA Guidelines.

D. Process. The recommendations of the Historic Assessment Report will serve as a substitute for recommendations from the Samoa Design Review Committee and will be used to address historic resource impacts in discretionary permit decisions and for CEQA compliance.

19.1.5 **Design Review Standards.** Buildings, sites, structures, signs, landscaping, and similar development will be consistent with the policies of the General Plan and this Division, and the Design Review Committee shall take the following items under consideration in reviewing development plans: (Former Section CZ#A314-57(E))

19.1.5.1 The project is consistent and compatible with applicable elements of the General Plan. (Former Section CZ#A314-57(E)(1))

19.1.5.1.1 Within designated Coastal Scenic Areas, as mapped, measures are included in the project design so that it will be subordinate to the character of the surrounding setting; (Former Section CZ#A314-57(E)(1)(a))

19.1.5.1.2 Within designated Coastal View Areas, as mapped, and where views from the public roads to the coast or coastal waterways are of concern, the height, width, and siting of structures, including setbacks from roads and parcel lines will be considered to retain as much of the existing view as possible. Views from public trails, beaches, or public recreation areas into the development site will also be considered. (Former Section CZ#A314-57(E)(1)(b))

19.1.5.1.3 Within Shelter Cove designated Coastal View areas, building heights may be increased one foot (1') for each two feet (2') of total additional side yard that is provided in excess of the required five feet (5') side yards, to a maximum allowable height of twenty-four feet (24'); or, in order to provide an alternate method of providing view corridors, one side yard may be reduced to a minimum of zero feet where: (Former Section CZ#A314-57(E)(1)(C))

19.1.5.1.3.1 The opposite side yard provided equals ten feet (10'); and (Former Section CZ#A314-57(E)(1)(C)(i))

19.1.5.1.3.2 The adjacent property owner along the side yard being reduced agrees to a similar reduction along the common lot line; and (Former Section CZ#A314-57(E)(1)(C)(ii))

19.1.5.1.3.3 The adjacent dwellings can meet building and energy code requirements for structures which are separated by less than ten

feet (10'). (Former Section CZ#A314-57(E)(1)(C)(iii))

- 19.1.5.2 Protection of natural land forms through minimizing alterations caused by cutting, filling, grading or clearing, except to comply with fire hazard reduction laws. (Former Section CZ#A314-57(E)(2); Amended by Ord. 1913, 10/30/90)
- 19.1.5.3 Exterior lighting that will be compatible with the surrounding setting and will not be directed beyond the boundaries of the parcel. (Former Section CZ#A314-57(E)(3))
- 19.1.5.4 Screening or softening the visual impact of new development through the use of vegetative plantings. If appropriate, species common to the area should be used. Known fire resistive plants should be considered where appropriate. (Former Section CZ#A314-57(E)(4); Amended by Ord. 1913, 10/30/90)
- 19.1.5.5 Where feasible, new utilities should be underground. When above-ground facilities are the only feasible alternative, they should be sited as unobtrusively as possible. (Former Section CZ#A314-57(E)(5))
- 19.1.5.6 Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area. (Former Section CZ#A314-57(E)(6))
- 19.1.5.7 Off-premises signs, which are needed to direct visitors to permitted commercial recreation areas should be attractively designed in keeping with the surrounding setting and clustered at appropriate locations. (Former Section CZ#A314-57(E)(7))
- 19.1.6 **Restrictions Applicable Within Designated Coastal View Areas.** Within Coastal View Areas, as designated by the General Plan, new off-site signs are prohibited. (Former Section CZ#A314-57(F))
- 19.1.7 **Required Findings for Designated Coastal Scenic and Coastal View Areas.** A Coastal Development Permit for development located within a designated Coastal Scenic or Coastal View Area shall only be approved if the applicable Resource Protection Impact Findings of Chapter 2, Procedures, Supplemental Findings, are made. (Former Section CZ#A314-57(G))
- 19.1.8 **Additional Standards Applicable to Shelter Cove Portions of South Coast Area Plan.** (Former Section CZ#A314-57(H); Added by Ord. 1913, 10/30/90)
 - 19.1.8.1 Building Structural Design Standards:
 - 19.1.8.1.1 Residences must be constructed to a minimum width of twenty feet (20') at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences. (Former Section CZ#A314-57(H)(1)(a); Added by Ord. 10/30/90)

- 19.1.8.1.2 Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to slopes or site conditions shall be exempt from this provision. (Former Section CZ#A314-57(H)(1)(b); Added by Ord. 1913, 10/30/90)
- 19.1.8.1.3 A minimum roof overhang of twelve inches (12") (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structure. Gable ends may be excluded when approved as part of the design review process. (Former Section CZ#A314-57(H)(1)(c); Added by Ord. 1913, 10/30/90)
- 19.1.8.1.4 Exterior walls and roofing materials of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer's warranty certifying a minimum life of fifteen years (15yr). Flammable roofing material such as wood shakes or shingles are not recommended. (Former Section CZ#A314-57(H)(1)(d); Added by Ord. 1913, 10/30/90)

19.1.9 Additional Standards Applicable to Samoa Portions of Humboldt Bay Area Plan.

19.1.9.1 Standards for Alterations and Demolitions

19.1.9.1.1 No contributing structure shall be demolished unless the County makes one of the following findings, following notice and hearings to the extent required under existing regulations.

19.1.9.1.1.1 The property is unsafe or a hazard to the public as a result of an unforeseen event such as a fire or earthquake; or

19.1.9.1.1.2 Taking into account the potential value to the owner of the property of all available County accommodations and incentives (including without limitation transferable development rights, zoning ordinance modifications, alternative building code standards or provisions, loans, grants, reimbursements and tax reductions) either:

- (a) The current or most recent use of the property is not permitted under the current planning code (except as a nonconforming use) and adaptive reuse is not economically feasible;
- (b) The adverse impact on the owner of the property is unreasonably large in comparison to the public benefit from denying demolition; or
- (c) Denying permission to demolish would result in a taking or would violate state or federal law; or

19.1.9.1.1.3 Demolition must be allowed pursuant to the State Housing Law (Cal. Health and Safety Code Sections 17900 et seq.) or other applicable state or federal law.

19.1.9.1.2 Conditions may be imposed on demolition to the extent authorized by any other applicable law or this chapter including without limitation the following:

- a. Documentation may be required of any structure to be demolished and/or for the property;
- b. Historic Preservation Review and Planning Commission approval may be required for any subsequent development of the property;
- c. Demolition may be delayed for up to 90 days to allow time to identify a prospective buyer for the property, to identify a third party interested in relocating the affected structure or to allow the County to determine whether to begin eminent domain procedures, and for up to an additional 90 days to allow completion of the purchase or relocation or commencement of a judicial condemnation acting, if, within the initial 90 days a buyer or third party is

identified of the County determines to begin eminent domain procedures. In the case of purchase or relocation by a third party, demolition may be denied where a third party is willing and able to purchase the property or relocate the structure within the time established by this subdivision is identified and makes a bona fide offer to purchase the property or structure at fair market value, as determined by appraisal.

- d. With respect to demolition of a structure within the Samoa town site, the County shall take into account the importance of an affected structure to the integrity of other existing historic resources, and may: limit the size of new development to that of the existing structure; require that the scale of new development be harmonious with other structures which contribute to historic character; require retention or reconstruction of one or more facades; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to the integrity of the existing historic structure.

19.1.9.1.3 No contributing historic structure shall be altered unless the alteration is approved by the County pursuant to this chapter. The Samoa Design Review Committee shall follow the *Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]* - http://www.cr.nps.gov/local-law/arch_stnds_0.htm, Department of Interior's *Standards of Rehabilitation*, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, and the Samoa Design Guidelines (Exhibit D) for alterations and review of alteration applications, applicable specifically to designated properties. Except to the extent such guidelines provide differently, a proposed alteration shall be considered in light of its effect on the existing character of the affected structure as it relates to the streetscape.

ATTACHMENT C4

DRAFT ZONING TEXT CHANGE ORDINANCE SUMMARY

PRE-ADOPTION SUMMARY OF ORDINANCE

(For publication prior to adoption)

On October 27, 2009, the Humboldt County Board of Supervisors will consider adopting Ordinance No. 2425, which amends the portions of the zoning dealing with Design Review. Section 313-19.1, Chapter 3, Division 1, to Title III of the Humboldt County code having to do with design review in the coastal zone for lands designated "D" on the county zoning maps is would be amended to create a Samoa Design Review Committee, add a process for review of historic structures, and add additional standards applicable to Samoa portions of the Humboldt Bay Area Plan. If the Ordinance is adopted, the zone text amendments will become effective immediately after the date of completion of review and approval by the California Coastal Commission.

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

POST-ADOPTION SUMMARY OF ORDINANCE

(For publication after adoption)

On October 27, 2009, the Humboldt County Board of Supervisors adopted Ordinance No. 2425, which amends the portions of the zoning dealing with Design Review. Section 313-19.1, Chapter 3, Division 1, to Title III of the Humboldt County code having to do with design review in the coastal zone for lands designated "D" on the county zoning maps is amended to create a Samoa Design Review Committee, add a process for review of historic structures, and add additional standards applicable to Samoa portions of the Humboldt Bay Area Plan. The zone text amendments will become effective immediately after the date of completion of review and approval by the California Coastal Commission. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors: Duffy, Neely, Clendenen, Lovelace

NOES: Supervisors:

ABSENT: Supervisors: Smith

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

ATTACHMENT D
Resolution of Transmittal to the Coastal Commission:
Proposed Amendment to the Local Coastal Program (LCP)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on October 27, 2009

Resolution No. 09-86

**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 SAMOA PACIFIC
GROUP AMENDMENT TO THE LOCAL COASTAL PROGRAM FOR REVIEW AND
CERTIFICATION.**

WHEREAS, on September 10, 2002, the Board of Supervisors approved a General Plan Petition to amend the Humboldt Bay Area Plan (HBAP) for the purpose of implementing the Samoa Town Master Plan; and

WHEREAS, Community Development Services - Planning Division reviewed the submitted applications and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, Planning Division staff caused the preparation of Draft and Final Master Environmental Impact Reports (EIR) for the plan amendment package pursuant to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, Planning Division staff 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, and Urban Limit Line Extension application (Case Nos.: GPA-02-01/ZR-02-02); and

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

WHEREAS, on January 9, 2008, the Planning Commission adopted Resolution No. 08-01 recommending the Board of Supervisors approve the General Plan Amendment, Zone Reclassification, and Urban Limit Line Extension application for the Samoa Pacific Group to facilitate implementation of the Samoa Master Plan.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors that the following findings regarding the Samoa Pacific Group amendment be hereby made:

1. The Board of Supervisors certifies the proposed Final Master EIR as required by Section 15090 of CEQA Guidelines, and finds that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the Humboldt County Board of Supervisors, and the Humboldt County Board of Supervisors reviewed and considered the information contained in the Final EIR prior to approving the project; and c) the Final EIR reflects the lead agency's independent judgment and analysis.
2. The General Plan Amendment is in the public interest because the Samoa Town Master Plan as implemented through the various land use and zoning changes builds upon the historical and beneficial aspects of the existing town site. The Master Plan essentially proposes an adaptive reuse of the former lumber storage and processing areas to provide a diverse mix of land uses: residential, commercial, light industrial/business park and public while protecting environmentally sensitive areas and resources. The

stabilization of this former mill townsite and preservation of existing housing opportunities and the area's historic character as depicted in the Samoa Town Master Plan are in the public interest. Moreover, the addition of visitor serving commercial facilities, preservation and revitalization of the Samoa Block and provision for new business development in Business Park will retain existing jobs and foster new employment opportunities. The change will also promote a jobs and housing balance and provide a livable residential environment, by providing a mixture of housing types served by parks, roads and trails.

3. The Plan amendment is necessary because base information and physical conditions have changed; i.e.
 - Since the adoption of the HBAP in 1982, there has been a general decline in logging and forestry related uses of the town site.
 - The subject parcels have changed ownership from industrial timber concerns to private commercial and residential development interests and represents an opportunity for significant economic redevelopment.
 - The current plan and zone boundaries are not consistent with existing residential, commercial and community uses within the town site.

NOW, THEREFORE, be it further resolved that the following findings regarding the Samoa Pacific Group Zone Reclassification be hereby made:

1. The Zone Reclassification is consistent with the comprehensive view of the General Plan in that it is consistent with policies that
2. The Zone Reclassification is in the public interest because it more accurately designates lands based on existing uses and would allow for new uses in some areas necessary for the economic revitalization of the existing community.
3. Based on the evidence presented in the Final Master EIR included in the staff report, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final Master EIR.
4. That the General Plan Amendment and Zone Reclassification consist of the following items transmitted to the California Coastal Commission in support of the Local Coastal Plan Amendment: a) land use plan changes for the subject lands as shown on the proposed land use map; b) text amendments to the HBAP to add the Natural Resource (NR) and Business Park (MB) land use designations to Section 4.10, Urban Land Use Designations of the HBAP; c) text amendments to the HBAP to add requirements for tsunami risk assessment for future subdivisions or development projects that could result in three or more additional dwelling units within a potential tsunami run-up area; d) the establishment of an urban limit line within the community of Samoa; e) an ordinance rezoning the subject properties; and f) an ordinance establishing a Design Review combining zone for historic preservation within the community of Samoa.

