

CALIFORNIA COASTAL COMMISSION

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



F13a

MEMORANDUM

Date: June 15, 2011

To: Commissioners and Interested Parties

From: Peter Douglas, Executive Director
Robert Merrill, District Manager – North Coast District
Melanie Faust, Coastal Planner

Subject: **Addendum to Commission Meeting for Friday, June 17, 2011
North Coast District Item F13a, Revised Findings for Humboldt
County Local Coastal Program Amendment Request No. HUM-MAJ-
01-08 (Samoa)**

I. Purpose of Addendum

This addendum supplements the staff report dated June 2, 2011 recommending Revised Findings for Humboldt County LCP Amendment Request No. HUM-MAJ-01-08 concerning the redevelopment of the Town of Samoa situated on the North Spit of Humboldt Bay. Commission staff recommends minor changes to various parts of the staff report to insert revised language that was inadvertently omitted from the original report and for clarification purposes.

II. Changes to the Revised Findings Staff Report

Language to be added is shown as ***bold italicized underline***; language to be deleted is shown as ***~~bold italicized strikethrough~~***.

1. Page 12, List of Exhibits, description of Exhibit 25, modify as follows:

Exhibit 25 - Map (black & white) showing an illustration of the two Master Area Parcels described in the staff report dated February 24, 2011. The Arcata Community Recycling Center's approximately 2.5-acre parcel at the southerly end of the Samoa site would be "Master Area Parcel 1" ("Parcel

1”) is shown in white with “ACRC” written in the illustrated area of that parcel, and the remaining lands, owned by Samoa Pacific Group LLC and comprising “Master Area Parcel 2” (“Parcel 2”) are shown with cross-hatch. ~~These are~~ ~~The lands~~ within Master Area parcel 2 are subject to the preliminary merger ~~and redivision into two parcels~~ that would be required as a partial resolution of lot legality concerns discussed in the staff report.

Reason for Change: The changes correct language to reflect that as adopted by the Commission, the suggested modifications address lot legality concerns by requiring the merger of the Samoa lands within an area identified as Master Area Parcel 2 in Exhibit 25, and do not require these lands to also be merged with an adjoining 2.5-acre parcel that now contains the existing Samoa Processing Center (recycling facility) and then subsequently redivided into two master parcels. The merger of all of the property and the subsequent redivision into two master parcels had been originally recommended in the February 24, 2011 staff recommendation published prior to the March 19, 2011 hearing on the LCP Amendment, but this recommendation was changed by staff in an addendum submitted at the March 10, 2011 hearing.

2. **Page 28, Summary, Part F. Changes to the Staff Recommendation,** modify as follows:

The following list highlights the major changes to the staff recommendation as compared with the previous reports included in the present staff report:

- Preliminary Merger ~~and Redivision~~: The suggested modifications require the preliminary merger ~~and redivision~~ of all of the subject lands owned by Samoa Pacific Group LLC or its successor in interest, if any (including lands west of New Navy Base Road and lands east of the railroad corridor) into ~~two~~ one master area parcels, ~~except for the 2.5-acre parcel that now contains the existing Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC). Of these, one parcel (“Parcel 1”) would be the approximately 2.5-acre parcel that is presently owned by the Arcata Community Recycling Center, and the other (“Parcel 2”) would be comprised of the undivided remaining lands, all agreed by the landowner to~~ The merged land would be held as one undivided parcel (Master Parcel 2) without regard for the physical division of the subject lands by New Navy Base Road (owned by Humboldt County) or the railroad corridor parcel (owned by the North Coast Railroad Authority);

Reason for Change: See Reason for Change to Change No. 1, above.

3. **Page 29-30, Summary, Part F. Changes to the Staff Recommendation**, fifth bullet item beginning on page 29, modify as follows:
- **Reservation of Sufficient Area for Wastewater Treatment Facilities.** The suggested modifications require that a total of 8.5 acres be designated and zoned for Public Facilities in the area north of the Business Park and south of the proposed new Residential area outside of Natural Resource areas/buffers identified in the staff recommendation to ensure sufficient area for the development of needed sewage treatment facilities and other public infrastructure. The 8.5-acre size is based on estimates of area needed for Public Facilities included in the County staff report. The modifications require that calculations of the land area actually needed for proposed wastewater treatment and discharge facilities and other needed infrastructure be provided as a filing requirement for the coastal development permit required for the initial merger ~~and redivision~~ of the Samoa lands *into two master parcels*. If the calculations indicate that the facilities needed to serve build-out of the STMP Overlay area cannot be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities, the suggested modifications require evidence that an amendment of the LCP to accommodate the larger area needed for the facilities be obtained prior to filing the Coastal Development Permit Application for the merger ~~and redivision~~. To ensure that inadequate designations and zoning of Public Facilities area do not become part of the effectively certified LCP before the precise amount of needed land area is determined through the above process, Suggested Modification 9 requires that the land use designations and zoning approved by the Commission shall not become effective until the coastal development permit for the merger ~~and redivision~~ is issued and the *final map notice of merger* is recorded;

Reason for Change: See Reason for Change to Change No. 1, above. In addition, the reference at the end of the passage to recordation of a final map is corrected to reflect that procedurally, a notice of merger is recorded for a lot merger rather than a final map.

4. **Page 33-34, Summary, Part G. Known Areas of Controversy &/or Commissioner Concern, 3. Water Quality Impacts: Sewage Wastes**, last full paragraph beginning on page 33 and first full paragraph on page 34, modify as follows:

The suggested modifications include required LUP and zoning map changes to identify a minimum of 8.5 acres for new waste water facilities, including a minimum of at least 7

acres for secondary treatment and/or infiltration of treated effluent (based on future authorization by the NCRWQCB of a plan for treatment and disposal of waste water generated by the Samoa redevelopment). The maps shown in Exhibit 24 illustrate the location of these changes and the approximate acreage of the required area for waste water facilities. The area that was previously proposed near the Samoa Cookhouse (approximately 1.5 acres) for Public Facilities is included in the total 8.5 acres, and is required to include an area for the town's corporate yard, waste water treatment facilities, and the water storage (500,000 gallons of stored water are required by the County, as noted in the County's environmental review documents). The modifications require that calculations of the land area actually needed for proposed wastewater treatment and discharge facilities and other needed infrastructure be provided as a filing requirement for the coastal development permit required for the initial merger ~~and redivision~~ of the Samoa lands, ~~into two master parcels~~. If the calculations indicate that the facilities needed to serve build-out of the STMP Overlay area cannot be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities, the suggested modifications require evidence that an amendment of the LCP to accommodate the larger area needed for the facilities be obtained prior to filing the Coastal Development Permit Application for the merger and redivision.

To ensure that inadequate designations and zoning of Public Facilities area do not become part of the effectively certified LCP before the precise amount of needed land area is determined through the above process, Suggested Modification No.2, 6, 8, and 11 require that the land use designations and zoning approved by the Commission shall not become effective until the coastal development permit for the merger ~~and redivision~~ is issued and the ~~final map notice of merger~~ is recorded.

Reason for Change: See Reason for Change to Changes Nos. 1 and 3, above.

5. Page 34-35, Summary, Part G. Known Areas of Controversy &/or Commissioner Concern, 4. Water Quality Impacts: Brownfield Remediation, response paragraph that begins on page 34 and concludes on page 35, modify as follows:

Response: With the exception of the Remedial Action Plan for the Lorenzo gasoline station in downtown Samoa (which was transferred from County Environmental Health Department oversight to direct supervision by the RWQCB staff last July, 2010, and is in progress) Final Remedial Action Plans for cleanup of the Brownfield have been approved by the RWQCB. No deadline for cleanup has been established, however. The RWQCB confirms that unremediated contamination may adversely impact coastal water quality. Therefore, to ensure that the LCPA protects coastal water quality as required by Coastal Act Sections 30230, 20231 and other provisions of the Coastal Act, the staff recommendation includes measures that require cleanup of the contaminated areas as a condition of the comprehensive subdivision approval for Master Parcel 2. The

modifications require the merger *and-division* of all lands affected by the Samoa LCP amendment except for the 2.5-acre parcel that now contains the existing Samoa Processing Center (recycling facility) into ~~two~~ Master ~~p~~Parcels 2 prior to any comprehensive subdivision of the LCP Amendment area. ~~These two Master parcels include (1) the 2.5-acre parcel that now contains the Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC), and (2) the remainder of the lands affected by the Samoa LCP amendment.~~ See Suggested LUP Modifications 2, 6, 8, and 11. The suggested modifications require that final cleanup plans be submitted as a filing requirement for the coastal development permit application that will be submitted for the comprehensive subdivision of Master Parcel 2, and requires that after approval of the comprehensive subdivision of Master Parcel 2 and prior to commencement of any development, including recordation of a final subdivision map for the corresponding portion of Master Parcel 2, the contamination with the corresponding area of the final subdivision map to be recorded must be cleaned up.

Reason for Change: See Reason for Change to Change No. 1, above.

6. **Page 43**, Summary, Part G. Known Areas of Controversy &/or Commissioner Concern, 10. Securing Authorized Railroad Crossings, middle paragraph, modify as follows:

However, authorized railroad corridor crossings are still needed to serve other land uses and facilities under the proposed LCP amendment, including a crossing needed to serve the Samoa Processing Center. The County approved a lot line adjustment to create the Center's approximately 2.5-acre lot, and a CDP for construction of the Center, without requiring evidence of authorization by the railroad corridor owner, North Coast Railroad Association (NCRA) or the necessary authorization by the California Public Utilities Commission for the crossing that is presently in use. Access rights by use cannot be acquired over the railroad corridor, therefore Samoa Processing Center access is potentially at risk. The revised suggested modifications include the requirement, before a CDP for the initial merger *and-division* of LCP lands into ~~2~~ Master Parcels 2 is filed, that either: (1) evidence be provided that the railroad authorizes a crossing or (2) an access easement be provided across other Samoa lands in favor of the Center without crossing the railroad as a condition of approval of the initial merger *and-division* of the LCP Amendment lands into ~~two m~~Master ~~p~~Parcels 2. See Suggested Modification 9.

Reason for Change: See Reason for Change to Change No. 1, above.

7. **Page 58**, Suggested Modifications: Land Use Plan Amendment, Suggested Modification No. 3, modify as follows:

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 401-031-036, 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 25.

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: ~~(a)~~ the entirety of the legal parcel(s) containing APN 401-031-36, 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 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, ~~excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1)~~, are merged ~~and redivided~~ into the ~~two~~ master parcels generally depicted on Exhibit 25 generally depicted on Exhibit 25 as Master Parcel 2; comprising (1) the 2.5-acre parcel that now contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), and (2) all other lands within the Samoa LCP amendment (Master Parcel 2) generally depicted on Exhibit 25; and (b) a subsequent coastal development permit for a comprehensive division of the entirety of Master Parcel 2 without a remainder is approved and issued, consistent with all other applicable provisions of the STMP-LUP and certified LCP. If all such property is not merged ~~and redivided~~ into the authorized Master Parcels ~~2~~ or a subsequent coastal development permit for the comprehensive division of the entirety of Master Parcel 2 is not issued consistent with all other applicable provisions of the STMP-LUP and certified LCP, 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 Parcels ~~2~~ generally depicted on Exhibit 25 and a subsequent coastal development permit for a comprehensive division of the entirety of Master Parcel 2 is approved and issued consistent with all other applicable provisions of the STMP-LUP and certified LCP, 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 both (a) issuance of the coastal development permit for the comprehensive division of the entirety of merger of lands into Master Parcel 2 consistent with all other applicable provisions of the STMP-LUP and certified LCP, and (b) recordation of a notice of merger consistent with the coastal development permit.

Reason for Change: See Reason for Change to Change No. 1, above. In addition, the changes to the language regarding the timing of the effectiveness of the land use

and zoning designations approved by the Commission is corrected to be consistent with the effectiveness timing requirements of the other adopted suggested modifications.

8. Page 67, Suggested Modifications: Land Use Plan Amendment, Suggested Modification No. 9, the first sentence of item 1) on page 67, modify as follows:

1) Prior to issuance of the coastal development permit for the merger into Master Parcel 2 as generally depicted on Exhibit 25 and prior to recordation of the *final map notice of merger* for the merger into Master Parcel 2 as generally depicted on Exhibit 25, the landowner shall provide copies to the County, of 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 Parcels and these records shall be retained by the County and available for public inspection until the pertinent appeal period, if any, for the subject Coastal Development Permit has ended.

Reason for Change: The reference in the passage to recordation of a final map is corrected to reflect that procedurally, a notice of merger is recorded for a lot merger rather than a final map.

9. Page 68, Suggested Modifications: Land Use Plan Amendment, Suggested Modification No. 9, item 2) on page 68, modify as follows:

2) Prior to issuance of the coastal development permit for the merger into Master Parcel 2 and prior to recordation of the *final map notice of merger* for the merger into Master Parcel 2, the landowner(s) of Master Parcel 2 shall execute and record, free and clear of all prior liens and encumbrances, against the title of the subject parcels, 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:

Reason for Change: See Reason for Change to Change No. 8, above.

10. Page 133, Finding A, Amendment Description, first full paragraph on page 133, modify as follows:

For all of these reasons, the suggested modifications require resolution of the lot legality questions before the land use designations and zoning of LCPA HUM-MAJ-01-08 take full force and effect as required by the provisions of Modification 2 and 9. (See Exhibit 25 for map showing the lands to be merged ~~and redivided into two preliminary master parcels.~~ into Master Parcel 2.

Existing Land Uses

Reason for Change: See Reason for Change to Change No. 1, above.

11. Page 223, Responses to comments received Prior to March 10, 2011 Public Hearing, Item 2) on page 223, modify as follows:

2) Prior to issuance of the coastal development permit for the merger into Master Parcel 2 and prior to recordation of the *final map notice of merger* for the merger into Master Parcel 2, the landowner(s) of Master Parcel 2 shall execute and record, free and clear of all prior liens and encumbrances, against the title of the subject parcels, 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:

Reason for Change: See Reason for Change to Change No. 8, above.

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FACSIMILE (707) 445-7877



F13a

DATE: June 2, 2011

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Robert S. Merrill, North Coast District Manager
Melanie Faust, Coastal Planner

SUBJECT: **Revised Findings for Humboldt County Local Coastal Program Amendment Request No. HUM-MAJ-01-08 (Samoa)**, scheduled for public hearing and action at the June 17, 2011 Commission meeting in Marina del Rey.

1. Commission Review of LCP Amendment and Revised Findings.

At the Commission meeting of March 10, 2011, the Commission denied certification of Humboldt County LCP Amendment No. HUM-MAJ-01-08 as submitted, and certified the amendment if revised in accordance with suggested modifications. The LCP amendment involves changing the industrial land use designations and zoning districts within the Town of Samoa located on the Samoa Peninsula on the west side of Humboldt Bay to a mix of residential, commercial, natural resources, and business park uses and extending the urban limit line.

The Commission's action differed in certain respects from the written staff recommendation published prior to the meeting. The principal difference was the addition of an entirely new suggested modification that was proposed by Commissioners and incorporated orally by staff into the staff recommendation at the hearing concerning retention of the Commission's coastal development permit appeal jurisdiction over the Town of Samoa based on the Town's location between the first public road paralleling the sea. In addition, changes to a suggested modification regarding the phasing of the provision of water supply for emergency services and to another suggested modification regarding the recordation of a notice of merger of property were also incorporated orally by staff into the staff recommendation at the hearing. Furthermore, staff presented an addendum at the hearing that modified the language of some of the recommended suggested modifications contained in the written staff recommendation. In some instances where the language of the suggested modifications was changed in the addendum, the addendum contained a note indicating that associated changes to the findings were also being made to incorporate the changes to the suggested modifications, but the specific language changes to the findings were not included in the addendum. As

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the Commission's action differed from the written staff recommendation, staff has prepared the following set of revised findings for the Commission's consideration as the needed findings to support its actions.

The Commission will hold a public hearing and vote on the revised findings at its June 17, 2011 meeting. The Commission will vote only on whether the attached Revised Findings supports its action on the LCP Amendment at the meeting of March 10, 2011, 2007, and not on the merits of the amendment or whether the action to deny the amendment should be changed. Public testimony will be limited accordingly.

2. Commissioners Eligible To Vote on the Revised Findings.

By unanimous roll call vote in each case, the Commission adopted a series of four resolutions to deny the LCP amendment request as submitted, and certify the LCP amendment if modified with certain suggested modifications. The prevailing Commissioners on each vote that are eligible to vote on the revised findings include the following:

Commissioners, Blank, Bloom, Burke, Mitchell, Shallenberger, and Stone.

The motion for adoption of the Revised Findings is found below on Page 4-5.

3. Amendment Description

HUM-MAJ-01-08 is a project-driven Local Coastal Program Amendment (LCPA) requested by Humboldt County. The LCPA proposes to redesignate & rezone lands within an approximately 220-acre site owned by Samoa Pacific LLC located on the north spit of the Samoa Peninsula, near the cities of Eureka and Arcata, in unincorporated Humboldt County. The site includes the historic timber "company town" of Samoa and the Brownfield areas remaining from past industrial use of a portion of the site. The Samoa lands also contain numerous wetlands, rare plant habitat, coastal scrub, forests, dunes, and beachfront areas near the County's Samoa Beach Park. The historic timber mill company town, dating to the late 1800s, is largely intact, and may be one of the last of its kind in the United States. The lands would be redesignated and rezoned from (mostly) General Industrial to a variety of mixed uses. The County proposed to: (1) extend the Urban Limit Line to the subject area designated for intensive redevelopment, (2) amend the Land Use Plan (LUP) to add Business Park (MB), and Natural Resources (NR) as Urban Land Use Designations within the Humboldt Bay Area Plan component of the LUP; (3) amend the LUP to add a Humboldt Bay Area Plan policy requiring that any land division resulting in three or more sites for residential development in areas subject to potential tsunami run-up conditions only be approved if the livable portions of the residences can feasibly be constructed above tsunami run-up elevations; and (4) amend the Implementation Plan (IP) to add historic preservation/design review provisions, to establish a Samoa design review committee to make determinations regarding

development (including demolition) of historic structures, and to authorize the Planning Director to make such determinations if no such committee is convened.

4. On-Line Version of Staff Report and Availability of Exhibits:

An electronic version of the staff report and its exhibits is available on the Commission's web site at <http://www.coastal.ca.gov>. Due to the size of the exhibits of the staff report, the exhibits are only being provided digitally to reduce paper consumption, reproduction, and mailing costs. The Commission will receive a disk containing the staff report with its exhibits as part of their agenda packet. Some other recipients are being mailed hard copies of this staff report. 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 available at: <http://www.coastal.ca.gov/>. Commission staff will also provide several hard copies of the exhibits at the June 17, 2011 meeting. Copies of the report and all exhibits are also available at the North Coast District Office by arrangement.

5. Highlighted Revisions to Findings.

The suggested modification and findings language prepared to reflect the additional suggested modification regarding the Commission's appeal jurisdiction adopted by the Commission at the March 10, 2011 hearing can be found on pages 101-102 and 211-216, Other changes to the suggested modifications and findings originally recommended by staff in the written staff recommendation dated February 24, 2011 as modified by the addendum presented at the March 10, 2011 hearing can be found on pages 28, 36, 38, 39, 74, 126, 127, 132, 134, 163, and 165.

The changes to the suggested modifications and findings contained in the original staff recommendation appear in highlighted text format. Unless otherwise indicated in the report, the text conventions shall be as follows:

Format for Changes to Suggested Modifications:

- Suggested modification text recommended in the original staff report as modified by the addendum prepared prior to the March 10, 2011 hearing is shown in plain text with double underlining;
- Deletions proposed by the suggested modifications recommended in the original staff report as modified by the addendum are shown in ~~plain text without underlining but with strike through;~~
- **The proposed additional text added as part of the revised findings is shown in bold text with double underlining;** and

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- Suggested modification text recommended in the original staff report as modified by the addendum that would be deleted as part of the revised findings is shown in **bold text without underlining but with strike-through**.

Format for Changes to Findings: Where additional or revised text is associated with the findings, the original finding text is shown in plain text, additional text is shown in bold double underline, and struck text is shown in bold strike-through.

- Findings text recommended in the original staff report as modified by the addendum prepared prior to the March 10, 2011 hearing is shown in plain text; and
 - **The proposed additional finding text added as part of the revised findings is shown in bold text with double underlining;** and
 - Findings text recommended in the original staff report as modified by the addendum that would be deleted as part of the revised findings is shown in **bold text with strike-through**.
-

RESOLUTION TO ADOPT REVISED FINDINGS

NOTE: Only those Commissioners on the prevailing side of the Commission's action as listed on page 2 are eligible to vote on the following motion.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

Staff recommends that the Commission adopt the following findings in support of its action on March 10, 2011 to certify with suggested modifications Humboldt County LCP Amendment No. HUM-MAJ-1-08 (Samoa).

MOTION: I move that the Commission adopt the revised findings in support of the Commission's action on March 10, 2011 concerning Humboldt County LCP Amendment No. HUM-MAJ-1-08 (Samoa).

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the March 10, 2011 hearing, with at least three of the prevailing members voting. Only those Commissioners

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on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby approves the findings set forth below for Humboldt County LCP Amendment No. HUM-MAJ-1-08 (Samoa) on the ground that the findings support the Commission's decision made on March 10, 2011 and accurately reflect the reasons for it.

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VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT 277

LIST OF EXHIBITS

EXHIBITS FOUND IN THE ORIGINAL STAFF REPORT

Annotated List:

- Exhibit 1 - Area Map, Samoa, Coastal Commission master file, North Coast District Office.
- Exhibit 2 - Copy of Certified Transcript (Partial), October 14, 2010 Coastal Commission Hearing, LCP Amendment No. HUM-MAJ-01-08.
- Exhibit 3 - Memorandum of Commission staff ecologist, John Dixon, Ph.D., dated February 11, 2011 with attached Figures:
Figure 1. Discharge of effluent from the sewage aeration pond to the dune hollow wetland.
Figure 2. (Fold-out) Recommended changes in habitat designations.
Figure 3. (Fold-out) Wetlands and other Environmentally Sensitive Habitat Areas with 100-foot buffers. Buffers are truncated at existing development.
- Exhibit 4 - (Fold-out) Area of Samoa recommended for designation & zoning as "Natural Resources NR." Prepared by Coastal Commission Technical Services Division – GIS Unit, Doug MacMillan.
- Exhibit 5 - Aerial Photographs, Samoa
Page 1. (Fold-out) April 2001 Aerial: Approximate ownership area of Samoa Pacific Group LLC (areas east and west of New Navy Base Road are legally tied together, even though the road physically divides the two areas). (Annotated "Attachment A" from PlanWest)
Page 2. (Fold-out) April 2009 Aerial (color): approximate area of Samoa Pacific Group LLC ownership) Area described in staff report as "Master Parcel 1" Arcata Community Recycling Center approximately 2.5-acre parcel is visible at the southern end of the frame, where large warehouse facility is located. (Annotated "Attachment B" from PlanWest)
Page 3. (Fold-out) May 2001 (tiled) Aerial photographs (color): landscape context of Samoa within the north spit of the Samoa Peninsula, compiled by Coastal Commission Technical Services Division – GIS Unit.
Page 4. (Fold-out) May 2001 Aerial (color): subject Samoa area, prepared by Coastal Commission Technical Services Division – GIS Unit.
Page 5. (Fold-out) May 2001 Aerial (color): subject Samoa area, including area to the north, across New Navy Base Road, where Dog Ranch development area included in Exhibit 23 (September 2002 LCPA initiation report, Humboldt County Board of Supervisors) is located, but no longer part of the pending LCP Amendment area. Prepared by Coastal Commission Technical Services Division – GIS Unit.

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Page 6. (Fold-out) – (color) - “Deed Restrictions” illustration, submitted by Samoa Pacific Group LLC; shows the approximate boundaries of areas that the North Coast Regional Water Quality Control Board has required be subject to recorded deed restrictions based on presence of contaminated soils and/or contaminated groundwater in the areas marked in dark blue. These determinations were based on Brownfield characterization studies supervised by the NCRWQCB engineering staff).

Page 7. (Fold-out) – (black & white) – approximate locations of the Deed Restricted Areas shown on Page 6, with contamination sources labeled. Note locations of contamination from existing “eastern” sewage waste treatment and discharge areas (testing of the groundwater at the “western” system on dunes west of New Navy Base Road, described in Exhibit 15, was not required as part of the Brownfield characterization studies overseen by the NCRWQCB). Submitted by Samoa Pacific Group LLC.

- Exhibit 6 - Humboldt County LCP Amendment Request No. HUM-MAJ-01-08 (Samoa), revised December 2009.
Page 12 of 88: (Fold-out) (color) Proposed Land Use Plan Map Amendment (Samoa).
Page 20 of 88: (Fold-out) (color) Proposed Zoning Map Amendment (Samoa)
Page 52 of 88: (Fold-out) (black & white) Previous Samoa Town Master Plan version (LUP page) that was replaced by the version shown on Page 12 of 88. Illustrates town plan lot lines and other features that the County and the landowner/developer deleted to avoid certification of the features as a binding standard for future development of Samoa. For illustration only.
Page 53 of 88: Proposed Urban Limit Line.
- Exhibit 7 - Comparative Aerial Photos of Samoa Dunes (1983 & 2009) (1983 imagery photocopied from Commission Coastal Development Permit files for CDP for the western leachfield for Samoa, 1985 – see Exhibit 15). Seaward extent of vegetated dunes visible in the 1983 aerial (top of page) has retreated in the 2009 aerial image shown on the lower half of the page.
- Exhibit 8 - North Coast Regional Water Quality Board Notice of Violation, January 5, 2011, issued to Samoa Pacific Group LLC for violations associated with unpermitted discharges of raw sewage and other problems noted at the site, including during the site visit of Commission staff on December 7, 2010, accompanied by NCRWQCB engineering staff.
- Exhibit 9 - Memorandum of Commission staff geologist, Mark Johnsson, Ph.D., dated January 11, 2011.

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- Exhibit 10 - Humboldt County Public Notice, October 27, 2009 public hearing, Humboldt County Board of Supervisors, revised the Land Use Plan and Zoning Maps for the Samoa LCPA to delete the Samoa Town Master Plan features from the maps.
- Exhibit 11 - Phase I Environmental Assessment, Samoa, prepared for Humboldt County Community Development Services, Economic Development Division, by Winzler & Kelly Consulting Engineers, dated February 2004.
- Exhibit 12 - Phase II Environmental Assessment, Samoa, prepared for Humboldt County Community Development Services, Economic Development Division, by Winzler & Kelly Consulting Engineers, dated June 2005.
- Exhibit 13 - Phase II Additional Environmental Assessment, Samoa, prepared for Humboldt County Community Development Services, Economic Development Division, by Winzler & Kelly Consulting Engineers, dated April 2007.
- Exhibit 14 - Part I: Design Guidelines for Old Town Samoa, (in-color version available on Commission's website version of the staff report, only). Ex. 14, pt. 2
- Exh. 14, part 1 Exhibit 15 - Sewage Waste Systems, Samoa (in-color version of some pages containing photographs is available on Commission's website version of the staff report, only).
Page 1 (fold-out) Schematic diagram of the existing sewage system components at Samoa, annotated by Commission staff, based on underlying map prepared by California Engineering, May 2010, for submittal to the North Coast Regional Water Quality control Board.
Page 2 (fold-out) aerial photo of Samoa with approximately locations of the sewage system components shown on Page 1 of Exhibit 15.
Pages 3 – 14: photographs of various components of the sewage system at Samoa taken by Commission staff ecologist John Dixon, Ph.D. during site visit on December 7, 2010.
Page 15: portion of photograph from 1983 in Commission file for Coastal Development Permit No. 1-85-54 (Louisiana-Pacific Corporation) showing the location (then) of the open, unlined "oxidation pond" of the "eastern" sewage system where this feature is still located (approximately), see also photograph on page 3 of Exhibit 15.
Pages 16 – 43: "western system" of the Samoa sewage system, discharging sewage on the dune field west of New Navy Base Road into a 16,000 gallon septic tank and conventional leachfield less than 500' from the ocean. Source: CDP 1-85-54 files.
- Exhibit 16 - Tsunami Hazard Maps, Humboldt State University Earthquake Education Center (Patton & Dengler).
Page 1: Map showing relative tsunami hazards in the Humboldt Bay Area;

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Page 2: Map showing more detailed hazard potential for the north spit of the Samoa Peninsular (upper left area of the map), where the town of Samoa and redevelopment proposed in LCP Amendment HUM-MAJ-01-08 is proposed. Some portions of the Samoa town site are shown in “crosshatch” (on page 2) indicating (see legend on the map) that the subject area may be vulnerable to high velocity tsunami wave hazard. Page 2 also shows that the shortest evacuation route - from the north spit of the Samoa Peninsula to Eureka - requires crossing the Highway 255 Samoa Bridges through the highest hazard area. A great Cascadia Subduction Zone earthquake affecting the Humboldt region could damage these bridges (and would likely damage Highway 255 in the other direction, toward Arcata); a tsunami generated by a distant triggering source may allow evacuation time across the bridges (as well as toward Arcata), but the evacuation route must pass through the highest tsunami hazard areas and expeditious, well planned and executed evacuation plans would be necessary to ensure orderly, effective evacuation via either of these routes. The maps are provided to the Coastal Commission by HSU for use as public educational materials, courtesy of Lori Dengler, Ph.D., HSU Geology Department.

- Exhibit 17 - "Third Party Review of Samoa Town Master Plan Tsunami Vulnerability Report" Prepared by Jose Borrero, Fredric Raichlen, and Harry Yeh (undated). Copy Submitted to the Coastal Commission's North Coast District Office by Humboldt County Planning Department staff on March 8, 2007.
- Exhibit 18 - "Revised Tsunami Vulnerability Evaluation, Samoa Town Master Plan, Humboldt County, California," prepared by GeoEngineers for Samoa-Pacific Partnership, LLC, dated October 17, 2006, submitted by Humboldt County staff.
- Exhibit 19 - Humboldt County *Draft* Tsunami Safety Plan, Town of Samoa, dated September 2007, prepared by the Humboldt County Community Development Services Department, plan page 2 indicates lead contact: Michael Wheeler, Senior Planner (Humboldt County). Submitted by Humboldt County staff.
- Exhibit 20 - Department of Commerce, National Oceanic & Atmospheric Administration, National Weather Service (NWS) Instruction 10-1802, Dated October 6, 2004, titled "Operations & Services, Stormready & Tsunami-ready Recognition Programs."
Source: <http://www.nws.noaa.gov/directives>.
- Exhibit 21 - Letter of North Coast Regional Water Quality Control Board staff supervising engineering geologist Kasey Ashley to Coastal Commission

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staff, dated November 10, 2009 regarding the Board's requirements for the Samoa Peninsula Brownfield remedial action plans.

- Exhibit 22 - "Certificate of Subdivision Compliance" with Annotations, Issued by Humboldt County Community Development Services on December 5, 2010 for 79 small lots then-owned by Simpson Samoa Company while the subject property was in escrow with Samoa Pacific Group LLC, Recorded as 2000-25874-10 Humboldt County Recorder. (Exhibit 11 page 52 of 66 includes a related copy of a Title Insurance Policy for Samoa Pacific Group LLC dated December 13, 2000. The Title insurance policy (references two Certificate of Compliance notations, and a Lot Line Adjustment, both dated December 7, 2000, and a Lot Line Adjustment, on page 56 of 66 of the Exhibit).
- Exhibit 23 - Local Coastal Program Amendment No. HUM-MAJ-01-08 initiated by the Board of Supervisors as "Samoa Pacific Group, LLC Plan Amendment Petition; Samoa Area, File No. 401-031-28 et al; Case No. GPP-02-01. Pages 1-8 include the staff report prepared by Michael Wheeler, Senior Planner, for Board hearing on September 10, 2002. Pages 9-13 include attachments to the staff report. Pages 14-36 include portions of the Samoa Town Master Plan and background information set forth in the plan explaining the proposal as it existed at that time, also attached to the County staff report.
- Exhibit 24 - Map (in-color) showing "Required Land Use and Zoning Map Changes" as recommended by staff in the suggested modifications of the staff report dated February 24, 2011. The map shows seven items (noted in legend) that require change from the LCPA Land Use and Zoning Maps as submitted by the County (provided in Exhibit 6, pages 12/of 88 and 20/of 88). The base map was provided by Humboldt County staff, and the annotations and revised map were prepared by the Coastal Commission Technical Services Division – GIS Unit.
- Exhibit 25 - Map (black & white) showing an illustration of the two Master Area Parcels described in the staff report dated February 24, 2011. The Arcata Community Recycling Center's approximately 2.5-acre parcel at the southerly end of the Samoa site would be "Master Area Parcel 1" ("Parcel 1") is shown in white with "ACRC" written in the illustrated area of that parcel, and the remaining lands, owned by Samoa Pacific Group LLC and comprising "Master Area Parcel 2" ("Parcel 2") are shown with cross-hatch. These are the lands subject to the preliminary merger and redivision into two parcels that would be required as a partial resolution of lot legality concerns discussed in the staff report.