NOW THEREFORE BE IT RESOLVED that this Board of Supervisors hereby finds that the proposed Local Coastal Plan Amendment and the proposed zoning ordinance amendments 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 immediately after Coastal

~~Commission approval shall not take effect unless and until they are formally adopted by the Board of Supervisors after Coastal Commission approval.~~

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



Chair, Humboldt County Board of Supervisors

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

AYES: Supervisors: Duffy, Neely, Clendenen, Lovelace

NOES: Supervisors:

ABSENT: Supervisors: Smith

STATE OF CALIFORNIA)
) SS.
County of Humboldt)

I, Kathy Hayes, Clerk of the Board of Supervisors of the 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-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

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

By: 

Kathy Hayes

Date: October 27, 2009

ATTACHMENT E

**Board Report for original approval of February 26, 2008
(excluding Attachments E – I of that report)**



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
I-1

For the meeting of: February 26, 2008

DATE: January 14, 2008

TO: Board of Supervisors
Kirk Girard

FROM: Kirk Girard, Director of Community Development Services

SUBJECT: **Samoa Town Master Plan General Plan Amendment (Local Coastal Plan Amendment)/Zone Reclassification/Urban Limit Line Extension**
File No. APN 401-021-29; Case No: GPA-02-01/ZR-02-02 Samoa Area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing in the manner prescribed by law, and receive staff report, Statement of Overriding Considerations (Attachment B2) and public testimony.
2. Deliberate on the project as necessary.
3. Approve Resolution No. ____ certifying the Final Master Environmental Impact Report for the project, and making the required findings as set forth in Attachments A and B1;
4. Adopt a Statement of Overriding Considerations pursuant to Section 15093 of CEQA for the Samoa Pacific Group application: case numbers GPA-02-01, ZR-02-02, Assessor Parcel Numbers 401-021-29 et al. as set forth in Attachment B2.

(Recommendations continued next page)

Prepared by: *Michael E. Wheeler* GAO Approval: *[Signature]*
Michael E. Wheeler, Senior Planner

REVIEW:		County Counsel <u><i>[Signature]</i></u>		Personnel _____		Risk Manager _____		Other _____	
TYPE OF ITEM:		Consent _____		Departmental _____		Public Hearing <u>X</u>		Other _____	
PREVIOUS ACTION/REFERRAL:					BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT				
Board Order No. _____					Upon motion of Supervisor				
Meeting of: _____					Secoded by Supervisor				
					And unanimously carried by those members present.				
					The Board hereby adopts the recommended action contained in this report.				
					Dated: _____				
					Kathy Hayes, Clerk of the Board				
					By: _____				

(Continued...)

5. Tentatively approve (for purposes of submittal to the California Coastal Commission) the amendment of the Humboldt County General Plan (Humboldt Bay Area Plan (HBAP)) land use map, by reconfiguring the boundary lines as shown on the proposed Samoa Town Master Plan land use map. Tentatively approve text amendments to the HBAP to add the Natural Resource (NR) and Business Park (MB) land use designations to Section 4.10A, Urban Land Use Designations of the HBAP, and tentatively approve interpretation of environmentally sensitive habitat areas (ESHAs) for 6 parcels making up the Samoa town site.
6. Introduce Ordinance by Title and Waive Further Reading, and tentatively approve the adoption of Ordinance No. ____ (Attachment C1; Attachment C2; Attachment C3) amending Section 311-7 of the Humboldt County Code. The proposed rezoning would amend the zoning for the approximate 171.1-acre making up 6 parcels of the Samoa town site by designating the boundary lines of the following zones and combining zones: Residential Single Family (RS), Residential Multi-Family (RM), Commercial General (CG), Commercial Recreation (CR), Natural Resources (NR), Public Recreation (PR), Public Facilities (PF), and Coastal Dependent Industrial (MC) zones; and Planned Unit Development (P), Wetland (W), Archaeological Resource (A) and Design Review (D) combining zones. The zoning amendment will be returned to you for final approval once the Coastal Commission has certified the proposed Local Coastal Plan Amendment.
7. Direct the Clerk of the Board to publish the post adoption summary of the ordinance (Attachment C4) within 15 days after adoption of the ordinance.
8. Introduce Ordinance by Title and Waive Further Reading, and tentatively approve the adoption of Ordinance No. ____ amending Section 313-19.1, Design Review, of the Coastal Zoning Regulations to establish a Samoa Design Review Committee and add standards for protection of historic structures (Attachment C5). The zoning amendment will be returned to you for final approval once the Coastal Commission has certified the proposed Local Coastal Plan Amendment.
9. Direct the Clerk of the Board to publish the post adoption summary of the ordinance (Attachment C6) within 15 days after adoption of the ordinance.
10. Adopt a Resolution of Transmittal to the Coastal Commission for the proposed Local Coastal Plan Amendment and transmit the Local Coastal Program amendments (Attachment D) to the Humboldt Bay Area Plan land use plan and implementing zoning maps to the California Coastal Commission for certification in accordance with the Coastal Act.
11. Direct Community Development Services – Planning Division to prepare and file a Notice of Determination pursuant to CEQA for the project.
12. Direct the Clerk of the Board to give notice of the decision to the applicant, to the Assessor's Office and any other interested party.

SOURCE OF FUNDING:

Source of Funding is Community Development Services - Current Planning Trust. The applicant has paid a deposit for costs associated with processing the application. The applicant is responsible for paying all fees for services rendered.

DISCUSSION:

SUMMARY

The project before your Board is a General Plan Amendment/Local Coastal Plan Amendment (Amendment) and associated Zone Reclassification for 6 parcels making up the Samoa town site and encompassing approximately 171.7 acres. The purpose of the proposed Amendment is to facilitate development and revitalization of the parcels consistent with the Samoa Town Master Plan prepared for the Samoa Pacific Group LLC. As described below, this Samoa Town Master Plan (Project) seeks to build on the historic and beneficial aspects of the townsite while preserving opportunities for coastal dependent industrial uses on the adjacent lands with harbor access. Additional permits are required for the phased implementation of the Master Plan and will be applied for at a later date should the requested amendment be approved.

Approximately 131 acres currently planned and zoned as Industrial General (IG) and 6.5 acres planned and zoned Industrial Coastal Dependent (MC) will be changed to the following designations: **Residential**

Low Density (RL), 53.3 acres; Residential Medium Density (RM), 3.5 acres; Commercial Recreation (CR), 9.7 acres; Public Facilities (PF), 10.1 acres; Commercial General (CG), 4.6 acres; Business Park (MB), 19.2 acres; Natural Resources (NR), 34.9 acres; and Public Recreation (PR), 4.4 acres. In addition, 33.5 acres will remain planned and designated for Industrial Coastal Dependent (MC) use (see Map sheets for location and description of the proposed land use and zoning designations). The project includes identification of an Urban Limit Line around the community and text amendments to add the Natural Resource (NR) and Business Park (MB) land use designations to Section 4.10, Urban Land Use Designations of the Humboldt Bay Area Plan, and amendments to Section 313-19.1, Design Review, of the Coastal Zoning Regulations to establish a Samoa Design Review Committee and add standards for protection of historic structures.

The project area is located entirely in the Coastal Zone, and the Local Coastal Plan Amendment will require subsequent approval by the California Coastal Commission. Community Development Services has also required that an EIR be prepared pursuant to the CEQA. Among the impacts addressed include historical resources and tsunami hazards.

Community Development Services – Planning Division staff recommends approval of the Amendment and Zone Reclassification because the Project is "in the public interest", is "consistent with a comprehensive view of the General Plan," and because "physical conditions have changed". In accepting the Plan Amendment Petition, the Board of Supervisors found that there has been a change in base information under which the current land use designations were applied and that the amendment would be protective of established uses. Specifically, the Board determined that:

- Since the adoption of the Humboldt Bay Area Plan in 1982, there has been a general decline in logging and forestry related uses of the town site.
- The subject parcels have changed ownership from industrial timber concerns to private commercial and residential development interests and represents an opportunity for significant economic redevelopment.
- The current plan and zone boundaries are not consistent with existing residential, commercial and community uses within the town site.

The Project as implemented through the various land use and zoning changes builds upon the historical and beneficial aspects of the existing town site. The Project essentially proposes an adaptive reuse of the former lumber storage and processing areas to provide a diverse mix of land uses: residential; commercial; light industrial/business park; and public while protecting environmentally sensitive areas and resources. Key elements of the Project for Samoa include:

- A commercial area at Vance Avenue and Cutten Street
- A business park along the south portion of Vance Avenue
- The Samoa Cookhouse area which includes the existing Samoa Cookhouse, a indoor soccer arena, a new Maritime Museum and the existing gymnasium, baseball field and the elementary school, and a new small RV park (8 spaces with no hookups)
- A total of 293 new residential units are proposed, including a residential district west of Vance Avenue
- Live/work studios along Cadman Court
- Multi-family "workforce" housing (46 units) east of Vance Avenue and north of Soule Street;
- Coastal dependent industrial land east of the NCRA railroad tracks
- Open space, natural areas, and a 1.5 acre visitor serving use area (with a tent camping area, day use area, and restrooms) east of New Navy Base Road and at other locations
- Roads, trails and pathways
- A central park and town square
- Public facilities, including a wastewater treatment plant, corporation yard and utility substation

The stabilization of this former mill town site and preservation of existing housing opportunities and the area's historic character as depicted in the Project are in the public interest. Moreover, the addition of visitor serving commercial facilities, preservation and revitalization of the Samoa Block and provision for new business development in business park will retain existing jobs and foster new employment opportunities. The change will also promote a jobs and housing balance and provide a livable residential environment, by providing a mixture of housing types served by parks, roads and trails.

Furthermore, for those projects in the Coastal Zone, an additional set of findings must be made to ensure consistency with the Coastal Act, and the Amendment and Zone Reclassification changes certified by the Coastal Commission prior to adoption. The Project is consistent with Chapter 3, commencing with Section 30200, of the Public Resources Code, and the implementing ordinances are in conformity with and carry out the provisions of the certified land use plan.

This proposal follows your Board's September 10, 2002 acceptance of a petition to reconfigure the General Plan land use designation boundaries. The Humboldt County Planning Commission considered an earlier proposal and held public hearings on the project on March 16, 2006, April 6, 2006, and April 13, 2006. The current Project was heard by the Planning Commission on January 9, 2008, and the Planning Commission recommended making the required findings (Attachment B1) and approving the project. Staff recommends approval based upon the findings and recommendations of the Planning Commission that the request is both "in the public interest", is "consistent with a comprehensive view of the General Plan," and is consistent with the Coastal Act.

Based on the on-site inspection, a review of Community Development Services - Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Project. The Humboldt County Planning Commission concurred at their meeting of January 9, 2008 when they adopted a resolution (Attachment E) recommending approval of the Project.

Required Findings: To approve this Project, the Board of Supervisors must determine that the applicants have submitted evidence in support of making all of the following required findings. (Note: The proposed Local Coastal Plan Amendment and proposed zoning changes will be returned to the Board for final adoption after the Coastal Commission certifies the proposed Amendment.)

Required Findings for General Plan Amendment

Pursuant to Section 1452 of the Framework Plan, Volume I, Plan Amendments may only be initiated by the Board of Supervisors based on a recommendation by Resolution of the Planning Commission or requested by members of the public. Section 1452.2 of the Framework Plan establishes findings, any one of which may be grounds for considering a plan amendment. Specifically, the findings are:

1. Base information or physical conditions have changed; or
2. Community values and assumptions have changed; or
3. There is an error in the plan; or
4. To maintain established uses otherwise consistent with a comprehensive view of the plan.

In addition, the Plan Amendment must be found to be in the public interest.

Required Findings for Zone Reclassification

Section 312-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps:

1. That the proposed change is consistent with the General Plan.
2. The proposed change is in the public interest.

Required Findings for Local Coastal Plan Amendment

State law requires amendments to the Local Coastal Plan be consistent with California Government Code Section 13551 and Public Resources Code §30200 (See below).

Required Findings for Housing (Conversion of Existing Residential Dwelling Units)

California Government Code Section 65590(b) specifies that conversion or demolition of existing residential dwelling units occupied by persons or families of low or moderate income shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income.

Required Findings for CEQA Significant Effects

CEQA Section 15091(a)(3) further requires that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

Discussion

Based on the information contained in the Planning Commission staff report (Attachment F) and Supplements to the Planning Commission Staff Report (Attachment G), the Planning Commission recommended that the required findings be made and the proposed Amendment and Zone Reclassification be approved. Specifically, the Planning Commission recommended findings include:

- The Amendment and Zone Reclassification is in the public interest, and is consistent with a comprehensive view of the General Plan; and
- The Amendment to the certified Local Coastal Program (LCP) meets the requirements of, and is in conformity with, the policies of Chapter 3 commencing with Section 30200 of the Public Resources Code, and the implementing ordinances are in conformity with and carry out the provisions of the certified land use plan; and
- There is evidence that the project will have any potentially significant adverse effect on an historic resource (Fireman's Hall). A Final Master Environmental Impact Report (MEIR) and a Statement of Overriding Considerations have been prepared.
- The findings necessary for approval of the project can be made as indicated in the Planning Commission staff report.

Staff Analysis: Local Coastal Program Amendment

The Samoa Town Master Plan area is located in the coastal zone, and State law requires an additional set of findings be made for the project to ensure consistency with the Coastal Act. The following table identifies the findings that must be made to approve the project as well as the evidence in support of the findings.

Section(s)	Applicable Requirements and Findings	Supporting Evidence and Findings
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>The proposed amendments must conform to the policies contained in Chapter 3 of the Coastal Act. Chapter 3 sets forth policies regarding the following issues:</p> <p>Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p>	<p>The property proposed for the plan/zone map change would not impact any mapped coastal access trail. An existing pedestrian underpass from Samoa to the ocean side of the Peninsula would be maintained. New Navy Base Road provides access to the property as well as public access to the coast. The project is conditioned with a requirement for development of parking and access at L-P Drive on the west Side of New Navy Base Road (to be required as time of subdivision).</p> <p>Finding: The proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act related to access.</p>
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Recreation (including protection of water-oriented activities, ocean front land protection for recreational uses, aquacultural uses, and priority of development purposes)</p>	<p>The project would not impact existing opportunities for water-oriented activities. Ocean front land would be protected for recreational uses, and there is no aquaculture at the project site.</p> <p>Finding: The proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act related to recreation.</p>
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control).</p>	<p>The subject property is located at the Samoa town site, and is separated from the coastline by New Navy Base Road, and from Humboldt Bay by lands under separate ownership managed by the Harbor District. Development of the project area as proposed would not impact biological productivity, does not involve dredging or filling of coastal waters, would not impact fishing, water supplies or flood control, and does not involve revetments or breakwaters.</p> <p>Finding: The proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act related to marine resources.</p>

<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p>	<p>The site does not contain agricultural lands or timberlands. An archaeological study has been prepared with recommendations for the protection of archaeological resources.</p> <p>Development must be consistent with Plan policies and standards that protect environmentally sensitive areas, including dune hollow wetlands, other wetlands, and sensitive beach and dune habitats. A Biological Report has been prepared identifying such areas and recommending buffers from them. The project has been designed to protect these areas.</p> <p>Finding: The proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act related to land resources.</p>
	<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments).</p>	<p>The project proposes that plan/zone boundaries follow existing vegetation on the site, separating the cleared area in the middle of the property for residential use from the surrounding forested area.</p> <p>Finding: The proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act related to development.</p>
	<p>Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.</p>	<p>Coastal Dependent Industrial lands are primarily to remain the same, except the area already developed with the Samoa Cookhouse, Gift Shop and fire hall. This area will be rezoned to Commercial / Residential. However, since it is already developed with commercial uses, there will be not loss of coastal dependent industrial. The proposal also includes an approximately 18 acre business park for light industrial uses that are not coastal dependent.</p> <p>Finding: The proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act related to industrial development.</p>
	<p>The LCP Amendment shall be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act: <i>(a) It is submitted pursuant to a resolution adopted by the local government, after public hearing, that certifies the local coastal program is intended to be carried out in a manner fully in conformity with this division.</i></p>	<p>Finding: The LCP Amendment will be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.</p>

Urban Limit Line

<p>Plan Section 3.22.B.2. HBAP</p>	<p>Urban Limit Line Expansion Summary of Applicable Goal, Policy or Standard -</p>	<p>Evidence Which Supports Making the General Plan Conformance Finding and General Plan Conformance Findings</p>
<p>a.</p>	<p>Service systems within the Urban Limit are adequate to serve the proposed addition under Urban Development standards.</p>	<p>The existing development is served by domestic water supplied by the Humboldt Bay Municipal Water District (HBMWD). Direct metering to the town began in 1990 after facilities shared with the nearby pulp mill were discontinued. Operation of the system is by the Samoa Pacific Group (SPG). SPG contracts for the delivery of 230,000 gallons per day (gpd). An analysis of current and projected water demands by HBMWD has indicated that the plan area could be supplied up to 450,000 gpd. A separate non-potable system provides fire protection. This system was constructed to supply the needs of the pulp mills and has a capacity of 60 million gallons per day (mgd). Projections at full buildout show a consumption of 315,000 gpd at peak demand. Fire flow added to this system would equal 435,000 which is below the threshold established by HBMWD.</p> <p>Currently there are two permitted wastewater treatment and disposal systems serving the town of Samoa. The "north" system serves 25 residences and consists of a 15,000 gallon septic tank and a leach field. The "south" system serves about 75 residences, the Samoa Block, Hostelry, and the Samoa Cookhouse. The system consists of a series of septic tanks and bark filters, a secondary treatment pond and approximately 2.5 acres of infiltration area. The system is in need of upgrade in order to meet current NCRWQCB standards for treatment and disposal. At buildout, wastewater flows are expected to average 166,000 gpd with a peak flow rate of 395,000 gpd. These flows represent a five- to ten-fold increase in current wastewater flows. Based on a wastewater evaluation for a design flow of 200,000 gpd, it was determined that the infiltration area should not be less than seven (7) acres.</p> <p>The DEIR requires as mitigation the formation of a management entity to support the provision of water, wastewater and stormwater services; requires the contribution to a proportional share of upgrades to the HBMWD water system to ensure continued uninterrupted service; and requires that the treated wastewater infiltration area be designed and constructed to a size adequate for the projected wastewater flow rate.</p> <p>(See DEIR Chapter 2, Section 2.3 and Chapter 4, Section 4.3 for analysis and mitigation).</p> <p>With incorporation of the identified mitigation measures, the establishment of an Urban Limit Line surrounding the existing, and logical extension of the existing, service area is consistent with this standard.</p> <p>Finding: Proposed service systems within the Urban Limit will be adequate to serve the proposed addition under Urban Development standards.</p>

b.	Development allowable in the addition under Urban Development Standards would not adversely impact agriculture or timberlands bordering the addition.	The project does not include and would not impact any agriculture or timberlands. Finding: Development allowable in the addition under Urban Development Standards would not adversely impact agriculture or timberlands bordering the addition.
c.	Expansion of the Urban Limit and the development permitted under such expansion shall be consistent with the Resource Protection Policies and Standards in section 3.30.	Wetlands and environmentally sensitive habitats such as beach and dune habitat have been mapped and will be conserved in open space under the Master Plan. Finding: Expansion of the Urban Limit and the development permitted under such expansion will be consistent with the Resource Protection Policies and Standards in Section 3.30.

Housing (Conversion of Existing Residential Dwelling Units) Finding

California Government Code Section 65590(b) specifies that conversion or demolition of existing residential dwelling units occupied by persons or families of low or moderate income shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income.

Section(s)	Applicable Requirements and Findings	Supporting Evidence and Finding
California Government Code Section 65590(b)	<p>Conversion or demolition of existing residential dwelling units occupied by persons or families of low or moderate income shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income.</p> <p>This requirement does not apply if the conversion or demolition involves no more than 10 dwelling units unless the County determines that the replacement of all or any portion of the converted or demolished units is feasible. § 65590(b)(1).</p>	<p>The proposed project will serve to further the goals of the Housing Element by preserving existing housing units currently classified as "legal, nonconforming" uses and providing for a mix of housing suitable for a full range of income levels. There are 96 existing residences which will remain under the project proposal. Ten of these will become live-work studio units and will remain as residential land uses. Three residences would be converted to non-residential uses.</p> <p>In addition to the 96 existing residences to be maintained for residential use, the project would support development of a Planned Unit Development to create 293 additional residential units, which will target a mix of income levels. Of these, 46 new affordable "workforce" housing units are proposed on southeast corner of Soule Street and Vance Avenue. These units will be occupied by persons or families of low or moderate income.</p> <p>Finding: Project development will conform with Government Code Section 65590 regarding low- and moderate-income housing within the Coastal Zone and the County's adopted Housing Element.</p>

CEQA Significant Effects Finding

CEQA further requires that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the

public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

	Required Finding	Evidence Which Supports Making the Finding
<p>CEQA Section 15091(a)(3)</p>	<p>Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.</p>	<p>Demolition of the Fireman's Hall, a contributing historic structure, is a significant and unavoidable cultural resource impact. There are specific economic, technological and other considerations that make infeasible mitigation measures such as rehabilitation and re-use or other project alternative identified in the EIR. These considerations are detailed on pages 4.1-10 and 4.1-11 of the DEIR and summarized below.</p> <p>The Fireman's Hall is one of more than 175 "contributing" structures located in the potential historic district area as identified in the cultural resources survey of the Samoa Townsite. Of these contributing structures, the Fireman's Hall is the only one that has been found to have deteriorated beyond the point where rehabilitation is feasible and is slated for demolition. The building is not occupied and has been closed for considerable period of time for safety considerations. The Master Plan values these historic resources and calls for all other "contributing" structures to be retained and rehabilitated and reused, even when the relocation of buildings is necessary. All work is to be guided by the Secretary of Interior's Standards for rehabilitation. Taken as a whole the Plan will have an overall positive impact on preservation of the potential historic district area that is the Samoa Townsite.</p> <p>Alternatives to demolition, including rehabilitation and relocation of the Fireman's Hall, were considered by the applicant but were found to be infeasible. An analysis of the building by a structural engineer (October 16 2006 Letter from Penfold Engineering) determined that the Fireman's Hall does not have adequate structural integrity to support rehabilitation and re-use. The letter cites severe differential settlement, resulting in significant structural damage. The letter states that the building is unsafe to occupy in this condition. Relocation of the structure would require dismantling and reassembly due to its poor structural condition.</p> <p>The severely dilapidated condition of the structure makes the cost of rehabilitation substantial. Rehabilitation of the Fireman's Hall in place has been estimated at \$783,900 to \$871,000, equating to a cost of \$180 to 200 per square foot (April 1 2007 letter from Les Charter Danco Chief Estimator to Mike Nelson, Senior Project Manager). These are significantly higher costs than typical rehabilitations, due to the building condition. While superior to removal or relocation, the costs of rehabilitation make the project infeasible for the applicant on economic grounds. The applicant has also offered the building to anyone willing to relocate it for a nominal cost but has received no interest.</p> <p>Re-use of the structure in the event that it was able to be rehabilitated to a condition allowing its re-occupancy is limited by location. The structure is no longer needed as a space for recreational and social activities for mill employees so a new use must be found. The building site elevation (15-20 foot) would not be suitable for new residential uses as previously proposed because it does not comply with Tsunami Safety Plan mitigations that require 30 foot minimum habitable floor elevations for all permanent residential uses. Consequently, the conversion of the Fireman's Hall into bunkhouse apartments, as proposed in the 2005 Master Plan, is no longer a feasible re-use option. A vertical separation of about 15 feet visually and spatially disconnects the Fireman's Hall from the nearby Samoa Cookhouse further limiting its possible re-use in that commercial context.</p> <p>Given these constraints, other uses for the site may be found to be superior. The indoor soccer arena proposed in the September 2007 Master Plan is a Commercial Recreational facility that would not be subject to the 30 foot elevation Tsunami Safety Plan requirements. A soccer facility in the proposed location would also be situated close to the elementary school and existing recreational facilities, such as the gymnasium. This location would allow similar recreational uses to be clustered in one area of the Master Plan. Due to the size and parking requirements of the such a facility, there are limited locations where it</p>

		<p>could be placed.</p> <p>All feasible mitigation measures, including preparation of a Historic American Building Survey (HABS) Report, photo documentation of the structure before demolition for use in educational collection and archival collection purposes (to HABS standards), and salvage of building elements for appropriate use in other areas of the Master Plan, have been made part of the project.</p> <p>Finding: Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.</p>
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FINANCIAL IMPACT:

As required for all individually initiated plan amendments and zone reclassification, all costs associated with the Project will be borne by the applicant.

OTHER AGENCY INVOLVEMENT:

Community Development Services – Planning Division has referred the proposed Amendment, Zone Reclassification and lot line adjustment to numerous agencies for comments and recommendations. All responding agencies have either recommended approval or conditional approval of the Project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors could find that the requested Amendment and ZR is not consistent with the General Plan or that it is not in the public interest. Community Development Services – Planning Division does not recommend this alternative based on the evidence in the public record. However, to implement this alternative, it is recommended your Board direct Community Development Services – Planning Division to draft the necessary resolution, and bring it back to your Board for consideration at a future (continued) public hearing.