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- Exhibit 26 - Map (black & white) showing the distribution of the sensitive Menzies' Wallflower in the vicinity of Samoa excerpted from the Humboldt County Beach & Dunes Management Plan.
- Exhibit 27 - Copy of Eureka Reporter Article Published February 27, 2008 regarding Humboldt County Board of Supervisors review of the Samoa Town Plan Zoning changes.
- Exhibit 2_ - Correspondence the Commission received after publication of the staff report and prior to or at the March 11, 2010 public hearing.

SUMMARY

The changes to the findings contained in the original staff recommendation appear in highlighted text format. The original finding text is shown in plain text, additional text is shown in bold double underline, and struck text is shown in bold strike-through.

- Findings text recommended in the original staff report as modified by the addendum prepared prior to the March 10, 2011 hearing is shown in plain text; and
- **The proposed additional finding text added as part of the revised findings is shown in bold text with double underlining;** and
- Findings text recommended in the original staff report as modified by the addendum that would be deleted as part of the revised findings is shown in **~~text with strike-through.~~**

A. Amendment Description

Humboldt County requests certification of LCP Amendment No. HUM-MAJ-01-08 in coordination with landowner/developer Samoa Pacific Group LLC/DanCo Development. The project-driven amendment would primarily redesignate and rezone an approximately 150-acre portion of an approximately 220-acre site owned by Samoa Pacific Group, LLC, including the town of Samoa, from (mostly) General Industrial to a variety of mixed uses. The proposed amendment would also (1) extend the Urban Limit Line to the portion of the site proposed for intensive redevelopment; (2) amend the Land Use Plan (LUP) to add Business Park (MB), and Natural Resources (NR) as Urban Land Use Designations within the Humboldt Bay Area Plan component of the LUP; (3) amend the LUP to add a Humboldt Bay Area Plan policy requiring that any land division resulting in three or more sites for residential development in areas subject to potential tsunami run-up conditions only be approved if the livable portions of the residences can feasibly be constructed above tsunami run-up elevations; and (4) amend the Implementation Plan

(IP) to add historic preservation/design review provisions, to establish a Samoa design review committee to make determinations regarding development (including demolition) of historic structures, and to authorize the Planning Director to make such determinations if no such committee is convened. (See Exhibit 6.)

Based on the proposed new land uses, the maximum potentially allowable levels of development for the redeveloped town of Samoa could include up to approximately 300 new single family residences and 45 apartments, retention of the 99 existing historic residences, a new business park of approximately 19 acres in size (about half of that area could be covered with structural footprint and up to four stories high), and a variety of general commercial (downtown Samoa), commercial recreation (Samoa Cookhouse area, gym), public recreation (parks), public facilities (approximately 10 acres for sewage treatment facilities, water storage, service yard, etc.), and natural resource areas (areas that are undevelopable for the Samoa town construction purposes due to the presence of sensitive resource areas or utility corridors).

B. LCP Amendment Area Setting

Location

Samoa is located on the north spit of the Samoa Peninsula, a narrow strip of land that separates Humboldt Bay from the Pacific, near Eureka and Arcata, in unincorporated Humboldt County. The only route in and out of Samoa is New Navy Base Road, which connects Samoa to Arcata seven miles to the north via Highway 255 through the community of Manila, and to Eureka several miles east via the Samoa Bridges/Highway 255 over Humboldt Bay, to Highway 101 (which is also the main street through downtown Eureka). The presently idle North Coast Railroad Authority (NCRA) railroad corridor and the County's New Navy Base Road pass through or border the lands included within the LCPA. Samoa is not presently served by public transportation routes. (Regional/Area Map, Exhibit 1.)

Historic Structures

As noted above, the site includes the historic "company town" of Samoa, including 99 vintage redwood millworker cottages and other historic structures constructed between 1895 and 1930 that comprise classic examples of the period's architecture. The town also includes the well-known Samoa Cookhouse restaurant and several notable examples of "gingerbread" Victorian mansions.

Seismic Hazards

The Humboldt Coast is located within the area known as the Cascadia Subduction Zone (CSZ). The CSZ is capable of generating mega-earthquakes of 9.0 magnitude or worse and the coast is subject to tsunamis generated locally by CSZ great earthquakes, which

could arrive onshore in minutes after an earthquake, as well as tsunamis generated by more distant sources.

At the Samoa site, potential tsunami waves are estimated for hazard planning purposes to rise to an elevation of 32 feet above mean sea level. Most of the existing town of Samoa is at the northern end of the site, where dune elevations exceed 40 feet in height in much of the area, and provide sheltering areas within an approximately ten minute walk for most residents.

Exhibits associated with the tsunami planning and studies undertaken for the Samoa lands are attached as Exhibits 16 – 20.

Emergency Access Limitations

The Samoa area is located on the north spit of the Samoa Peninsula which separates Humboldt Bay from the Pacific Ocean. The spit is made up of a narrow strip of land about seven miles long and (near the Samoa site) as little as a half mile in width. The only route in and out of Samoa is New Navy Base Road, which connects Samoa to Arcata seven miles to the north via Highway 255 through the community of Manila, and to Eureka several miles east via the Samoa Bridges/Highway 255 over Humboldt Bay, to Highway 101 (which is also the main street through downtown Eureka). All traffic entering or leaving Samoa must, therefore, cross through the “bottleneck” of New Navy Base Road. In addition, the two primary routes out of the peninsula, which are either over the Samoa Bridges/Highway 255 into Eureka, or via Highway 255 north to Arcata through the beachside community of Manila, require evacuating traffic to pass through the highest tsunami hazard zone. (See Exhibit 16.)

Coastal Access Route Impacts

In addition, the same transportation limitations that affect evacuation routes also raise concerns that the traffic generated by Samoa (estimated as a minimum of 7,000 trips per day by the County's environmental impact analyses, and potentially significantly more) will adversely affect the already-significant traffic congestion that has been identified as a problem on Highway 101 through Eureka and beyond by the California Highway Patrol. Highway 101 is the key, central public coastal access route to and along the entire North Coast. Samoa is not currently served by the public transportation system (Redwood Transit Authority) due to the presently sparse population/low potential ridership at Samoa, and the present lack of suitable bus stops. Mitigation of traffic impacts through mixed use development strategies, limitations on land uses that generate significant destination traffic by individual drivers (destination retail that relies on resale of goods, merchandise or produce shipped in from offsite for resale, for example, in contrast to products that are produced or manufactured on site within the Samoa Business Park), and encouragement of public and multi-modal transportation is therefore a significant consideration.

Sensitive Resources

The subject site includes substantial beachfront lands designated Natural Resources in the County's certified LCP, coastal dunes and rare plant habitat, coastal scrub and forests, and a variety of wetlands (including rare dune hollow wetlands, often dominated by Hooker's willow, and where found on the peninsula, typically sustained by high ground water levels). Significant wildlife use of the open spaces and habitat areas of the site has been documented in the biological surveys prepared for the County's Master Environmental Impact Report (MEIR), as discussed in the findings below.

The Commission's staff ecologist visited the site on December 7, 2010 in response to Commissioner concerns expressed at the October 2010 hearing regarding the adequacy of the County's identification of Environmentally Sensitive Habitat Areas. In particular, some wetlands delineated by the County's consultants had been discounted as not comprising ESHA. A memorandum of the Commission staff findings regarding ESHA is provided in Exhibit 3, along with photographs of the site visit and aerial photos marked by the Commission's mapping unit staff to show the ESHA areas verified by Commission staff on December 7, 2010.

Sewage Systems

The existing development at Samoa is served by waste water collection, treatment, and disposal facilities that are, for the most part, as old as the town itself, thus dating back in some locations more than 100 years. No as-built plans for any of these features exist, and most were constructed before the effective regulatory systems in place today existed. The existing system fails to meet modern standards, as discussed below and in the findings provided in the staff report. Conditions arising from the infrastructure's antiquated status raise substantial human health and water quality concerns as unpermitted discharges of raw sewage are not uncommon, and the system relies in part on open, unlined cesspools. The Samoa lands are underlain by highly permeable sand dunes and the groundwater is very shallow, rising to less than two feet below the surface in low lying areas (and projected to rise at a 1:1 ratio with future sea level increases). Surface areas of the site drain directly to the Pacific Ocean or to Humboldt Bay, depending on location. Humboldt Bay is the site of thriving oyster aquaculture as well as the habitat of numerous aquatic species. Thus contamination by leaching wastes or waste-contaminated surface waters is a significant concern.

As discussed below, the North Coast Regional Water Quality Control Board has been attempting to work with the landowners who cite financial limitations as the reason for delay in performing necessary infrastructure upgrades. Nevertheless, conditions have deteriorated to the point that the RWQCB staff issued a Notice of Violation (dated January 5, 2011, Exhibit 8).

Fire Fighting Water Supply

The Samoa lands were historically used for industrial timber processing. The adjacent lands, originally all under one ownership, contain the Samoa Pulp Mill (closed in 2008). As the result of this shared history, the fire fighting water supply for the town of Samoa was routed through the pulp mill facilities. Closure of the pulp mill and deterioration of infrastructure lead to abandonment of the shared fire-fighting water supply system. In its place, the Samoa landowners have established a temporary fire-fighting water supply system involving the use of an existing offsite water tank and temporary PVC pipes. Fire fighting representatives have raised concerns that the temporary system may not have adequate volume or pressure to support a significant fire fighting operation at Samoa.

Brownfield

Much of the Samoa lands are a Brownfield (meaning a site that has been limited from redevelopment by the existence of residual contamination from a former land use). Characterization of the Brownfield (identifying the contaminants present and the three-dimensional “footprint” of contamination of soils and surface or ground waters) using funds provided by the EPA, had not been completed at the time of the County’s LCPA submittal in April 2008. Staff required completion of characterization as a filing requirement of the submittal. RWQCB staff verified that the testing component of the contamination was mostly completed by spring of 2010. Remedial action plans based on the test results were prepared. Additional work under the review authority of the RWQCB was undertaken thereafter, and evidence of final Remedial Action Plans for most of the contaminated areas was submitted by SPG/DanCo in early December 2010. No final approved Remedial Action Plan for the cleanup of contaminated soil and groundwater at the Lorenzo Shell abandoned gasoline station site in downtown Samoa has not been received. The County’s Environmental Health Department has been performing the review, but asked the RWQCB to take over the case last summer. The files were transferred to the RWQCB in August 2010.

Surrounding Land Uses

Land uses surrounding the Samoa Town Plan area include Coastal Dependent Industrial lands and the Redwood Marine Terminal to the north/east adjacent to Humboldt Bay, the Samoa Pulp Mill (now permanently closed) to the south, the Peninsula Elementary School to the north, and New Navy Base Road and lands held as undivided lands with the Samoa lands to the west. The westward lands include a long strip of vegetated dune fields and the County’s Samoa Beach Park. The County and the landowner/developer revised the LCP amendment to include a proposed tent camping site of approximately two acres in size just north of the Samoa Beach Park. That location presently contains the sewage waste disposal system and leachfield for 25 of the existing residences in Samoa. In addition to New Navy Base Road (owned by the County), the Samoa lands are

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physically divided by a linear parcel containing the presently-idle railroad corridor owned in fee interest by the North Coast Railroad Authority (NCRA).

In September, on request of Commission staff, representatives of the landowner/developer confirmed that there are presently no legal crossings of the NCRA corridor in use at Samoa, and that efforts to secure approval from the NCRA (which must also be approved by the California Public Utilities Commission) have been underway since 2003 but have not been successful as of yet. Railroad crossings in use to serve the Samoa Cookhouse area and the Samoa Processing Center (recycling facility) constructed in 2007 have not been authorized by the NCRA.

C. Summary of Previous Staff Recommendations

Two previous staff recommendations on the merits of the proposed LCP Amendment were published and distributed by staff. The first staff recommendation, dated December 22, 2009, was published and distributed by staff prior to the originally scheduled public hearing on the amendment on January 15, 2010. The public hearing was postponed at the request of the County and the landowner/developer before the scheduled hearing. The County and the landowner/developer had numerous concerns with the recommendation and requested more time to prepare a response and discuss possible changes with staff.

After postponement of the public hearing on the LCP Amendment, in mid-March 2010, the County staff submitted an alternative version of the suggested modifications the Commission staff had prepared in the December 22, 2009 staff report, 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. 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 with the County staff (August 2010) that the County staff correspondence of March 2010 would be considered comments-only on the previous recommendation, rather than a revised County submittal.

The public hearing on the LCP Amendment was rescheduled for the Commission meeting of October 14, 2010. Staff considered the County staff correspondence of March 2010 and prepared a revised staff recommendation that was published and distributed on September 30, 2010. At the Commission's October 14, 2010 hearing, the County and the landowner/developer requested postponement of the Commission hearing. The Commission opened the hearing, took testimony from the County and the developer/landowners, and provided feedback to staff before continuing the hearing. (A partial transcript of the hearing is attached as Exhibit 2.)

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As with the current recommendation, both of the previous staff recommendations contained extensive suggested modifications. The recommended suggested modifications are substantial because the amendment raises an unusually large number of issues. The redevelopment of the Samoa site raises such concerns as cleanup of industrial Brownfield contamination and lead paint residues, sea level rise, tsunami hazards, ensuring reservation of suitable sites for Coastal Act priority uses, provision of adequate infrastructure for the aging town and for new development, traffic impacts, restricting destination retail, that is based on resale of products produced or manufactured off-site, coastal access, retaining the visual character of the historic community, protecting cultural resources, protecting environmentally sensitive habitat areas, and the lot legality of the existing properties.

The recommended suggested modifications are also substantial because of the lack of specificity of the submitted LCP Amendment. The County's amendment request was initially comprised of Land Use Plan and Zoning map changes referred to as the "Samoa Town Master Plan" (STMP), at the time the amendment was first submitted for Commission certification review in April 2008 (see Exhibit 6). During the course of the Commission staff review of the County's requested amendment, it was not clear to staff how future development proposals would be required to conform with the development 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.

In December 2009, the County revised the submittal by deleting from the maps all of the development features associated with the Samoa Town Master Plan and substituting new maps that showed only the proposed underlying land use designations and zoning (as shown in Exhibit 6). No additional implementing text policies or provisions were submitted to accompany the revised map amendment when the County replaced the master plan maps with the simple land use/zoning maps in December 2009. The County had previously drafted a Redevelopment Plan Program Environmental Impact Report and later the Samoa Town Master Plan Master EIR (MEIR) in 2006. These documents contain numerous mitigation measures, and the County staff indicated that to comply with CEQA, these mitigation measures would be enforceable through special conditions attached to the various land use and development permits that would be required to redevelop the area covered by the proposed LCP Amendment. However, the MEIR is not

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subject to LCP certification by the Commission, and the mitigation measures within the MEIR are not part of the standard of review that will govern the review of future coastal development permit applications. The standard of review for coastal development permit applications is the certified LCP itself. Policies, standards, or mitigation measures must be contained in the LCP to govern the approval of coastal development permits.

Commission staff does not believe that the designation of land use classifications and zoning districts alone without supplemental policies or provisions that would govern subsequent redevelopment of Samoa could be found consistent with the Chapter 3 policies of the Coastal Act. Therefore, staff is recommending extensive suggested modifications to the LCP Amendment to add supplemental policies and provisions specific to the phased mixed-use redevelopment of the Samoa lands. The backbone of the recommendation includes suggested modifications that establish a Samoa Town Master Plan Land Use Plan Designation Overlay (STMP-LUP) to define, organize, and articulate a comprehensive coastal planning template for Samoa. Most of the other suggested modifications are built on the policy “scaffolding” of the STMP-LUP.

The two previous staff recommendations (staff reports of December 22, 2009 and September 30, 2010) approached the redevelopment of Samoa in contrasting ways. In the first recommendation, staff developed a comprehensive framework for addressing the many site constraints and concerns primarily through the imposition of suggested modifications that would govern the review and approval of an initial master subdivision of the Samoa lands. The modifications would have required cleanup of all Brownfield contamination prior to recordation of a final subdivision map other development, installation of all needed sewage treatment facilities to serve the entire town prior to other development, and restoration and renovation of all historic structures prior to any new development. The landowner raised objections based on financial feasibility and the January 2010 hearing for which that staff recommendation was prepared was postponed at the landowner’s and the County’s request.

After the postponement, staff considered the landowner/developer’s objections to the recommendation. The County staff and the developer/landowner indicated that development options should be more flexible than required by the mandatory development requirements and obligations 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. 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. In addition, the developer/landowner raised concerns with the lot merger that would have

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been required as part of a required overall master subdivision to render moot the existing legal uncertainties surrounding specific parcel boundaries and certificate lots within the subject lands. The developer/landowner was concerned that the merger would introduce too much uncertainty about the extent of future development that would result from the subsequent master subdivision process that was outlined in the staff recommendation. Staff met further with the County and the landowner/developer, and developed an alternative approach to implementing the Samoa redevelopment proposal.

The approach outlined in the September 30, 2010 staff report was designed to increase development flexibility, 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 reduce the concerns expressed about the extent of merger/redivision uncertainties.

The primary change made by staff was to revise the development phasing program. Although property affected by all of the Samoa Town Master Plan Area would still be required to 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 have required 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 were 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, the areas contained within a pertinent STMP-MAP could potentially support further development, which in some cases would have required a further land division and in all cases would have required a CDP. Prior to approval of any such further land division or development within an authorized MAP, additional wetland and habitat surveys and other detailed information would need to have been 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 have required 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 were not already served by the existing sewage treatment system. But many other MAPs were independent of the others and offered the developer/landowner a range of flexible options for the sale or further development of the subject MAPs. The merger and redivision into the master area parcels would have been achievable at an early stage without necessarily completing Brownfield remediation in other unrelated areas of the site. Once the master area parcels were established, the master area parcels could have been sold if necessary to secure

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cash-flow objectives, thus allowing the requested flexibility and options that would better match cash-flow with cleanup obligation. Brownfield remediation would have been required prior to division or other development within each master area parcel, but the strict mandate that all cleanup and complete merger and redivision of all property affected by the amendment be undertaken at the outset was eliminated.

By implementing a phased development of the STMP-MAPS, staff hoped that the revised recommendation provided a response to the landowner/developer's changing financial circumstances while establishing a clear framework to ensure that coastal resources were protected as well. The September 30, 2010 staff report was published prior to the rescheduled October 14, 2010 hearing.

The County staff reviewed the September 30, 2010 staff recommendation and opined, however, that under the Subdivision Map Act requirements that also applied to the County's consideration of the project, the STMP-MAP approach would be difficult to implement. The County staff recommended a return to a master subdivision approach with recordation of final tract maps, in phases, following the approval of a master tentative tract map for the entire STMP landholding, which would provide the necessary flexibility for the landowner/developer, in a manner that the County could more easily harmonize with Subdivision Map Act constraints as well.

D. October 14, 2010 hearing

At the Commission's October hearing, the County and the landowner/developer requested postponement of the Commission hearing. In response, the Commission opened the public hearing, took testimony from the County and the developer/landowners, and provided feedback to staff before continuing the hearing. A certified transcript of the portion of the hearing that included the comments provided by Commissioners concerning the staff recommendation in the September 30, 2010 staff report and addendum, as well as the testimony of the landowner/developer representative provided in response to questions posed by Commissioners at the October hearing, is attached for reference as Exhibit 2. The comments/responses are incorporated into Subsection G, below, "Major Issues of Concern."

E. New Developments Since the October Hearing:

The following new developments have arisen since the last hearing and are listed below, followed by a brief summary of each item:

- Final Brownfield Remedial Action Plans authorized by RWQCB, submitted by SPG/DanCo on December 2, 2010.
- Site visit by the Commission staff ecologist, December 7, 2010 to investigate previous delineations, identification of areas that call for ESHA designation.

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- Substantial existing infrastructure deficiencies identified during staff site visit, including deficient sewage waste systems and temporary PVC supply line traversing ground surface, leading to offsite storage tank, as fire fighting water supply, December 7, 2010.
- RWQCB issues Notice of Violation to Samoa Pacific Group LLC for sewage system pattern of violations, including unauthorized raw sewage dischargers, January 5, 2011
- Memorandum of Commission staff geologist finalized, January 11, 2011.
- Recommendation of Humboldt Transit Authority regarding bus stop specifications, January 12, 2011.

Site visit by the Commission staff ecologist

The Commission's senior ecologist (John Dixon, Ph.D.) visited the Samoa site on December 7, 2010. The County's consulting biologist Stephanie Morrisette of Mad River Biologists (who prepared the 2004 wetland delineation and biological surveys upon which the County based its Master Environmental Impact Report for the "Samoa Town Master Plan"), Vanessa Blodgett of Plan West Partners (preparers of the MEIR), staff engineer Roy O'Connor of the North Coast Regional Water Quality Control Board, and Humboldt County lead staff for the Samoa Town Master Plan/LCPA, Michael Wheeler, accompanied Commission staff on the site visit. Dr. Dixon confirmed the location of wetlands and other habitat areas that are considered ESHA.

A memorandum prepared by Dr. Dixon, as well as aerial photographs identifying the areas he considers ESHA, and photographs of the December 7, 2010 site visit, are attached as Exhibits. During the site visit, significant deficiencies in the sewage waste disposal collection, treatment and disposal systems were observed, and Dr. Dixon's memorandum and photographs reference the observed conditions as well (see also photographs of the sewage system components observed during the site visit in Exhibit 15, pages 3-14).

Dr. Dixon concluded that with certain exceptions, the areas identified as ESHA by the County mostly matched his own determination as to which areas should be identified as ESHA and which areas should not. The exceptions include both areas that Dr. Dixon identifies as ESHA that were not identified as ESHA by the County and areas that were identified as ESHA by the County that were not identified as ESHA by Dr. Dixon.

Dr. Dixon's analysis of potential habitat/presence of wetlands was focused on the area within the Samoa lands presently proposed for inclusion within the Urban Limit Line and for land use designation and zoning changes necessary for the redevelopment proposed by the County and the landowner/developer. Dr. Dixon noted that detailed analysis of the characteristics of wetlands located on the Coastal Dependent Industrial lands east of the railroad corridor would require further consideration as part of the pertinent coastal development permit review for future development on those lands. Dr. Dixon did perform a cursory evaluation of some of the potential wetland areas east of the railroad

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corridor and was unable to rule out Coastal Act wetland status for some of the identified wetlands. In most cases, he determined that where impervious asphalt remains intact, the lack of soils likely eliminates characterization as a wetland. But other areas had soil or sandy substrate sufficient to meet the Commission's definition. Dr. Dixon noted that it is premature to judge the jurisdictional wetland status of these areas within the previous industrial facility that are inundated for very long durations (staff notes that these areas are locations of fill of the Humboldt Bay, and lay at topographic elevations of less than 10 feet presently).

Dr. Dixon's analysis concluded that the area of the "oxidation pond" (an unlined pond dug out of sandy soil into which untreated sewage effluent is pumped after solids settle out in one or more underground vaults at other locations on the site), which was previously overgrown with wetland vegetation that had been recently cleared should not be considered a sensitive habitat area, consistent with the County's conclusion. However, Dr. Dixon did not agree with the County's determination that the wetland into which overflow from the oxidation pond is drained by gravity flow is not a sensitive habitat area. The County characterized the upper portion of the subject dune swale wetland receiving this effluent as "artificially flooded." Dr. Dixon concluded that the dune swale wetland could well have preceded the development of the oxidation pond and was chosen originally for its convenience. Dr. Dixon recommended that this wetland be included in the Natural Resources reserve area and not used as part of the primary or secondary sewage treatment system. Dr. Dixon recommended that any portions of the treatment system that are perennially inundated should be constructed in such a way as to preclude colonization by the non-native bullfrog, which preys on many native species such as the northern red-legged frog. Design considerations to limit potential bullfrog habitat should include requirements that treatment ponds should not be open-to-the-sky; and secondary treatment or discharge areas should not have standing water during late summer and early fall.

The site review also led Dr. Dixon to determine that because of the location within an area of natural sand dunes between the ocean and Humboldt Bay, even the degraded dune habitats of various types should be considered ESHA, with the sole exception of some small areas that are severely fragmented and isolated. The particular considerations for these determinations are more specifically explained in his memorandum of February 11, 2011. Dr. Dixon identified 100-foot development setbacks or "buffers" from the ESHA areas and from all wetlands (except the "oxidation pond" referenced above), all of which he determined should be considered ESHA. Dr. Dixon's memorandum, and photographs and maps that illustrate his recommendations, are contained in Exhibit 3.

RWQCB Issues Notice of Violation

On January 5, 2011 the NCRWQCB issued a Notice of Violation (Exhibit 6) to Samoa Pacific Group LLC based in part on the December 7, 2010 site visit and earlier inspections and the records of the RWQCB. The violation cites repeated unauthorized

discharges of raw sewage waste that have occurred at the site, as well as other problems. The Board Order requires that a responsive plan from Samoa Pacific Group LLC be submitted by early March, 2011 detailing proposed corrective action necessary to return the Samoa facilities to compliance with existing Board Orders and to terminate the use of unauthorized facilities.

The RWQCB staff has notified staff that additional effluent cannot be added to the existing sewage waste system, which is in violation of Board standards until the violation is remedied, and until the landowner obtains an approved amendment of the existing Waste Discharge Order for the Samoa systems.

Inadequate Temporary Fire Fighting Water Supply Setup

During the December 7, 2010 site visit, staff observed a very long run of PVC pipe laying on the surface of an open space area within the SPG/DanCo lands, running to a large offsite water storage tank identified by County staff as the town's temporary fire fighting water supply storage. The closure of the adjacent Samoa Pulp Mill in 2008 cut off the town's traditional fire fighting water supply, which was routed through the mill's facilities due to the shared history and ownership of the sites in the past. The mill's closure precipitated the installation of the present, temporary system according to the County staff. Fire responders have expressed concern about the adequacy of this supply and delivery setup to suppress significant fires.

Final Approved Brownfield Remedial Action Plans Received

Most of the NCRWQCB required Brownfield remedial action plans (prescribed cleanup provisions for specific areas) have received final approval by the NCRWQCB, and the SPG/DanCo representatives supplied copies of the notarized documents on December 2, 2010. Specific cleanup work plans to implement the remedial action plans and necessary permit applications to authorize the cleanup work have not yet been prepared by SPG/DanCo for RWQCB/County review as of the date of publication of this report. Thus, no action to implement cleanup of the Samoa Brownfield or lead-contaminated soils has commenced. No approved remedial action plan has been prepared for the Lorenzo Shell (abandoned) gas station in the existing downtown Samoa area. This site is now under the review of the NCRWQCB as well, after transfer from the County Environmental Health Department in July 2010. The remedial action requirements for that location have therefore not yet been determined.

Memorandum from Commission Staff Geologist

A memorandum prepared by the Commission's staff geologist Mark Johnsson, Ph.D. (Exhibit 7) has been finalized for inclusion in this report, which confirms the likelihood of future erosion of the beach and dune fields west of New Navy Base Road as sea levels

rise in the coming decades. The SPG/DanCo consultants had suggested previously that the Samoa dunes are accreting. The fragility of the dune system is a concern because erosion may eventually affect New Navy Base Road, and any tent camping site and other amenities located west of New Navy Base Road. In addition, the existing approximately two-acre sewage site containing a 16,000 gallon septic tank and leachfield serving at least 25 houses east of New Navy Base Road in historic Samoa in the area proposed for redesignation from Natural Resources to Recreation (see Exhibit 15) would be threatened in the future by sea level rise and erosion.

Recommendation of Humboldt Transit Authority Regarding Bus Stop Specifications

The town of Samoa is not presently served by a public transportation route. The MEIR prepared for the Samoa Town Plan estimates that the town will produce more than 7,000 traffic trips per day based on the increased potentially allowable development that could be authorized consistent with the LCPA and the developer's plans. The increased traffic will cause a substantial increase in congestion, which was verified by Caltrans, and identified as a cause of concern for public safety by the California Highway Patrol. The traffic congestion will affect Highways 255 and 101, two principal routes providing access to the ocean coast and Humboldt Bay shorelines. In the previous staff recommendations prepared for the LCP Amendment, staff has recommended suggested modifications that would add LUP policies requiring the development of two bus stops within the Samoa Town Plan area to accommodate future transit services and partially mitigate the traffic congestions caused by redevelopment of the town.

On January 12, 2011, Ms. Nelleen Fregoso, General Manager of the Humboldt Transit Authority, at the request of Commission staff, provided detailed guidance concerning the design of bus stops and adequate bus pullout areas to serve such stops. Ms. Fregoso explained that adequately designed and located bus stops should include the following:

1. Bus stop locations must allow HTA buses (40-ft. long, 102-inch wide) sufficient area to enter, pullover, and exit in accordance with physical limits and safety requirements (typically the turnout must be 80 -100 feet in length);
2. Passenger waiting areas should be constructed in a manner that protects them from weather, which is a critical feature in the Humboldt County rainy climate.
3. Lighting is recommended because it is a significant safety issue. Ms. Fregoso emphasized that if people don't feel safe at bus stops, they won't use them.
4. Trash receptacles must be available, and maintained. If trash accumulates, the bus stop will be seen as a public nuisance and potential riders will avoid it.
5. A covered (sheltered) bike rack that stores at least 6 bikes – is highly desirable at bus stops. This feature has proven very popular and well used where available as it provides riders a secure place to leave their bicycles as they ride the transit buses.

6. Bus shelters should be optimally spaced to be convenient enough to attract use. Research shows that having to walk more than three blocks to a stop is a significant disincentive for use of public transportation.

Finally, Ms. Fregoso indicated that the HTA would appreciate the opportunity to review a draft plan for the bus stops at Samoa to ensure that the planned stops will qualify for HTA service.

F. Changes to the Staff Recommendation

After the continuance of the public hearing that was opened on October 10, 2010, Commission staff met again with County staff and representatives of the landowner/developer to address the concerns expressed by the County and the landowner/developer raised at the hearing. The current staff recommendation takes these concerns into account as well as the new developments outlined above that have occurred since the October hearing.

The current recommendation is in many ways a hybrid of the two previous staff recommendations. As before, to resolve the lot legality concerns, the recommendation requires an initial merger and redivision of all of the legal lots containing the APNs identified by the County as encompassing the amendment area. However, instead of requiring either (1) the merger and the master subdivision of the entire merged land area in one action as would have been required by the December, 2009 staff recommendation or (2) the initial merger and division into 19 STMP Master parcels followed by subsequent master subdivisions of each of the 19 STMP Master parcels as would have been required by the September, 2010 staff recommendation, the current recommendation requires an initial merger and redivision into two master parcels (Master Parcel No. 1 containing the previously developed approximately 2.5-acre Samoa Processing Center, and Master Parcel No. 2 containing the rest of the site), followed by the master subdivision of the entirety of Master Parcel No. 2. The initial merger and redivision into two parcels would require a coastal development permit, but could be processed under the Subdivision Map Act as a minor land division, a simpler approval to obtain than a major land division approval. This approach would allow the lot legality issues to be resolved prior to submittal and review by the approving authorities of coastal development permit and major subdivision applications for a comprehensive division of Master Parcel 2, applications which will require the preparation and submittal by the landowner/developer of substantial amounts of information. The subsequent processing of one comprehensive division of Master Parcel 2 rather than subdivisions of 19 separate master parcels will also avoid the Subdivision Map Act processing constraints identified by the County in its review of the September 2010 staff recommendation. In addition, the review of a coastal development permit for a comprehensive redivision of Master Parcel 2 would allow the County or the Commission on appeal to consider the division and subsequent development of the lands within Master Parcel 2 as a whole in a less fragmented fashion than reviewing multiple subdivisions which will help ensure

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consistency of the development of the town with the LCP and Coastal Act policies and the protection of coastal resources.