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 A: Resolution No. _____ Certifying the Environmental Impact Report and Making the Required Findings for Project Approval and Recommending Conditional Approval of the Samoa Town Master Plan Application
- Attachment B1: Resolution No. _____ Making a Statement of Findings and Certifying the Environmental Impact Report
- Attachment B2: Resolution No. _____ Adopting a Statement of Overriding Considerations
- Attachment C1: Ordinance No. _____ Rezoning property in the Samoa area
- Attachment C2: Exhibit A – Map of Property to be Rezoned
- Attachment C3: Exhibit B – Property Description of Property to be Rezoned; NOTE: Property description is not provided herein and will be provided prior to final Board adoption after Coastal Commission approval.
- Attachment C4: Draft Zoning Map Ordinance Summary – Summary of Ordinance for Publication after adoption)
- Attachment C5: Zoning Text Change Ordinance for Design Review (Ordinance No. _____)
- Attachment C6: Draft Zoning Text change Ordinance Summary – Summary of the Ordinance (for Publication after adoption)
- Attachment D: Resolution of Transmittal to the Coastal Commission: Proposed Amendment to the Local Coastal Program (LCP)
- Attachment E: Planning Commission Resolution #08-01 and Certified Copy of Portion of Proceedings
- Attachment F: Copy of Planning Commission Staff Report for January 9, 2008
- Attachment G: Supplements to the Planning Commission Staff Report
- Attachment H: Draft Master Environmental Impact Reports (provided under separate cover)
- Attachment I: Proposed Final Master Environmental Impact Report (also provided under separate cover)

Attachment A

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on February 26, 2008

RESOLUTION No 08-16

**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 RECOMMENDING CONDITIONAL
APPROVAL OF THE SAMOA PACIFIC GROUP APPLICATION: CASE NUMBERS GPA-02-
01/ZR-02-02; ASSESSOR PARCEL NUMBERS 401-021-29 ET AL.**

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

WHEREAS, Samoa Pacific Group submitted an application and evidence in support of approving the General Plan Amendment/Zone Reclassification/Urban Limit Line Extension associated with the Samoa Town Master Plan; and

WHEREAS, the proposed General Plan Amendment and Zone Reclassification may be approved if it can be found that: (1) The proposed change is in the public interest; and (2) The proposed change is consistent with a comprehensive view of the General Plan; and

WHEREAS, Community Development Services - Planning Division has 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 project is subject to environmental review pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, Community Development Services - Planning Division caused the preparation of a Master Environmental Impact Report, which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15074; and

WHEREAS, Attachment 2 of the Planning Division Staff Report for the Planning Commission meeting of January 9, 2008 includes evidence in support of making all of the required findings for approving the proposed General Plan Amendment/Zone Reclassification/Urban Limit Line Extension Permit application for Case Nos.: GPA-02-01/ZR-02-02; and

WHEREAS, Community Development Services - Planning Division has 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 project; and

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

WHEREAS, the Planning Commission held public hearings on March 16, 2006, April 6, 2006, April 13, 2006, and January 9, 2008 on this matter to receive other evidence and testimony;

WHEREAS, at their January 9, 2008 meeting, the Planning Commission resolved, determined, and ordered that the following findings be and are hereby made:

1. The Planning Commission found that based on the evidence presented in the Draft Master Environmental Impact Report and Proposed Final Master Environmental Impact Report included in the staff report, there is evidence that the proposed project will have a significant effect on the environment, and recommended that a Statement of Overriding Considerations be adopted; and
2. The Planning Commission made the findings in Attachment 2 of the Planning Commission staff report for Case Nos.: GPA-02-01/ZR-02-02 based on the submitted evidence.

NOW, THEREFORE, BE IT RESOLVED, determined, and ordered by the Board of Supervisors of the County of Humboldt that:

1. The Board of Supervisors certifies the proposed Final Master Environmental Impact Report as required by Section 15090 of the CEQA Guidelines, and finds that: a) the Final EIR has been completed in compliance with CEQA; b) the Final Master Environmental Impact Report was presented to the Humboldt County Board of Supervisors, and the Humboldt County Board of Supervisors reviewed and considered the information contained in the Final Master Environmental Impact Report prior to approving the project; and c) the Final Master Environmental Impact Report reflects the lead agency's independent judgment and analysis.
2. The Board of Supervisors adopts the findings made by the Planning Commission at their January 9, 2008 Planning Commission hearing as set forth in Attachment 2 of the Planning Commission staff report (Exhibit E).
3. The Board of Supervisors adopts the findings set forth in Attachment B1.
4. The Board of Supervisors makes the findings for Case Nos.: GPA-02-01/ZR-02-02 based on the submitted evidence.
5. The Board of Supervisors finds that the proposed amendments conform to the policies contained in Chapter 3 of the Coastal Act.
6. The Board of Supervisors finds that the LCP Amendment will be carried out in accordance with the Coastal Act pursuant to Section 30510(a) of the Act.
7. The Board of Supervisors finds that the proposed service systems within the Urban Limit will be adequate to serve the proposed addition under Urban Development standards.
8. The Board of Supervisors finds that development allowable in the addition under Urban Development Standards would not adversely impact agriculture or timberlands bordering the addition.
9. The Board of Supervisors finds that expansion of the Urban Limit and the development permitted under such expansion will be consistent with the Resource Protection Policies and Standards in section 3.30.
10. The Board of Supervisors finds that project development will conform with Government Code Section 65590 regarding low- and moderate-income housing within the Coastal Zone and the County's adopted Housing Element.
11. The Board of Supervisors finds that, with respect to demolition of the Fireman's Hall, a contributing historic structure, there are specific economic, legal, social, technological, or other considerations, which make infeasible the mitigation measures or project alternatives identified in the Final Environmental Impact Report which might have allowed for reconstruction or re-use of the structure in place.
12. The Board of Supervisors recommends approval of the General Plan Amendment/Zone Reclassification/Urban Limit Line Extension application as recommended by the Planning Commission at their January 9, 2008 meeting for Case Nos.: GPA-02-01/ZR-02-02.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. The Final Master Environmental Impact Report prepared for the project is hereby certified, ensuring compliance with the California Environmental Quality Act;
2. The Board of Supervisors tentatively approves the General Plan amendment of the Humboldt County General Plan (Humboldt Bay Area Plan (HBAP)) land use map, by reconfiguring the boundary lines as shown on the proposed Samoa Town Master Plan land use map. Tentatively approves text amendments to the HBAP to add the Natural Resource (NR) and Business Park (MB) land use designations to Section 4.10, Urban Land Use Designations of the HBAP, and tentatively approves interpretation of environmentally sensitive habitat areas (ESHAs) for 6 parcels making up the Samoa town site as shown on the Samoa Master Plan.
3. Subject to California Coastal Commission approval of the Local Coastal Plan Amendment, the Zone designations for the approximate 171.1-acre making up 6 parcels of the Samoa town site are rezoned from the existing zoning to the following zones and combining zones: Residential Single Family (RS), Residential Multi-Family (RM), Commercial General (CG), Commercial Recreation (CR), Natural Resources (NR), Public Recreation (PR), Public Facilities (PF), and Coastal Dependent Industrial (MC) zones; and Planned Unit Development (P), Wetland (W), Archaeological Resource (A) and Design Review (D) combining zones as indicated on the Samoa Master Plan Proposed Zoning Map. The rezoning would also amend Section 313-19.1, Design Review, of the Coastal Zoning Regulations to establish a Samoa Design Review Committee and add standards for protection of historic structures.
4. The Community Development Services - Planning Division is hereby directed to transmit the Local Coastal Program amendments to the North Coast Area Plan (NCAP) land use plan and implementing zoning maps to the California Coastal Commission for certification in accordance with the Coastal Act.
5. The Community Development Services - Planning Division is hereby directed to prepare and file a Notice of Determination for the project; and
6. The Clerk of the Board is hereby directed to give notice of the decision to the applicant and any other interested party.



Chair, Humboldt County Board of Supervisors

Adopted on motion by Supervisor Neely, and seconded by Supervisor Woolley and the following vote:

AYES: Supervisors: Neely, Woolley, Rodoni, Geist, Smith

NOES: Supervisors:

ABSENT: Supervisors:

STATE OF CALIFORNIA

County of Humboldt

)
) SS.
)

I, Kathy Hayes, Clerk of the Board of Supervisors of the 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-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

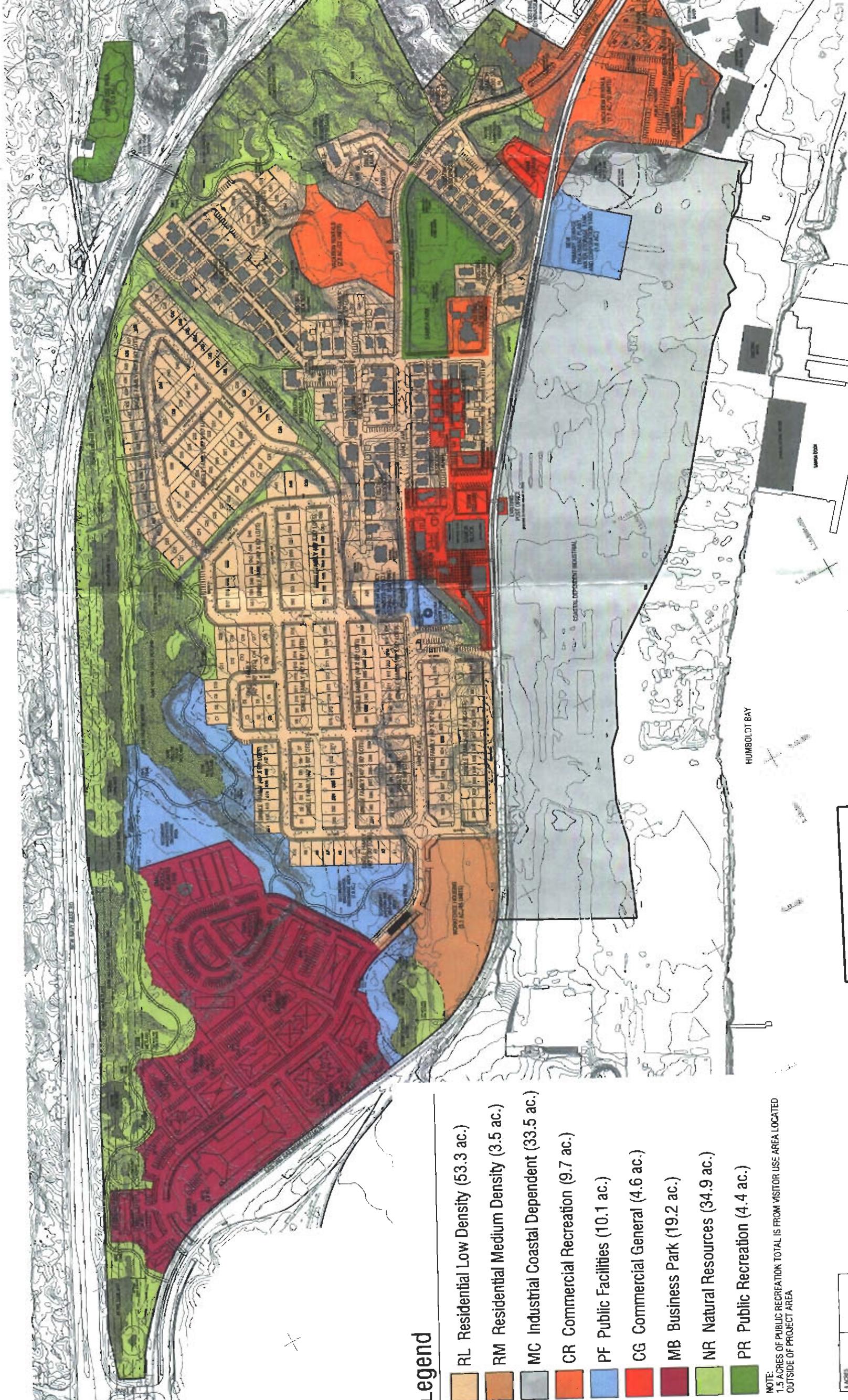
Kathy Hayes

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

Date: February 26, 2008

By

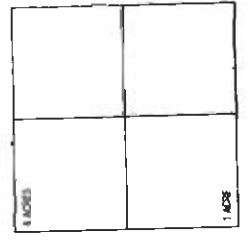

Deputy



Legend

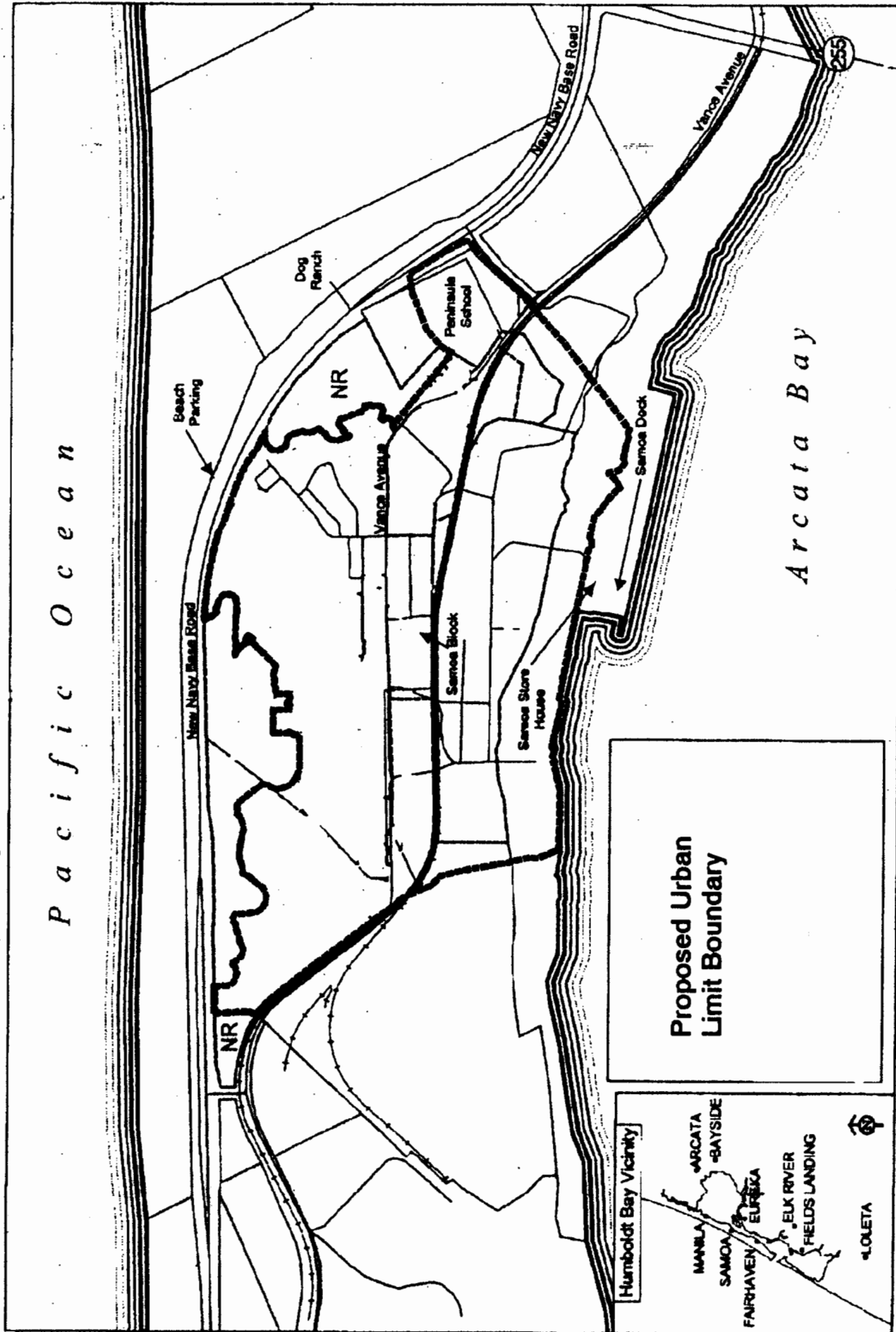
- RL Residential Low Density (53.3 ac.)
- RM Residential Medium Density (3.5 ac.)
- MC Industrial Coastal Dependent (33.5 ac.)
- CR Commercial Recreation (9.7 ac.)
- PF Public Facilities (10.1 ac.)
- CG Commercial General (4.6 ac.)
- MB Business Park (19.2 ac.)
- NR Natural Resources (34.9 ac.)
- PR Public Recreation (4.4 ac.)

NOTE:
1.5 ACRES OF PUBLIC RECREATION TOTAL IS FROM VISITOR USE AREA LOCATED OUTSIDE OF PROJECT AREA

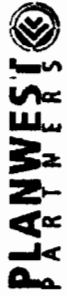


NOTE:
Color copies of maps are available at the Commission's website www.coastal.ca.gov -
Public Meetings

Land Use Plan
Samoa Town Master Plan
Samoa, Humboldt County, California



Map Compiled by PlanWest Partners
 Date: May 19, 2005

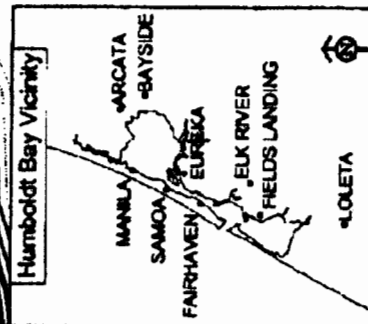


2,000 Feet

1,000

0

**Proposed Urban
 Limit Boundary**



	Roads
	Urban Limit Boundary
	NW Pacific Railroad
	Parcel Boundaries

Attachment B1

RESOLUTION OF THE BOARD OF SUPERVISOR OF THE COUNTY OF HUMBOLDT Resolution Number 08-17

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE SAMOA PACIFIC GROUP APPLICATION: CASE NUMBERS GPA-02-01, ZR-02-02 ASSESSOR PARCEL NUMBERS 401-021-29 et al.

WHEREAS, Samoa Pacific Group submitted an application and evidence in support of approving the: General Plan Amendment / Local Coastal Plan Amendment and Zone Reclassification, including establishing an Urban Limit Line and a text amendment to the Humboldt Bay Area Plan (HBAP) to add the Natural Resource (NR) land use designation to the Urban Designations in Section 4.10A and to modify the Design Review Combining Zone ("D") to add standards for historical resource protection; and

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

WHEREAS, Community Development Services - Planning Division caused the preparation of an Environmental Impact Report, which indicates that the project meets all requirements of the CEQA pursuant to Section 15090; and

WHEREAS, the CEQA section 15091(a)(3) requires specific findings for significant effects; and

NOW, THEREFORE, be it resolved, determined, and ordered that the County of Humboldt adopts the following findings for the Samoa Town Master Plan:

1. IMPACTS AVOIDED OR MITIGATED TO A LEVEL OF INSIGNIFICANCE

The County makes the findings listed below regarding the proposed Samoa Town Master Plan project identified in the Master Environmental Impact Report (MEIR) for the project. The Recirculation Draft 3 MEIR for the project is herein referred to as the Draft MEIR, and the Final MEIR is referred to as the Final MEIR. The County finds that all mitigation measures described in the Draft MEIR will be implemented pursuant to the conditions of approval and the mitigation monitoring programs adopted as part of this project. These mitigation measures were identified and discussed, or are derived directly from measures which were identified and discussed, in the MEIR. The County hereby adopts and incorporates as part of the project all mitigation measures set forth in the Draft MEIR and Final MEIR for the Samoa Town Master Plan.

Impacts mitigated to a level of insignificance and the mitigation required to result in a less than significant impact are identified in Table S.3 of the Draft MEIR (pages S-17 to S-55), which is incorporated here by reference. With the exception of potentially significant impact 4.1.2 (demolition of historic resources with respect to the Fireman's Hall), the County finds that these mitigation measures reduce the identified potentially significant impacts to less than significant.

Impacts which are avoided by the proposed project in comparison to the project alternatives are identified in Table S.4 of the Draft MEIR (pages S-55 to S-59), which is incorporated here by reference.

2. OTHER IMPACTS ARE NOT SIGNIFICANT

Other potential impact subject areas are addressed in the MEIR. The County finds that other potential impacts, including those discussed in the MEIR, do not have significant effects on the environment. No mitigation measures are required for these other considerations.

3. ALTERNATIVES

The Final MEIR evaluates the potential environmental consequences of a range of alternatives, including the original Samoa Town Master Plan filed with the County in September 2002 and the January 2006 Samoa Town Master Plan which was analyzed in the prior Draft MEIR.

The "no project" alternative is the County General Plan Buildout Alternative. Under this alternative development would occur consistent with the maximum buildout allowed under the existing Humboldt County General Plan. Under this alternative: existing uses would remain as non-conforming; the undeveloped area west of the railroad right-of-way would be developed with uses allowed in the Industrial General zone; the undeveloped area east of the railroad right-of-way would be developed with uses allowed in the Industrial/Coastal Dependent zone; and development densities would be similar to existing industrial uses on the Samoa Peninsula.

The September 2002 and January 2006 Samoa Town Master Plans received consideration in previous drafts of the MEIR, however, these alternative plans were later revised due to considerations related to tsunami risk and the need for additional visitor serving facilities. These revisions resulted in the 2007 Samoa Town Master Plan. The September 2002 and January 2006 Samoa Town Master Plan Alternatives were rejected because they do not adequately address public health and safety due to the siting of primary residential units within an area of potential tsunami runup and because they do not allow for a sufficiently increased amount of visitor serving uses and facilities.

Alternatives that were considered during the scoping process but were screened from further MEIR analysis include the following: Alternatives A, B, C, and the New Samoa Industrial Town Alternative. These alternatives are described in the January 2006 Draft MEIR. In the scoping of the MEIR, these alternatives were considered, but screened from further analysis due to their potential impacts on historic resources, natural resources, multiple access to Highway 255, and incompatibility between designated land uses. Given the potential impacts, these alternatives were found to be not feasible for purposes of the MEIR.

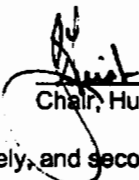
The Proposed Alternative, the 2007 Samoa Town Master Plan, involves the rehabilitation of existing residential and non-residential structures within the plan area that are considered historically significant as well as the development of new single- and multi-family housing units and commercial structures. In addition, the proposed Samoa Town Master Plan designates approximately 35.8 acres of wetlands and dune habitat as Natural Resources lands within the plan area.

There are several environmental benefits associated with the proposed Samoa Town Master Plan. The approximately 35.8 acres of wetland and dune habitat within the plan area are currently designated as Industrial General, which provides significantly less protection than the proposed Natural Resources designation. The proposed Samoa Town Master Plan would maintain the existing New Navy Base Road under-crossing for coastal access and provide additional parking spaces on the west side of New Navy Base Road.

The alternatives identified in the EIR would not result in significantly lesser environmental impacts significantly than the proposed Samoa Town Master Plan; therefore, the Samoa Town Master Plan is considered to be the environmentally superior alternative.

4. STATEMENT OF OVERRIDING CONSIDERATIONS NEEDED

The County finds the project proposed and analyzed in the Final MEIR results in project impacts that cannot be avoided completely or mitigated to a level that is demonstrably less-than-significant and that a Statement of Overriding Considerations is adopted for this project, pursuant to section 15093 of the CEQA Guidelines.



Chair, Humboldt County Board of Supervisors

Adopted on motion by Supervisor Neely, and seconded by Supervisor Woolley and the following vote:

AYES: Supervisors: Neely, Woolley, Smith, Rodoni, Geist

NOES: Supervisors:

ABSENT: Supervisors:

STATE OF CALIFORNIA)
) SS.
County of Humboldt)

I, Kathy Hayes, Clerk of the Board of Supervisors of the 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-titled 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

KATHY HAYES
Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: 

Nikki Turner

Date: January 26, 2008

Attachment B2

Statement of Overriding Considerations

**RESOLUTION OF THE BOARD OF SUPERVISOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 08-18**

MAKING THE REQUIRED FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO SECTION 15093 OF CEQA FOR THE SAMOA PACIFIC GROUP APPLICATION: CASE NUMBERS GPA-02-01, ZR-02-02 ASSESSOR PARCEL NUMBERS 401-021-29 et al.

WHEREAS, Samoa Pacific Group submitted an application and evidence in support of approving the: General Plan Amendment / Local Coastal Plan Amendment and Zone Reclassification, including establishing an Urban Limit Line and a text amendment to the Humboldt Bay Area Plan (HBAP) to add the Natural Resource (NR) land use designation to the Urban Designations in Section 4.10A and to modify the Design Review Combining Zone ("D") to add standards for historical resource protection; and

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

WHEREAS, Community Development Services - Planning Division caused the preparation of an Environmental Impact Report (EIR), which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15090; and

WHEREAS, the CEQA section 15091(a)(3) requires specific findings for significant effects; and

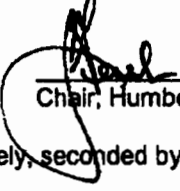
WHEREAS, the CEQA section 15093(a) requires that a Statement of Overriding Considerations be adopted for significant effects which are identified in the final EIR but are not avoided or substantially lessened, and the Statement of Overriding Considerations shall state in writing the specific reasons to support the action based on the final EIR and/or other information in the record.

NOW, THEREFORE, be it resolved, determined, and ordered that:

1. The Board of Supervisors certifies the EIR in Attachment 5 of the Planning Commission staff report as required by Section 15090 and 15091 of the CEQA Guidelines subject to the adoption of a Statement of Overriding Considerations with regard to the demolition of the Fireman's Hall.
2. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR with respect to the Fireman's Hall as specified in Attachments 2 and 8 of the Community Development Services - Planning Division staff report.
3. The Board of Supervisors finds that the following evidence in the record supports the statement of overriding considerations:

- a) The Fireman's Hall is one of more than 175 "contributing" structures located in the potential historic district area as identified in the cultural resources survey of the Samoa Townsite. Of these contributing structures, the Fireman's Hall is the only one that has been found to have deteriorated beyond the point where rehabilitation is feasible and is slated for demolition. The building is not occupied and has been closed for considerable period of time for safety considerations. The Samoa Town Master Plan values these historic resources and calls for all other "contributing" structures to be retained and rehabilitated and reused, even when the relocation of buildings is necessary. All work is to be guided by the Secretary of Interior's Standards for rehabilitation. Taken as a whole the Samoa Town Master Plan will have an overall positive impact on preservation of the potential historic district area that is the Samoa Townsite.
- b) Alternatives to demolition, including rehabilitation and relocation of the Fireman's Hall, were considered by the applicant but were found to be infeasible. An analysis of the building by a structural engineer (October 16 2006 Letter from Penfold Engineering) determined that the Fireman's Hall does not have adequate structural integrity to support rehabilitation and re-use. The letter cites severe differential settlement, resulting in significant structural damage. The letter states that the building is unsafe to occupy in this condition. Relocation of the structure would require dismantling and reassembly due to its poor structural condition.
- c) The severely dilapidated condition of the structure makes the cost of rehabilitation substantial. Rehabilitation of the Fireman's Hall in place has been estimated at \$783,900 to \$871,000, equating to a cost of \$180 to 200 per square foot (April 1 2007 letter from Les Charter Danco Chief Estimator to Mike Nelson, Senior Project Manager). These are significantly higher costs than typical rehabilitations, due to the building condition. While superior to removal or relocation, the costs of rehabilitation make the project infeasible for the applicant on economic grounds. The applicant has also offered the building to anyone willing to relocate it for a nominal cost but has received no interest.
- d) Re-use of the structure in the event that it was able to be rehabilitated to a condition allowing its re-occupancy is limited by location. The structure is no longer needed as a space for recreational and social activities for mill employees so a new use must be found. The building site elevation (15-20 foot) would not be suitable for new residential uses as previously proposed because it does not comply with Tsunami Safety Plan mitigations that require 30 foot minimum habitable floor elevations for all permanent residential uses. Consequently, the conversion of the Fireman's Hall into bunkhouse apartments, as proposed in the 2005 Master Plan, is no longer a feasible re-use option. A vertical separation of about 15 feet visually and spatially disconnects the Fireman's Hall from the nearby Samoa Cookhouse further limiting its possible re-use in that commercial context.
- e) Given these constraints, other uses for the site may be found to be superior. The indoor soccer arena proposed in the September 2007 Master Plan is a Commercial Recreational facility that would not be subject to the 30 foot elevation Tsunami Safety Plan requirements. A soccer facility in the proposed location would also be situated close to the elementary school and existing recreational facilities, such as the gymnasium. This location would allow similar recreational uses to be clustered in one area of the Master Plan. Due to the size and parking requirements of the such a facility, there are limited locations where it could be placed.