The following list highlights the major changes to the staff recommendation as compared with the previous reports included in the present staff report:

- Preliminary Merger and Redivision: The suggested modifications require the preliminary merger and redivision of all of the subject lands owned by Samoa Pacific Group LLC or its successor in interest, if any (including lands west of New Navy Base Road and lands east of the railroad corridor) into ~~two~~ one master area parcels, except for the 2.5-acre parcel that now contains the existing Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC). ~~Of these, one parcel (“Parcel 1”) would be the approximately 2.5-acre parcel that is presently owned by the Arcata Community Recycling Center, and the other (“Parcel 2”) would be comprised of the undivided remaining lands, all agreed by the landowner to~~ The merged land would be held as one undivided parcel (Master Parcel 2) without regard for the physical division of the subject lands by New Navy Base Road (owned by Humboldt County) or the railroad corridor parcel (owned by the North Coast Railroad Authority);
- Master Comprehensive Subdivision: The suggested modifications require a comprehensive subdivision of Master Parcel 2 after the merger/~~redivision~~ into ~~two~~ one master parcels (the underlying merger/~~redivision~~ will extinguish small Certificate lots dating from the late 1980s that staff believes to be of uncertain legality); the implementation of the comprehensive subdivision would be undertaken in accordance with final tract maps that could be recorded in phases over a long period of time;
- Phasing: The suggested modifications allow for the submittal and approval of final maps for the comprehensive division of Master Parcel 2 to proceed in phases, provided that the phasing occurs in a sequence whereby the Public Facilities designated area is part of the first phase to allow for development of the required sewage treatment facilities and other public infrastructure needed to serve development of the town, followed by phases for all of the existing developed residential and commercial areas, with phases covering the proposed new residential areas and the designated Business Park area occurring only after final maps have been recorded for the other phases;
- Development of Wastewater Treatment Facilities. The suggested modifications require that the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the existing residential and commercial areas of the STMP-LUP overlay area be constructed, tested and determined ready for connection and service prior to

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- commencement of any new development including recordation of a final subdivision map for any portion of Master Parcel 2. The suggested modifications further require that prior to the commencement of any development within any subsequent phase of the subdivision, the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service;
- Brownfield Remediation: The suggested modifications similarly require that prior to recordation of each final map any portion of the major subdivision 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, within the area covered by the final map;
 - Protection of cultural resources: The suggested modifications require that known areas of cultural resources dating from Wiyot tribal settlement of the subject areas near Humboldt Bay (and any others that may be discovered in the future) would be fully protected from disturbance;
 - Visual Resources: The suggested modifications specifically require that the visual impacts of development within the STMP Overlay area on views to and along the bay and ocean shorelines and the visual character of the old town be considered and mitigated prior to approval of the development;
 - Public Transit: The suggested modifications require that at least two bus stops equipped with security lighting and trash receptacles be provided;
 - Reservation of Sufficient Area for Wastewater Treatment Facilities. The suggested modifications require that a total of 8.5 acres be designated and zoned for Public Facilities in the area north of the Business Park and south of the proposed new Residential area outside of Natural Resource areas/buffers identified in the staff recommendation to ensure sufficient area for the development of needed sewage treatment facilities and other public infrastructure. The 8.5-acre size is based on estimates of area needed for Public Facilities included in the County staff report. The modifications require that calculations of the land area actually needed for proposed wastewater treatment and discharge facilities and other needed infrastructure be provided as a filing requirement for the coastal development permit required for the initial merger and redivision of the Samoa lands into two master parcels. If the calculations indicate that the facilities needed to serve build-out of the STMP Overlay area cannot be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities, the suggested modifications require evidence that an

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amendment of the LCP to accommodate the larger area needed for the facilities be obtained prior to filing the Coastal Development Permit Application for the merger and redivision. To ensure that inadequate designations and zoning of Public Facilities area do not become part of the effectively certified LCP before the precise amount of needed land area is determined through the above process, Suggested Modification 9 requires that the land use designations and zoning approved by the Commission shall not become effective until the coastal development permit for the merger and redivision is issued and the final map is recorded;

- Retain General Industrial Zoning for Samoa Processing Center. The suggested modifications require that the approximately 2.5 acres presently owned by the Arcata Community Recycling Center and used for the Samoa Processing Center's approximately 40,000 square foot warehouse-style facility, which was proposed by the County for inclusion in the Business Park redevelopment area where it would become a legal, non-conforming use, be retained in its present General Industrial designation and zoning, which the County and the Samoa Pacific Group LLC and the ACRC support;
- Expand Natural Resources Designation and Zoning: The suggested modifications require that a larger area of existing General Industrial area be designated and zoned as "Natural Resources" to conserve the areas identified by the Commission staff ecologist as ESHA, with a 100-foot-buffer in all locations except where existing development precludes establishment of such a buffer (the new recommendation protects as "Natural Resources" approximately 50 acres of the total approximately 150 acres located within that portion of the Samoa lands proposed for mixed-use redevelopment in the pending LCPA);
- Public Access Day Use Area: The requirement for a bus turnout at the Samoa Beach Park has been deleted;
- Soccer Field Area Designation and Zoning: The suggested modifications require that the proposed Commercial Recreation designation and zoning proposed by the County for the "soccer field" Brownfield area that was previously recommended by staff for inclusion in the "Natural Resources" area be designated and zoned "Public Recreation" instead, within the area that the Commission staff ecologist has not identified for inclusion in the adjacent Natural Resource area, for use as a playing field after remediation and appropriate capping have been implemented.

G. Known Areas of Controversy &/or Commissioner Concern

This section summarizes major issues of concern that the pending LCP amendment has generated, including concerns raised by the County, the landowner/developer, Commissioners, and members of the public. The major issues of concern are listed

below, with a brief summary of the manner in which the recommended suggested modifications address the issue to ensure consistency with the Coastal Act and the provisions of the certified LCP.

1. **Preservation of Cultural Resources: Archaeological Resources/Native American Cultural Sites; Timber Heritage – Samoa Company Town Historic District:**

Concern: The former company lumber town of Samoa is one of the few examples of its kind remaining in the United States. In addition, long before settlers of European descent arrived in Samoa, the Wiyot tribe had village sites in and near Samoa, some of which have been identified (but locations are not published to avoid looting of cultural sites) east of the railroad corridor, within the area of Samoa designated Coastal Dependent Industrial. The challenge is to preserve and protect Samoa and its special community character while facilitating new, appropriately designed and located mixed-use development to restore the town's socioeconomic vibrancy. Commissioners expressed concern about adequate protection of cultural and historic resources in Samoa.

Response: Staff has included several recommended suggested modifications concerning cultural resource protection and protection of the historic structures within Old Town Samoa, as required by Coastal Act Sections 30244, 30250, and 30253 that address protecting archeological resources, cumulative impacts, siting new development, and protecting communities of special character. The suggested modifications include a policy requiring that known areas of cultural resources dating from Wiyot tribal settlement of the subject areas near Humboldt Bay and any others that may be discovered in the future) must be identified (but not publicly disclosed – for the protection of the cultural resources) and fully protected from disturbance (development of the areas, including paving over, documenting or otherwise relocating remains would not be authorized). This requirement is set forth in Modification 9.

2. **Protection and Preservation of Sensitive Habitat Areas:**

Concern: Commissioners expressed concern at the October hearing as to whether the LCP amendment would adequately preserve and protect the variety of sensitive habitat areas that occur within the subject lands, provide adequate buffers and setbacks, protect habitat connectivity and wildlife corridors, and provide continued and enhanced public access opportunities in a manner that is also consistent with such preservation. Specific concerns were raised about the accuracy of delineations of wetlands, identification of Environmentally Sensitive Habitat Areas (ESHA), and references in the County's documents to wetlands treated as non-ESHA due to hydrology ("man-induced").

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Response: As noted above, the Commission’s Senior Staff Ecologist visited the site on December 7, 2010. To evaluate the areas proposed for land use and zoning changes to determine which locations warranted preservation by redesignation and rezoning to “Natural Resources.” His memorandum, maps recording his conclusions, and aerial photographs taken during the site visit are included in Exhibit 3. Coastal Act Sections 30233 and 30240 require protection of wetlands and sensitive habitat. As discussed previously, Dr. Dixon determined that the primary pond receiving sewage waste (“oxidation pond”) could be considered a non-ESHA wetland, but Dr. Dixon determined that other wetlands presently used for disposal of leachate drained by pipeline from the primary pond are considered ESHA. In addition, Dr. Dixon included dune areas (including disturbed areas), coastal forests, and all wetlands between the ocean and the railroad tracks east of the redevelopment area, as warranting inclusion in the NR area. The area shown in Exhibit 4 is recommended by staff for preservation as NR, and includes a 100-foot-setback/buffer in all locations except where existing development or hardscape would spatially preclude such a buffer. In addition, the maps shown in Exhibit 24 illustrate the proposed land uses requested by the County that would be modified by the proposed Natural Resources boundaries.

All areas that Dr. Dixon determined to be ESHA are mapped, with 100-foot buffers, and attached in Exhibits 3, 4, and 24. The suggested modifications require that the areas identified by Dr. Dixon, along with the areas included in the 100-foot buffers, be designated and zoned as Natural Resources and protected from development associated with the Samoa plans. (See Suggested Modification 11.)

3. Water Quality Impacts: Sewage Wastes:

Concern: The existing antiquated on-site sewage collection and disposal system is inadequate and does not meet contemporary standards that are now imposed by the Regional Water Quality Control Board for such locations and facilities. Commissioners expressed concern that adequate infrastructure to support the redevelopment of the town be timely provided at Samoa, and that a public community services district be established to manage the infrastructure established.

Response: As noted above, significant new information has been received by staff regarding the status of existing infrastructure and requirements for new infrastructure, at Samoa. The County proposes to extend the Urban Limit Line to the area of Samoa proposed for intensive redevelopment under the proposed LCPA land use changes. The Coastal Act contains specific policies protective of coastal water quality, and the provisions of Section 30250 concerning locating new development, among others, that require that sufficient infrastructure to serve new development be provided. The County and the landowner/developer have

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acknowledged the need to install a new sewage treatment plant for new development proposed in the future at Samoa. However, the County staff and the landowner/developer previously believed that the existing town's sewage treatment plant was in conformance with all requirements of the RWQCB, and adequate to support the existing development in the town. As such, the County and the landowner/developer have previously requested that the subdivision of the existing town (approximately 100 existing residences held as undivided land) be authorized in reliance on the existing system, and that upgraded/new facilities not be required until the next "leg" of new development, of whatever kind the landowner/developer proposed to construct first, commenced.

The staff of the RWQCB staff on request of the Commission staff, has confirmed that significant adverse impacts to coastal waters are occurring presently as the result of the inadequate, antiquated, failing system. As noted above, the RWQCB staff issued a Notice of Violation regarding discharges from the existing sewer collection system on January 5, 2011. (See Exhibit 8.) The existing system is not adequate to support the development that would be facilitated at Samoa by the proposed LCP Amendment, including subdivision (for individual sale) of the existing residences. To ensure that the proposed LCPA is consistent with Coastal Act Sections 30230, 30231, 30240, 30250 and other pertinent policies and provisions of the County's certified LCP, including the policies necessary to support an extension of the County's Urban Limit Line to the subject land, staff has prepared numerous draft suggested modifications concerning the provision of infrastructure at the site. See LUP Modifications 8 and 11 and IP Modification 5.

The suggested modifications include required LUP and zoning map changes to identify a minimum of 8.5 acres for new waste water facilities, including a minimum of at least 7 acres for secondary treatment and/or infiltration of treated effluent (based on future authorization by the NCRWQCB of a plan for treatment and disposal of waste water generated by the Samoa redevelopment). The maps shown in Exhibit 24 illustrate the location of these changes and the approximate acreage of the required area for waste water facilities. The area that was previously proposed near the Samoa Cookhouse (approximately 1.5 acres) for Public Facilities is included in the total 8.5 acres, and is required to include an area for the town's corporate yard, waste water treatment facilities, and the water storage (500,000 gallons of stored water are required by the County, as noted in the County's environmental review documents). The modifications require that calculations of the land area actually needed for proposed wastewater treatment and discharge facilities and other needed infrastructure be provided as a filing requirement for the coastal development permit required for the initial merger and redivision of the Samoa lands into two master parcels. If the calculations indicate that the facilities needed to serve build-out of the STMP Overlay area cannot be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities, the suggested modifications require evidence that an

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amendment of the LCP to accommodate the larger area needed for the facilities be obtained prior to filing the Coastal Development Permit Application for the merger and redivision.

To ensure that inadequate designations and zoning of Public Facilities area do not become part of the effectively certified LCP before the precise amount of needed land area is determined through the above process, Suggested Modification No.2, 6, 8, and 11 require that the land use designations and zoning approved by the Commission shall not become effective until the coastal development permit for the merger and redivision is issued and the final map is recorded.

As discussed above, the suggested modifications also require that the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the existing residential and commercial areas of the STMP-LUP overlay area be constructed, tested and determined ready for connection and service prior to commencement of any new construction within Master Parcel 2 and further requires that prior to the commencement of any development within any subsequent phase of the subdivision, the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service.

4. Water Quality Impacts: Brownfield Remediation:

Concern: The LCP amendment area is a Brownfield Area containing a number of sites where contaminants from historical industrial activities contaminated the soil. In addition, the soil around the historic residences and other structures contains lead paint residues. These contaminants would adversely affect the development and uses of the land that would be facilitated by the LCP amendment and affect soil and groundwater quality. Commissioners have expressed concern that contamination issues be fully addressed.

Response: With the exception of the Remedial Action Plan for the Lorenzo gasoline station in downtown Samoa (which was transferred from County Environmental Health Department oversight to direct supervision by the RWQCB staff last July, 2010, and is in progress) Final Remedial Action Plans for cleanup of the Brownfield have been approved by the RWQCB. No deadline for cleanup has been established, however. The RWQCB confirms that unremediated contamination may adversely impact coastal water quality. Therefore, to ensure that the LCPA protects coastal water quality as required by Coastal Act Sections 30230, 20231 and other provisions of the Coastal Act, the staff recommendation includes measures that require cleanup of the contaminated areas as a condition of the comprehensive subdivision approval for Master Parcel 2. The modifications

require the merger and division of all lands affected by the Samoa LCP amendment into two Master parcels prior to any comprehensive subdivision of the LCP Amendment area. These two Master parcels include (1) the 2.5-acre parcel that now contains the Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC), and (2) the remainder of the lands affected by the Samoa LCP amendment. See Suggested LUP Modifications 2, 6, 8, and 11. The suggested modifications require that final cleanup plans be submitted as a filing requirement for the coastal development permit application that will be submitted for the comprehensive subdivision of Master Parcel 2, and requires that after approval of the comprehensive subdivision of Master Parcel 2 and prior to commencement of any development, including recordation of a final subdivision map for the corresponding portion of Master Parcel 2, the contamination with the corresponding area of the final subdivision map to be recorded must be cleaned up.

5. **Provide Adequate On-site Fire and Emergency Response Infrastructure (including water supplies):**

Concern: Coastal Act Sections 30250, and other provisions of the Coastal Act require that new development be located in manner that takes into consideration the need to provide adequate infrastructure services and Section 30253 requires that development minimize the risk of geologic hazards. The Samoa peninsula is located in an area of extremely high earthquake and tsunami risk, and fires following an earthquake constitute a risk associated with such geologic hazard. The peninsula would likely be cut off from the main land areas of fire and life safety personnel and supply support in the event of a major earthquake, and thus providing for the necessary emergency services support on site is essential.

The Samoa lands were held in joint ownership with the adjoining pulp mill property (the pulp mill closed in 2008 and was declared permanently closed in November 2010) to the south, and as a consequence of that relationship, the fire fighting water supply and delivery system was connected to the Town of Samoa via the pulp mill and other offsite connections. A temporary system to use an offsite storage tank supplied by a temporary PVC pipeline traversing lands on the Samoa site was installed in 2008 according to representatives of SPG/DanCo. The adequacy of the fire fighting water supply and delivery system have been challenged by the Chief of the Samoa Peninsula Fire District (Humboldt Sentinel, December 9, 2008).

Response: Commissioner comments noted the importance of addressing infrastructure requirements and the Suggested Modifications include the requirement that adequate infrastructure be required at the subdivision stage. Plans for a fire-fighting water supply and delivery system determined to be adequate to meet the fire protection needs of the maximum potentially allowable

level of development facilitated by the LCPA must be submitted as a filing requirement of the coastal development permit for the comprehensive subdivision. ~~Prior to commencement of any development of Master Parcel 2, including recordation of a final subdivision map for any portion of Master Parcel 2, a fully functioning system adequate to serve the area addressed by the LCPA and any other areas the system is already committed to serve must be in place.~~ The coastal development permit for the comprehensive division of Master Parcel 2 must require that prior to the commencement of any development within any phase of development of the subdivision, including the recordation of final subdivision map for that phase, the landowner/developer must demonstrate that all emergency control water supply facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service. This approach will ensure that adequate fire fighting water supply storage and delivery systems are provided ~~before the lands containing the existing residences are subdivided or otherwise developed prior to development of the land uses in each phase of the development of the Town~~ consistent with Coastal Act Section 30250 (locating new development).

6. **Lot Legality:**

Concern: Resolve questions concerning the legality of the underlying lots that comprise the subject Samoa lands and the appropriateness of designating and zoning the lots for the uses proposed in the LCP amendment. The landowner/developer asserts that as many as 79 individual lots within these lands may also exist, dating back to an 1892 beach resort development proposal (abandoned in 1893) for establishment of 2,000 very small lots within the town area.

The County issued unconditional certificates of compliance for the small lots in December 2000 without analysis of the chain of lot creation or title transfer or the possible effect of historic transfers among corporate owners in the past or the bankruptcy proceedings of one of the owners, Louisiana-Pacific, on the status of the proposed lots as separate economic units.

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

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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 22), however the County 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.

In addition, a lot line adjustment approved by the County Planning Commission in June 2000 was described in the County's writeups regarding the Samoa Town Master Plan, including the preparation of the subsequent series of environmental documents, as creating a new 59-acre Samoa town site parcel (Exhibit 23, page 26, section F) at the request of Simpson Timber and Louisiana Pacific Corporation. The lot line adjustment purports to have merged what appear to have been a number of lots that were identified by number but not mapped, and revised lot lines significantly, establishing entirely new parcel configurations, including lands that were later sold to Samoa Pacific Group LLC (via public auction in September 2000, with escrow closing in mid-December 2000). However, the Coastal Development Permit for the Lot Line Adjustment appears either to have expired without issuance, or was issued and compliance not achieved, and the permit expired. Compliance pursuant to the special conditions of the pertinent CDP approved by the Planning Commission, which the County

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staff indicates was the same CDP as required for the Lot Line Adjustment, included the requirement of construction of a new wastewater treatment system east of New Navy Base Road to replace an aging system located on the dunes west of New Navy Base Road, near Samoa Beach Park. Construction of the new wastewater treatment system was never undertaken, and the use of the beachside disposal system in the dunes continues. The SPG/DanCo consultants have suggested that a further lot line adjustment undertaken after purchase of the subject lands by DanCo in December 2000 has rendered the need for, and requirements of the CDP approved by the Planning Commission in June 2000, moot. Until the County demonstrates that a CDP was properly approved for the subdivision of the Samoa lands in June 2000, and that the conditions of approval were complied with, or that the SPG/DanCo assertion that the matter was rendered moot by subsequent permit approvals, the legality of the underlying subdivision and resultant parcel boundaries comprising the area of the subject LCPA is unclear.

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 division~~ of all lands affected by the Samoa LCP amendment parcels, except for the 2.5-acre parcel that now contains the existing Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC), into two Master parcels prior to any comprehensive subdivision of the LCP Amendment area. ~~These two Master parcels include (1) the 2.5-acre parcel that now contains the Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC), and (2) the remainder of the lands affected by the Samoa LCP amendment.~~

Without the suggested modification requiring a merger ~~and redivision~~ of all affected property into ~~two~~ Master Area Parcels 2 that could subsequently be further divided only 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 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 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-

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55, APN 401-031-059, APN 401-031-65, ~~APN 401-031-67~~, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged **and redivided** into the ~~two~~ **one** master parcels generally depicted on Exhibit 25 **comprising (1) the 2.5-acre parcel that now contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), and (2) all other lands within the Samoa LCP amendment overlay area generally depicted on Exhibit 25** (Master Parcel 2). If all such property is not merged **and redivided** into ~~the two~~ Master Parcels **2** generally depicted on Exhibit 25, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged **and redivided** into the ~~two~~ Master Parcels generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger **and redivision** consistent with the certified LCP and (b) recordation of a **final map for the notice of** merger and redivision consistent with the coastal development permit.

If a legal lot containing any APN generally depicted on Exhibit 25 and described as within the STMP-LUP Overlay Area straddles the STMP-LUP boundaries generally depicted on Exhibit 25, 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 25.

These provisions will resolve any concerns about lot legality before the land use designations and zoning certified by the Commission and 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 the comprehensive division of Master Parcel 2 only after all necessary supporting information has been submitted and all necessary implementing actions have been undertaken.

7. **Traffic Impacts:**

Concern: Traffic concerns must be addressed to ensure that the substantially increased traffic impacts on Samoa Peninsula evacuation routes, and key coastal access routes such as Highway 101 through Eureka, and Highway 255 connecting to Highway 101, or directly to Arcata, are considered in a manner consistent with the requirements of the Coastal Act. Commissioners expressed concern about the traffic impacts associated with the project, and adequate resolution of the impacts, as well as the importance of public transportation. Some Commissioners

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commented on the degree of intensive development proposed for the Town of Samoa in relation to the generation of traffic impacts.

From a Coastal Act perspective, the key issues associated with traffic generated by the project include: 1) the adverse impacts that could be created for transportation routes that are vital to local, regional and statewide public coastal access and recreation associated with the coastal amenities of the North Coast inconsistent with the public access policies of the Coastal Act; and 2) given the peninsula's limited ingress and egress options, the impact of the traffic on the emergency systems, and evacuation routes within high geologic hazard zones. The California Highway Patrol has expressed significant concerns about the impact of the project's traffic on existing levels of congestion where Highway 255 and Highway 101 drain the Samoa site, and about the implications for emergency access (Exhibit 13). The County's EIRs for the Samoa Town Master Plan reinforced these concerns.

Response: To ensure that the LCPA is consistent with the requirements of the Coastal Act, the Suggested Modifications previously recommended by staff contain numerous provisions to restrict retail use within the Samoa lands to (1) encourage public transportation by providing bus stops consistent with the guidance of the Humboldt Transit Authority, (2) require amenities within the Samoa lands that will reduce offsite traffic trips such as by requiring that a commercial structure be provided for a grocery store in the downtown commercial area and (3) support the mixed-use development strategy that has been built into the proposed LCPA. See Suggested Modification 9.

8. Earthquake & Tsunami Hazards:

Concern: The hazards posed to the site by the earthquake & tsunami risks associated with the presence of the Cascadia Subduction Zone, as well as other geologic hazards associated with the site's location between Humboldt Bay and the Pacific Ocean, are significant concerns associated with the County's LCPA request. As part of the LCP amendment, the County proposes to add a LUP policy to the Humboldt Bay Area Plan that would require that for any land division of three or more lots, no residential lots can be created unless the livable portions of the residences can feasibly be constructed above tsunami run-up elevations.

Response: The previous staff recommendation and the Suggested Modifications set forth in the current recommendation contain substantial requirements to ensure that the Samoa development is consistent with the requirements of Coastal Act Section 30253 (hazards). The staff recommended suggested modifications continue to require that the tsunami hazard policy proposed by the County to limit land divisions and redivisions allowing three or more new residential

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development sites subject to tsunami inundation in the area subject to the Humboldt Bay Area Plan apply to all land divisions and redivisions that would allow permanent residential development and requires that such residential development be authorized only if the subject location could be feasibly developed with residential use designed to place the first habitable floor above the applicable tsunami runup elevation (which has been established at 32 feet above mean sea level for the Samoa site development).

The suggested modifications also require that Business Park development (which is located in the “high velocity wave hazard” area mapped (for educational purposes only) by Humboldt State University geologists (Exhibit 16) be designed in such a manner as to be resilient if subject to the forces of a tsunami, and to provide vertical evacuation features in lieu of inadequate walking evacuation distances to higher ground. The modifications also require, for example, that the recommendations of the consulting experts and third party reviewers evaluating tsunami hazard (Exhibits 16-20) be included in the County’s final tsunami plan (Exhibit 19) for the subject town of Samoa rehabilitation and redevelopment.

Nevertheless, the hazards present are of such a nature and magnitude that they cannot be fully mitigated. Therefore, the Suggested Modifications further require the recordation of deed restrictions advising future buyers and landowners of the nature of these hazards, including recordation of an assumption of risk by future landbuyers accepting the residual level of hazard (as well as the risks posed by sea level rise, which may increase the potential impacts of other hazards such as the height of tsunami run up) associated with the subject area. See Suggested LUP Modification 9.

9. **Sea Level Rise:**

Concern: Implications of future sea level rise, particularly for infrastructure and beach/dune erosion are a significant concern for vulnerable coastal sites such as Samoa.

Response: Since the October 14, 2010 hearing, the Commission staff geologist has finalized a memorandum (Exhibit 7) that in part notes that erosion of the dune fields west of New Navy Base Road is a likely impact of future sea level rise. Dr. Johnsson refutes the assertion of the SPG/DanCo consultants that the Samoa dune fields are expanding. Staff notes that the interactive maps of the Pacific Institute and state agencies (see internet information links below) also indicate that increased erosion is predicted as the response to sea levels rise in the future. Staff recognizes that a major earthquake could cause uplift or subsidence unpredictable locations, but that potential is not certain to result in the rise of the dune areas, and the timeline for such a change is even more unpredictable than the outcome, depending on a future earthquake scenario. The staff has compared aerial

photographs of the Samoa site from the years 2001 and 2009 (see Exhibit 7). The photographs do not represent sufficient empirical evidence to draw scientific conclusions, but the photos do not support a pattern of accretion, and even appear to show that the dune field strip west of New Navy Base Road may have narrowed in some areas. Sea level rise concerns underscore the need to build sea level rise-resistant infrastructure within the town site east of New Navy Base Road, among other components of the staff recommendation.

The Coastal Act policies (such as Section 30253 – hazards, and Section 30250 – locating new development) require that new development be sited and designed in a manner protective of coastal resources. The suggested modifications therefore require, for example, that all key infrastructure such as potable water supplies, fire fighting water supplies, and waste water treatment facilities be located in such a manner as to be effective with a minimum of five feet of sea level rise.

The suggested modifications also require that future estimates of the impact of sea level rise, including tsunami protective standards for development at Samoa, consider sea level rise as adding three feet to the standards for tsunami protective elevations in the future (a forward-moving estimate that would be based on future analysis; the current analysis calls for a minimum first habitable residential floor of 32 feet above mean sea level in areas where potential tsunami inundation is a threat).

10. Securing Authorized Railroad Crossings:

Concern: The landowner/developer do not possess railroad track crossing agreements with the North Coast Railroad Authority despite the fact that the railroad corridor separates a large area of the Samoa lands east of the corridor from the main part of the Town of Samoa. Resolution of the lack of authorized crossings of the North Coast Railroad Authority railroad corridor has not been achieved, though the landowners indicate that they have been seeking such access since 2003. The lack of secured crossings poses a threat to reliance on the use of such "landlocked" areas for critical features of the future Samoa development, such as waste water treatment and town water storage infrastructure and water serving facilities.

Response: The Coastal Act places emphasis on ensuring adequate infrastructure to support new development that is authorized in appropriate locations. The area east of the railroad tracks requested to be redesignated from Coastal Dependent Industrial to Public Facilities for the proposed sewage treatment, water supply tank, and public services yard is one of the areas that cannot be legally accessed at the present time without crossing the railroad corridor. Because the public infrastructure is critical to providing adequate services to the existing and proposed development that would be facilitated by the proposed LCPA, the staff

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has discussed with representatives of SPG/DanCo and County staff, the option of relocating the proposed primary sewage treatment facility and the new water storage facility to the proposed area for Public Facilities designation and zoning near the proposed Business Park. The alternative location does not pose concerns regarding crossing the railroad corridor. For these and other reasons, the developer/landowner has proposed to relocate the primary sewage treatment facility and the new water storage facility west of the railroad corridor. County staff does not object to the proposed relocation of facilities. Therefore, the recommended Suggested Modifications have been revised to delete the redesignation and rezoning to Public Facilities east of the railroad tracks and to include the requirement that these features be included in an expanded configuration for the revised footprint for redesignation/rezoning from General Industrial to Public Facilities in the pertinent area near the proposed Business Park.

However, authorized railroad corridor crossings are still needed to serve other land uses and facilities under the proposed LCP amendment, including a crossing needed to serve the Samoa Processing Center. The County approved a lot line adjustment to create the Center's approximately 2.5-acre lot, and a CDP for construction of the Center, without requiring evidence of authorization by the railroad corridor owner, North Coast Railroad Association (NCRA) or the necessary authorization by the California Public Utilities Commission for the crossing that is presently in use. Access rights by use cannot be acquired over the railroad corridor, therefore Samoa Processing Center access is potentially at risk. The revised suggested modifications include the requirement, before a CDP for the initial merger and division of LCP lands into 2 Master Parcels is filed, that either: (1) evidence be provided that the railroad authorizes a crossing or (2) an access easement be provided across other Samoa lands in favor of the Center without crossing the railroad as a condition of approval of the initial merger and redivision of the LCP Amendment lands into two master parcels. See Suggested Modification 9.

In addition, the Samoa Cookhouse property is accessed via an unauthorized crossing of the railroad corridor that could be terminated or limited by the NCRA if railroad operations resumed. The crossing has been used for decades, thus is deemed unlikely to be prevented altogether, but the matter cannot be settled by the SGP/DanCo or the County without securing the necessary authorizations described above. This places the provision of adequate low cost visitor serving accommodations at some risk, as the Cookhouse property is the primary location proposed for such facilities. To address this problem, the suggested modifications require that evidence of authorized railroad crossings necessary to serve all land uses and facilities under the proposed LCP amendment must be submitted as a filing requirement for the coastal development permit application that will be submitted for the comprehensive subdivision of Master Parcel 2.

11. Retain General Industrial Designation and Zoning for Samoa Processing Center:

Concern: A concern was raised prior to the previous hearing concerning the impact of the proposed LCPA on the existing Samoa Processing Center. The Center packages recycled materials collected elsewhere within Humboldt County for further shipment. The proposed LCPA would redesignate and rezone the site to Business Park from General Industrial, rendering the existing Center a legal, non-conforming use. If the facility were later to be destroyed by fire or other disaster, the limitations under the zoning code against rebuilding certain non-conforming structures may preclude rebuilding the 40,000- square-foot structure in the business park where buildings would be limited to a much smaller size under the LCPA as modified.

Response: The Samoa Processing Center provides an important public service for the region. As the site is located at the southern end of the LCP amendment area and would be visually buffered from the core of the town and its public viewing and visitor serving facilities by the remainder of the proposed business park, staff is recommending a suggested modification to retain the General Industrial designation and zoning for the subject property. The SPG/DanCo representatives and the County support the suggested modification as what is sometimes referred to as a “friendly modification” rather than one imposed by the Commission without advance agreement of the County.

12. Impacts to Visual Resources. The Coastal Act requires protection of coastal visual resources through Policy 30251 and of special community character through Policy 30253 and others. The Commissioner comments included the suggestion that visual resource findings be included. Commissioners expressed a concern about the height of the proposed residential development in the acreage below the Women’s Club at Samoa, as the 32-foot first-habitable-floor elevation, in terms of impacts on visual resources. (Visual resource concerns are noted in item 14 below).