- f) All feasible mitigation measures, including preparation of a Historic American Building Survey (HABS) Report, photo documentation of the structure before demolition for use in educational collection and archival collection purposes (to HABS standards), and salvage of building elements for appropriate use in other areas of the Master Plan, have been made part of the project.



Chair, Humboldt County Board of Supervisors

Adopted on motion by Supervisor Neely, seconded by Supervisor Woolley and the following vote:

AYES: Supervisors: Rodoni, Neely, Geist, Smith, Woolley

NOES: Supervisors:

ABSENT: Supervisors:

STATE OF CALIFORNIA)
) SS.
County of Humboldt)

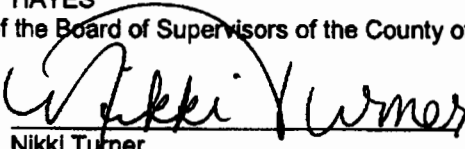
I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES
Clerk of the Board of Supervisors of the County of Humboldt, State of California

By:



Nikki Turner

Date: February 26, 2008

ATTACHMENT C1

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
TO REZONE PROPERTY IN THE SAMOA AREA**

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended for the approximate 171.1-acre parcels, described in Exhibit B (legal description), by designating the boundary lines of the following zones and combining zones (Planned Unit Development (P), Vacation Homes (V), Wetland (W), Archaeological Resource (A) and Design Review (D) combining zones) consistent with the General Plan Amendment (GPA-02-01) that reconfigures the boundary line between the following land use designations. The properties are shown on Humboldt County Zoning Maps D-15, 16 and in Exhibit A (rezone map) and Exhibit C (land use map).

Zoning

Parcel	Existing		Proposed	
	Zoning	Acres	Zoning	Acres
<i>West of RR ROW</i> 401-031-46 (por.) 401-031-46 (por.) 401-031-59 (por.) 401-031-60	Industrial General (MG)	131.6	Residential	
			Residential Single Family - RS/D,P	44.5
			Residential Single Family - RS/D,P,V	8.8
			Residential Multi-Family - RM/D/P	3.5
			Business Park - MB/D	19.2
			Commercial General - CG/D	4.56
			Recreation/Conservation	
			Commercial Recreation - CR/D	4.74
Natural Resources - NR/W	34.9			
Public Recreation - PR/D	2.9			
Public Facilities - PF/D	8.5			
<i>East of RR ROW</i> 401-031-38 401-031-46 (por.) 401-031-55 401-031-59 (por.)	Industrial Coastal Dependent/Archaeological Resource Area (MC/A)	40.1	Residential Multi-Family - RM/A,D,P	0.0
			Coastal Dependent Industrial MC/A (to remain)	33.5
			Commercial Recreation - CR/A,D	4.96
			Commercial General - CG/A,D	0.04
			Public Facilities - PF/A,D	1.6
TOTAL		171.7		171.7
<i>West of New Navy Base Road</i> 401-031-44	Natural Resources/ Wetlands, Beach and Dunes (NR/B,W)	27.7	NR/B,W	26.2
			Public Recreation/B,W	1.5

Parcel	Existing		Proposed	
	Land Use	Acres	Land Use	Acres
<i>West of RR ROW</i> 401-031-46 (por.) 401-031-59 (por.) 401-031-60	General Industrial (MG)	131.6	Residential RL RM	53.3 3.5
			Business Park - MB	19.2
			Commercial General - CG	4.56
			Recreation/Conservation Commercial Recreation - CR Natural Resources - NR Public Recreation - PR	4.74 34.9 2.9
			Public Facilities - PF	8.5
			TOTAL	171.7
<i>East of RR ROW</i> 401-031-38 401-031-46 (por.) 401-031-55 401-031-59 (por.)	Industrial Coastal Dependent	40.1	Residential - RM Coastal Dependent Industrial MC (to remain) Commercial Recreation - CR Commercial General - CG Public Facility - PF	0.0 33.5 4.96 .04 1.6
<i>West of New Navy Base Road</i> 401-031-44	Natural Resources (NR)	27.7	NR Public Recreation	26.2 1.5

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after the date of its passage.

SECTION 3. A Summary of the proposed Ordinance shall be published and a certified copy of the full text of the proposed Ordinance shall be posted in the office of the clerk of the board of supervisors at least five (5) days before the date set for adoption. A summary of the adopted Ordinance shall be published and a certified copy of the adopted Ordinance shall be posted, along with the names of those Supervisors voting for and against the Ordinance, fifteen (15) days after passage [Government Code §25124 (b) (1)]

PASSED, APPROVED AND ADOPTED this __ day of _____ 2008, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

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

(SEAL)
ATTEST:

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

C2 - EXHIBIT A

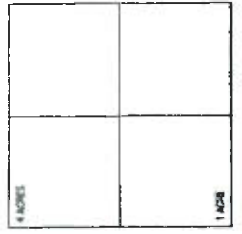
Map of Property to be Rezoned (ZR-02-02)



Legend

- RS Residential Single Family (53.3 ac.)
- RM Residential Multi Family (3.5 ac.)
- MC Industrial Coastal Dependent (33.5 ac.)
- CR Commercial Recreation (9.7 ac.)
- PF Public Facilities (10.1 ac.)
- CG Commercial General (4.6 ac.)
- MB Business Park (19.2 ac.)
- NR Natural Resources (34.9 ac.)
- PR Public Recreation (4.4 ac.)

NOTE:
1.5 ACRES OF PUBLIC RECREATION TOTAL IS FROM VISITOR USE AREA LOCATED OUTSIDE OF PROJECT AREA



NOTE:
Color copies of maps
Are available at the
Commission's website
www.coastal.ca.gov -
Public Meetings

Zoning Plan
Samoa Town Master Plan
Samoa, Humboldt County, California

C3 - EXHIBIT B

Property Description of Property to be Rezoned (ZR-02-02)

NOTE: Property description is not provided herein and will be provided prior to final Board adoption after Coastal Commission approval.

ATTACHMENT C4

DRAFT ZONING MAP ORDINANCE SUMMARY

SUMMARY OF ORDINANCE
(for publication after adoption)

On _____ 2008, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amends the zoning of property in the Samoa area as shown on the above map marked Exhibit A, by rezoning, through an immediate rezone, lands in the Samoa area out of General Industrial (MG), Industrial Coastal Dependent/Archaeological Resource Area (MC/A), and Natural Resources/Wetlands, Beach and Dunes (NR/B,W) into Residential Single Family/Design Review, Planned Development - RS/D,P; Residential Single Family/Design Review, Planned Development, Vacation Rental - RS/D,P,V; Residential Multi-Family/Design Review, Planned Development - RM/D/P; Business Park/Design Review - MB/D; Commercial General/Design Review - CG/D; Commercial Recreation/Design Review - CR/D; Natural Resources/Wetlands - NR/W; Public Recreation/Design Review - PR/D; Public Facilities/Design Review - PF/D; Residential Multi-Family/ Archaeological Resource Area, Design Review, Planned Development - RM/A,D,P; Commercial Recreation/ Archaeological Resource Area, Design Review - CR/A,D; Commercial General/ Archaeological Resource Area, Design Review - CG/A,D; Public Facilities/ Archaeological Resource Area, Design Review - PF/A,D; and Public Recreation. The new zones will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

Attachment C5

Zoning Text Change Ordinance for Design Review

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 313-19.1, CHAPTER 3, DIVISION 1, TO TITLE III OF THE HUMBOLDT COUNTY CODE HAVING TO DO WITH DESIGN REVIEW IN THE COASTAL ZONE FOR LANDS DESIGNATED "D" ON THE COUNTY ZONING MAPS.

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. Section 313-19.1, Chapter 3, Division 1, to Title III of the Humboldt County Code having to do with Design Review in the Coastal Zone for lands designated "D" on the county zoning maps, is hereby amended as shown in Exhibit A attached (new language being added or amended is underlined).

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after the date of its passage.

SECTION 3. A Summary of the proposed Ordinance shall be published and a certified copy of the full text of the proposed Ordinance shall be posted in the office of the clerk of the board of supervisors at least five (5) days before the date set for adoption. A summary of the adopted Ordinance shall be published and a certified copy of the adopted Ordinance shall be posted, along with the names of those Supervisors voting for and against the Ordinance, fifteen (15) days after passage [Government Code §25124 (b) (1)]

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PASSED, APPROVED AND ADOPTED this ___ day of _____ 2008, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

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

(SEAL)
ATTEST:

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

EXHIBIT A TO ATTACHMENT C5

NOTE: SECTIONS TO BE ADDED TO EXISTING CODE ARE UNDERLINED.

313-19.1 D: DESIGN REVIEW

19.1.1 **Purpose.** The purpose of these regulations is 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. (Former Section CZ#A314-57(A))

19.1.2 **Applicability.** These regulations shall apply to lands designated "D" on the Zoning Maps. Solar collectors for on site use are exempt from the design review requirement of this section. (Former Section CZ#A314-57(B))

19.1.3 **Special Permit Required.**

19.1.3.1 A Special Permit is required for all development subject to these regulations (Former Section CZ#A314-57(C))

19.1.3.2 The application for the permit shall be accompanied by a fee in the amount established by ordinance or resolution of the Board of Supervisors. (Former Section CZ#A314-57(C); Added by Ord. 1913, 10/30/90)

19.1.4 **Appointment and Composition of the Design Review Committee(s).** The Board of Supervisors may select any person(s) or organization who, in the opinion of the Board, is qualified to serve on the committee. Such person(s) must be devoid of any and all financial interest in the development application under consideration. The representatives of the Design Review Committee(s) shall not exceed five (5) persons. In the absence of any Board of Supervisors' approved representatives, the Director shall be the reviewing authority. (Former Section CZ#A314-57(D))

19.1.4.1 There is hereby created a Samoa Design Review Committee, which shall consist of the following members:

Five members, who shall be appointed by the Board of Supervisors.

These members shall have demonstrated experience in historic preservation or cultural resource land use issues or other qualifications satisfactory to the Board.

The terms of the appointed members shall begin upon Board approval and shall be for five (5) years and may be renewed.

19.1.4.1.1 Authority and Responsibilities of the Samoa Design Review Committee

A. The Samoa Design Review Committee shall:

1. Review applications to alter or demolish all or part of any structure identified as a contributing historic structure in the Samoa Town Master Plan Master Environmental Impact Report.

2. Adopt maximum times for its historic preservation review to be completed, which if exceeded, may be treated as no comment on a project.

B. The SDRC shall, to the extent it deems appropriate, have the authority to:

1. Make recommendations to the Humboldt County Planning Commission for discretionary projects or to the Planning Director for ministerial projects involving contributing historical structures for approval of or conditional approval of projects under review. These recommendations may include restrictions on the use of such property or requirements to retain historical characteristics. These recommendations shall be based on the application of the **Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]** - http://www.cr.nps.gov/local-law/arch_stnds_0.htm, Department of Interior's *Standards of Rehabilitation*, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, and the Samoa Design Guidelines (Exhibit D).
2. Assist studies or programs designed to identify and evaluate structures, other physical features, sites, and areas which are worthy of preservation.
3. Review projects for development of new structures for consistency with Samoa Design Guidelines and for compatibility with existing contributing historic structures.
4. Inspect and investigate structures, other physical features, sites, and areas which are worthy of preservation.
5. Consider methods other than those described above for encouraging and achieving preservation of worthy structures, other physical features, sites, and areas, including exploring means of financing the restoration or maintenance thereof.
6. Make appropriate recommendations on the general subject of preservation to the Planning Commission, Board of Supervisors, other public and private agencies and bodies, and the general public.

19.1.4.1.2 In the Absence of an appointed Samoa Design Review Committee

A. Historic Assessment Report required: In the absence of an appointed Samoa Design Review Committee, the Director will require a preliminary assessment report (Historic Assessment Study). This report shall be based on a visual examination of the property and historic research conducted by a professional historic resource consultant who then prepares a written report that contains their findings and recommendations. The report will also describe any further actions that might be needed to avoid or lessen development related impacts to any historical resources encountered.

B. Historic Assessment Study Contents: The historic assessment study should, at the minimum, contain:

- (1) Evidence of a full background literature search through the local depositories such as Humboldt County Historical Society, Humboldt State University Library, Humboldt County Library, etc.

- (2) A brief description of the project parcel(s) and the expectations of the consultant at the onset of the inventory report;
- (3) A clear description of the methods and results of the field inventory including rationale for surface coverage and a brief discussion of any historic resources encountered. This treatment should be patterned after the **Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]** - http://www.cr.nps.gov/local-law/arch_stnds_0.htm ;
- (4) A generally accurate map (7.5' USGS topographic, parcel map or engineers map) in a scale sufficient to show the intensity and coverage of the field inventory as well as the location of any resources encountered;
- (5) A description and evaluation of any structures and a determination of whether or not they qualify as historical resources.
- (6) If the resource is historic, provide recommended means to avoid or lessen development related impacts to any historical resources encountered on the parcel(s);
- (7) The names of any local persons consulted during the preparation of the report;
- (8) Statement of Qualifications (education, employment, field experience, previous reports and publications in historic resources). Qualification requirements used shall be the requirements used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61.

C. Performance Standard. Applicants should avoid impacts to historical resources where feasible. When this is not feasible, mitigation measures shall be incorporated into the project to lessen the impact of the project on these resources. Mitigation shall be in accordance with the **Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated]** - http://www.cr.nps.gov/local-law/arch_stnds_0.htm, Department of Interior's *Standards of Rehabilitation*, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, the Samoa Design Guidelines and Appendix K of the State CEQA Guidelines.

D. Process. The recommendations of the Historic Assessment Report will serve as a substitute for recommendations from the Samoa Design Review Committee and will be used to address historic resource impacts in discretionary permit decisions and for CEQA compliance.

19.1.5 **Design Review Standards.** Buildings, sites, structures, signs, landscaping, and similar development will be consistent with the policies of the General Plan and this Division, and the Design Review Committee shall take the following items under consideration in reviewing development plans: (Former Section CZ#A314-57(E))

19.1.5.1 The project is consistent and compatible with applicable elements of the General Plan. (Former Section CZ#A314-57(E)(1))

measures are included in the project design so that it will be subordinate to the character of the surrounding setting; (Former Section CZ#A314-57(E)(1)(a))

19.1.5.1.2 Within designated Coastal View Areas, as mapped, and where views from the public roads to the coast or coastal waterways are of concern, the height, width, and siting of structures, including setbacks from roads and parcel lines will be considered to retain as much of the existing view as possible. Views from public trails, beaches, or public recreation areas into the development site will also be considered. (Former Section CZ#A314-57(E)(1)(b))

19.1.5.1.3 Within Shelter Cove designated Coastal View areas, building heights may be increased one foot (1') for each two feet (2') of total additional side yard that is provided in excess of the required five feet (5') side yards, to a maximum allowable height of twenty-four feet (24'); or, in order to provide an alternate method of providing view corridors, one side yard may be reduced to a minimum of zero feet where: (Former Section CZ#A314-57(E)(1)(C))

19.1.5.1.3.1 The opposite side yard provided equals ten feet (10'); and (Former Section CZ#A314-57(E)(1)(C)(i))

19.1.5.1.3.2 The adjacent property owner along the side yard being reduced agrees to a similar reduction along the common lot line; and (Former Section CZ#A314-57(E)(1)(C)(ii))

19.1.5.1.3.3 The adjacent dwellings can meet building and energy code requirements for structures which are separated by less than ten feet (10'). (Former Section CZ#A314-57(E)(1)(C)(iii))

19.1.5.2 Protection of natural land forms through minimizing alterations caused by cutting, filling, grading or clearing, except to comply with fire hazard reduction laws. (Former Section CZ#A314-57(E)(2); Amended by Ord. 1913, 10/30/90)

19.1.5.3 Exterior lighting that will be compatible with the surrounding setting and will not be directed beyond the boundaries of the parcel. (Former Section CZ#A314-57(E)(3))

19.1.5.4 Screening or softening the visual impact of new development through the use of vegetative plantings. If appropriate, species common to the area should be used. Known fire resistive plants should be considered where appropriate. (Former Section CZ#A314-57(E)(4); Amended by Ord. 1913, 10/30/90)

19.1.5.5 Where feasible, new utilities should be underground. When above-ground facilities are the only feasible alternative, they should be sited as unobtrusively as possible. (Former Section CZ#A314-57(E)(5))

19.1.5.6 Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area. (Former Section CZ#A314-57(E)(6))

19.1.5.7 Off-premises signs, which are needed to direct visitors to permitted commercial recreation areas should be attractively designed in keeping with the surrounding setting and clustered at appropriate locations. (Former Section CZ#A314-57(E)(7))

19.1.6 **Restrictions Applicable Within Designated Coastal View Areas.** Within Coastal View Areas, as designated by the General Plan, new off-site signs are prohibited. (Former Section CZ#A314-57(F))

19.1.7 **Required Findings for Designated Coastal Scenic and Coastal View Areas.** A Coastal Development Permit for development located within a designated Coastal Scenic or Coastal View Area shall only be approved if the applicable Resource Protection Impact Findings of Chapter 2, Procedures, Supplemental Findings, are made. (Former Section CZ#A314-57(G))

19.1.8 **Additional Standards Applicable to Shelter Cove Portions of South Coast Area Plan.** (Former Section CZ#A314-57(H); Added by Ord. 1913, 10/30/90)

19.1.8.1 Building Structural Design Standards:

19.1.8.1.1 Residences must be constructed to a minimum width of twenty feet (20') at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences. (Former Section CZ#A314-57(H)(1)(a); Added by Ord. 10/30/90)

19.1.8.1.2 Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to slopes or site conditions shall be exempt from this provision. (Former Section CZ#A314-57(H)(1)(b); Added by Ord. 1913, 10/30/90)

19.1.8.1.3 A minimum roof overhang of twelve inches (12") (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structure. Gable ends may be excluded when approved as part of the design review process. (Former Section CZ#A314-57(H)(1)(c); Added by Ord. 1913, 10/30/90)

19.1.8.1.4 Exterior walls and roofing materials of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer's warranty certifying a minimum life of fifteen years (15yr). Flammable roofing material such as wood shakes or shingles are not recommended. (Former Section CZ#A314-57(H)(1)(d); Added by Ord. 1913, 10/30/90)

19.1.9 Additional Standards Applicable to Samoa Portions of Humboldt Bay Area Plan.

19.1.9.1 Standards for Alterations and Demolitions

19.1.9.1.1 No contributing structure shall be demolished unless the County makes one of the following findings, following notice and hearings to the extent required under existing regulations.

19.1.9.1.1.1 The property is unsafe or a hazard to the public as a result of an unforeseen event such as a fire or earthquake; or

19.1.9.1.1.2 Taking into account the potential value to the owner of the property of all available County accommodations and incentives (including without limitation transferable development rights, zoning ordinance modifications, alternative building code standards or provisions, loans, grants, reimbursements and tax reductions) either:

(a) The current or most recent use of the property is not permitted under the current planning code (except as a nonconforming use) and adaptive reuse is not economically feasible;

(b) The adverse impact on the owner of the property is unreasonably large in comparison to the public benefit from denying demolition; or

(c) Denying permission to demolish would result in a taking or would violate state or federal law; or

19.1.9.1.1.3 Demolition must be allowed pursuant to the State Housing Law (Cal. Health and Safety Code Sections 17900 et seq.) or other applicable state or federal law.

19.1.9.1.2 Conditions may be imposed on demolition to the extent authorized by any other applicable law or this chapter including without limitation the following:

a. Documentation may be required of any structure to be demolished and/or for the property;

b. Historic Preservation Review and Planning Commission approval may be required for any subsequent development of the property;

c. Demolition may be delayed for up to 90 days to allow time to identify a prospective buyer for the property, to identify a third party interested in relocating the affected structure or to allow the County to determine whether to begin eminent domain procedures, and for up to an additional 90 days to allow completion of the purchase or relocation or commencement of a judicial condemnation acting, if, within the initial 90 days a buyer or third party is identified of the County determines to begin eminent domain procedures. In the case of purchase or relocation by a third party, demolition may be denied where a third party is willing and able to purchase the property or relocate the structure within the time established by this subdivision is identified and makes a bona fide offer to purchase the property or structure at fair market value, as determined by appraisal.

d. With respect to demolition of a structure within the Samoa town site, the County shall take into account the importance of an affected structure to the integrity of other existing historic resources, and may: limit the size of new development to that of the existing structure; require that the scale of new development be harmonious with other structures which contribute to historic character; require retention or reconstruction of one or more facades; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to the integrity of the existing historic structure.

19.1.9.1.3 No contributing historic structure shall be altered unless the alteration is approved by the County pursuant to this chapter. The Samoa Design

Review Committee shall follow the Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION [As Amended and Annotated] - http://www.cr.nps.gov/local-law/arch_stnds_0.htm , Department of Interior's Standards of Rehabilitation, latest version, as a basis for evaluating changes to cultural and historic properties, the State of California Historic Building Code, and the Samoa Design Guidelines (Exhibit D) for alterations and review of alteration applications, applicable specifically to designated properties. Except to the extent such guidelines provide differently, a proposed alteration shall be considered in light of its effect on the existing character of the affected structure as it relates to the streetscape.

ATTACHMENT C6

DRAFT ZONING TEXT CHANGE ORDINANCE SUMMARY

SUMMARY OF ORDINANCE
(For publication after adoption)

On _____ 2008, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amends the portions of the zoning dealing with Design Review. Section 313-19.1, Chapter 3, Division 1, to Title III of the Humboldt County code having to do with design review in the coastal zone for lands designated "D" on the county zoning maps is amended to create a Samoa Design Review Committee, add a process for review of historic structures, and add additional standards applicable to Samoa portions of the Humboldt Bay Area Plan. The zone text amendments will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

Attachment D

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on February 26, 2008

Resolution No. 08-19

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 Samoa Pacific Group amendment to the Local Coastal Program for review and certification

WHEREAS, on September 10, 2002, the Board of Supervisors approved a General Plan Petition to amend the Humboldt Bay Area Plan for the purpose of implementing the Samoa Town Master Plan; and

WHEREAS, the County Planning Division reviewed the submitted applications 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 caused the preparation of Draft and Final Master Environmental Impact Reports for the plan amendment package pursuant to the requirements of the California Environmental Quality Act (CEQA); 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/Urban Limit Line Extension (Case Nos.: GPA-02-01/ZR-02-02); and

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

WHEREAS, on January 9, 2008, the Planning Commission adopted Resolution No. _____ recommending the Board of Supervisors approve the General Plan Amendment/Zone Reclassification/Urban Limit Line Extension application for the Samoa Pacific Group to facilitate implementation of the Samoa Master Plan; and

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors that the following findings regarding the Samoa Pacific Group amendment be hereby made:

1. The Board of Supervisors certifies the proposed Final Master Environmental Impact Report as required by Section 15090 of the CEQA Guidelines, and finds that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the Humboldt County Board of Supervisors, and the Humboldt County Board of Supervisors reviewed and considered the information contained in the Final EIR prior to approving the project; and c) the Final EIR reflects the lead agency's independent judgement and analysis.
2. The Plan amendment is in the public interest because the Samoa Town Master Plan as implemented through the various land use and zoning changes builds upon the historical and beneficial aspects of the existing town site. The Master Plan essentially proposes an adaptive reuse of the former lumber storage and processing areas to provide a diverse mix of land uses: residential, commercial, light industrial/business park and public while protecting environmentally sensitive areas and resources. The stabilization of this former mill townsite and preservation of existing housing

opportunities and the area's historic character as depicted in the Samoa Town Master Plan are in the public interest. Moreover, the addition of visitor serving commercial facilities, preservation and revitalization of the Samoa Block and provision for new business development in Business Park will retain existing jobs and foster new employment opportunities. The change will also promote a jobs and housing balance and provide a livable residential environment, by providing a mixture of housing types served by parks, roads and trails.

3. The Plan amendment is necessary because base information and physical conditions have changed; i.e.
 - Since the adoption of the Humboldt Bay Area Plan in 1982, there has been a general decline in logging and forestry related uses of the town site.
 - The subject parcels have changed ownership from industrial timber concerns to private commercial and residential development interests and represents an opportunity for significant economic redevelopment.
 - The current plan and zone boundaries are not consistent with existing residential, commercial and community uses within the town site.

NOW, THEREFORE, be it further resolved that the following findings regarding the Samoa Pacific Group Zone Reclassification be hereby made:


1. The Zone Reclassification is consistent with the comprehensive view of the Plan in that it is consistent with policies that
2. The Zone Reclassification is in the public interest because it more accurately designates lands based on existing uses and would allow for new uses in some areas necessary for the economic revitalization of the existing community.
3. Based on the evidence presented in the Final Environmental Impact Report included in the staff report, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR.

NOW THEREFORE BE IT RESOLVED that this Board of Supervisors hereby finds that the proposed Local Coastal Plan Amendment and the proposed zoning ordinance amendments 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 shall not take effect unless and until they are formally adopted by the Board of Supervisors after Coastal Commission approval.

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.



Chair, Humboldt County Board of Supervisors

Adopted on motion by Supervisor Neely, seconded by Supervisor Woolley and the following vote:

AYES:	Supervisors:	Rodoni, Neely, Geist, Woolley, Smith
NOES:	Supervisors:	None
ABSENT:	Supervisors:	None

STATE OF CALIFORNIA

County of Humboldt

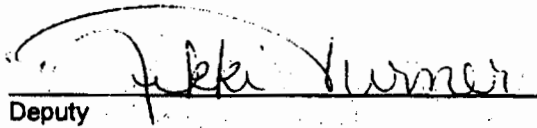
)
) SS.
)

I, Kathy Hayes, Clerk of the Board of Supervisors of the 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-titled 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.

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

By:


Deputy

Date:

February 26, 2008

ATTACHMENT E

**PLANNING COMMISSION RESOLUTION AND
CERTIFIED COPY OF PORTION OF PROCEEDINGS**

Included with LCP application

ATTACHMENT F
COPY OF PLANNING COMMISSION
STAFF REPORT FOR JANUARY 9, 2008

Included with LCP application

ATTACHMENT G

SUPPLEMENTALS TO THE PLANNING COMMISSION STAFF REPORT

Included with LCP application.

Attachment H

**Draft Master Environmental Impact Reports
(provided under separate cover)**

Included with LCP application.