Response: Staff has added visual resource findings and new suggested modifications. One of these suggested modifications would subject the location proposed by the County for Residential use adjacent, below, and west of the Women’s Club building to design standards associated with tsunami risk. The first habitable floor of residences in that location must be constructed at an elevation not less than 32 feet above mean sea level. The existing elevation of that area is between 10 – 16 feet above mean sea level presently. The SPG/DanCo representatives assert that residential development can be designed for construction at that location in a manner that would not adversely impact the special community character of the historic Samoa neighborhoods. The suggested modification would incorporate a review standard for new residential

development in the subject location that requires that the development not interfere with the visual character of the historic Samoa neighborhoods as viewed from public viewing areas.

In addition, the Samoa area is visible from more distant and public coastal viewing areas, and night lighting of Samoa development has the potential to adversely affect views of the coast in the Samoa area. The Draft Suggested Modifications have been revised to incorporate provisions to reduce the impact of Samoa lighting to the extent feasible. Night lighting cannot be completely eliminated due to safety requirements. See Suggested Modification 9.

13. Low-Cost Visitor Accommodations.

Concern: Sections 30222, 30223, and 30213 of the Coastal Act require that (a) lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority, (b) upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible and (c) lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. The concern exists that the Samoa development facilitated by the County's proposed LCPA should include adequate provisions for low cost visitor-serving accommodations.

Response: The Samoa Town Master Plan (which is considered illustrative only, and is shown in Exhibit 11 for reference purposes) was revised numerous times between its initial release in 2002 and the preparation of the version that existed when the LCPA was first submitted in April 2008. Over time, the plan evolved with respect to visitor serving facilities that would be provided, proposing in various versions a variety of facilities including as many as 150 RV spaces, small cabins, tent camping sites, bed and breakfast accommodations, a hostel, and 22 rental cabins or condominiums.

The County's LCP amendment request includes land use changes that could facilitate, although not require as a future legal standard of development review, the provision of several sources of low-cost visitor accommodations within the lands subject to the STMP-LUP. As none of the possible facilities is specifically required, staff recommends that the Commission include a suggested modification (Suggested Modification No. 9) that requires the following low cost visitor serving accommodations or the equivalent thereof: (1) Samoa Cookhouse second floor guest lodging containing a minimum of 20 rooms, with continued use of the Samoa Cookhouse as a restaurant open to the public, (2) a minimum of 20 small free standing cabins (number of rooms may vary), and (3) at least 15 car/tent camping sites. The required facilities could be located at the "Cookhouse" parcel. These low-cost visitor accommodations would be required components of the site redevelopment, with mandatory provisions to ensure timely construction and

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opening for public use concurrent with the development of market rate new residential, commercial and business park development.

The staff recommendation envisions that the required lower cost visitor serving facilities would be provided at the five-acre “Cookhouse” parcel which is proposed by the County to be redesignated from Coastal Dependent Industrial to Commercial Recreation. Two areas previously proposed by the landowner/developer for certain visitor serving accommodations which would be accommodated by the County’s proposed LCP amendment are not recommended by staff. One of these areas is the old “Soccer Field area in Old Town Samoa that had been proposed by the landowner/developer for 22 rental condominiums or cabins. This site is now deemed infeasible by the landowner/developer for the 22 visitor serving units due to Brownfield contamination cleanup costs. The site is now proposed to be capped and would be feasible to retain as a recreational field. Thus, the staff recommended Suggested Modification No. 9 would require the area be redesignated as Public Recreation (where not proposed for inclusion in the Natural Resources Area, as shown in Exhibits 4 and 24) rather than Commercial Recreation as originally proposed by the County.

The second area proposed for visitor serving use under the County’s proposed LCP amendment not recommended for approval by staff is the tent camping site west of New Navy Base Road. This site is co-located with sewage waste effluent leachfields, subject to coastal erosion, and contains rare plant habitat (ESHA). Thus, the staff recommended Suggested Modification No. 9 would require the area be redesignated as Natural Resources rather than as Public Recreation as originally proposed by the County.

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.

Recommended Suggested Modification No. 8 requires that the visitor serving facilities be constructed and operational prior to the commencement of any development within the new residential areas and the business park, including recordation of a final subdivision map for those portions of Master Parcel 2.

As modified, staff believes the LCP amendment would provide for lower cost visitor serving recreational facilities consistent with Sections 30222, 30223, and 30213 of the Coastal Act.

14. **Concerns of the landowner/developer provided in response to request of Commission at the October 14, 2010 hearing:**

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During the October 14, 2010 hearing, the Commission requested that Mr. Dan Johnson, the CEO of project developer DanCo and also the managing owner of Samoa Pacific Group LLC, comment on his primary concerns with regard to the staff recommendation. The transcript attached as Exhibit 2, pages 8 – 14 include this portion of the subject hearing. Mr. Johnson’s testimony included the following concerns:

1. Landowner/Developer Issue: Mr. Johnson indicated that Samoa Pacific Group LLC/DanCo Development oppose the staff recommendation set forth in the September 30, 2010 staff report that the “soccer field” area be included in the area designated for preservation of ESHA (designated/zoned “Natural Resources”).

Response: This area (“soccer field” was proposed for redesignation and rezoning from General Industrial to Commercial Recreation in the County’s LCPA submittal in 2008, and was described as being reserved for the construction of 22 future vacation units. Subsequently, when the remedial action plan for this area of Brownfield contamination was prepared, the landowner/developer determined that cleanup costs to prepare the area for redevelopment to residential standards were too expensive. Staff determined that the area could be redesignated to NR as it bordered the NR area and was not suitable for development. After the recommendation was published, the landowner/developer requested that this area be considered for use as a playing field, and designated and zoned for Public Recreation. NCRWQCB staff verified that if active remediation were completed to an acceptable, but less than residential reuse standard, and the area was capped with an impermeable barrier and then topped with soil and turf, use for a playing field would be acceptable. The staff recommendation in the present report includes a suggested modification requiring that the subject area (except for that portion contained within the buffer for the adjacent ESHA, and thus recommended for Natural Resources designation and zoning), be redesignated and rezoned from the existing General Industrial to Public Recreation. This suggested modification is consistent with the landowner/developer’s request, as well as the recommendation of the Commission staff ecologist.

2. Landowner/Developer Issue: Mr. Johnson indicated that Samoa Pacific Group LLC/DanCo Development oppose the staff recommendation that the vacant area adjacent to the “soccer field” (northwest of) where old structures burned down (reportedly in the 1960s or earlier) be rezoned and redesignated to Natural Resources, and instead requests that the County’s original map proposal to redesignate and rezone this area to allow development of additional single family residences be certified instead.

Response: The subject area is just northwest of the “soccer field” area discussed in item #1, and is proposed for redesignation to Residential in the County’s LCPA. County staff has confirmed that the right to rebuild after destruction by fire is limited to rebuilding similar development to that which was burned down, and within two years after the loss. The area has been open space for more than

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fifty (50) years since the reported loss by fire. The Commission staff ecologist evaluated the area of concern, which is located in a disturbed area of sensitive dune habitat adjacent to ESHA designated by the County and has determined the area constitutes ESHA. The staff therefore recommends that the subject area be included in the area proposed for Natural Resources designation and zoning.

3. Landowner/Developer Issue: Mr. Johnson indicated that the Samoa Pacific Group LLC/DanCo Development wants relief from the suggested modifications in the September 30, 2010 staff report that place restrictions on retail sales within the proposed Business Park.

Response: The findings set forth below indicate that because (1) the County EIR indicates Samoa redevelopment will generate significant traffic, including a very conservative estimate of over 7,000 traffic trips per day, which does not take into account the cumulative traffic impacts of other projects in the region proposed more recently, and (2) the trip estimates do not include any significant destination retail sales, which are known to generate substantially more traffic than most other land uses, and (3) the traffic increases attributed to future Samoa buildout have the potential to adversely affect the key public coastal access routes serving the entire North Coast, retail uses that would attract destination shopper/drivers from outside the Samoa area are not considered appropriate within the Samoa mixed use proposal.

In addition, the Samoa Peninsula is subject to substantial earthquake and tsunami hazard and New Navy Base Road and narrow two-lane roads and the Samoa bridges to Eureka several miles away, are the only evacuation routes for Samoa as well as all other development on the north spit of the Samoa Peninsula. Drawing substantial numbers of visitors who cannot be readily evacuated would be unsafe and would increase the risk that other Samoa and north spit occupants cannot be safely evacuated. Moreover, the California Highway Patrol wrote to the County in 2007 expressing extreme concern that the traffic associated with the Samoa Town Master Plan then undergoing EIR preparation, would overwhelm the CHP's resources and produce traffic congestion beyond what the CHP considered to be safe levels on Highway 101 and at the intersections of Highways 101 and 255 in Eureka, in particular.

Staff considered the landowner/developer and the County's requests that more flexible allowances for the incorporation of retail be included in the suggested modifications, particularly to increase retail sales opportunities in the proposed Business Park. Staff modified the suggested recommendation to allow for a small amount of retail use within the Business Park primarily to service existing development within the town, and also to allow businesses located within the proposed Business Park to undertake small-scale resale of items manufactured or produced on-site when the resale portion of the operation is minor in nature and

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incidental to the primary activity of the business, and would not generate significant additional traffic, and required that retail uses be undertaken only with a Conditional Use Permit, which would be appealable to the Commission, to ensure that any retail proposed within the business park is carefully considered for compliance with the policies and provisions of the STMP-LUP and protective of public coastal access as required by the Coastal Act. Staff continues to believe that these limitations within the Samoa redevelopment are necessary to ensure consistency of the proposed LCPA with the hazard policy requirements of Coastal Act Section 30253 in particular, and with the public coastal access policies of the Coastal Act.

4. Landowner/Developer Issue: Mr. Johnson requested that Brownfield cleanup and cleanup of lead contamination within soils surrounding existing (and previously existing) structures where lead paint has weathered off during the town's history, be delayed until market-rate opportunities rendered cleanup feasible for the investors. The NCRWQCB has established the remediation requirements (one site, an abandoned gas station in downtown Samoa remains to be approved for a final remedial action plan) for the Samoa town area, but has not established (to date) any required timeline for implementation of the cleanup requirements.

Response: The suggested modifications allow for a phased remediation of contaminated areas rather than requiring remediation of all contamination within LUP overlay area prior to all other development. The modifications require that prior to recordation of each final map for any portion of Master Parcel 2, 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, within the area covered by the final map. This phasing will ensure that future development will only proceed in areas that have been fully remediated.

5. Landowner/Developer Issue: Mr. Johnson requested the elimination of the requirement that within a specified time, Samoa Pacific Group LLC/DanCo Development secure authorization from the North Coast Railroad Authority and the California Public Utilities Commission for crossings of the railroad corridor in locations necessary to implement the features of the Samoa redevelopment proposed in the pending LCPA. Resolution of the lack of authorized crossings of the North Coast Railroad Authority railroad corridor has not been achieved, though the landowners indicate that they have been seeking such access since 2003.

Response: As discussed above, the Coastal Act places emphasis on ensuring adequate infrastructure to support new development that is authorized in appropriate locations. The lack of secured crossings poses a threat to reliance on the use of such "landlocked" areas for critical features of the future Samoa

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development, such as waste water treatment and town water storage infrastructure and water serving facilities. The area east of the railroad tracks requested to be redesignated from Coastal Dependent Industrial to Public Facilities for the proposed sewage treatment, water supply tank, and public services yard is one of the areas that cannot be legally accessed at the present time without crossing the railroad corridor. Because the public infrastructure is critical to providing adequate services to the existing and proposed development that would be facilitated by the proposed LCPA, the staff has discussed with representatives of SPG/DanCo and County staff, the option of relocating the proposed primary sewage treatment facility and the new water storage facility to the proposed area for Public Facilities designation and zoning near the proposed Business Park. The alternative location does not pose concerns regarding crossing the railroad corridor. For these and other reasons, the developer/landowner has proposed to relocate the primary sewage treatment facility and the new water storage facility west of the railroad corridor. County staff does not object to the proposed relocation of facilities. Therefore, the recommended Suggested Modifications have been revised to delete the redesignation and rezoning to Public Facilities east of the railroad tracks and to include the requirement that these features be included in an expanded configuration for the revised footprint for redesignation/rezoning from General Industrial to Public Facilities in the pertinent area near the proposed Business Park.

However, authorized railroad corridor crossings are still needed to serve other land uses and facilities under the proposed LCP amendment, including a crossing needed to serve the Samoa Processing Center. The County approved a lot line adjustment to create the Center's approximately 2.5-acre lot, and a CDP for construction of the Center, without requiring evidence of authorization by the railroad corridor owner, North Coast Railroad Association (NCRA) or the necessary authorization by the California Public Utilities Commission for the crossing that is presently in use. Access rights by use cannot be acquired over the railroad corridor, therefore Samoa Processing Center access is potentially at risk. The revised suggested modifications include the requirement, before a CDP for the initial merger and division of LCP lands into 2 Master Parcels is filed, that either: (1) evidence be provided that the railroad authorizes a crossing or (2) an access easement be provided across other Samoa lands in favor of the Center without crossing the railroad as a condition of approval of the initial merger and redivision of the LCP Amendment lands into two master parcels. See Suggested Modification 9.

In addition, the Samoa Cookhouse property is accessed via an unauthorized crossing of the railroad corridor that could be terminated or limited by the NCRA if railroad operations resumed. The crossing has been used for decades, thus is deemed unlikely to be prevented altogether, but the matter cannot be settled by the SGP/DanCo or the County without securing the necessary authorizations

described above. This places the provision of adequate low cost visitor serving accommodations at some risk, as the Cookhouse property is the primary location proposed for such facilities. To address this problem, the suggested modifications require that evidence of authorized railroad crossings necessary to serve all land uses and facilities under the proposed LCP amendment must be submitted as a filing requirement for the coastal development permit application that will be submitted for the comprehensive division of Master Parcel 2.

6. Landowner/Developer Issue: Mr. Johnson objected to the staff recommendation that the parking area at Samoa Beach Park be enlarged to allow public transportation to the site via bus.

Response: The County's final MEIR for the Samoa Town Master Plan calls for an additional ten (10) parking spaces at the park. Staff has reconsidered the proposal and determined that since the suggested modifications contain specific requirements for bus stop provisions within the town, and since the town will be connected to the pedestrian undercrossing of New Navy Base Road, near the park, via a pathway that will be developed within the Natural Resources area at the northern end of the Samoa site, connecting the town with the beach side areas, elimination of the bus turnout requirement at the Samoa Beach Park is appropriate.

7. Landowner/Developer Issue: Mr. Johnson indicated that while he supports the requirements for [low cost] visitor serving [accommodations] such as the Samoa Cookhouse second floor hotel or hostel accommodations, etc., he did not want the Commission to require that the accommodations be limited to the [Eco-Hostel] group with which he was currently [at the time of the October 2010 hearing] negotiating a lease.

Response: The suggested modifications did not at that time, or in the present staff recommendation, call for installation of or management by any particular entity or group in terms of the provision of low cost visitor serving accommodations. The suggested modifications require that a certain number of visitor serving units and facilities be provided in specific locations. The landowner/developer is free to negotiate with any party qualified to undertake the obligation of providing/managing such facilities.

I. PROCEDURAL INFORMATION

A. Standard of Review

Land Use Plan (LUP) Amendments:

The Coastal Act provides:

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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.

B. 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 401-031-036, 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.

C. 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 LCP Amendment Request No. HUM-MAJ-01-08 states that the amendment will take effect after Commission certification. However, in this case, because this approval is subject to suggested 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). The County must timely submit evidence to the satisfaction of the Executive Director that these requirements have been met. Pursuant to Section 13544, the Executive Director shall thereafter 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.

II. ADOPTED RESOLUTIONS TO CERTIFY LCP AMENDMENT NO. HUM-MAJ-01-08 WITH SUGGESTED MODIFICATIONS.

On March 10, 2011, the Commission adopted the following resolutions to deny certification of County of Humboldt LCP Amendment No. HUM-MAJ-1-08 as submitted, and certify the amendment if modified as suggested:

A. REJECTION OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

RESOLUTION:

The Commission hereby DENIES CERTIFICATION of Amendment HUM-MAJ-01-08 to the County of Humboldt Land Use Plan (Humboldt Bay Area Plan) as submitted by the County 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

RESOLUTION:

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

RESOLUTION:

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

RESOLUTION:

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.

III. SUGGESTED MODIFICATIONS: LAND USE PLAN AMENDMENT

The County's proposed LCP amendment (revised October 27, 2009, submitted December 15, 2009) is attached as Exhibit 2. On March 10, 2011, the Commission certified the County's proposed LUP amendment subject to the following suggested modifications.

Changes to the suggested modifications and findings contained in the original staff recommendation appear in highlighted text format. Unless otherwise indicated in the report, the text conventions shall be as follows:

Text Conventions for Changes to Suggested Modifications:

- Suggested modification text recommended in the original staff report as modified by the addendum prepared prior to the March 10, 2011 hearing is shown in plain text with double underlining;
- Deletions proposed by the suggested modifications recommended in the original staff report as modified by the addendum are shown in ~~plain text without underlining but with strike-through;~~
- **The proposed additional text added as part of the revised findings is shown in bold text with double underlining;** and
- Suggested modification text recommended in the original staff report as modified by the addendum that would be deleted as part of the revised findings is shown in ~~bold text with strike-through.~~

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 and shown in plain text.

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 401-031-036, 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 25.

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

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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 maximum potentially allowable 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 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 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master

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parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b) recordation of a notice of merger consistent with the coastal development permit. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. 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. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

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 401-031-036, 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 25.

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: (a) the entirety of the legal parcel(s) containing APN 401-031-36, 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 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, are merged and redivided into the two master parcels generally depicted on Exhibit 25 comprising (1) the 2.5-acre parcel that now contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), and (2) all other lands within the Samoa LCP amendment (Master Parcel 2)

generally depicted on Exhibit 25; and (b) a subsequent coastal development permit for a comprehensive division of the entirety of Master Parcel 2 without a remainder is approved and issued, consistent with all other applicable provisions of the STMP-LUP and certified LCP. If all such property is not merged and redivided into the authorized Master Parcels or a subsequent coastal development permit for the comprehensive division of the entirety of Master Parcel 2 is not issued consistent with all other applicable provisions of the STMP-LUP and certified LCP, 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 Parcels generally depicted on Exhibit 25 and a subsequent coastal development permit for a comprehensive division of the entirety of Master Parcel 2 is approved and issued consistent with all other applicable provisions of the STMP-LUP and certified LCP, 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 issuance of the coastal development permit for the comprehensive division of the entirety of Master Parcel 2 consistent with all other applicable provisions of the STMP-LUP and certified LCP.

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

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PURPOSE: To provide sites suitable for hazard and nuisance-free 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 within individual structures limited to a maximum of 10,000 square feet. A limited amount of accessory warehouse and storage facilities 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: (a) Mixed business development that includes compatible administrative, business, and professional offices, and research and development within individual structures greater than 10,000 square feet, (b) light industrial, and (c) 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. Individual structures shall be limited to a maximum of 10,000 square feet with the following exception: a maximum of two structures within the business park may be sized up to 20,000 square feet.

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 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b) recordation of a notice of merger consistent with the coastal development permit. If a

legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. 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. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP. 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, a~~ Anyone 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, in areas affected by the STMP-LUP overlay designation, 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):

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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) – Merger into Master Parcel.

1. Preliminary Merger of the Samoa lands excluding the Samoa Processing Center (APN 401-031-67) into a maximum of one parcel, prior to Master Subdivision of that parcel:

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A. Prior to any other development, the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit (CDP), to merge the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), into one master parcels generally depicted on Exhibit 25 as Master Parcel 2. The lands comprising Master Parcel 2 shall be held as one undivided parcel, regardless of the physical separation of the subject lands by the parcels containing New Navy Base Road, the railroad corridor owned by the North Coast Railroad Authority, or any other easement or interest that may affect the subject lands, and the deed describing Parcel 2 shall specify this condition.

B. Unless evidence that any needed approvals for establishing and/or maintaining railroad crossings necessary to serve Master Parcel 1 has been obtained and submitted with the Coastal Development Permit Application for the merger, an easement in favor of Master Parcel 1, not less than 40 feet wide, for the purpose of ingress and egress without the need to cross at any point the railroad corridor parcel owned by the North Coast Railroad Authority (NCRA) or successor-in-interest, across the lands comprising Master Parcel 2, shall be granted by the owner of Master Parcel 2. The subject access easement shall be surveyed, mapped and recorded as a condition of the CDP authorizing the merger of the subject lands, and shall be located within the alignment of the proposed Vance Road or other main through-street alignment through Samoa, and shall not impair ordinary use of the subject street upon completion of the master subdivision for the overall town development. The easement across Master Parcel 2 for the benefit of Master Parcel 1 shall not be extinguished or otherwise restricted from use by Master Parcel 1 until or unless (1) the owner of Parcel 1 obtains a permit from the NCRA or its successor-in-interest and from the California Public Utilities Commission (CPUC) for more direct access to Master Parcel 1 from New Navy Base Road via the presently unpermitted railroad crossing or an alternative easement providing equivalent access across Master Parcel 2 is provided by the owners of Master Parcel 2.

C. The merger into Master Parcel 2 of all lands subject to the STMP-LUP excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as Master Parcel 2 on Exhibit 25 shall encompass all such property regardless of the legality of any parcels or lots within the STMP-LUP overlay area, and regardless of whether Certificates of Compliance (conditional or unconditional) or other authorizations have been issued for any of these parcels or lots in the past, and shall fully expunge and extinguish all development rights that may have existed under any prior land division, lot line adjustment, or transmittal by whatever description may have been used. No remainder parcels may be created. If a legal lot containing any APN generally depicted

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on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent Master Parcel 2 as generally depicted on Exhibit 25.

D. The following information shall be included as filing requirements of the Coastal Development Permit Application for the merger:

- (1) Evidence that the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 are being merged, including, but not limited to, chain of title information, chain of lot creation information, Subdivision Map Act approvals, and Coastal Development Permit approvals

- (2) Evidence that all necessary authorizations from the North Coast Railroad Authority (NCRA) or its successor-in-interest, and authorization from the California Public Utilities Commission (CPUC) for ingress and egress across the railroad corridor traversing the lands subject to the STMP-LUP in all locations necessary to ensure a complete circulation and access plan for the Samoa lands, including the lands designated for Coastal Dependent Industrial Use and the lands containing the Samoa Cookhouse and totaling approximately five (5) acres shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger.

- (3) Evidence that the land area needed for proposed wastewater treatment and discharge facilities, the town's corporate yard, and the town's water storage facilities needed to serve build-out of the STMP Overlay area can be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities under LCP Amendment HUM-MAJ-1-08 shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger. If the facilities needed to serve build-out of the STMP Overlay area cannot be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities, evidence that an amendment of the LCP to accommodate the larger area needed for the facilities has been obtained shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger.

E. The merger into Master Parcel 2 of all lands affected by subject to the STMP-LUP excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44,

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generally depicted as Master Parcel 2 on Exhibit 25 shall include conditions incorporating the following requirements:

1) Prior to issuance of the coastal development permit for the merger into Master Parcel 2 as generally depicted on Exhibit 25 and prior to recordation of the final map for the merger into Master Parcel 2 as generally depicted on Exhibit 25, the landowner shall provide copies to the County, of 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 Parcels and these records shall be retained by the County and available for public inspection until the pertinent appeal period, if any, for the subject Coastal Development Permit has ended. Whether or not an appeal to the Coastal Commission is filed, the County staff shall either permanently store as public records the collected records required herein, or shall provide the subject collected records to the Coastal Commission for retention. 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 collected and stored by the County and transferred to the Coastal Commission 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.

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2) Prior to issuance of the coastal development permit for the merger into Master Parcel 2 and prior to recordation of the final map for the merger into Master Parcel 2, the landowner(s) of Master Parcel 2 shall execute and record, free and clear of all prior liens and encumbrances, against the title of the subject parcels, 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 contamination detected in soils or surface or groundwater within the subject lands, including a map of the contaminated locations, the identities of previous landowners and descriptions of 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 Master Parcels pursuant to Subparagraph A(1) 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 lands, including any requirements for cleanup, stabilization, management, monitoring, reporting, or other actions required by the pertinent authority; and

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

d) Deed restriction setting forth the following disclosures,

- (1) Disclosure that the lands situated within Master Parcel 2 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 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, 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;

STMP (New Development) Policy 1B (Phasing of Development) – Further Subdivision of STMP “Parcel 2”.

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1. After the merger into Master Parcel 2 of all lands subject to the STMP-LUP excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as Master Parcel 2 on Exhibit and prior to any other development of the lands within Master Parcel 2, the landowner shall obtain a Subdivision Map Act approval and a Coastal Development Permit for the comprehensive division of all lands within Master Parcel 2. No portion of Master Parcel 2 shall be left as a remainder parcel.

A. A complete application for a coastal development permit for the comprehensive division of Master Parcel 2 shall at a minimum include all information needed to evaluate the consistency of the division with the policies of the STMP-LUP and all other applicable provisions of the certified LCP, and in addition shall specifically include the following information:

- (1) Wetland Resources: Wetland delineations, including to-scale maps and supporting data prepared in accordance Wetland/ESHA Policy 10.
- (2) Botanical/Historic Landscape Resources: Seasonally-appropriate botanical surveys, including to-scale map and supporting data and analysis of historic landscape context;
- (3) Non-wetland ESHA delineations, including to-scale maps and supporting data;
- (4) Invasive Species: Non-native, invasive species surveys, to-scale maps; supporting data, and plans for control or removal of ecologically significant species within the pertinent area, such as pampas grass, non-native brambles for five (5) years after significant increments of site disturbance occur (i.e. may be phased plan for removal based on the timeline of the development) and with additional time if plan milestones are not achieved and additional removal is thus required;
- (5) Site Plan including but not limited to the surveyed boundaries of the proposed lot lines, roads 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, facilities, or easements, whether for collection, storage, treatment or disposal of sewage, fire fighting or potable water, as applicable;
- (7) Soil and Groundwater Contamination Analysis: Copies of Final Remedial Action Plans and Final Cleanup Work Plans (for implementation of remediation plans) for the cleanup of all contaminated soil and groundwater on the parcel required and 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;

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- (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: Final Plans for development of facilities for the collection, treatment, and disposal of sewage waste water from the entire development that would result from buildout of all STMP lands, including the Samoa Processing Plant on Master Parcel 1 and the lands zoned Coastal Dependent Industrial on Master Parcel 2 that have been approved by the North Coast Regional Water Quality Control Board (RWQCB) and the County Environmental Health Department. To the extent that the wastewater system is designed and approved by the RWQCB to be implemented in phases or as part of a staged upgrade of existing waste water collection, treatment, and disposal facilities, a phasing plan shall be provided that addresses when the various components of the system will be constructed and operational relative to the phasing of buildout of all STMP lands. The final plans shall also address abandonment and removal of old wastewater collection and treatment facilities in association with development of the new facilities (such as but not limited to the abandonment of the waste disposal system on the dunes West of New Navy Base Road and of the grease trap and cesspool east

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of the Samoa Cookhouse). The submitted plans shall include evidence prepared by a California-licensed civil engineer of (a) total system capacity, including collection, treatment, and discharge capacity designed to serve maximum buildout of the STMP lands at maximum waste water flow rates and volumes during peak winter storm water runoff and winter high ground water conditions, (b) evidence that the consulting civil engineer has verified that the complete waste water collection, treatment, and discharge system will function effectively under site conditions consistent with at least 4.5 feet of future sea level rise, (c) evidence 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; and (d) evidence that all components of the wastewater treatment and discharge system are proposed for installation within the STMP-LUP lands designated and zoned Public Facilities and located generally west of New Navy Base Road and east of the railroad parcel traversing the STMP-LUP lands (except for waste water collection facilities;

- (12) Water Supplies: Plans demonstrating that sufficient potable and emergency control water supplies and facilities will be supplied by the pertinent water services district to serve buildout of all STMP lands, consistent with the requirements of the STMP-LUP, and that the pertinent storage and delivery infrastructure and backup power supplies are located within the boundaries of Parcel 2. 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;
- (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 and associated amenities to serve the Samoa area, consistent with the requirements of STMP (Coastal Access) Policy 6;
- (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 the STMP's potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, roads, 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

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other facilities) 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;
- (20) Evidence that all necessary authorizations from the North Coast Railroad Authority (NCRA) or its successor-in-interest, and authorization from the California Public Utilities Commission (CPUC) for ingress and egress across the railroad corridor traversing the lands subject to the STMP-LUP in all locations necessary to ensure a complete circulation and access plan for the Samoa lands, including the lands designated for Coastal Dependent Industrial Use and the lands containing the Samoa Cookhouse and totaling approximately five (5) acres.

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. Any development of any of the lands within the STMP overlay area depicted in Exhibit 25, including the comprehensive division of Master Parcel 2, shall be consistent with the following requirements:

A. The recordation of final maps for the comprehensive division of Master Parcel 2 may proceed in phases, provided that a final map for the Public Facilities designated area is recorded first followed by final maps for all of the existing developed residential areas and all of the existing developed commercial areas, including but not limited to the designated Commercial Recreation area containing the Samoa Cookhouse and the Commercial General area containing the “Samoa Block.” Final maps for new residential areas and the designated Business Park area shall only be recorded after final maps have been recorded for the Public Facilities designated area, all existing developed residential areas, and all existing developed commercial areas.

B. The coastal development permit shall require that prior to recordation of each final map for all or a portion of Master Parcel 2:

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- (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, within the area covered by the final map. and
- (2) the RWQCB has verified that the area covered by the final map 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 verifies that the area covered by the final map, if developed as proposed and without further remediation, will not result in a threat to waters of the state.

C. The coastal development permit shall require that: (1) prior to recordation of each final map for all or a portion of Master Parcel 2, and (2) prior to any future additional development of the parcel identified as Master Parcel 1 (presently containing the Arcata Community Recycling Center’s Samoa Processing Center, previously approved by Humboldt County, 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 parcels within the area covered by the final map; and
- (2) a deed restriction has been recorded against the legal title of the parcels within the area covered by the final map describing the kinds and location of contamination that has previously been associated with the subject lots, 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 groundwater present on site; and
- (3) prior to recordation of a final map where pertinent for subdivision of lands within Master Parcel 2, or prior to issuance of a coastal development permit for any development arising within lands originally identified as Master Parcel 1 or Master Parcel 2 shown on Exhibit 25, a deed restriction has been recorded against the legal title of each parcel either previously existing or thereby established, and re-recorded as a condition of approval of any coastal development permit for future development of parcels within the area originally shown as Master Parcel 1 or Master Parcel 2 on Exhibit 25 of the Coastal Commission staff report dated February 24, 2011, and the subject “Assumption of Risk” deed restriction shall state the following:

Assumption of Risk

By acceptance, amendment or transfer of this permit or in performing due diligence evaluation of the subject property in support of a decision to purchase the subject site and any improvements of the subject property that is subject to this deed restriction, the landowner and future purchaser acknowledges and agrees (i) that the site may be subject to hazards from: earthquake, tsunami, fires triggered by such events, landslide, erosion, liquefaction, wave attack, storm surge and other sources of flooding, and future sea level rise, including the

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amplification of other hazards in response to sea level rise; (ii) to assume the risks to the applicant and/or future purchaser of the property that the subject site that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against Humboldt County and/or the Coastal Commission, and their officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless Humboldt County and/or the Coastal Commission, their officers, agents, and employees with respect to the approval by Humboldt County or the Coastal Commission of the project giving rise to the establishment or improvement of any lands located within the Samoa area subject to the STMP-LUP including or originating from the areas described as Master Parcel 1 or Master Parcel 2 in Exhibit 25 of the Coastal Commission staff report dated February 24, 2011, against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

D. Provision of Emergency Control Water Supply Facilities

~~(1). All emergency control water supply facilities needed to serve all development within the STMP-LUP overlay area depicted on Exhibit 25 shall be constructed, tested and determined ready for service prior to commencement of any new development including recordation of a final subdivision map for any portion of Master Parcel 2 but not including the development listed in subsection (2) below.~~

(1) The coastal development permit for the comprehensive division of Master Parcel 2 shall require that prior to the commencement of any development within any phase of development of the subdivision, including the recordation of final subdivision map for that phase but not including the development listed in subsection (2) below, the landowner/developer must demonstrate that all emergency control water supply facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service.