Attachment I

**Proposed Final Master Environmental Impact Report
(provided under separate cover)**

Included with LCP application.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings, Meeting of Tuesday, February 26, 2008

SUBJECT: Samoa Town Master Plan General Plan Amendment (Local Coastal Plan Amendment)/Zone Reclassification/Urban Limit Line Extension

ACTION: Close the public hearing and adopt staff recommendations #3 through #12 in the staff report, redacting applicable/appropriate portions of the cultural resource report from the final EIR.

Adopted on motion by Supervisor Neely and seconded by Supervisor Rodoni and the following vote:

AYES: Supervisors: Geist, Smith, Rodoni, Neely, Woolley
NAYS: None
ABSENT: None
ABSTAIN: None

STATE OF CALIFORNIA)
County of Humboldt)

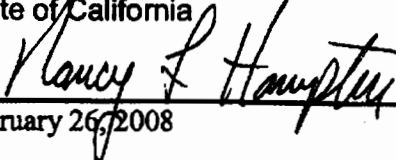
s.s.

I, Nancy Hampton, Acting Deputy 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.

NANCY HAMPTON

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


February 26, 2008

(I-1)

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 Arcata, Calif. 95521
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 (2015.5 C.C.P.)

STATE OF CALIFORNIA } SS
 County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the publisher of the North Coast Journal, a newspaper of general circulation, printed and published weekly in the County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Humboldt, State of California, under the date of Feb. 16, 2000, Case Number CV000010. That the notice of which the annexed is a printed copy (set in a type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

2/7, 2/14, 2/21
 all in the year
 2008

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Arcata, California,

Carmen England 2-21-08
 Signature

PUBLIC HEARING
 BEFORE THE BOARD OF
 SUPERVISORS OF THE
 COUNTY OF HUMBOLDT

On Tuesday, February 26, 2008 at 1:30 p.m., or as soon thereafter as the matter can be heard, the Humboldt County Board of Supervisors will hold a public hearing in the Board of Supervisors' Chamber, Humboldt County Courthouse, Eureka, California, to consider the matter listed below. Further information regarding the proposed project may be obtained from the Planning Division of the Humboldt County Community Development Services Department at 3015 H Street, Eureka, California 95501, telephone: (707) 445-7541 (Monday-Friday, 8:30 a.m. to 5:00 p.m.) Contact Person: Michael E. Wheeler, Senior Planner.

Project Name: Samoa Town
 Master Plan

Project Description: A General Plan Amendment & Zone Reclassification application, Case Nos. GPA-02-01 & ZR-02-02; SAMOA PACIFIC GROUP, applicant; File Nos. APN 401-021-29, 401-031-38, 401-031-39, 401-031-45, 401-031-46, 401-031-55, 401-031-59, 401-031-63 & 401-031-64; Samoa area. A General Plan Amendment (Local Coastal Plan Amendment), Zone Reclassification, Urban Limit Line extension, and interpretation of environmentally sensitive habitat areas (ESHA) for six (6) parcels making up the Samoa town site and encompassing approximately 1717 acres. The parcels are to be part of large scale community development

and revitalizing project to be carried under the Samoa Town Master Plan developed by the Samoa Pacific Group. Additional permits required for the phased implementation of the Master Plan include: Coastal Development Permits, Conditional Use Permits, Special Permits, Final Map Subdivisions, and Planned Unit Developments. The purpose of the proposed General Plan Amendment, Local Coastal Plan Amendment, and Zone Reclassification is to facilitate the implementation of the Master Plan and involves changing the land use designations consistent with the Plan. The project area is located in the Coastal Zone. In order to proceed with the project, the Department determined that a Local Coastal Plan (LCP) Amendment is required to ensure consistency with the General Plan. The LCP Amendment would add the land use designation of Business Park (MB) and Natural Resources (NR) within the proposed Samoa urban limit line and would further specify requirements for development within tsunami run-up areas. The Community Development Department (CDS), Planning Division required that an Environmental Impact Report be prepared pursuant to the California Environmental Quality Act (CEQA). THE PROJECT SITE IS LOCATED IN HUMBOLDT COUNTY, IN THE SAMOA AREA, ON BOTH SIDES OF NEW NAVY BASE ROAD, APPROXIMATELY 500 FEET SOUTHWEST FROM THE INTERSECTION OF NEW NAVY BASE ROAD WITH THE SAMOA BRIDGE ON THE PROPERTIES KNOWN AS 920 AND 931 VANCE ROAD AND OTHER PROPERTIES AT THE SAMOA TOWN SITE INCLUDED IN ASSESSOR PARCEL NUMBERS 401-021-29, 401-031-38, 401-031-45, 401-031-46, 401-031-55, 401-031-59, 401-031-63. NOTE: The Humboldt County Board of Supervisors intends to

certify to Impact Report and adopted. Consideration of this project located within. Significant anticipated as per Section 1506. Master Plan would historic resources. the only remaining Humboldt County Master Plan includes most potential resources to a level; however, from demolition (Fireman's Hall) re and unavoidable mitigation. Other effects identified listed below. These mitigated to a level. See pages of the draft MEIR for discussion of these and mitigation measures.
 Discussed in
 • Aesthetic/Visual
 • Agricultural Land
 • Air Quality
 • Archeological / Historical
 • Coastal Zone
 • Drainage/Absorption
 • Economic/Job
 • Fiscal
 • Flood Plain/Flood
 • Forest Land/Fire
 • Geologic/Seismic
 • Minerals
 • Noise
 • Population/Housing
 • Public Service/Facilities
 • Recreational/Parks

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County of Humboldt

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OCT 22 2009
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-mentioned matter. I am the principal clerk of the printer of THE TIMES-STANDARD, a newspaper of general circulation, printed and published daily in the City of Eureka, County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of June 15, 1967, Consolidated Case Numbers 27009 and 27010; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit,

October 21
All in the year 2009

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Eureka, California,
This 21st day of October, 2009

Signature

Shelma McFarland

**Proof of Publication of
PUBLIC NOTICE**

**PRE-ADOPTION
SUMMARY OF
ORDINANCE**

On October 27, 2009, at its regularly scheduled Board meeting, the Humboldt County Board of Supervisors will consider adopting a proposed ordinance which will amend the zoning of property in the Samoa area as shown on the above map marked Exhibit A, by rezoning through an immediate rezone, lands in the Samoa area out of General Industrial (MG), Industrial Coastal Dependent/Archaeological Resource Area (IC/A), and Natural Resources/ Wetlands, Beach and Dunes (NRB/W) into Residential Single Family/Design Review, Planned Development

RS/D,P; Residential Single Family/Design Review, Planned Development, Rental - RS/D,P,V; Residential Multi-Family/Design Review, Planned Development
RM/D,P; Business Park/Design Review - MB/D; Commercial General/Design Review - CG/D; Commercial Recreation/Design Review - CR/D; Natural Resources/Wetlands - NR/W; Public Recreation/Design Review - PR/D; Public Faci-

Use/Design Review - PF/D; Residential Multi-Family/Archaeological Resource Area, Design Review, Planned Development - RM/A,D,P; Commercial Recreation/Archaeological Resource Area, Design Review - CR/A,D; Commercial General/Archaeological Resource Area, Design Review - CG/A,D; Public Facilities/Archaeological Resource Area, Design Review - PF/A,D; and Public Recreation. If the Ordinance is adopted, the new zones will become effective thirty (30) days after the date of its passage of completion of review and approval by the California Coastal Commission.

A copy of the proposed ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

Natal Turner
Deputy Clerk of the Board
Humboldt County
Board of Supervisors
10/21

EXHIBIT NO. 3

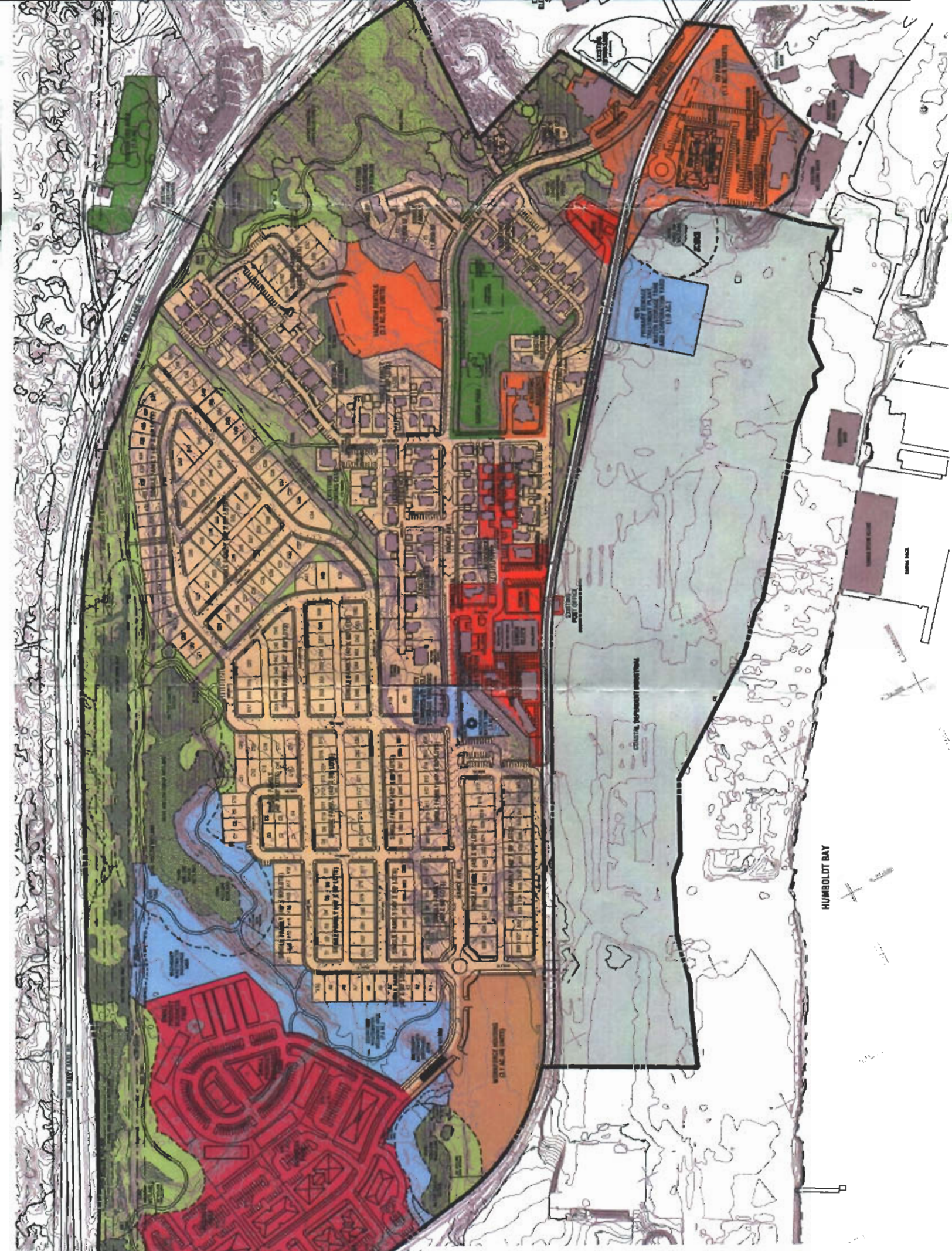
APPLICATION NO. HUM-MAJ-1-08

HUMBOLDT COUNTY LCP AMENDMENT

(SAMOA TOWN PLAN)

PREVIOUS LAND USE PLAN & COASTAL
ZONING MAP COMPONENTS SUBMITTED










4/23/08, REPLACED AS REFLECTED IN
MAPS CONTAINED IN EXHIBIT 2 (1 of 3)



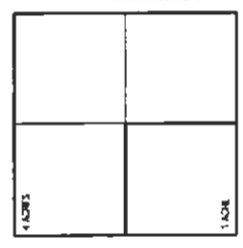
Land Use Plan
Samoa Town Master Plan
 Samoa, Humboldt County, California

2 of 3

Legend

-  RL Residential Low Density (53.3 ac.)
-  RM Residential Medium Density (3.5 ac.)
-  MC Industrial Coastal Dependent (33.5 ac.)
-  CR Commercial Recreation (9.7 ac.)
-  PF Public Facilities (10.1 ac.)
-  CG Commercial General (4.6 ac.)
-  MB Business Park (19.2 ac.)
-  NR Natural Resources (34.9 ac.)
-  PR Public Recreation (4.4 ac.)

NOTE:
 1.5 ACRES OF PUBLIC RECREATION TOTAL IS FROM VISITOR USE AREA LOCATED
 OUTSIDE OF PROJECT AREA



SEPTEMBER 21, 2007

3 of 3

Zoning Plan

Samoa Town Master Plan

Samoa, Humboldt County, California



Legend

- RS Residential Single Family (53.3 ac.)
- RM Residential Multi Family (3.5 ac.)
- MC Industrial Coastal Dependent (33.5 ac.)
- CR Commercial Recreation (9.7 ac.)
- PF Public Facilities (10.1 ac.)
- CG Commercial General (4.6 ac.)
- MB Business Park (19.2 ac.)
- NR Natural Resources (34.9 ac.)
- PR Public Recreation (4.4 ac.)

NOTE:
1.5 ACRES OF PUBLIC RECREATION TOTAL IS FROM VISITOR USE AREA LOCATED OUTSIDE OF PROJECT AREA