(2) The following development may be performed prior to installation of the emergency control water supply facilities: (1) recordation of a final subdivision map covering the Public Facilities designated area only; (2) the remediation of contaminated soil and groundwater; and (3) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.

E. Provision of Waste Water Collection, Treatment and Disposal Facilities

(1) The portions of the approved waste water treatment facilities and associated wastewater collection, treatment, and disposal facilities determined by the RWQCB to be necessary to serve all existing development within the existing residential and

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commercial areas of the STMP-LUP overlay area depicted on Exhibit 25 and determined by the County or the Commission on appeal to be consistent with LCP policies protecting ESHA, wetlands, and other coastal resources shall be constructed, tested and determined ready for connection and service prior to commencement of any new development including recordation of a final subdivision map for any portion of Master Parcel 2 but not including the development listed in subsection (4) below.

(2) The coastal development permit for the comprehensive division of Master Parcel 2 shall require that prior to the commencement of any development within any phase of development of the subdivision, including the recordation of final subdivision map for that phase but not including the development listed in subsection (4) below, the landowner/developer must demonstrate that the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service in accordance with any staged upgrade of facilities approved by the RWOCB and determined by the County or the Commission on appeal to be consistent with LCP policies protecting ESHA, wetlands, and other coastal resources.

(3) Existing structures shall be converted to service by the proposed new waste water treatment plant and the old (existing) waste water treatment facilities shall be properly abandoned or replaced in the same location in accordance with pertinent regulations and necessary permits and with the approval of the RWOCB in accordance with the schedule set forth in any staged upgrade of wastewater facilities in the approved comprehensive wastewater facilities plan.

(4) The following development may be performed prior to installation of the sewage treatment facilities: (1) installation of emergency control water supply facilities; (2) recordation of a final subdivision map covering the Public Facilities designated area only; (3) the remediation of contaminated soil and groundwater; and (4) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.

F. Provision of Emergency Services Building

(1) The coastal development permit shall require that prior to the commencement of any new development within the new residential and business park areas, including the recordation of a final subdivision map for any phase of the subdivision covering these areas, but not including the development listed in subsection (2) below, the new emergency services vehicle storage building proposed by the landowner/developer (fire and life safety; earthquake and tsunami shelter, etc.) within downtown Samoa shall be installed and made available to serve the existing town of Samoa.

(2) The following development may be performed prior to installation of the sewage treatment facilities: the remediation of contaminated soil and groundwater; and (4) the

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development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.

G. Development of Business Park

Development of the Business Park is subject to the following phasing requirements:

(1) Final maps for the portions of the comprehensive division of Master Parcel 2 covering the designated Business Park area shall only be approved and recorded in accordance with the above requirements after: (a) final maps have been recorded for the Public Facilities designated area, all existing developed residential areas, and all existing developed commercial areas; (b) cleanup of contaminated soil and groundwater has been completed within the current and previous phases of the subdivision; (c) all emergency control water supply facilities needed to serve all development within the STMP-LUP overlay area depicted on Exhibit 25 has been constructed, tested and determined ready for service; (d) the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the current and previous phases of the subdivision have been constructed, tested, and determined ready for connection and service; (e) the new emergency services vehicle storage building has been constructed and is operational;

(2) Development of the Business Park shall proceed after or concurrently with the renovation of the existing structures in the old town residential areas;

3) The public pedestrian path along the boundary between the designated Business Park area and the Natural Resource area along the west side of the STMP-LUP overlay area shall be surveyed, improved, and opened to the public pursuant to the requirements of the STMP-LUP prior to commencement of construction of any Business Park development. 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 Business Park development.

4. Prior to the commencement of construction of any other Business Park development, 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.

5. Prior to the commencement of construction of any other Business Park development, the low-cost visitor serving accommodations required by STMP (Coastal Access) Policy 1 shall be constructed and opened to the public.

H. Development of New Residential Areas

Development of the New Residential Areas is subject to the following phasing requirements:

(1) Final maps for the portions of the comprehensive division of Master Parcel 2 covering the designated new residential areas shall only be approved and recorded in accordance with the above requirements after: (a) final maps have been recorded for the Public Facilities designated area, all existing developed residential areas, and all existing developed commercial areas; (b) cleanup of contaminated soil and groundwater has been completed within the current and previous phases of the subdivision; (c) all emergency control water supply facilities needed to serve all development within the STMP-LUP overlay area depicted on Exhibit 25 has been constructed, tested and determined ready for service; (d) the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the current and previous phases of the subdivision have been constructed, tested, and determined ready for connection and service; (e) the new emergency services vehicle storage building has been constructed and is operational;

(2) Development of the new residential areas shall proceed after or concurrently with the renovation of the existing structures in the old town residential areas;

3) The public pedestrian path along the boundary between the designated new residential areas and the Natural Resource area along the west side of the STMP-LUP overlay area shall be surveyed, improved, and opened to the public pursuant to the requirements of the STMP-LUP prior to commencement of construction of any new residential area development. 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 new residential area development.

4. Prior to the commencement of construction of any new residential area development, 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.

5. Prior to the commencement of construction of any new residential area development, the low-cost visitor serving accommodations required by STMP (Coastal Access) Policy 1 shall be constructed and opened to the public.

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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-LUP overlay area 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 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b) recordation of a notice of merger consistent with the coastal development permit. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. 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. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

STMP (New Development) Policy 4:

Prior to approval or issuance of a coastal development permit for the comprehensive division of Master Parcel 2 or any other development within Master Parcel 2, 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, monitoring, and managing the services provided for pursuant to STMP (New Development) Policy 4 shall be consistent and compliant with all provisions of the STMP-LUP and certified LCP and shall be in place prior to issuance of the coastal development permit for the comprehensive division of Master Parcel 2 or any other development within Master Parcel 2.

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 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;

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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. Encouraging 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:

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Development authorized within the STMP-LUP overlay area generally depicted on Exhibit 25 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 division or further development of the lands subject to the STMP-LUP.

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 180 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 180 days of connection of the subject residences to the new or upgraded waste water treatment facilities.

STMP (New Development) Policy 11:

Coastal Development Permits granted to the Arcata Community Recycling Center Regional Processing Facility (Samoa Processing Center) or other ownership interest utilizing the subject facility for new development shall require that the facility be connected to the new or upgraded waste water treatment facilities within 180 days after the new or upgraded waste water treatment plant is placed in service and a wastewater collection line is installed within Vance Avenue or in another location adjacent to the ACRC facility. The existing septic system that presently serves the ACRC Facility site shall be removed or remediated and properly abandoned in accordance with RWQCB requirements, subject to any necessary coastal development permit, within 180 days after connection to the new waste water treatment plant.

Preservation and Enhancement of Community Character and Visual Resources

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STMP (Community Character/Visual) Policy 1:

Development shall preserve and protect the unique community character of the historic development within the STMP Overlay Area generally depicted in Exhibit 25 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 Overlay Area. 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. All new development within any part of the lands subject to the STMP-LUP, including any signage or lighting, shall not interfere with the special character of the existing historic neighborhoods and public views available from public vantage points and from special community gathering places such as the Women's Club.

STMP (Community Character/Visual) Policy 2:

The Design Guidelines for Old Samoa dated March 4, 2007 are hereby incorporated as standards for development within the STMP-LUP overlay designation and are attached as an Appendix to the certified LCP and any changes or revisions to the Design Guideline shall require an amendment of the LCP. Where a conflict arises between the policies of the STMP-LUP overlay designation and the policies of the Design Guidelines, the policies of the STMP-LUP overlay designation shall take precedence.

STMP (Community Character/Visual) 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 be consistent with the STMP Design Guidelines and 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/Visual) Policy 4:

The demolition or relocation of, any structure that is at least fifty (50) years old and located on lands subject to the STMP-LUP Samoa shall not be considered a principal permitted use and shall 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. No permit to demolish or relocate any structure contributing to the community character and historic context of Samoa shall be approved unless compelling evidence exists that the structure cannot feasibly be restored in place.

STMP(Community Character/Visual) Policy 5:

Development on lands subject to the STMP-LUP, including lighting and signage, shall be designed and constructed in a manner that: (a) protects distant night skyline views from distant vantage points toward the Pacific Ocean and Humboldt Bay; (b) protects public views of the existing town site from public vantage points such as New Navy Base Road, the public beaches west of New Navy Base Road, and from the public trail that is required between the Samoa Cookhouse property and the underground tunnel crossing of New Navy Base Road, and (c) protects coastal views from the town site, such as the panoramic views of Humboldt Bay and the Pacific Ocean available from the Women's Club and other higher elevation locations. A visual impact analysis shall be submitted with coastal development permit applications for all proposed development on lands subject to the STMP-LUP that utilizes the installation of story poles and other means of assessing the impact of the proposed structures.

STMP (Community Character/Visual) Policy 6:

A. Remodeling and restoration of historic "Company Town" structures and structures contributing to the character of old town Samoa, and construction of additional structures proposed for lots containing such structures 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 that are at least fifty (50) years old, 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

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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 for Old Town Samoa.

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/Visual) 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 and visual resource context of the existing Samoa town site.

STMP (Community Character/Visual) Policy 8: All exterior lights of all development on lands subject to the STMP-LUP, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

STMP (Community Character/Visual) Policy 9:

Architectural or advertising/marketing signage shall be of modest scale and designed in a manner that is aesthetically compatible with the historic Samoa character and reviewed and approved by the Design Committee. Illuminated outdoor advertising shall be restricted to a single sign per commercial establishment affixed to the structure on the first floor level only, and not extending above or beyond the structure's profile (including porches), and not more than three feet wide by three feet in height. Non-illuminated coastal access signage, including resource interpretation displays and modest educational/protective signage shall be permitted at Samoa Beach.

STMP (Community Character/Visual) Policy 10:

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.

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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 4 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 (included in "NR" area shown in Exhibit 4); (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:

The areas of the STMP-LUP lands designated Environmentally Sensitive Habitat Areas in the maps attached to the Memorandum contained in Exhibit 3, including the areas identified as buffers, shall be designated and zoned Natural Resources. Development within the area designated Natural Resources 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; (2) repair and maintenance of existing underground utilities within the existing footprint, provided that restoration of the disturbed areas is implemented in accordance with an approved coastal development permit; (3) installation of public trails in accordance with the provisions of STMP (Wetlands/ESHA) Policy 6; and or tsunami refuge areas within buffer portions of the area designated Natural Resources but outside of identified ESHA areas.

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 sensitive resource areas within the STMP-LUP lands designated Natural Resource.

STMP (Wetlands/ESHA) Policy 4:

A. All wetlands and non-wetland ESHAs identified outside of the areas designated Natural Resources identified in Exhibit 4 (and where no raptor nesting habitat has been identified) shall require a 100-foot setback/buffer, unless it can be demonstrated that a

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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.

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- 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, in consultation with 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:

Paved bicycle/pedestrian paths shall be located outside of the STMP-LUP lands designated and zoned Natural Resources except (1) within the outermost twenty (20) feet of the buffer portion of the designated and zoned Natural Resources area pursuant to Exhibit 3, and (2) one designated footpath through the forested area on the northern end of the Samoa lands designed to connect the area between the future Vance Road/Samoa Cookhouse area and the undercrossing of New Navy Base Road and tsunami evacuation routes. Tsunami evacuation route signs and interpretive signs explaining the sensitivity of the habitat and the protective purpose of the reserved area may also be installed along the trail route. No lighting shall be installed within the bicycle/pedestrian paths or the forest trail, and no lighting installed in adjacent developed areas shall directly illuminate the Natural Resource area.

STMP (Wetlands/ESHA) Policy 7:

All new or replacement fencing within the lands subject to the STMP-LUP shall require a coastal development permit based on findings that the location and design of such fencing is safely permeable for wildlife.

STMP (Wetlands/ESHA) Policy 8:

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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 except in the limited areas and under the limited circumstances allowed by the certified Humboldt County LCP.

STMP (Wetlands/ESHA) Policy 9:

Prior to approval of a coastal development permit for the comprehensive division of Master Parcel 2 or any other development except for the cleanup of contaminated soil and groundwater in the STMP-LUP area, a plan shall be prepared for the removal of invasive, non-native plant species of particular ecological concern (such as pampas grass) within Master Parcel 2. The plan shall specify that the post-implementation period of monitoring and additional removal of non-native species required by the plan shall generally be completed within a five-year period of time, or less depending on the biological objectives identified in the plan, with the pertinent period of time to commence with the initial removal of identified non-native plant species of ecological importance within the subject area, and with additional time added only if plan milestones are not achieved and additional removal is thus required. The plan shall contain a timeline not to exceed a maximum of ten (10) years, which shall include a five-year initial plan and follow up remediation or adaptive management for up to five additional years based on the review of a qualified botanist. The plan shall also include 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 for the comprehensive division of Master Parcel 2 and the condition shall require that prior to recordation of each final map for all or a portion of the subdivision Master Parcel 2, the landowner/developer must demonstrate that the initial removal of invasive, non-native plant species of particular ecological concern has been completed within the area covered by the final map.

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. 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

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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 for a coastal development permit 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 be required before a coastal development permit application for any land division or other development on lands subject to the STMP-LUP is considered complete. The determination shall include a detailed, complete

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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, 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 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 STMP-LUP lands designated Natural Resources or Public Facilities, or within other areas containing wetland or ESHA habitat or the buffers thereof. 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 anywhere within the lands subject to the STMP-LUP. Development approvals for lands subject to the STMP-LUP shall attach conditions specifying these requirements.

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 the approximately five (5)-acre area containing the Samoa Cookhouse shall be constructed or remodeled in accordance with an approved coastal development permit, and 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 that includes a total of 55 LCVSA units, and the LCVSAs 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 with hot and cold running water, picnic and play areas with potable drinking water outlets, 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.

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

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 the lands designated Natural Resources that is constructed in accordance with STMP (Wetlands/ESHA) Policy 6 STMP (Coastal Access Policy 3), and an approved coastal development permit. 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. The pedestrian pathway specified above shall be permanently maintained and a coastal development permit shall be obtained for any proposed modification of the pathway.

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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. 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 development within either the Business Park area or the new residential areas.

B. Prior to the issuance of the coastal development permit for the comprehensive division of Master Parcel 2, the location of pedestrian and bicycle routes subject to this policy shall be surveyed and mapped and a deed restriction protecting the routes against conversion to another use shall be recorded. In addition, prior to the issuance of the coastal development permit for the comprehensive division of Master Parcel 2, 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.

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STMP (Coastal Access) Policy 3:

Prior to construction of the Business Park or development within the new residential areas:

A. The approximately 1.5-acre site west of New Navy Base Road and identified on Exhibit 24 shall be designated as the Samoa Dunes Interpretive Area, shall be available for day use only, and shall include the following features: (1) Permanent interpretive displays explaining the ecology of the sensitive habitat surrounding of the site with the content approved by a qualified biologist and the design and location approved by the County; (2) symbolic cord-and-post fencing marking the boundaries of the interpretive area; (3) Picnic tables and benches sufficiently sized and located to accommodate school field trips in designated areas reserved for such use; and (4) covered trash collection receptacles impervious to wildlife and routinely serviced to maintain the Interpretive Area free of trash. All of the public access facilities specified above shall be permanently maintained and a coastal development permit shall be obtained for any proposed change of use or demolition of these facilities.

B. A public pedestrian path constructed in accordance with STMP (Wetlands/ESHA) Policy 6 shall be installed to connect the Samoa Cookhouse area and the Samoa Dunes Interpretive Area via the tunnel under New Navy Base Road 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 unauthorized informal routes.

C. The Samoa Dunes Interpretive Area including the 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 or a community services district or other public managing agency created pursuant to STMP (New Development) Policy 4 accepts such responsibility.

D. Access to the Samoa Dunes Interpretive Area shall be free of charge.

STMP (Coastal Access) Policy 4:

A. At least two (2) bus stops shall be constructed within the Town of Samoa in accordance with the following requirements:

1. The bus stop locations must allow the Humboldt Transit Authority (or successor provider of public transportation services) buses sufficient area to enter, pull over completely out of adjacent through-traffic, and exit the turnout in accordance with physical limits and safety requirement. The necessary turnout area shall be approximately 100 feet in length and proportioned to allow for maneuvering of a 40-ft-long, 102-inch wide bus. Evidence that final designs for the bus stops have

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- been reviewed and approved by the Humboldt Transit Authority shall be required prior to approval of a coastal development permit for the comprehensive division of Master Parcel 2; and
2. The bus stop waiting areas shall be covered and weather-sheltered, well lighted for personal security, and furnished with maintained trash receptacles that are wildlife impermeable.

B. The bus stops required herein shall be installed prior to commencement of construction of development within the new residential and business park areas.

C. In accepting Commission certification of LCP Amendment Request HUM-MAJ-01-08, the County agrees to request that Humboldt Transit Authority add regularly scheduled bus service of the STMP-LUP lands upon approval of coastal development permits for development within the business park and new residential areas.

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. The landowner/developer shall be required as a condition of the comprehensive division of Master Parcel 2 to (1) construct to construct the building to house the grocery/convenience store prior to the recordation of final subdivision maps for any of the new residential areas, and (2) make the commercial building available for lease at market rates a grocery/convenience store business until at least five years after build-out of 75% of the new residential areas. If at the end of this period no prospective grocery/convenience store business has leased the building for this purpose, the building may be leased or sold for another commercial use. 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, and an on-site source of potential employment for Samoa residents.

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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. However, businesses located within the Business Park may include a minor amount of retail sales incidental to the primary business enterprise, and restricted to products manufactured or produced on site.

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, with the following exceptions: a maximum of two structures may be sized up to 20,000 square feet, however the first-floor area shall not exceed 10,000 square feet and the visible bulk of the structures shall be reduced by design features and landscaping elements, and the structures shall include upper elevation vertical tsunami evacuation and assembly areas for the benefit of the business park users. Access to the vertical evacuation elevation shall be made continuously available from outside accessways so that evacuees would not be locked out of the main building internal areas, and use of the vertical evacuation areas shall be included in annual tsunami evacuation drills within the business park area. 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. Business park structures on the northern side of the Business Park shall be sized, designed, located, and landscaped in a manner that provides a visual buffer for the benefit of the new residential areas proposed north of the business park and for the downtown area, and ensures that the Business Park blends visually with the character of the town of Samoa.

STMP (Business Park) Policy 3:

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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 or roof 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 or roof 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 or roof 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 or roof 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 or its successor use shall be designed to screen the Samoa Processing Center or its successors use 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.

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:

To the extent feasible based on future locations of authorized railroad parcel crossings, access to the Business Park and adjacent lands designated Public Facilities shall be primarily via New Navy Base Road so that service and delivery truck traffic associated with these areas is not ordinarily routed through downtown Samoa.

Hazards

STMP (Hazard) Policy 1:

Prior to approval of the coastal development permit for the comprehensive division of Master Parcel 2 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 by 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, or liquefaction, and safe from catastrophic failure in the event of the maximum credible earthquake or 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 and affix the appropriate engineering stamp thereby assuring that the 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 geologic, geo-technical, hydrologic, and engineering investigations prepared in support of coastal development applications for development of the lands subject to the STMP-LUP. 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

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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, such as sewage waste treatment facilities or emergency response facilities, shall assume a minimum of 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. The final approved 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:

Prior to the approval or issuance of a CDP for the comprehensive division of Master Parcel 2 or other development of lands subject to the STMP LUP, the landowner/developer shall demonstrate compliance with the Final Tsunami Safety Plan incorporating into the County's "Draft Tsunami Safety Plan for the Town of Samoa" dated September 2007 (see Exhibit 19) all of the recommended tsunami hazard mitigation, design, safety, and other pertinent recommendations, including recommendations for vertical or horizontal evacuation options throughout the lands subject to the STMP-LUP, as set forth in:

a) the "Revised Tsunami Vulnerability Evaluation, Samoa Town Master Plan, Humboldt County, California" prepared by GeoEngineers, dated October 17, 2006 (see Exhibit 18); and

b) the additional recommendations set forth in the "Third Party Review" of the GeoEngineers October 17, 2006 document prepared for Humboldt County by Jose Borrero, Fredric Raichlen, Harry Yeh, copy submitted to Coastal Commission by Humboldt County March 8, 2007 (see Exhibit 17); and

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c) the Final Plan for the tsunami hazard map prepared for “Emergency Planning Purposes” by Humboldt State University for reference as an indicator of site areas and evacuation routes subject generally to tsunami hazard (Exhibit 16); and

d) a plan prepared by the landowner/developer and approved by the County for the orderly evacuation from the Samoa Peninsula of the maximum estimated number of occupants and visitors of STMP-LUP lands at full buildout of the development approved in the master subdivision of Parcel 2 in response to warnings of tsunami hazard with time to evacuate to safer mainland areas. The plans shall take into consideration total peninsula traffic evacuation capacity.

All new development, shall be required to prepare and secure approval of a plan showing consistency with all of the requirements of the Final tsunami safety plan required herein as a condition of approval for the required Coastal Development Permit for the subject development. The County’s Final Samoa tsunami safety plan shall be distributed by the County Planning Department to the Humboldt County Department of Emergency Services, Sheriff’s Office, and City Police Department, and shall contain information guiding the emergency actions of these emergency responders in 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 Final tsunami safety plan information shall be conspicuously posted or copies of the information provided to all occupants.

STMP (Hazards) Policy 5:

New residential development within lands subject to the STMP-LUP shall be sited and designed in a manner that places the lowest habitable floor at an elevation not lower than 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 maximum credible tsunami runup 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 issuance of a coastal development permit for any development within the lands subject to the STMP-LUP,

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including either new development or improvement of existing structures, evidence shall be submitted for the review and approval of the reviewing authority 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.

Prior to filing as complete a CDP application for the comprehensive division of Master Parcel 2 or other development of lands subject to the STMP LUP, a Phase II archaeological resources assessment of all known archaeological sites shall be submitted that defines the resultant boundaries of such sites if not formerly known, or if the boundaries of the sites are fully recognized, shall ensure that the former Wiyot village sites and all five of the sites noted previously by County studies or referenced in the County's environmental impact reports for the "Samoa Town Master Plan" are protected from further development and disturbance. Prior to approval of the CDP for the comprehensive division of Master Parcel 2 or other development of lands subject to the STMP LUP, the landowner and County shall confer with designated Wiyot representatives to ensure that the cultural resources identified herein are protected in accordance with the Wiyot representative's recommendations. The CDP shall be conditioned to ensure the continuing protection of the archaeological resources identified in accordance with these requirements.

STMP (Archaeological Resources) Policy 1:

Prior to the approval or issuance of the CDP for the division or other development of the Master Area parcels generally depicted on Exhibit 25, a Phase II archaeological resources assessment of all known archaeological sites shall define the resultant boundaries of such sites if not formerly known, or if the boundaries of the sites are fully recognized, shall ensure that the former Wiyot village sites and all five of the sites noted previously by County studies or referenced in the County's environmental impact reports for the "Samoa Town Master Plan" are protected from further development and disturbance. Prior to undertaking any further division or other development, the landowner and

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County shall confer with designated Wiyot representatives to ensure that the cultural resources identified herein are protected in accordance with the Wiyot representative's recommendations. The Coastal Development Permit for any land division or other development that is undertaken on lands subject to the resultant restrictions shall be conditioned to ensure the continuing protection of the archaeological resources identified in accordance with these requirements.

STMP Master Parcel 1 (APN 401-031-67, Samoa Processing Center) Policy 1:

The Coastal Development Permit for any future development of APN 401-031-67, Samoa Processing Center, generally depicted on Exhibit 25 as Master Area Parcel 1 shall include conditions incorporating the following requirements:

A) Deed restriction disclosing that any further division or other development of Master Parcel 1 is subject to the requirements of the certified Humboldt County LCP, including, but not limited to the requirements of the STMP-LUP overlay designation; and

B) Deed restriction setting forth the following disclosures,

- (1) Disclosure that the lands situated within Master Parcel 1 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 that no shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within Master Parcel 1 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.

STMP (Coastal Permit Appeal Jurisdiction) Policy 1:

Notwithstanding any other local ordinances including, but not limited to, provisions of the County's uncertified subdivision ordinance requiring that roads within subdivisions be offered for dedication to the County, the roads developed within the STMP Overlay area depicted on Exhibit 25 shall not be accepted by the County and thereafter publicly maintained in order to ensure that, in addition to any other independent basis for appeal to the Commission, future development within the STMP overlay area will remain appealable to the Commission pursuant to Section

30603(a)(1) of the Coastal Act and 14CCR 13577(i) defining the first public road paralleling the sea.

10. SUGGESTED MODIFICATION #10:

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 plain underline, proposed modification language is shown in plain double underline for suggested additional text and in ~~plain double 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 if proposed on a legal lot and where 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 20, for reference.)

11. MODIFICATION #11: Map Changes

(Directive Modification) The maps included by Humboldt County in the certification submittal request for HUM-MAJ-08-01 shall be revised to modify the urban limit line so as to exclude areas designated and zoned as Natural Resources from the urban area and shall incorporate the additional changes to the Samoa Town Master Plan Zoning and Land Use Plan Maps listed here:

Samoa Land Use Plan Map:

1. Delete the proposed change in land use classification of the area of the Samoa Processing Center to Business Park and retain the General Industrial designation as shown in Exhibit 24.
2. Expand the proposed designation of an area north of the Business Park as Public Facilities (PF) to cover an area of 8.5 acres by reducing in corresponding amounts the proposed designation of adjoining areas as Business Park (MB) and Residential Low Density (RL) as generally shown in Exhibit 24.
3. 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 as shown in Exhibit 24.
4. Delete the proposed change in land use classification of the area of the Public Facilities east of the railroad corridor, near the Samoa Cookhouse site, and retain the Coastal Dependent Industry designation as shown in Exhibit 24

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5. Change the proposed Commercial Recreation land use classification over the area known as the “soccer field” west of Vance Avenue to Public Recreation) as generally shown in Exhibit 24.
6. 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 as shown in Exhibit 24.
7. Revise the illustrated extent of the footprint of proposed designation for Business Park (MB), Public Facilities (PF), Residential Low Density (RL), and Residential Medium Density (RM) and Commercial Recreation (CR), to expand the Natural Resource designated areas as shown in Exhibit 24.

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 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b) recordation of a notice of merger consistent with the coastal development permit. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. 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. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

12. MODIFICATION #12:

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 number of houses to be built.

IV. SUGGESTED MODIFICATIONS of the IMPLEMENTATION PLAN

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 requires the County to attach the referenced Design Guidelines for Old Samoa (existing structures 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 14). 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 plain double underline and language to be deleted is shown in ~~plain 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 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land

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Use Plan (“STMP-LUP”) Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b) recordation of a notice of merger consistent with the coastal development permit. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. 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. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

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 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b)

recordation of a notice of merger consistent with the coastal development permit. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. 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. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

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 within the STMP-LUP, specifically to the entirety of the legal parcel(s) containing APN 401-031-36, 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 25.

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 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally

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depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b) recordation of a notice of merger consistent with the coastal development permit. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. 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. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

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

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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.

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- (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 water body (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a water body (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 stream bank 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.

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- (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:

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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

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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.

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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

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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

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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

(Directive Modification) The maps included by Humboldt County in the certification submittal request for HUM-MAJ-08-01 shall be revised to modify the urban limit line so as to exclude areas designated and zoned as Natural Resources from the urban area and shall incorporate 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 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 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b) recordation of a notice of merger consistent with the coastal development permit
- B. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be

included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. 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. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

Revise the proposed zoning districts in the same manner as listed in the suggested modification for revising the proposed land use classification areas in the Samoa Land Use Plan (LUP Suggested Modification No. 11).

V. FINDINGS FOR DENIAL AS SUBMITTED and APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT IF MODIFIED AS SUGGESTED (LUP)

The changes to the findings contained in the original staff recommendation appear in highlighted text format. The original finding text is shown in plain text, additional text is shown in bold double underline, and struck text is shown in bold strike-through.

- Findings text recommended in the original staff report as modified by the addendum prepared prior to the March 10, 2011 hearing is shown in plain text; and
- **The proposed additional finding text added as part of the revised findings is shown in bold text with double underlining;** and
- Findings text recommended in the original staff report as modified by the addendum that would be deleted as part of the revised findings is shown in **~~text with strike-through~~**.

The following findings support the Commission's approval of the LCP Amendment if modified as indicated in Section II (motions and resolutions) and Section III (suggested modifications) above.

The information contained in the summary set forth on pages 11 – 45 of this report is hereby incorporated in full into this Section, as part of the Commission's findings, by reference.

The Commission hereby finds and declares as follows:

A. Amendment Description

Humboldt County’s Local Coastal Program Amendment No. HUM-MAJ-01-08 is primarily a project-driven proposal on behalf of landowner/developer Samoa Pacific Group LLC/DanCo Development. The project is designed primarily for the purpose of facilitating the redevelopment of approximately 150 acres of an approximately 220-acre area in the ownership of Samoa Pacific Group. The subject lands are located on the north spit of the Samoa Peninsula, which divides Humboldt Bay from the Pacific Ocean, near the cities of Eureka and Arcata, in unincorporated Humboldt County.

The LCPA proposes to redesignate and rezone the redevelopment area from (mostly) General Industrial to a variety of mixed uses including Business Park, Residential, Commercial General, Commercial Recreation, and Public Facilities. The LCPA affects approximately 40 acres of Samoa lands located on the west side of New Navy Base Road (near Samoa Beach Park). The west side lands are designated Natural Resources; a 1.5-acre portion of the lands located on the west side of New Navy Base Road is proposed for public use as a tent camping site and designation/zoning as Public Recreation.

Samoa Pacific Group LLC also owns approximately 35 acres of lands designated Coastal Dependent Industrial on the east side of the Samoa landholdings. With the exception of about 2 acres that the proposed LCPA would redesignate and rezone to Public Facilities for sewage waste management and other infrastructure support, and about 5 acres that the proposed LCPA would redesignate and rezone for Commercial Recreation (Samoa Cookhouse site), the remainder of the CDI lands would remain designated as CDI.

The Arcata Community Recycling Center (ACRC) purchased an approximately 2.5-acre site within the area proposed in the LCPA for redesignation and rezoning to Business Park. The ACRC’s Samoa Processing Center (for repackaging and shipping recycled materials) is located in a 40,000 sq. ft. warehouse facility at that location. The ACRC land is presently zoned General Industrial. If redesignated/rezoned to Business Park, the Samoa Processing Center would become a non-conforming use. The County and Samoa Pacific Group have considered this and propose a “friendly modification” that would retain the General Industrial land use designation and zoning for the ACRC parcel.

Two other fee-interest parcels physically divide the Samoa lands: The County’s New Navy Base Road, and the North Coast Railroad Association’s railroad corridor. Neither of these parcels are included in the LCPA.

1. Contents of the Amendment:

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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);
- Amend the Land Use Plan (Humboldt Bay Area Plan) to re-designate the affected lands as shown on the Samoa Land Use Plan Map;
- 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;
- 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 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:

Area subject to the LCP Amendment

The County’s LCP amendment and the documents submitted by the County in support of the amendment currently identify the parcels affected by the amendment request as Assessor Parcel Numbers 401-031-038, -044, -046, -055, -059, and -060, though the

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listed APNs identifying the lands subject to the LCPA have varied significantly in County documents related to the amendment over the past eight years, in part because the County has processed several redivisions of land within the area subject to the LCPA during that time. The County Board of Supervisors initiated the amendment request pursuant to Board Resolution 02-81 after a public hearing on September 10, 2002. At that time, the case file for the amendment was County File No. 401-031-28 et al, Case No. GPP-02-01, but the APN 401-031-28 for which the amendment file was named no longer exists; the parcel number was eliminated during a sequence of land redivisions processed by the County since the file assignment was made. According to the County's Assessor Parcel Maps and GIS records available on-line through the Planning Department website, the subject Samoa lands are now comprised of eight APN(s) (401-031-036, -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 on the west side of New Navy Base Road north of Samoa Beach Park is an approximately 1.5-acre area within a larger parcel and is not now, nor is proposed to become via the LCPA, a separate lot. That is, the LCPA would not establish the subject area as a separate parcel.

The landowner/developer's surveyor/representative, Michael O'Hern of Kelly – O'Hern Associates, Eureka, has verified that the Samoa lands east and west of New Navy Base Road are held as one unit by Samoa Pacific Group LLC, even though the two areas are physically divided by the New Navy Base Road corridor, which is owned in fee interest by Humboldt County. Mr. O'Hern has verified that the recorded documents associated with the most recent land redivision affecting the underlying parcels owned by Samoa Pacific Group LLC document that the lands on both sides of New Navy Base Road are held as undivided land despite the presence of New Navy Base Road.

Resolving Lot Legality

The Commission staff has evaluated the overall Samoa Pacific Group LLC parcel ownership and concluded preliminarily that the legal boundaries of the individual parcels comprising the subject lands cannot be verified without substantial additional analysis. The Samoa Pacific Group LLC has indicated that a worst-case determination may conclude that the company's present land holdings (without the certificate lots discussed below) at Samoa are comprised of only two legal lots. Without prejudice as to the final outcome of a future review of lot legality, the suggested modifications in Section IV include a requirement that the Samoa Pacific Group LLC (or successor-in-interest) undertake a complete merger ~~and redivision -- into a maximum of two parcels--~~ of all of the Samoa lands originally owned by Samoa Pacific Group LLC into one master parcel, except for the 2.5-acre parcel that now contains the existing Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC). The APN that currently includes the Arcata Community Recycling Center is already developed with a viable use within the configuration of the APN. Thus applying LUP and zoning designations to this APN

does not pose the same concerns about whether the use can be supported by the lot configuration as applying such designations on other smaller lots with uncertain legality within the subject area would. ~~The merger would include lands that have since been sold: since the initiation of the LCPA, Samoa Pacific Group LLC has processed a land division (referred to by the County as a lot line adjustment) that merged two certificate lots and created a new lot of approximately 2.5 acres in size. The resultant 2.5-acre lot has since been sold by Samoa Pacific Group LLC to the Arcata Community Recycling Center.~~

The small certificate lot used to create the ACRC lot was one of 79 such lots approved for Unconditional Certificates of Compliance by the County on December 5, 2000 (along with 78 other similar small certificate lots dating from 1892 that were approved by the County at that time) before Samoa Pacific Group LLC closed escrow on the Samoa lands later that month.¹

The preliminary merger ~~and redivision~~ called for in the suggested modifications would extinguish all of the small certificate lots, and settle the legality of the outer boundaries of the lands comprising the whole of Samoa Pacific Group LLC's Samoa holdings.

The legality of the outer boundary of the subject Samoa Pacific Group LLC parcels is at issue for several reasons, including a Subdivision Map Act approval of a Lot Line Adjustment approved by the County in June 2000 (LLA-99-23). The approval of the LLA under the Subdivision Map Act was accompanied at the pertinent County Planning Commission hearing by a Coastal Development Permit (CDP-99-55) that appears to have been for a new sewage treatment plant that was required by the County Environmental Health Department and the Regional Water Quality Control Board because the lot split was dividing the existing town from its sewage treatment facility (a SEPTIC TANK AND leachfield on the sand dunes west of New Navy Base Road DESCRIBED IN Exhibit 15). The County's CDP identified the area below the present Women's Club (now proposed for single family residences) as the approved location for the required new sewage waste treatment area. The subject LLA and CDP (a copy of the documents was provided by Samoa Pacific Group LLC/Mr. O'Hern for Commission staff review on October 6, 2010) were accompanied by an executive summary that states:

¹ A group of Eureka land speculators created a map of the town (reportedly in 1892) that divided it into 2,000 very small lots. They envisioned selling off the lots and developing Samoa as a destination resort - the "Coney Island of the West." Within a year the investors gave up and sold the land to the first of many timber operators. The existing 99 cottages that remain today are not related to the "Coney Island" lots, but were constructed between about 1898 and 1928 to house lumber mill workers. Samoa Pacific Group LLC asserts that 79 of the old "Coney Island" speculative lots continue to enjoy the status of separate legal parcels and successfully applied to Humboldt County for Unconditional Certificates of Compliance for the lots, without submitting supporting analysis of the chain of lot creation and title transfer. One of the certificate lots was used in a lot line adjustment approved by the County Planning Commission in 2006 to create the parcel that now houses the Arcata Community Recycling Center's Samoa Processing Center. The other 78 Certificate lots remain.

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*“This project involves the reconfiguration of parcel lines for the property formerly known as the Louisiana-Pacific Mill Site, comprising the lumber mill, townsite, and its attendant facilities (e.g., Samoa Cookhouse). The applicant is requesting a Lot Line Adjustment between five parcels owned by Simpson Samoa Company and one parcel owned by Louisiana-Pacific Samoa, Inc. The LLA will (1) add an approximate 8.5 acres to the Louisiana-Pacific Samoa, Inc. pulp mill property and increase its chip storage area; (2) separate the lands lying east and west of New Navy Base Road, and (3) create a town site parcel for future sale. The lines to be adjusted are within the coastal zone **and the LLA requires a Coastal Development Permit (CDP).** [emphasis added]*

The project also involves the construction of new wastewater treatment facilities within the town site parcel as a “substitute” for the existing facilities which are presently located within the larger mill parcel. These existing facilities are to be decommissioned and/or removed. The LLA will separate the townsite parcel from the former mill site for future sale. Because the existing wastewater treatment facilities for the Town of Samoa are located outside the boundary of the town site, County Division of Environmental Health (DEH) regulations requires that the facility be relocated within the town’s boundary; County ordinance requires that each parcel support its own on-site system. With the concurrence of the DEH and the California Regional Water Quality Control Board (CRWQCB), applicant has developed plans for the “substitute” facility consisting of a small equipment building, two lagoons, three wetlands, and four rapid infiltration basins. This system is similar to the recent upgrade developed for the community of Manila. Simpson has obtained CRWQCB approval to defer construction of the new facilities for a maximum of two years of the date of approval of the LLA. To guarantee construction of the new facilities a security bond will be posted. As an interim measure, Simpson Samoa Company would be responsible for operations and maintenance of the existing facilities until the new facility is functional. The owner of the Town of Samoa would be responsible for operations and maintenance of the new facilities.

The decommissioning of the existing facilities will result in a drying up of the soils at the existing treatment pond and percolation areas. Although created by artificial means through the disposal of sewage effluent, these areas served as wetland habitats. These wetlands will be allowed to dry up and wetland vegetation will change to more upland vegetation. However, the change in location will not result in a “net loss” of wetland habitat. The existing treatment pond and percolation areas total an approximate 0.5 acre; the proposed replacement pond and percolation areas are designed to be an approximate 0.8 acre; the loss of wetland habitat will be mitigated by construction of the new facilities. The California Department of Fish and Game identified no concerns with the project. A Mitigated Negative Declaration has been prepared and circulated...”

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CDP 99-55 itself does not reference the Lot Line Adjustment as part of the project description approved by the permit; the minutes of the pertinent Planning Commission meeting of June 2000 supplied by the Samoa Pacific Group LLC further suggest that the CDP and Special Permit are for the wastewater treatment plant, and that the Subdivision Map Act approval of LLA would expire in three years from approval, as would the coastal development and special use permits for the treatment plant:

5. *SIMPSON SAMOA COMPANY, SAMOA AREA; a Lot Line Adjustment between six (6) parcels for the purpose of increasing the chip storage area for the pulp mill, separating areas east and west of New Navy Base Road, and creating a townsite parcel for future sale. The lines to be adjusted are within the coastal zone. A Coastal Development Permit and a Special Permit are also being processed for construction of new wastewater treatment facilities and for the decommissioning and/or removal of the existing facilities. The Coastal Development Permit and Special Permit will expire in three years with the Lot Line Adjustment. CASE NOs. LLA-99-23, CDP-99-55 filed on 3/3/00), & SP-99-67; FILE NO. APN 401-031-28, ET.AL. (AP).*

Although the project description and the conditions of the CDP focus on the construction of a new wastewater treatment facility and the decommissioning/removal of the existing facilities, and require that the proposed system be designed and installed within two years of the date of approval (by June 2002), the County staff and the Samoa Pacific Group LLC assert that CDP 99-55 also included the authorization for creation of all of the new lots shown on the Lot Line Adjustment Map (full sized) - Summary indicates that six (6) parcels identified as Parcels A – F were created by the subdivision. The Lot Line Adjustment lists ten (10) Assessor Parcel Numbers associated with the subdivision: APN 401-031-28, APN 401-031-31, APN 401-031-32, APN 401-031-33, APN 401-031-34, APN 401-031-35, APN 401-031-36, APN 401-031-37, APN 401-031-38, and APN 401-112-14. Shown just to the north of the northernmost of these lots (a portion of APN 401-031-31) is APN 401-021-29 (approximately 200 acres owned by Simpson Samoa Company, and the parcel that gave the pending LCPA its File No. in 2002 when the Samoa Pacific Group LLC retained an option to purchase that parcel and included it within the early Samoa Town Master Plan proposal).

In addition, the permittee did not comply with the conditions of approval of CDP 99-55 for the reasons discussed below, and the County has no record that the permit was transferred or extended (the County has not completed its own review of the permit records, however, and pertinent records indicating otherwise may yet be located). On request by Commission staff in September and October 2010, County staff preliminarily determined that CDP 99-55 had expired, but that since the permit was only for the proposed waste water treatment plant, and the need for the treatment plant was later resolved through another lot line adjustment by Samoa Pacific Group LLC in 2001 (putting the houses dependent on the subject wastewater treatment plant requiring

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replacement back into a single parcel and thus eliminating the requirement for replacement) the County considered the expiration of CDP 99-55 to be irrelevant. The County staff later thought that CDP 99-55 had not expired and continued to cover LLA 99-23, although some uncertainty remains and neither County nor Commission staff has undertaken definitive research to resolve these questions. It is also possible that a search of the County records will show that in fact the County amended CDP 99-55 subsequent to its approval to eliminate the conditions pertinent to the construction of the treatment plant, once the plant was deemed unnecessary due to further land redivisions. If the permit has been amended, and has not expired, this information would clarify the permit's continuing relevance to the LLA 99-23 approval (which is not expressed in CDP 99-55 otherwise).

However, notwithstanding future discovery of such records, it appears that although later additional land redivisions may have been processed for Samoa Pacific Group LLC under other County permits relevant to the specific lands presently held by Samoa Pacific Group LLC, the LLA 99-23 approval also affected the creation of new lot configurations for other lands that were not purchased by Samoa Pacific Group LLC and thus were not part of subsequent further land redivisions by Samoa Pacific Group LLC. The other lands were sold off after the date that CDP 99-55 may have expired.

Of note, on July 19, 2001 the County Planning Commission approved both a Coastal Act and Subdivision Map Act approval of another Lot Line Adjustment for Samoa Pacific Group LLC and Simpson Samoa Company. The new land division removed the basis for the required construction of a new wastewater treatment system for the town, according to County staff. The Executive Summary prepared by the County (for Case Numbers: LLA-00-41/CDP-00-65) states:

“PROJECT: Lot line adjustment between four parcels owned by Simpson Samoa Company and one parcel owned by Samoa Pacific Group, LLC. The lot line adjustment will result in four parcels. The LLA will (1) add additional area for air drying of lumber adjacent to the former sawmill, (2) add the land that includes the two existing sewage disposal areas to the Samoa town site so that a replacement system does not need to be constructed at this time; (3) add the area that includes the roundhouse and other nearby buildings to Parcel F for future use by Simpson Samoa Company.

The lot line adjustment that was approved in June, 2000 (LLA-99-23) included a request for a Coastal Development Permit/Special Permit (CDP-99-55/SP-99-67) for construction of new wastewater treatment facilities. The need for the new facilities was based on a separation of the Samoa town site from the two existing wastewater treatment areas for the town. The current lot line adjustment proposal merges the two wastewater treatment areas with the parcel that includes the town of Samoa. This merger eliminates the need for

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construction of the new wastewater treatment facilities at this time. [emphasis added]

On June 28, 2001, the California Regional Water Quality Control Board adopted updated Waste Discharge Requirements for the Samoa Pacific LLC (Town of Samoa) Wastewater Treatment Facility. Associated with the Permit is a Monitoring and Reporting Program. CRWQCB indicates in their email dated July 9, 2001 that “the lot line adjustment will not have an affect on the functioning of the existing wastewater treatment systems currently serving the Town of Samoa.”

The County Planning Department staff analysis makes clear that the wastewater treatment facility discussed in both coastal development permits (both CDP-99-55 and CDP-00-65) is the disposal facility that is located on the dunes west of New Navy Base Road. That facility includes a combined raw sewage collection line that runs under New Navy Base Road into a 16,000 gallon septic tank on the west side of the road, north of Samoa Beach Park. Raw sewage enters the primary septic tank, and undisinfected effluent from the tank enters secondary sewage treatment leachfield lines buried in the sand dunes. The western system addressed in County Coastal Development Permits CDP-99-55 and CDP-00-65 would have been replaced by a new system located entirely east of New Navy Base Road, within the Samoa town site below and west of the Women’s Club. CDP-00-65 eliminated the requirement for construction of the replacement system.

Thus, the Subdivision Map Act approval of the Lot Line Adjustment in June 2000 (LLA 99-23), according to the County, divided the town from its sewage treatment system (the main – “eastern” Samoa sewer collection and disposal system is separate from the system referenced in these permits, and is located just north of the proposed Business Park within the redevelopment area) in a manner that was impermissible unless mitigated by the requirement that a new sewage waste system be constructed within the boundaries of the resultant parcel containing the residences served by the (new) system.

Samoa Pacific Group representatives have explained that before constructing the required new waste water treatment facility required by CDP 99-55, Simpson Samoa put the town site that had been created by the June 2000 Lot Line Adjustment (redivision of land) up for public auction. Simpson Samoa bonded for timely construction of the waste treatment plant, but sold the property without implementing the project. Sealed bids on Samoa were collected in September 2000, and the due-diligence/escrow lasted until mid-December 2000 when it was announced that the winning bidder was Samoa Pacific Group LLC. Samoa Pacific Group representatives have also explained that to avoid constructing the new waste water treatment plant, Samoa Pacific Group and Simpson Samoa sought and received approval for an additional Lot Line Adjustment in July 2001. The second of the Lot Line Adjustments included their agreement to hold the lands on the east and west sides of New Navy Base Road as undivided lands, which reconnected the

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houses and the leachfield west of New Navy Base Road as part of the same parcel and eliminated the requirement of building a new wastewater facility.²

As discussed above, the processing and timelines of the various County-approved Lot Line Adjustments and Coastal Development Permits affecting the Samoa lands has created uncertainty about the legality of some lot configurations that resulted, and of the status of pertinent permit approvals. Though Samoa Pacific Group LLC representatives and County staff are confident that such questions will ultimately be resolved in favor of the Samoa Pacific Group LLC's lot configuration descriptions, the Commissioners at the October 14, 2010 hearing emphasized the necessity of clearing up the underlying lot legality considerations before the land use entitlements of the proposed LCPA take effect and before the master subdivision of the Samoa lands could thereafter be permitted, albeit after the effective date of Commission certification of LCPA No. HUM-MAJ-01-08. If the lot legality is not resolved before the land use designations and zoning provided by the new land uses requested in the LCPA take effect, expectations of enhanced development potential for the Samoa lands, including the development potential of the small Certificate lots would be increased even though the appropriateness of such development might ultimately prove to be unfounded.

The outstanding issues regarding lot legality also render the LCPA project description inadequate for the Coastal Commission to complete the certification review of the amendment; the suggested modifications, however, provide the means to resolve the lot legality concerns after certification of the LCPA but before the new land use designation and zoning provisions take effect. Without such a remedy, however, the LCPA would not meet the fundamental Coastal Act requirement that an LCPA must be sufficiently specific as to the kinds, locations, and intensities of land uses proposed. By resolving this concern in the proposed manner, the LCPA would not confer new land use designations and zoning on affected lands until such resolution. In addition, the suggested modifications require the merger ~~and redivision~~ of the entire approximately 220 acres of the Samoa lands into one master parcel, except for the 2.5-acre parcel that now contains the existing Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC) into only two lots, as a preliminary development step. The LCPA as modified offers a method to resolve these concerns in a manner that is consistent with the Coastal Act but furthers the implementation of the redevelopment plan for Samoa. (See Modifications 2 and 9.)

Resolution of the lot legality issues underlying the 2000 Lot Line Adjustment may also require investigating the legality of the certificate lots that were relied on in the 2000 Lot Line Adjustment as well. Such analysis should be supported by a professionally prepared

² Released from the requirement of building a treatment facility, the Samoa Town Master Plan designers thereafter proposed other forms of development for the area below the Women's Club that was no longer required to contain the new treatment site. Various options emerged during revisions of the plan, and the pending LCPA calls for development of new residential units in that location.

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chain of title and chain of lot creation for the pertinent lands. The long history of bulk land ownership of large tracts of Samoa Lands, through industrial timber operations and transfers, and the bankruptcy proceedings of Louisiana Pacific preceding the Lot Line Adjustments suggest that the small “Coney Island” lots may not have continued to exist as separate economic units after they were purportedly created by the 1892 beach resort scheme that crumbled in 1893.

For all of these reasons, the suggested modifications require resolution of the lot legality questions before the land use designations and zoning of LCPA HUM-MAJ-01-08 take full force and effect as required by the provisions of Modification 2 and 9. (See Exhibit 25 for map showing the lands to be merged and redivided into two preliminary master parcels.)

Existing Land Uses

The focus of the County’s LCP Amendment is on a subset of the overall 220 acres of land owned by the Samoa Pacific Group LLC. The County’s amendment request submittal states in Ordinance No. 2424, page 17 of 88, that the lands affected by the LCPA total approximately 171.1 acres, of which 138.2 acres would be redesignated from General Industrial to other mixed uses pursuant to the Samoa Town Master Plan proposal. The Commission's Technical Services Division – GIS Unit staff determined that the redevelopment area totals about 150 acres. The balance of the acreage is accounted for by the Coastal Dependent Industrial lands located east of the railroad corridor, which have not been included in the formulation of the Samoa town redevelopment proposal, except for the existing post office site east of the railroad tracks, the Samoa Cookhouse lands (about 5 acres) and approximately two acres east of and adjacent to the railroad corridor where a new sewer treatment plant, water storage facility, and town utility yard is conceptually proposed in the pending LCPA submittal plus the remaining "Natural Resources" lands located west of New Navy Base Road. Since submittal of the LCPA, the County and the landowner have subsequently proposed to relocate the infrastructure proposed east of the railroad corridor. Service road routes to service the facilities are still not authorized by the North Coast Railroad Authority.

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

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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 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, 401-031-036 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 LLC/DanCo Development representatives prepared a diagram 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 these issues 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 401-031-036, 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 25 be merged **and redivided** into **two one** parcels, and underlying development entitlements of any kind extinguished before the land use designations and zoning conferred by the certified 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.

B. Background; Setting; Existing Site Conditions

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Samoa is located on the north spit of the Samoa Peninsula, a narrow strip of dunes that separates Humboldt Bay from the Pacific, near Eureka and Arcata, in unincorporated Humboldt County. The Samoa site is located a few miles north and west of the City of Eureka (population approximately 26,000) and about seven miles south and west of the City of Arcata (population approximately 17,000). (See Exhibits 1 and 5.)

Access to Samoa from Eureka is via Highway 101 to Highway 255/Samoa Bridges over Humboldt Bay, to New Navy Base Road, which serves as the only route in and out of the peninsula. From Arcata, traffic enters New Navy Base Road from Highway 255, passing through the community of Manila. The presently idle North Coast Railroad Authority (NCRA) railroad corridor and the County's New Navy Base Road traverse the lands included within the LCPA. Samoa is not presently served by public transportation routes. (See Exhibit 5, page 1: the railroad corridor occupies the area separating central Samoa area from the eastward lands presently including the Samoa Cookhouse at the northern end.)

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 primary Environmental Impact Report preparing consultant. 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. The Samoa Pacific Group LLC submitted evidence of final RWQCB approval of all Remedial Action Plans (except Lorenzo Shell station cleanup) on December 3, 2010.

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 and accompanying improvements to

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the existing town site, including replacement of the town's failing sewage waste system, would warrant over \$10,000,000 in redevelopment funds and would produce at least 1,000 retail jobs.

The Redevelopment Plan Program EIR and the Samoa Town Master Plan EIR were prepared at approximately the same time, with first drafts scheduled for public hearing only two months apart. Each document references and in some cases mutually incorporates, substantial information from the other. The Redevelopment Plan PEIR was never certified by the County, however, as the Board of Supervisors suspended the project and disbanded the Redevelopment Agency in September, 2006.

The County 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, when the Samoa Town Master Plan version of the pending Land Use Plan and Zoning maps were replaced by similar maps without any of the Master Plan features. The revised amendment was submitted to the Commission on December 15, 2009 and was deemed complete December 16, 2009. A public hearing was scheduled for January 2010 but was postponed at the County's request. On March 11, 2010, the Commission extended the deadline for final action by the Commission to March 16, 2011.

Setting

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 existing "company town" is a relatively intact and very rare example of a historic timber company mill town. Samoa is an exceptional historic resource because there are very few remaining examples of intact working towns with their original context also remaining. At Samoa, numerous examples of significant structures remain, including the elaborate Victorian owner's mansion, Hostelry, the Samoa Cookhouse, original downtown buildings, and worker's cottages, in their original locations. Most of the structures remaining at Samoa were constructed between 1898 and 1928.

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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 comprising the historic town will 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 Old Town Samoa, attached as Exhibit 14, particularly the color version scanned for the Exhibit posted on the Commission’s website. The Design Guidelines contain a detailed inventory and photographic documentation of the existing structures.)

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 front dunes, and forested areas. 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.”

The cottages are, however, in a state of barely arrested decay. Many of the cottages and other existing Samoa structures were deemed so dilapidated that Samoa qualified as “blighted” during the former County Redevelopment Agency’s assessment in 2004. Samoa Pacific Group LLC representatives previously indicated that by 2007, almost half of the cottages had decayed to the extent that the structures were not suitable for occupancy, consistent with the findings of the County’s 2005 draft Redevelopment Plan. Some repairs have been made, however and Samoa Pacific Group LLC representatives have reported that more than 90 percent of the cottages are presently in use as rental housing.

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. Remedial grading of lead-contaminated soils around the foundations of the historic cottages will also require care to ensure that the pier-and post construction typical of the cottages, built on weakly consolidated sandy soils, does not shift or collapse.

The site also includes approximately 80 acres (counting Westside of New Navy Base Road) of dunes & rare plant habitat, wetlands, coastal scrub and forests, numerous specimen trees planted during the town’s early days, and wildlife corridors. Approximately 50 of the 150 acres comprising the town redevelopment lands are comprised of ESHA and ESHA-buffer according to the staff analysis. (See Exhibits 3 and 4.) 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.

Special community character

The town has an attractive presence enhanced by its charming architecture, pleasant coastal setting, and unique neighborhood character. The Samoa Pacific Group LLC hopes to revive the town as a picturesque destination coastal village with a sense of renewed historic presence. Some of the existing structures, such as the original Samoa Cookhouse, which at the height of Samoa's timber days fed as many as 500 workers at a sitting, have long been landmark tourist stops. The historic "company town" setting, and the town's convenient location near Humboldt Bay and the Pacific combine to make the site a potentially significant attraction to coastal visitors.

Existing Site Conditions

Brownfield

The Samoa lands contain Brownfield contamination that is the "legacy" of the industrial timber processing operations that once thrived in Samoa, but were abandoned decades ago. The Regional Water Quality Control Board has regulatory authority over cleanup requirements for the Brownfield. The County and the developer/landowner, Samoa Pacific Group, LLC have obtained Regional Water Quality Control Board final review of Remedial Action Plans setting the standards for site cleanup, including areas where weathered lead paint has built up in soils around existing and former historic structures. The soils surrounding these structures have been shown to contain high concentrations of lead that has weathered from the paint over the years, particularly along the drip lines of present and previous structures (even areas where fences once stood, outbuildings, etc., may have contributed to residual lead contamination in areas where no development presently exists). Some paints used in the past century in marine areas subject to corrosive salt air were particularly high in lead concentrations.

Samoa Pacific Group/Danco Development submitted evidence of final RWQCB approval of most of the subject remedial action plans on December 3, 2010. Clean up of contaminated soil and groundwater left from an abandoned gas station in the historic town center (Lorenzo Shell Station) was under the separate review of the County Environmental Health Department until July, 2010 when the files were transferred to the RWQCB. Review of that facility's cleanup requirements remains pending. Preparation of Clean Up Work Plans for RWQCB review and approval will be the next step in implementing the Remedial Action Plans. The RWQCB has through authorization of the remedial action plans, established standards – but not a timeline – for most of the Brownfield cleanup.

Sewage Waste Facilities

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The Samoa Pacific Group, LLC is not presently in compliance with RWQCB requirements for the existing sewage waste treatment systems at Samoa. The RWQCB issued a Notice of Violation to the Samoa Pacific Group, LLC on January 5, 2011 (Exhibit 8) for unauthorized discharges of raw sewage and a continuing pattern of other problems at the site. The RWQCB records indicate that mandatory quarterly site reports and groundwater monitoring tests have been missing.

In part, the January 5 Notice of Violation addressed the discovery by Commission staff and RWQCB staff during a December 7, 2010 site visit of an unpermitted raw sewage waste disposal system draining sewage wastes from the Samoa Cookhouse restaurant. Untreated sewage was draining into an open air, unlined, unfenced cesspool situated down gradient (behind, and toward the Bay) of the Cookhouse, on Humboldt Harbor District lands. On request of staff, the Samoa Pacific Group consulting environmental engineer explained that plans are being prepared to bypass the cesspool and install a new sewer line from the Cookhouse to the other features draining to the eastern sewage waste treatment facility. The RWQCB Order required that such a plan be prepared and submitted by March 2, 2011. Photographs of the Samoa site conditions taken by the Commission staff ecologist, John Dixon, Ph.D., on December 7, 2010 are attached in Exhibit 15, pages 3-14, and Exhibit 3, Figure 1. A memorandum prepared by Dr. Dixon concerning his observations and recommendations based on the site visit is attached as Exhibit 3.

The RWQCB records indicate that until 1985, the previous Samoa owners (Simpson Samoa; Louisiana Pacific) also operated an open sewage cesspool on the dunes adjacent to the Pacific Ocean, west of New Navy Base Road and immediately north of the County's Samoa Beach Park. The RWQCB declared the cesspool a public hazard and required that it be abandoned in 1985. At the same location, which included a 16,000 gallon septic tank, a secondary leachfield was installed beneath the dunes to replace the cesspool. The cesspool was backfilled with the graded dune material excavated to install the adjacent leachfield. That system is currently in use: raw sewage is collected from approximately 25 cottages east of New Navy Base Road, on Sunset Avenue, in a series of aging clay sewer lines running from the cottages to a central collection pipeline under New Navy Base Road, then into the septic tank and leachfield (see Exhibit 15). Quarterly monitoring of groundwater wells at the western sewage facility was required by the RWQCB when the system was constructed in 1985, but according to the RWQCB no monitoring reports have ever been submitted, including by Samoa Pacific Group LLC during the past ten years of ownership.

The Samoa Pacific Group, LLC also operates another existing sewage treatment facility at Samoa known as the "eastern system" for all other existing Samoa development that is not served by the western facility. The eastern sewage system is a collection of unsurveyed, unmapped mostly clay pipes dating to the construction of the town that drain raw sewage from existing structures into a series of large underground concrete chambers

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on the east side of the North Coast Railroad Tracks. Drawings of the inferred locations of various components of the system indicate that some sewage used to flow through “bark filters” for partial treatment, but those structures are so dilapidated that there is no flow through what must once have been the “filters.” Sewage in the underground chambers is not pumped out routinely according to the RWQCB staff, though a consulting engineer (California Engineering Company) indicates that the chambers are pumped out once every decade or so. The Samoa Pacific Group, LLC consultant stated that the tanks were evaluated with a hand held mirror during the last pumping and were deemed in good condition.

From the “bark filter/underground tank” combination facilities (no treatment takes place in the tanks, other than some settling of solids) most of the wastes passing through these features are pumped by force to a large, unlined pond (approximately 500,000 gallon capacity) dug out of dune sands called the “treatment/ oxidation pond” near the proposed Business Park and east of the NCRA railroad corridor. At that location, wastes drain into the unlined pond where the contact of the liquid wastes with the oxygen in the open air provides the only “treatment” of the wastes. Undisinfected leachate flows from the pond by gravity flow into a large willow wetland within a depression west of the pond where the waste liquid percolates into the ground. The current waste treatment and disposal system produces strong, foul odors. Complaints of Samoa residents have prompted vegetation clearance (the pond was entirely overgrown with brambles and other vegetation) and the site has been fenced, including several acres of wetlands during the past six months. (See Exhibit 15.)

Urban/rural boundary; Infrastructure

The existing Samoa town site is located outside of the certified Urban Limit Line, in an area of the County that is presently identified as rural. The proposed inclusion of the site within the urban area requires significant improvement in the current infrastructure and emergency response capacity of the area. As discussed above, the existing timber company town is served by an antiquated failing pair of sewage waste systems.

The pending LCP amendment does not include any provisions specifically requiring replacement of the sewage waste systems at Samoa, though environmental documents prepared by the County indicate that a new system is necessary. The Samoa Pacific Group/Danco Development have undertaken preliminary engineering and feasibility studies and indicate that sufficient areas of the site exist and are suitable to develop the necessary waste treatment and effluent discharge systems. According to the County's certified Final Master Environmental Report and the pending LCPA land use and zoning maps, at least 8.5 acres of area for infrastructure, including the new sewage facilities, must be designated and zoned "Public Facilities" (not counting the "Public Facilities" area shown in downtown Samoa where a new Emergency Services Center will be constructed according to Samoa Pacific Group LLC.

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Potable and fire fighting water supplies are provided to the town via a main waterline owned by the Humboldt Bay Municipal Water District. The peninsula pipeline also supplies about one-third of the water purchased by the HBMWD. The pipeline traverses an under-bay crossing to deliver water to the District's Truesdale Water Station. The pipeline is constructed of "Techite" pipe. The pipe is brittle, susceptible to failure and cannot withstand normal operating pressure according to the HBMWD. The District is currently scheduling to replace the pipeline with a \$2,000,000 grant and a \$750,000 matching base. Replacement of the pipeline will improve infrastructure security for the town of Samoa, which would be completely cut off from all of its water supplies if an earthquake ruptured and displaced the brittle line.

The fire fighting water supply is presently supplied to the town of Samoa by a temporary arrangement that allows Samoa Pacific Group, LLC to fill an offsite water storage tank on adjacent lands via a PVC line supplying water to the tank from the town's potable water line connection. The temporary arrangement became necessary approximately two years ago when the mill operation determined that the underground lines supplying the Samoa fire fighting water were leaking so badly that pressure and volume could not be maintained without almost constant pumping. The pulp mill property and the Samoa town site were historically one enterprise and shared a fire fighting water system that was routed from the mill into Samoa.

Fire fighting services at Samoa are supplied by volunteers of the Samoa Peninsula Fire District. The District is also seeking LAFCO approval to become a public Community Services District to manage the infrastructure in the town according to Samoa Pacific Group, LLC representatives. The Fire District submitted an initial contact letter to LAFCO for consideration at a January 2011 LAFCO meeting, and were informed at the meeting of the complex requirements that must be met to secure LAFCO approval. Establishment of a public Community Services District to better manage and operate the infrastructure of Samoa is considered a critical need by the RWQCB staff. A public CSD would qualify for consideration of public funding to undertake the replacement of the failing sewage waste systems at Samoa.

Hazards

The Samoa site is subject to hazards posed by earthquake, tsunami, flooding, storm wave attack and long term erosion caused by sea level rise that will increase the magnitude of tsunami and storm wave hazards. The Commission staff geologist has prepared a memorandum dated January 11, 2011, attached as Exhibit 9, which provides a summary review concluding that the site is vulnerable to the effects of erosion along the dunes of the west side of the site as the effects of sea level rise become more pronounced. The area is subject to the forces of the Cascadia Subduction Zone, which is known to produce Great Earthquakes of magnitude 9.0 on the Richter Scale, or greater. Tsunami risk is also associated with the risk of a Cascadia earthquake event, and the peninsula is also vulnerable to tsunamis generated by distant sources.

Commission staff ecologist/site visit (wetlands, ESHA, hydrology of sewage disposal)

The Commission staff ecologist also identified the wetland area that is presently in use for direct disposal of undisinfected effluent that is piped to an outfall in the wetland as being sensitive habitat warranting inclusion in the area designated Natural Resources and set aside for conservation. (See memorandum - Exhibit 3, Photos - Exhibit 15, and marked Aerial Photographs - Exhibit 5). A photograph of the effluent outfall pipe is shown in one of the photographs in Exhibit 3. The RWQCB staff additionally indicates that wetlands cannot be authorized for disposal of sewage effluent. The identified area is not identified as a wetland to be protected within the proposed Natural Resources designation in the County's submittal. Other areas of wetlands that were identified as ESHA but not included in the County's submittal as Natural Resources areas are also identified in Exhibit 3 and Exhibit 4, which includes marked aerials delineating these areas in accordance with the Commission staff ecologist's findings, as mapped by the Commission's mapping unit staff.

C. Locating New Development, Public Services/Infrastructure, Energy Conservation, Special Community Character, Phasing, 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

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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

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The County's certified Humboldt Bay Area Plan (HBAP) directly incorporates Coastal Act Chapter 3 policies 30250, 30251, 30253, 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 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.

HBAP: 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

Coastal Act policy 30250 (Locating New Development) requires that new development be located in a manner that does not significantly and adversely affect coastal resources, either individually or cumulatively. The County's LCPA for the land use and zoning changes necessary to redevelop the Samoa town site in the manner that was previously illustrated in the Master Plan version of the amendment (since revised) has the potential to affect a wide variety of coastal resources individually or collectively as discussed below.

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The Suggested Modifications contain a comprehensive planning approach to resolving these potential impacts in favor of protecting the coastal resources present at Samoa. The Suggested Modifications establish the STMP-LUP Overlay, which is the policy “scaffolding” through which the majority of the other Suggested Modifications are supported. In effect, the modifications have produced a “mini-LCP” for Samoa that addresses a wide range of project measures and requirements designed to protect and preserve coastal resources while also allowing the County and the landowner/developer to redevelop and revitalize the Brownfield and the town of Samoa.

As described above, the County proposes a number of land use changes in the pending LCP Amendment Request No. HUM-MAJ-01-08. The County proposes to extend the Urban Limit Line to Samoa and to redesignate and rezone lands that are presently designated and zoned General Industrial to a variety of mixed uses. Intensified urban-scale development within the town site will be facilitated by these changes. The existing “company town” is undivided land that was formerly owned by industrial timber operators (including Georgia Pacific and later Louisiana Pacific); the existing cottages were worker housing units. The “company town” areas would be redesignated, rezoned, cleaned of lead contamination, subdivided and sold as individual residential units on separate lots thereafter. The maximum potentially allowable level of development comprises 99 existing company town cottages, an estimated 250 to 300 new single family residences, 45 multi-family units, a 15-acre Business Park, and a variety of downtown Commercial General, Commercial Recreation, Public Recreation and Public Facilities uses.

The Samoa site makes sense as an infill development project based on the proximity of the north spit of the Samoa Peninsula to the cities of Eureka and Arcata. Development at Samoa must be carefully controlled, however, because a number of key constraints exist. A very significant constraint is the capacity of the two-lane, narrow Highway 255 bridges over Humboldt Bay that connect Samoa to Eureka. All traffic on the north spit of the Samoa Peninsula enters and exits via New Navy Base Road, therefore all existing and proposed development on the north spit shares this limited emergency access route. A siren warning alarm announcing an approaching tsunami could trigger a rush of drivers trying to evacuate, with a bottleneck that traps people in a high tsunami risk area (the Samoa Bridges are within the most recently mapped tsunami hazard zones, as are most of the Samoa site located below the 40-foot elevation). (See Exhibit 16.) The California Highway Patrol has warned of extreme problems with traffic management and safety that may arise as the result of the extra 7,000+ traffic trips per day that would be generated by the Samoa development according to the County’s Master EIR. Earthquake and tsunami planning and notification requirements, and standards for developing Samoa in an earthquake and tsunami-resilient manner are highlighted in the Suggested Modifications in Section IV.

Infrastructure concerns are also a key factor at Samoa. The existing town is not only aging (most of the historic neighborhoods with existing structures were built between

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1898 and 1928 and many are over one hundred years old), but the area has suffered decades of neglect and deferred maintenance. The town area was identified as “blighted” by the County’s former Redevelopment Agency in 2004 – 2005. As such, Samoa was targeted as one of the receiving sites for redevelopment funds and improvement projects that were projected in the County’s Redevelopment Plan (released in draft in 2005). The findings necessary to declare an area blighted include the dilapidated state of the majority of the structures, higher rates of law enforcement emergency calls as compared to other areas in the County, substandard infrastructure systems, and other factors. Samoa exhibited these conditions and characteristics, as outlined in the Redevelopment Plan and Draft Program Environmental Impact Report (Draft PEIR) for the plan.

The Redevelopment Plan would have provided substantial funding to overhaul the town, build a new sewage treatment system, and develop a business park (Samoa was identified as the likeliest site for a new business park on the Samoa Peninsula). The expectation of funding from the Redevelopment Plan for the work needed at Samoa was so strong, and the analyses for the documents so interlinked, that the Draft Master Environmental Impact Report for the Samoa Town Master Plan and the Draft Programmatic Environmental Impact Report for the Redevelopment Plan cross-referenced each other through mutual incorporation of some analyses between the two documents.

The Board of Supervisors terminated the draft Redevelopment Plan in September 2006, however, and disbanded the Redevelopment Agency. This change ended the hope for a substantial infusion of redevelopment funds for the Samoa Town Master Plan. The County was considering developing a Business Park/small business incubator site in the town of Samoa, which led to the designation of the Business Park in the master plan. The Redevelopment Agency would have purchased that portion of the site, helping to capitalize other improvements outlined in the master plan. In addition, the Redevelopment Plan would have underwritten a substantial amount of the costs of upgrading/replacing the town’s infrastructure.

The loss of the potential Redevelopment Plan financial support caused the Samoa Pacific Group, LLC to rely more heavily on private investors, and as the result of these changes, the Samoa Town Master Plan evolved toward the market rate development concepts best projected to meet the investor’s financial goals. Brownfield cleanup and restoration of the existing historic town with all of its structural frailties and new infrastructure needs began to loom as significant economic burdens. The Samoa Pacific Group revised the Master Plan to incorporate more market rate development and deleted low cost visitor accommodations to make room for the changes. The master plan concepts began to shift toward a model that would generate more market rate revenue to offset the costs of Brownfield remediation and other projects necessary to revitalize the existing town – most importantly, the replacement of the town’s failing infrastructure.

As the result of these changes, and the timing of the loss of the Redevelopment Plan funds, coming just before the onset of the most recent recession, the planning

“conversation” about the Samoa options for development underwent significant changes. The town revitalization that was highlighted as the lead Phase I of the Samoa Town Master Plan in all of the County’s project descriptions and environmental documents prepared prior to submittal of the LCPA for certification, began to move further and further down the list of funding priorities. As the Brownfield characterization was completed, and new information about the extent of contamination that required active cleanup emerged, projected costs to resolve these problems rose. The long list of upgrades for the town’s preservation turned into a longer list of financial costs for the investors. None of the remedial projects for site cleanup or the restoration measures needed for the decaying cottages have been implemented, even though none of these actions require the certification of the LCPA. The delay in the town cleanup and restoration is based on overall financial factors affecting development economics generally, according to representatives of the Samoa Pacific Group LLC.

The suggested modifications provide a required template for redevelopment of Samoa in a manner that eliminates the need for the landowner/developer to front all of the costs of new infrastructure and town cleanup all at once, and instead requires that the cleanup and infrastructure upgrades occur in conjunction with the recordation of phased final tract maps for various areas of the overall master subdivision.

Reduction in low cost visitor serving accommodations

From the date that the first Samoa Town Master Plan was released (July 2002), until the date of the submittal of the LCPA for certification, (April 2008), the Town Plan underwent a long series of modifications that shifted the features of the conceptual town buildout more and more toward components deemed necessary to meet market rate investment goals of the Samoa Pacific Group investors. This trend caused the Samoa Pacific Group to substantially downsize proposed low cost visitor-serving amenities along the way, as the costs to undertake this part of the plan became more burdensome without the assistance of redevelopment funding.

In the earliest plan versions, a large RV park with 150 unit capacity was proposed at the Dog Ranch property north of New Navy Base Road. That property was deleted from the plans when Samoa Pacific Group LLC allowed their option to purchase it to expire in 2005 (development limitations due to the extensive ESHA present on the site made redesignation from Natural Resources to other uses unlikely for much of the site).

In the year before the LCPA was submitted in 2008, the project manager explained that RV parking and small cabin accommodations that has been conceptually proposed for the low-lying area below and west of the Women’s Club (on the ocean side, visible from the deck) would be infeasible and would be replaced by market rate single family housing (which is the land use that is presently proposed for that area). Soon after that, the County and the landowner/developer proposed a tent camping site on dune mat that had numerous disturbed areas (which later proved also to be the site of the western sewage

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treatment facility) west of New Navy Base Road, north of the County's Samoa Beach Park. That site, too, contains rare plant ESHA which has been documented in an updated botanical survey prepared by the County's consulting biologist. The suggested modifications do not support a conversion of Natural Resource lands to Public Recreation for the tent camping site.

The initial LCPA submittal (Samoa Town Master Plan version) proposed to redesignate and rezone several acres of General Industrial lands to Commercial Recreation in an area of the Old Town referred to as the "soccer field." The STMP proposed the construction of 22 vacation units in that area. However, the Brownfield characterization studies completed subsequent to the submittal established cleanup standards that Samoa Pacific Group calculated would prevent the profitable construction of the vacation units, and so they were deleted. The contamination will be remediated to an extent sufficient to cap the site and leave the rest, but will not be remediated to residential standards. The suggested modifications now propose that the "soccer field" be redesignated and rezoned from General Industrial to Public Recreation as requested by Samoa Pacific Group LLC, in lieu of the redesignation and rezoning to Commercial Recreation proposed in the LCPA.

The County's LCP amendment request includes land use changes that could facilitate, although not require as a future legal standard of development review, the provision of several sources of low-cost visitor accommodations within the lands subject to the STMP-LUP. As none of the possible facilities is specifically required, the Commission includes a suggested modification (Suggested Modification No. 9) that requires the following low cost visitor serving accommodations or the equivalent thereof: (1) Samoa Cookhouse second floor guest lodging containing a minimum of 20 rooms, with continued use of the Samoa Cookhouse as a restaurant open to the public, (2) a minimum of 20 small free standing cabins (number of rooms may vary), and (3) at least 15 car/tent camping sites. The required facilities could be located at the "Cookhouse" parcel. These low-cost visitor accommodations would be required components of the site redevelopment, with mandatory provisions to ensure timely construction and opening for public use concurrent with the development of market rate new residential, commercial and business park development. The required lower cost visitor serving facilities would be provided at the five-acre "Cookhouse" parcel which is proposed by the County to be redesignated from Coastal Dependent Industrial to Commercial Recreation.

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.

Recommended Suggested Modification No. 9 requires that the visitor serving facilities be constructed and operational prior to the commencement of any development within the new residential areas and the business park, including recordation of a final subdivision map for those portions of Master Parcel 2.

Standards for phasing development in the MEIR project description but not in the LCPA

In the phasing proposals for the Town Plan development established in the County's original proposal (Exhibit 23) and in all environmental analyses prepared for the proposal by the County since the initiation of the proposed LCPA, replacement of the aging sewage treatment plant was stated as a priority. The need for such replacement was emphasized in every iterative draft of the Samoa Town Master Plan since its inception in 2001 and its initiation by the County Board of Supervisors in 2002. The County's environmental review of the Town Plan was based on the total project description of the Plan – which was more than a collection of map changes that replaced General Industrial with mixed uses - there was comprehensive analysis of the overall needs of a town complex, and the means of achieving the requirements as part of the overall structure of the proposal.

When the LCPA for the Samoa Town Master Plan was submitted for Commission review and certification in April 2008, the LUP and zoning map components both showed the detailed “Samoa Town Master Plan” layout, with detailed lot layouts, streets, trails, parking, and other features carefully articulated. There were few text-based policies or provisions included in the submittal (those that were, still remain), however, and the County staff believed that the certified MEIR would suffice to guide the County's oversight of town buildout in the future. The County did not submit the MEIR to the Commission for certification review; the certification review process is, however, the only way that a document can become a part of the legal standard of review for future coastal development permits within a local government's certified LCP.

During the staff review, staff asked the County how the features shown on the Samoa Town Master Plan contained within the proposed Land Use and Zoning maps would be implemented as development standards for future coastal development permits proposed for Samoa. No mechanism to enforceably implement the features of the Samoa Town Master Plan or other standards for the Samoa development of any kind remained in the LCPA submittal.

The County and the landowner/developer responded that they had only intended the Master Plan features to be an illustration of a way that the town might be built out, but had not intended the features to become binding standards for future review of coastal development permits. The County staff continued to assert that the County's MEIR for the Samoa Town Master Plan provided adequate enforceable standards for review of development applications in the future.

County revises LCPA maps and deletes Samoa Town Master Plan features

After the Commission staff requested clarification from County staff regarding the standards for implementation of the Samoa Town Master Plan features shown on the

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maps, the County took an unusual step: because the LCPA had not yet been deemed filed by the Commission, the County Board of Supervisors revised the amendment (October 2009) (see Exhibits 6 and 10) and replaced the Samoa Town Master Plan Land Use Plan and Zoning Maps with equivalent maps - minus the Samoa Town Master Plan features. All of the master plan features and amenities were deleted from the revised maps. The new maps contained only the underlying land use designations and zoning proposed for the Samoa lands. No text-based policies or provisions were provided with the revised maps to replace the lost master plan features.

The County staff continued to assert that the Master Environmental Impact Report for the Samoa Town Master Plan, which the County Board of Supervisors had certified in February 2008, provided sufficient guidance for the consideration of future coastal development permits associated with Samoa. The provisions of an EIR, however, are informational only and have no force or effect until they are transformed into binding standards of review governing the issuance of CDPs; the Commission, in reviewing a Samoa coastal development permit approved by the County, could not rely on the uncertified MEIR as a legal standard of review. The use of the County's MEIR to develop permit conditions for Samoa development might be acceptable from a County point of view, but such an approach does not provide any standard of review for the review of such permits by the Coastal Commission or a court of law. As such, the failure to provide such standards in the LCPA submittal renders the LCPA inadequate to support the Commission's certification review.

The Suggested Modifications set forth in Section IV, therefore, contain extensive policies and provisions that are necessary to comprehensively plan and direct the Samoa development consistent with the requirements of Chapter 3 of the Coastal Act.

Suggested Modifications Constitute a "Mini-LCP" for Samoa

For the reasons described above, and in the summary section of the staff report (incorporated by reference into Section V. Findings) the attached Suggested Modifications can be best summarized as the development of a "Mini-LCP" for the pertinent areas of the Samoa lands. The "Mini-LCP" established by STMP-LUP Overlay Designation implements the Samoa Town Master Plan in a manner that is consistent with the applicable policies of the Coastal Act as well as with the County's certified LCP, including the LCP as amended herein.

As noted, a key part of the "Mini-LCP" approach is the creation of a new Urban Land Use Designation tailored for the Samoa site: The Samoa Town Master Plan – Land Use Plan Designation/Overlay (STMP-LUP). The STMP-LUP is applied to the subject lands and forms the overarching policy blueprint for Samoa. All of the other policies and provisions in the Suggested Modifications are tied into the STMP-LUP in a manner specific to the location and particular concerns raised by the Samoa site and its coastal resources.

Infrastructure

As the discussions in the above sections show, the County's proposed extension of the Urban Limit Line to Samoa underscores the importance of providing adequate infrastructure to support the existing and proposed development of Samoa to ensure the LCPA's consistency with Coastal Act requirements. The importance of infrastructure capacity was emphasized by studies prepared by the County's former Redevelopment Agency staff in 2004 – 2006. In related testimony presented to the Board of Supervisor on April 4, 2006 (a presentation regarding the draft Redevelopment Plan), Redevelopment Agency staff stated:

“... In the Communities of Samoa and Fairhaven water and wastewater capacity is a limiting factor for residential and commercial development. There is a proposed expansion to the Samoa wastewater treatment plant in Samoa that will increase capacity in that area; the Redevelopment Agency will cooperate with this expansion effort and provide funding to increase capacity throughout the Samoa/Fairhaven area. These activities will include partnerships with local Districts to implement needed projects. Improvements that address these deficiencies will alleviate the strain on current infrastructure systems, improve the health and welfare of area residents and complement and facilitate projected commercial and residential growth...”

The Samoa Town Plan included the necessary replacements of outdated, failing infrastructure for the existing development at Samoa, as well as increased infrastructure capacity for future new development at Samoa that would occur as the result of the land use and zoning changes proposed by the County and Samoa Pacific Group LLC/DanCo Development. The LCPA requests an extension of the Urban Limit Line on the certified Humboldt Bay Area Plan maps, to allow urban-scale development within the affected Samoa lands. The extension of the Urban Limit Line underscores the importance of securing adequate infrastructure to support the existing and proposed Samoa development that will follow this change in the County's certified LCP.

For the Commission to certify the LCPA including the requested extension of the Urban Limit Line, the policies establishing the STMP-LUP designation, and particularly the STMP-LUP policies regarding “Locating New Development Policies” (Suggested Modifications 1 – 9) are necessary to ensure the provision of adequate infrastructure at Samoa. The summary section describes the extent of the infrastructure deficiencies, including observations of Commission staff and RWQCB staff at a site visit to Samoa on December 7, 2010 and the implications of the RWQCB's recent issuance of a Notice of Violation to Samoa Pacific Group LLC (January 5, 2011, Exhibit 8).

The Commission has established that the existing town of Samoa is served by a failing sewage waste treatment system. The RWQCB has documented that the existing system

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is contributing to groundwater pollution as evidenced in the Brownfield characterization studies. (See Exhibit 5, pages 5 and 6, Exhibit 8, and Exhibit 15.) The RWQCB staff has also confirmed that the raw sewage discharges – particularly those caused by discharges in areas east of the railroad tracks - likely reach Humboldt Bay when spills occur under the right conditions. Groundwater under the Samoa lands trends toward Humboldt Bay or toward the Pacific Ocean depending on the seasonal and tidal patterns, thus sewage effluent contaminating groundwater affects not only the groundwater basin, but also the coastal waters of Humboldt Bay and the Pacific Ocean.

8.5 acres to be designated for Public Facilities

As discussed above, the primary sewage treatment plant was previously proposed for the Public Facilities area adjacent to the Samoa Cookhouse location, and east of the railroad corridor. For reasons discussed below concerning railroad corridor authorization to access the east side of the site, the Suggested Modifications include the requirement that the east side area designated and zoned Public Facilities (1.6 acres) in the LCPA remain Coastal Dependent Industrial and that the public facilities uses be accommodated in the area designated and zoned for Public Facilities adjacent to the proposed Business Park. The eastside acreage, rounded to 1.5 acres, also includes the area necessary for the town's water storage facilities and the town's utility yard.

The suggested modifications provide for a minimum of 8.5 acres to be identified for Public Facilities adjacent to the Business Park, without relying on acreage that contains wetlands identified by the Commission staff ecologist for designation as Natural Resources. (See Exhibits 3, 4, and 24.) The 8.5 acres includes the 1.5-acre eastside acreage plus 7 acres for wastewater treatment facilities discharge area, which had been deemed necessary by the County in its review and certification of the Final Master EIR February 26, 2008, and in its approval of the LCP amendment. To obtain sufficient Public Facilities area, some portions of areas of the town site presently proposed for designation and zoning as Business Park or New Residential development must be reduced to provide the additional acreage. In addition, some of the wetland area that is presently proposed in the LCPA for designation as Public Facilities (the willow wetland presently identified as the "percolation basin" that drains the gravity flow pipeline from the oxidation pond) would be designated Natural Resources pursuant to the staff ecologist's recommendation. The Suggested Modifications include requirements to address these changes which are shown in Exhibits 4 and 24.

See Exhibit 24 for a map showing the approximate limits of a revision of the Land Use Plan and Zoning Maps necessary to identify the 8.5-acre minimum area needed for Public Facilities. Suggested Modifications 3, 4, and 9 address the provisions necessary to provide adequately for a future Public Facilities location within the STMP-LUP lands, so that the development facilitated by the LCPA, including the subdivision of the existing developed areas, will be consistent with the requirements of the Coastal Act.

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The landowner/developer indicates that based on a new wastewater treatment facilities plan that consultants for the landowner/developer has been preparing, much less area than the 8.5 acres the suggested modifications would require be provided for Public Facilities near the Business Park will ultimately be needed. The new plan would reportedly rely on an advanced treatment system unanticipated when the County adopted the LCP amendment. However, the new wastewater treatment facilities plan has not been submitted to the Commission. In addition, the Regional Water Control Board has not yet determined that the plan would meet waste discharge requirements for the site. Therefore, it is not certain that the 8.5 acres that the suggested modifications would require to be reserved for Public Facilities would not all be needed for necessary infrastructure improvements. Conversely, it is not certain that the 8.5 acres that the suggested modifications would require to be reserved for Public Facilities would be sufficient.

To ensure that sufficient area would be designated as Public Facilities to accommodate needed sewage treatment and discharge facilities, the Commission imposes Suggested Modification Nos. 1 - 9. These modifications require that calculations of the land area needed for proposed wastewater treatment and discharge facilities and other needed infrastructure be provided as a filing requirement for the coastal development permit required for the initial merger and redivision of the Samoa lands into two master parcels. If the calculations indicate that the facilities needed to serve build-out of the STMP Overlay area cannot be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities, the suggested modifications require evidence that an amendment of the LCP to accommodate the larger area needed for the facilities be obtained prior to filing the Coastal Development Permit Application for the merger and redivision. To ensure that inadequate designations and zoning of Public Facilities area do not become part of the effectively certified LCP before the precise amount of needed land area is determined through the above process, Suggested Modification No. 9 requires that the land use designations and zoning approved by the Commission shall not become effective until the coastal development permit for the merger and redivision is issued and the final map is recorded.

The possibility exists that the 8.5 acres that the suggested modifications would require be designated for Public Facilities may be excessive for the treatment facilities plan ultimately approved. In that case, the Commission finds that the landowner/developer could seek an LCP amendment to redesignate the excess Public Facilities lands to other appropriate uses.

Leachfield west of New Navy Base Road in same location as proposed tent camping site

In addition, after the October 14, 2010 Commission hearing on the subject LCPA, and during the December 7, 2010 staff site visit to Samoa, staff confirmed in the field that some of the existing Samoa structures (25 houses) dispose of sewage effluent directly to the Samoa dunes north of Samoa Beach Park, on the west side of New Navy Base Road.

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Raw sewage from those houses is collected on the east side of the road and piped into a 9,000 gallon primary treatment (septic) tank on the west (beach) side of New Navy Base Road, into the dune field area North of the County's Samoa Beach Park. Undisinfected liquid wastes from the tank drain into secondary leachfield lines buried within the sand dunes. The Commission staff also confirmed that the sewage waste disposal site on the west side of the road is the same general location that the landowner/developer and the County have proposed for redesignation and rezoning from Natural Resources to Public Recreation for use as a public tent camping site.

The concept for the tent camping site arose as a way of replacing low cost visitor serving accommodations (RV sites and small cabins) that had previously been proposed elsewhere. When the tent camping site was identified by the County, the location of the leachfield facility in the same area was not described. The exact location and limits of the sewage waste system components and the exact location and limits of the proposed tent camping facility improvements were not provided for comparison.

After the LCPA was submitted, with the tent camping site on the dunes included, the County's consulting biologist performed an updated botanical survey of the subject area and identified rare plant habitat within the proposed tent camping site. This discovery, combined with the new information about the presence of the sewage treatment facilities, is addressed in suggested modifications that would delete the redesignation from Natural Resources to Public Recreation, and would provide a small public dune interpretive area on a limited part of the disturbed dunes. The suggested modifications also require identification and construction of a new sewage waste system and abandonment of the old systems, including the system west of New Navy Base Road.

Traffic; transportation-related concerns; public transportation

The County's MEIR for the Samoa Town Master Plan estimates that traffic generated by the project will produce more than 7,000 additional traffic trips per day at buildout; the Hazards Section below contains additional analysis of the traffic and the potential impacts that increased congestion may have on emergency access at Samoa. In addition, Caltrans and the California Highway Patrol have acknowledged in written comments responding to the County's MEIR that the additional traffic generated by the increased land use intensities proposed in the LCPA will have significant adverse impacts on local and state highway facilities. The comments included the concern that the projected increase in traffic trips would lead to substantially increased congestion on already impaired highway corridors on Highway 255 and Highway 101 in the Eureka area, in particular, and could adversely affect the ability of emergency responders to gain necessary access. The increased traffic could also increase traffic levels on the Eureka-Arcata Highway 101 safety corridor segment between Eureka and Arcata. The intersection of Highway 255 and Highway 101 will be substantially more congested, and

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levels of service at the key intersections could drop to LOS E according to the traffic studies and the analyses of Caltrans.

North Coast Railroad Authority (NCRA) Railroad Corridor

The surveyor/agent for Samoa Pacific Group LLC has explained at the request of the Commission staff that the railroad corridor traversing the Samoa site is owned in fee interest by the North Coast Railroad Authority (NCRA).³ 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 a railroad owns an easement to cross lands while the fee interest in the property itself 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 and provides a location.

If the Samoa owners held the fee interest through which the railroad runs, and the railroad operated by easement only, the issue of ingress and egress across the railroad tracks might have been easier to resolve. The Samoa Pacific Group LLC representatives indicate, however, that they have pursued approval of railroad crossings for the Samoa town layout they seek since 2003, but that no agreement with the NCRA has been reached. The California Public Utilities Commission must also authorize any crossings that the NCRA is willing to allow, and CPUC representatives have visited the Samoa site at the invitation of the Samoa Pacific Group LLC in the past. Nevertheless, the only presently authorized crossing of the tracks according to Samoa Pacific Group LLC is in an idle location of the former industrial Brownfield at the southern end of the site. The location is also wetland ESHA habitat according to the Commission’s staff ecologist (Exhibit 3) and recommended for inclusion within the area designated and zoned "Natural Resources" shown in Exhibits 4.

³ Telephone communication of M. O’Hern with Commission staff on request on September 21, 2010, follow up 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.

Railroad corridor access, effect on access to and crossings for sewage treatment facilities

When the County's Subdivision Map Act approval of Lot Line Adjustment 99-23 was approved in June 2000, the division did not address ingress and egress issues regarding the railroad corridor. Coastal Dependent Industrial lands held by Samoa Pacific Group LLC are located on the east side of the railroad tracks without designated crossings of the tracks authorized by the North Coast Railroad Authority or the California Public Utilities Commission. These lands were divided from the larger pulp mill property ownership without resolving the access issue. The Coastal Dependent Industrial lands may be "landlocked" by the railroad corridor.

The suggested modifications require the County and the landowner/developer to resolve the problem of railroad corridor access by securing the necessary approvals for access to any features of the town's infrastructure that would be located on the east side of the railroad corridor. Without such resolution, the Samoa Pacific Group LLC might eventually be forced to access infrastructure facilities through the existing Samoa Cookhouse railroad corridor crossing (i.e., through the only area of the Samoa lands that has been identified for provision of low cost visitor accommodations).

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 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 landowner/developer has revised the conceptual Sewage Waste Disposal system numerous times since the LCPA was submitted for review in April 2008. The locations of the primary treatment plant have changed (but remained east of the railroad tracks) until the Commission site visit in September 2010, when the landowner/developer indicated to the Commission staff that the Samoa Pacific Group's consulting engineer proposed to move the primary sewage treatment facilities to the same location as the

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proposed secondary treatment (west of the railroad tracks, near the Business Park area), in the area proposed for designation/zoning as Public Facilities.

The fluctuating plans for sewage disposal systems components and locations, the unsettled status of NCRA/CPUC railroad crossings, the lack of final sewage facility plan approved by the RWQCB, and the increased vulnerability of key infrastructure in light of future sea level rise (discussed in hazards section) indicate that from a worst-case, conservative planning perspective, it is important to ensure that an area adequate to serve all major components of the town's primary and secondary sewage waste treatment system, water storage tank, and town corporate yard are located in the general vicinity of the Public Facilities area presently identified adjacent to the proposed Business Park. (Exhibits 6 and 24.)

Therefore, for all of these reasons, the Commission finds that without the demonstration of authorization to use an appropriate railroad crossing, the Suggested Modifications must require that the infrastructure facilities be relocated to the area designated and zoned for Public Facilities immediately adjacent to the proposed Business Park, and west of the railroad corridor.

Avoid infrastructure service route through Samoa lands

Access to the Samoa Cookhouse property is currently provided by a paved road crossing of the railroad parcel. Though this access route has been used to access the Cookhouse location for decades, it is in fact an unauthorized crossing of the railroad corridor (unpermitted, and not vetted by the CPUC) as verified by representatives of the Samoa Pacific Group LLC who have investigated the matter of securing railroad corridor crossings at Samoa over the decade that has passed since Samoa Pacific Group LLC purchased the Samoa lands. As noted previously, establishing a right to pass by trespass over time cannot occur over the railroad corridor; therefore, even if the North Coast Railroad Authority has not prevented the trespass, the NCRA could require that the trespass cease at any time.

Although the County staff working on the Samoa LCPA project have advised Commission staff that resumption of railroad service on NCRA corridor that traverses the subject Samoa lands is highly unlikely in the future, the Commission notes that the Humboldt Bay Harbor, Recreation and Conservation District (Harbor District) has prepared a Feasibility Study (2007 - 2008) and a Preliminary Project Description (2009) for the Redwood Marine Terminal project, and released a Notice of Preparation for the project in 2009.

The potential importance of the railroad to the planned Redwood Marine Terminal is highlighted in this excerpt from the Feasibility Study:

“Development Option B – Multipurpose Berth Integrated with Long Term Expansion

*The second option is premised on the District **positioning the terminal as a new gateway for rail serviced markets**. The District would pursue a multi-year terminal development effort given major terminal development can take 10 years or more to complete, and given the shipping industry is now considering alternatives to major West Coast port gateways that could face capacity constraints in the 2015 to 2020 time period. The District would be competing for investment against other secondary ports on the West Coast and new port locations. A rail connection is a requirement for the terminal to compete for inland markets. Option B incorporates initial construction of a multipurpose berth to allow the District to capitalize on short to medium term opportunities, and generate revenues to support long term development.*

[pertinent recommendations for Option B continue below]

*13. Develop and implement a marketing plan on major terminal development for discussions with the shipping lines, terminal operators, shippers of cargo, **and major national railroads**.*

14. Pursue a coordinated development strategy with the State agency that manages the rail corridor [NCRA].

[emphasis added]

The Humboldt District has since published a Preliminary Project Description, Redwood Marine Terminal Modernization and Long-term Expansion Project dated February 2009 that emphasizes the use of railroad shipping and shows the railroad line traversing the Samoa Pacific Group LLC property as part of the project proposal, and shows the 35 acres of Coastal Dependent Industrial lands owned by Samoa Pacific Group as a part of the Redwood Marine Terminal project site:

Phase II Project – Long Term Development Component

The potential long-term expansion options for the project site have not been selected. Goals for the long-term expansion include:

- Develop and implement a marketing plan for major terminal development and for discussions with shipping lines, terminal operators, shippers of cargo, and major national railroads.*
- Pursue a coordinated development strategy with the State agency that manages the rail corridor.*
- Evaluate needs for maintenance dredging at the turning basin and berth.*

The Phase II project elements are currently expected to include rail access to surface transportation systems serving North America. The rail facilities identified in the Phase II project are under the control of the North Coast Railroad Authority (NCRA), a separate state agency created by the Legislature. The NCRA has sole discretion with respect to rail transportation elements that

may be included in the project. Consequently, the CEQA document will serve as an informational document for future deliberations by the NCRA.
[emphasis added]

The Redwood Marine Terminal location is immediately adjacent to the Coastal Dependent Industrial lands owned by Samoa Pacific Group LLC (see Exhibit 5 generally, edge of Humboldt Bay), and the Samoa Pacific Group LLC/DanCo Development project manager, Dan Johnson, has explained that these lands will likely be sold to the Harbor District

Samoa Pacific Group representatives on request notified Commission staff on September 26, 2010 that the company has no permitted ingress/egress with regard to the NCRA railroad tracks traversing the site. There is one potentially permitted location, but it was abandoned and resumption of use of that route through the railroad would require building the route through existing wetland and ESHA areas. The most routinely used, paved crossing of the NCRA railroad corridor is via the entrance to the Samoa Cookhouse parcel. If that route, which lack of formal approvals notwithstanding has in fact been used routinely for access by the public to the Samoa Cookhouse site should become the default permanent access across the railroad parcel, substantial landform alteration, disruption of planned visitor serving accommodation use of the Cookhouse parcel and other disruptions would occur.

As there is no other location presently authorized by the NCRA and the CPUC to cross the Samoa Pacific Group LLC Samoa landholdings, and it is not feasible to build a road without fill of a wetland, the Commission finds that the location proposed by the County in the LCPA for a new primary sewage plant, water storage, and work yard, as well as the proposed construction yard traffic, east of the NCRA railroad corridor, would be at risk of forced access service via a route through the Samoa Cookhouse parcel.

The Samoa Cookhouse property is the only remaining location within the subject Samoa lands with viable, low-cost visitor serving accommodations either proposed by the County or provided for in the suggested modifications. As such, routing the traffic associated with the public facilities through the Cookhouse lands would adversely impact a significant portion of the low cost visitor-serving accommodations. There are significant elevation changes between the two areas, and construction of access would require significant land alteration and disruption of the Cookhouse site. In addition, routing industrial traffic for sewer system maintenance, etc., through the visitor-serving accommodations area would substantially reduce the quality of the Cookhouse property location for such use. Finally, in a worst-case scenario, it is possible that the NCRA and the CPUC might not grant a crossing of the railroad corridor at the Cookhouse property location at all. If the railroad corridor is returned to service, the standards of the NCRA and the CPUC may not allow for a formally authorized crossing of the railroad corridor at the Samoa Cookhouse location.

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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. The Commission finds that the LCPA, if modified in accordance with Suggested Modifications 9, will be consistent with the requirements of the Coastal Act regarding the provision of adequate infrastructure in support of proposed new development.

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 Exhibit 6, including page 52) with maps that contained the same land use and zoning change outlines, but without any plan features. (Exhibit 6, pages 12 and 20.) 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 9 (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 resolution

Samoa's history of industrial timber use 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, but which typically fall into a category that does not pose the kinds of worst-case hazards associated with 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.

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The Samoa Pacific Group LLC has provided evidence of final Regional Water Quality Control Board approval of most of the Remedial Action Plans necessary for Samoa (the plan for cleanup of the abandoned Lorenzo Shell station remains pending). 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 have been 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. (See Exhibit 5, pages 6 and 7.) As noted elsewhere, in one location at Samoa, the determination has been made that cleanup to a residential standard for construction of 22 vacation units is not financially feasible. The landowner/developer 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 development occurs only if consistent with specified requirements.

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 and prevent future releases of lead contamination into the environment at Samoa.

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 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

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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 21. 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 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 soils layers and groundwater at depth under the soccer field site (over excavation, removal, and replacement of the upper layers of fill material at the soccer field would be undertaken, then capped with an impermeable barrier, and covered with soil and sod); and (3) the outer painted surfaces and soils surrounding historic and existing structures.

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 – 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,

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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)

Therefore, to ensure that the LCPA protects coastal water quality as required by Coastal Act Sections 30230, 20231 and other provisions of the Coastal Act, the suggested modifications include measures that require cleanup of the contaminated areas as a condition of the comprehensive subdivision approval for Master Parcel 2. The modifications require the merger ~~and division~~ of all lands affected by the Samoa LCP amendment **into one master parcel, except for the 2.5-acre parcel that now contains the existing Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC) into two Master parcels** prior to any comprehensive subdivision of the LCP Amendment area. ~~**These two Master parcels include (1) the 2.5-acre parcel that now contains the Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC), and (2) the remainder of the lands affected by the Samoa LCP amendment. (See Suggested Modification 9 and Exhibit 25.)**~~ The suggested modifications require that final cleanup plans be submitted as a filing requirement for the coastal development permit application that will be submitted for the comprehensive subdivision of Master Parcel 2, and requires that after approval of the comprehensive subdivision of Master Parcel 2 and prior to commencement of any development, including recordation of a final subdivision map for the corresponding portion of Master Parcel 2, the contamination with the corresponding area of the final subdivision map to be recorded must be cleaned up.

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

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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.

*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.”*

As stated above, the County proposes in the LCPA 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 two feet below the lower surface elevations on site as measured in some locations during the rainy season according to consulting engineers at Winzler & Kelly, preparers of the Environmental Assessments attached as Exhibits 11 – 13) 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 9, STMP (New Development) Policy 1 et. seq. (Phasing of Development) requires that the coastal development permit for the division of Master Parcel 2 be conditioned by the appropriate

authority to require **that new wastewater facilities needed to serve all development within a particular phase of the subdivision be put into place prior to development within the phase in accordance with any staged upgrade approved by the RWOCB and determined by the County or the Commission on appeal to be consistent with LCP policies for the protection of coastal resources. the construction of necessary waste-water treatment facilities prior to construction of other new development.**

Modification 9, 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 park uses.

Conclusion

Therefore, the Commission finds 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. The Commission further finds that the suggested modifications requiring the replacement of the existing sewage disposal systems and the provision of other support infrastructure such as fire and life safety equipment and fire fighting water supplies within the limits of the town of Samoa are necessary to ensure that the LCPA as submitted is modified in a manner that is consistent with the requirements of Coastal Act Policy 30250. The Commission also 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. 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:

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

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(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.

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.

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.

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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.

Discussion

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 401-031-36, 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 25. The County proposes a number of changes in the pending LCP Amendment Request No. HUM-MAJ-01-08. The proposed changes include extending the Urban Limit Line to allow substantially increased mixed use development within the Samoa area.

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 Exhibits 3, 4, 5 for more information regarding the general beach and dune area west of New Navy Base Road.) Numerous biological studies prepared in the area have confirmed the presence of these resources, including numerous species of birds dependent upon the coastal forest at the northern end of the site, and the non-native mature grove that separates the native coastal forest from most of the developed portion of the existing town.

The County’s LCP contains policies protective of the dune hollow wetlands that occur on the north spit of the Samoa Peninsula. The subject Samoa site contains several areas identified in the County’s MEIR for the Samoa project as dune hollow wetlands, including some areas that are presently used to dispose of effluent from the eastern sewage waste system. The LCPA proposes to continue such use by redesignating and rezoning a portion of the affected wetlands from General Industrial to Public Facilities.

Since the Commission’s October 14, 2010 hearing, the Commission staff ecologist, John Dixon, Ph.D. conducted a site visit to evaluate the habitat value of various site locations within the central part of the town site proposed for urban scale redevelopment in the County’s LCPA. Dr. Dixon has made a number of recommendations concerning which wetland and other habitat areas he considers to be Environmentally Sensitive Habitat

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Areas and that staff recommends be designated and zoned “Natural Resources” in that part of the subject site. Dr. Dixon did not evaluate the lands west of New Navy Base Road, or the lands east of the railroad tracks as no land use designation or zoning changes are proposed (except for the tent camping site on the west side dunes, discussed in Section C above). Dr. Dixon’s memorandum is attached as Exhibit 3, his photographs of the site visit are also attached within Exhibit 15, and aerial photographs edited by the Doug MacMillan of the Commission’s Mapping Unit, in consultation with Dr. Dixon, are attached in Exhibits 3 and 5. Dr. Dixon’s recommendations include several wetland areas as locations that are recommended by staff to be designated and zoned Natural Resources pursuant to Exhibit 4. Dr. Dixon recommends that all of the identified dune hollow wetlands be preserved in areas to be redesignated and rezoned to Natural Resources (and as well as other habitat areas).

Dr. Dixon’s recommendation for the area to be included within the NR resources reserve protected area (shown in yellow on Exhibit 4 of the February 24, 2011 staff report) are based on multiple factors, including habitat connectivity despite patches of disturbed habitat, potential wildlife corridor use, buffering from nearby development, and other factors in addition to specifically delineated areas. The boundaries of the Natural Resources and use designation area, after Commission certification, are not expected to be further adjusted based on the precise extent and location of ESHA wetlands. These Natural Resources Areas are recommended by staff to be land use designated as such in the staff recommendation set forth in the February 24, 2011 staff report in order to identify permitted and proscribed land uses. The recommended Natural Resources boundary is not coincident with the precise boundary of ESHA and is not meant to be. The County would need an LCP amendment to convert any of the area designated Natural Resources to a use that is not permitted in the Area, such as to construct new housing. However, ESHA that is identified in any of the Designated Land Use Areas would not automatically need an LCP amendment before other development could proceed. The Commission anticipates that wetlands and other environmentally sensitive habitat areas will likely be identified during coastal development permit review for future subdivision and further development of the pertinent Samoa lands. At that time, those resources must be considered under the policies of the certified LCP, and protected as part of the usual CDP review process as would typically be the case. Further LCP amendments are not, therefore, required by every potential discovery of additional ESHA within the Samoa lands.

The Commission further notes with regard to the importance of protecting the ESHA identified at Samoa, that the prediction of the Commission staff geologist (Exhibit 9 in the February 24, 2011 staff report) that future erosion of the dunes west of New Navy Base Road can be expected in the future due to sea level rise underscores the importance of permanently protecting the remnant dune mats, wetlands, and other sensitive habitat areas that are recommended by the Commission’s staff ecologist, including the recommended 100-foot-wide setback/buffer (where existing development/hardscape does not prevent this) also recommended by staff. See for example the gold line representing future erosion on the

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Samoa Peninsula available in the map at the Pacific Institute's sea level rise map for the Eureka quadrant (which contains the Samoa area) referenced on page 4 of the February 24, 2011 staff report: http://www.pacinst.org/reports/sea_level_rise/hazmaps/Eureka.pdf. The map shows the anticipated erosion line completely removing all dune fields west of New Navy Base Road and attacking Navy Base Road itself eventually. As these changes take place, there will be a great loss of rare dune mat habitat along the North Coast, and the inland areas that remain will be the last reserves for the plants and other inhabitants of this habitat. Thus, the area recommended for protection by the designation and zoning as Natural Resources is shown in Exhibit 4 is not an area that could be reduced for specific development proposals, or in light of any other delineations of specific locations within the area, for all of these reasons.

The County and the landowner have also commented that historic locations of rare plants and other resources should not be considered in establishing the Natural Resources boundaries. Dr. Dixon did not rely on historic data because the County's consulting biologist did not include historic locations of rare plants and other resources that were known to County staff and others in the biological resource maps prepared in 2004 for inclusion in the County's MEIR. Instead, the County's certified "Humboldt Beach and Dunes Management Plan" dated March 1995 and prepared by Humboldt County with funding from the California Coastal Conservancy contains evidence of occurrences of rare plants on the dune mat habitat areas within the Samoa redevelopment site (a copy of Figure 3.23 A of the certified "Humboldt Beach and Dunes Management Plan" is attached as Exhibit 26). Page 90 of the document, for example, shows two populations of the rare Menzies' Wallflower located within the STMP-LUP lands, including a population with 100-500 plants located in the area near or possibly co-occurring with the existing ACRC Samoa Processing Center site (the map has been reduced in the *Management Plan* to a scale that cannot be readily interpreted). The source for the map is dated 1988. Although the County's and the landowner/developer's 2004 surveys have not shown any rare plants within the subject area, Dr. Dixon's recommended NR boundary includes what remains of most of the interconnected dune mat habitat that once hosted, and would be the location most likely to contain, any individuals that might occur in this area in the future. In addition, soil seed banks often contain the seeds of rare plants that are capable of germinating even decades later in some cases, and thus even when rare plants are not located in an area where they were once known to occur, the soil seed bank may still contain viable seed that may eventually generate new individuals if the habitat itself is conserved.

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. To ensure that the sensitive habitat areas are not overused as default play areas, to the detriment of the sensitive resources, the suggested modifications include requirements to ensure that adequate recreational areas and facilities are provided within the proposed development areas. The Commission notes that on the Samoa Town Master Plan version of the LCPA land use

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and zoning maps (Exhibit 6) (since withdrawn and replaced with ordinary land use and zoning maps for the same area), the illustrated layout of residential lots shows dense development on small lots, and the placement of multi-family housing near areas designated for habitat conservation (Natural Resources).

While there is one proposed park location, and the landowner/developer now proposes to convert the area formerly proposed for 22 vacation units to a permanent soccer field to cap the contaminated area below the surface, no parks are shown near the multi-family housing and 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 adequate community park or play areas near the areas of the most dense proposed residential development, the residents will likely rely on the areas designated Natural Resources as *de facto* recreation areas. Because the north spit soils formed from sand dune deposits, the soils are weakly consolidated and prone to erosion. As the result of chronic, increased disturbance in the Natural Resource areas, destruction of the habitat would likely result.

Suggested Modification 9 requires that adequate recreational areas and facilities be identified within the residential areas at the time of master subdivision approval. Designating adequate recreational facilities, which should include a family park with resources for young children within a two-block walk from the multi-family residential development as well as on-site grassy areas with play structures, sports courts, and community gardening areas, will help to ensure the protection of the Natural Resources areas.

The Commission 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 and rezoning 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 Summary, Background, and New Development sections set forth above contain extensive discussion of the ground and surface water quality implications of the failing sewage treatment systems at Samoa. The existing town contains few stormwater management structures and most site drainage is accomplished by unmitigated sheet flow drainage. The Commission finds that the suggested modifications set forth above are necessary to ensure that new development is located in areas able to accommodate it

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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.

Humboldt Bay is the second largest estuary in California, encompassing over 17,000 acres. Ecologically, Humboldt Bay is important as it provides estuarine habitat for numerous species of invertebrates, fish, birds, and mammals. Four fish species that inhabit Humboldt Bay and its tributaries are listed as threatened under the Endangered Species Act of 1973: coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), steelhead (*O. mykiss*) and the tidewater goby (*Eucyclogobius newberryi*). Coho salmon are also listed under the California Endangered Species Act.

Humboldt Bay has the largest commercial oyster cultivation industry in California. Humboldt Bay Harbor, Recreation and Conservation District relies on mariculture activities (particularly oyster culture operations) licensed in Humboldt Bay waters for a significant portion of the District's revenues. The Harbor District's most recent financial report states:

“Mariculture: The unique tidal flushing of Humboldt Bay makes it the perfect environment for the culture of marine organisms (mariculture). Mariculture has been practiced in Humboldt Bay for most of the 20th century. Presently oysters are the primary species cultured in Humboldt Bay. The majority of the oyster culture occurs in north Humboldt Bay, also known as Arcata Bay. The majority of the mariculture operations in north bay are on tidelands leased from the Harbor District, City of Eureka, or City of Arcata.”

Numerous species and coastal recreational activities depend on the health of the aquatic environment of Humboldt Bay. The Samoa site drains directly into Humboldt Bay from many locations, and groundwater beneath the Samoa site trends toward Humboldt Bay as well (though tidal conditions also influence this trend).

The Commission finds that the commercial and sport fisheries and mariculture activities (including oyster culture operations) dependent on the quality of the waters of Humboldt Bay and the Pacific Ocean are important coastal resources; thus protecting the quality of these coastal waters is critical to protecting coastal habitat functions. Suggested modifications listed above include requirements to implement best management practices for control and treatment of stormwater runoff to protect these coastal activities. The Commission finds that surface water runoff and sewage discharges at Samoa have the potential to adversely affect, and are likely adversely affecting, the quality of coastal fishing and recreational activities and the marine environment inconsistent with the requirements of the Coastal Act. The suggested modifications listed above that require the replacement of the sewage waste systems at Samoa and the installation of new sewage waste disposal systems to serve the existing and proposed development of Samoa

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are necessary to protect coastal waters and aquatic habitat consistent with the requirements of the Coastal Act.

As discussed extensively above, the outdated and failing sewage treatment systems presently in use to serve existing development at Samoa rely on unlined ponds to collect raw sewage wastes, and drain undisinfected wastes directly to the beachside sand dunes from a simple septic tank system draining at least 25 residences. In addition, an unauthorized unlined raw sewage cesspool that drains wastes behind the Samoa Cookhouse at an elevation that may intersect ground water. The RWQCB issued a Notice of Violation after documenting these conditions during a site visit with Commission staff on December 7, 2010. The landowner/developer's engineering consultant stated on February 7, 2011 that a plan is being prepared to install a new system to bypass the cesspool, for RWQCB consideration by March 2 as required by the RWQCB order of January 5, 2011.

The Commission notes that the existing Samoa eastern sewage treatment system and the Samoa western sewage treatment system are operating under existing RWQCB Waste Discharge Orders. The Commission notes, however, that the Board's standards in reviewing the plans are based on the evaluation of consistency with requirements that have been deemed protective of the groundwater resources affected by the site, as required by the applicable Basin Plan. It is not clear whether these standards require consideration of the potential for contaminated groundwater to reach marine waters or for contaminated surface discharges to reach marine waters by overland routes. The RWQCB has the authority to order an update of the existing Waste Disposal Orders and to further require the update or replacement of the existing systems at any time. Consistent with the requirements of Section 30412 of the Coastal Act, the Coastal Commission defers to the judgment of the RWQCB in determining whether the existing Samoa waste discharge systems are operating in a manner that is protective of water quality.

In addition, the RWQCB has given final approval to most of the pending Remedial Action Plans for Brownfield conditions at Samoa. The Remedial Action Plans establish the standards to which the pertinent contaminated areas must be remediated. 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.

The Remedial Action Plans are not cleanup plans, however. The next steps involve the landowner/developer recording the required documents associated with the approved plans, and the preparation of work plans for the cleanup activities. The work plans lay out the physical proposal for active cleanup, etc. The RWQCB must approve the work plans. The landowner/developer must also obtain coastal development permits for the activities proposed in the work plans. None of these requirements must wait upon certification of the pending LCPA, however; the suggested modifications include

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provisions requiring that the cleanup of Samoa areas required in the approved Remedial Action Plans be completed before a final tract map for the subject location is recorded (after which the lots created in the tentative tract map can be sold off). The suggested modifications do not establish an affirmative timeline to require the cleanup of any particular location of the Samoa lands, nor do the RWQCB Remedial Action Plan approvals establish any binding timelines for implementation of the cleanup activities included in the plans.

Wetland and non-wetland ESHA within the areas of the STMP-LUP proposed for redevelopment in the subject LCPA are identified for application of the protective provisions set forth in the STMP-LUP suggested modifications, primarily by means of an identified preservation plan to place the areas identified as sensitive habitat by the Commission's staff ecologist into the area that will be redesignated and rezoned Natural Resources in accordance with Dr. Dixon's recommendations. (Exhibit 3.)

In addition to these requirements the Commission finds that because overuse of natural areas and sensitive habitat may occur if development adjacent does not contain sufficient areas and amenities for recreational use, other provisions contained in the suggested modifications call for the protection and adequate provision of parks and other recreational amenities. The suggested modifications also call for the improvement of appropriately located and designed pathways to connect the pedestrian undercrossing of New Navy Base Road with the visitor serving Samoa Cookhouse site. The suggested modifications also call for the establishment of a simple Samoa Dunes Interpretive Center and a designated pathway to limit the existing pattern of chaotic dune trespass that is trampling dune vegetation and causing widespread erosion.

The suggested modifications STMP (Wetlands/ESHA) Policies in Suggested Modification 9 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 maximum potentially allowable level of mixed use development contemplated by the Samoa Town Master Plan. (Exhibit 6, page 52.)

Conclusion

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. 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 requirements necessary to provide for the protection of 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.

E. HAZARDS

Pertinent Coastal Act Chapter 3 Policies

Section 30253 Minimization of adverse impacts, in pertinent 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.*

Section 30235 Construction altering natural shoreline, in pertinent part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Section 30250 Location; existing developed area... in pertinent part:

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

Section 30232 Oil and hazardous substance spills

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

LCP Policies

The Humboldt Bay Area Plan segment of the certified Land Use Plan incorporates Section 30253 of the Coastal Act as a policy of Section 3.17 “Hazards.” Section 30253 of the Coastal Act states in pertinent part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and*

fire hazard.

Discussion

The Samoa Peninsula is located immediately east of the Pacific Ocean and west of Humboldt Bay. The Peninsula is approximately one mile wide at its widest point, and is about one-half mile wide in the vicinity of the subject project location (Exhibit 5). Soils on the peninsula tend to be sandy and highly permeable, and the weakly consolidated soils associated with the dune field origin of most of the peninsula lands frequently co-occur with high groundwater conditions in many areas. Liquefaction risks are greater for structures located in such conditions. The relatively low topography of much of the peninsula combined with site-specific geologic conditions produce variability in degree of risk from one site to another; however the geologic and flood hazards potentially affecting lands on the Samoa Peninsula remains high. The landowner/developer Samoa Pacific Group LLC/Danco Development has submitted an evaluation of geologic feasibility of development of the subject Samoa lands indicating that the subject location may be feasibly developed with pertinent mitigation measures, and with future more specific geologic analyses at the time specific site development is proposed.

The proximity of the Cascadia Subduction Zone less than 35 miles offshore from the Humboldt coast, and the “Triple Junction” where several plates meet offshore of northern California, ensures that the area is seismically active. These earthquakes have the potential to be much stronger than the worst earthquakes that the better known San Andreas Fault is capable of generating. Great earthquakes produced by the Cascadia Subduction Zone are estimated to range from 8.0 to 9.2 on the Richter scale.⁴ The built environment of northern California has never been tested against an earthquake of that magnitude. The last great Cascadia earthquake is believed to have struck in January of 1700, before Northern California settlers had arrived, and to have measured 9.0 on the Richter scale.

Earthquakes can produce tsunami waves that travel at hundreds of miles per hour until the wave reaches shallow nearshore waters. Nearer to shore, the wave slows and builds height. A tsunami wave generated regionally could arrive on shore in a matter of minutes; sirens would be of no use, and the only warning to evacuate to higher ground would be the experience of a strong earthquake. More distant earthquakes may produce tsunami waves that allow for hours of warning time and evacuation. For these circumstances, emergency siren systems and evacuation efforts can be highly effective. (See tsunami hazard maps published by Humboldt State University, provided by Lori Dengler, Ph.D, Exhibit 16.)

⁴ An earthquake’s magnitude is a measurement of energy released by an earthquake, as expressed on a logarithmic scale measuring the horizontal displacement caused by an earthquake and detected on a seismograph. A magnitude 6 earthquake, for example, produces ten times the amount of ground shaking as a magnitude 5 earthquake.

In any coastal setting similar to that of the Samoa Peninsula, storm wave attack and shoreline erosion also pose hazards, which may be exacerbated in the future as the effects of predicted sea level rise occur. The Commission's staff geologist has addressed this potential in a memorandum dated January 11, 2011 (Exhibit 9).

Some areas of coastal California are also subject to risks from wildfire; this is particularly true in central and southern California where highly flammable chaparral vegetation, ecologically adapted to fire cycles, carry flames rapidly down canyon slopes when the "Santa Ana" winds blow hot inland air toward the coast. Though frequently windy, coastal Humboldt County is cool and humid, has relatively high annual rainfall, and thus rarely experiences wildfire hazards. The Samoa Peninsula has no fire hazard rating. Fires triggered by a major earthquake could occur, however, and adequate water supplies and emergency response capability are necessary infrastructure-related requirements.

Consistency Analysis

As the pertinent policies and provisions set forth above indicate, the Coastal Act and the certified Humboldt Bay Area Plan contain provisions that require new development to be sited, designed and developed in a manner that minimizes risks posed by natural hazards, and reduces the risk of hazardous development to other land uses, thereby minimizing human-induced hazards as well. These concerns are discussed below in light of the pertinent policies and of the suggested modifications set forth herein to address the consistency of the pending amendment request with the pertinent requirements.

Earthquake & Tsunami Hazards

At the request of Commission staff in 2006, the landowner/developer of the Samoa lands evaluated tsunami hazards pertinent to the subject site. Samoa Pacific Group retained engineering geology consultant GeoEngineers to analyze tsunami vulnerability for the purposes of the Samoa Town Master Plan. A resultant report was published on October 4, 2006, and revised October 17, 2006 (Exhibit 18). The consulting geologists noted that the north coast of California is an area of high seismic activity with at least five distinct sources of earthquakes. The report identified earthquake sources that could affect the Samoa site:

1. Faults within the Gorda Plate

The stresses produced by the differential motions of the plates causes internal deformation in the Gorda Plate that has resulted in the majority of damaging earthquakes in the Humboldt Bay region (Dengler et al., 1992).

2. The Mendocino Transform Fault Zone

The Mendocino Fault Zone extends west from near Cape Mendocino. At its closest point it is located approximately 39 miles southwest of the plan area. It is the second most frequent source of damaging earthquakes in the region.

3. The San Andreas Transform Fault Zone

The northern end of the San Andreas Fault Zone is located approximately 43 miles south of the plan area. The San Andreas Fault Zone is capable of producing large earthquakes similar to the 1906 San Francisco Earthquake, which caused significant damage in the Humboldt Bay region.

4. Faults within the North American Plate

Fault activity investigations of these indicate that several episodes of movement have occurred within the last 2,000 years; however, there is no historic record (i.e. the last 200 years) of activity on these faults.

5. The Cascadia Subduction Zone (CSZ) where the Gorda and Juan de Fuca Plates are subducted beneath the North American Plate

The last, the Cascadia Subduction Zone, is the potential source of the largest magnitude earthquakes in the Humboldt Bay region. It extends from Cape Mendocino northward to Vancouver Island and from approximately 32 miles west of the plan area to over 100 miles east of the plan area. The Cascadia Subduction Zone forms the boundary between the North American plate and the oceanic crust formed by the Juan De Fuca and Gorda plates. The North American plate and the oceanic plates are moving towards each other, forming what geologists refer to as a convergent plate margin. The North American plate is moving over oceanic plates, and the oceanic plates are sliding (subducting) underneath the North American plate.

According to the GeoEngineers report, a great earthquake (magnitude 8 to 9) along the Cascadia Subduction Zone, similar to the events shown in the geologic record to have occurred about 1100 and 300 years ago, was selected as the “design event” – a likely earthquake scenario deemed capable of producing a tsunami that could affect the plan area. Recurrence intervals (RI) for such a seismic event range from 150 to 540 years which equates to a probability of recurrence of about 0.2 to 0.7 percent annually. In comparison, engineers have typically used peak ground accelerations with a 10 percent probability of exceedence in a 50-year period for developing seismic design criteria for structures. This equates to a seismic event with a recurrence interval of about 1 in 500 years, or about 0.2 percent annually. The report stated that a rupture along the entire CSZ is expected to have a Magnitude 8.8 (expected to recur every 500 years), while a rupture of only the southern segment would have a magnitude of 8.3 (expected to recur every 150 years).

The Geoengineers report used the design event earthquake analysis to evaluate the risk posed at Samoa as a basis for siting and designing development, preparing evacuation plans, and other mitigation recommendations. The report states:

Based on the literature review we have completed, it appears that the expected runup for a Magnitude 9 Cascadia event is approximately Elevation 31 feet msl, which is also the mid-range for the range developed by PG&E. Some uncertainties exist based on world-wide trends and for local site conditions. Because of the presence of foredunes, some surface roughness creates friction. This friction will reduce turbulence and slow the tsunami surge. Therefore, a small amount of attenuation, on the order of about 0.95 might be expected within the majority in the Samoa Town Master Plan area. However, occupied structures should not be located any lower than the previously established 30 feet elevation.

Mitigation measures suggested by GeoEngineers included measures that would minimize damage from tsunami hazards and measures that would promote safety. The report provided the following additional information and specific recommendations for the tsunami-safe development of the Samoa lands:

MITIGATION MEASURES

As discussed by the State of California Seismic Safety Commission (2005), there are no U.S. building codes that provide design guidelines to reduce or prevent damage to structures from tsunami hazard. They contrast differences expressed in FEMA's Coastal Construction Manual (FEMA 55) and the National Tsunami Hazard Mitigation Program "Background Paper #5: Building Design" with respect to the feasibility of designing for tsunami impacts. While the FEMA publication states it is impractical, the National Tsunami Mitigation Program paper suggests that proper design can significantly reduce the impacts of tsunami on buildings. This paper also reports that only the City and County of Honolulu has implemented building requirements for tsunami. In lieu of appropriate building codes for design of structures, avoidance of the hazard by siting structures above the anticipated runup elevation is suggested.

Use Guidelines for Single-family Use

Planning criteria were developed for uses that could result in potential life loss. Single family use will be restricted to above Elevation 31 feet msl.

Use Guidelines for Multi-family Use

Habitation uses will be located above Elevation 31 feet msl. In the case of multi-family and resort use buildings the first floor level can be used for non-residential use such as parking. Residential use could occur on the second story.

Use Guidelines for Public and Critical Facilities

For proposed public facilities, it is recommended that critical facilities be constructed above Elevation 40 feet because they are centers of population concentrations and/or may be necessary for first response.

MEASURES TO REDUCE TSUNAMI AMPLITUDE AND VELOCITY

Anecdotal evidence from recent tsunami events including the December 26, 2004 Indian Ocean Tsunami strongly indicates that natural features such as off shore reefs, dunes, dense forested areas and wetlands help to reduce both velocity and inundation. In India, there were reports that dense stands of mangrove forests provided protection and helped to reduce velocity and run up elevations. Conversely, there were numerous reports, such as multiple communities in Sri Lanka, that compared the high damage levels experienced by in Sri Lanka, that compared the high damage levels experienced by communities where there had been destruction of dunes and off-shore reefs, with low (or even no) damage levels in communities where such features were present.

Preservation and/or enhancement of eco-system features by Samoa Town Master Plan to reduce tsunami wave effects include:

- *Dune Preservation*

No development is proposed west of New Navy Base Road.

Designated pathways and trails to Samoa Beach will be constructed in order to avoid creation of non-designated trails. This measure will be stipulated as a condition of subdivision approval.

Interpretative signage at the parking areas to inform recreation users of sensitive biological resources in the plan area. This measure will be stipulated as a condition of subdivision approval.

- *Vegetation*

Preservation and enhancement of vegetation in dune areas adjacent to New Navy Base Road and elsewhere will strengthen existing dunes and reduce likelihood of degradation. Plantings will both reduce effects of tsunami while contributing to soil stabilization.

For proposed Natural Resource and Public Recreation areas, a vegetation planting plan will be developed to reduce the potential for mobilizing large woody debris that could impact structures below the 26 foot elevation.

Planting of deep rooted species such as shore pine and shrubs instead of Eucalyptus trees (which are very brittle) in these areas would reduce potential impacts. Also, some species of Eucalyptus trees are highly flammable.

Removal of “danger” species within the plan area is proposed.

- *Wetlands*

Wetlands create added opportunities for friction as well as for water detention.

Existing wetlands on the site will be expanded.

To improve the functional value of the two small wetlands adjacent developed dunes will be restored to native landscapes, fill material will be removed and native vegetations will be planted within the setback area.

SAFETY MEASURES TO REDUCE TSUNAMI AMPLITUDE AND VELOCITY

Anecdotal evidence from recent tsunami events including the December 26, 2004 Indian Ocean Tsunami strongly indicates that natural features such as off shore reefs, dunes, dense forested areas and wetlands help to reduce both velocity and inundation. In India, there were reports that dense stands of mangrove forests provided protection and helped to reduce velocity and run up elevations.

Conversely, there were numerous reports, such as multiple communities in Sri Lanka, that compared the high damage levels experienced by communities where there had been destruction of dunes and off-shore reefs, with low (or even no) damage levels in communities where such features were present.

Preservation and/or enhancement of eco-system features by Samoa Town Master Plan to reduce tsunami wave effects include:

- *Dune Preservation*

No development is proposed west of New Navy Base Road.

Designated pathways and trails to Samoa Beach will be constructed in order to avoid creation of non-designated trails. This measure will be stipulated as a condition of subdivision approval.

Interpretative signage at the parking areas to inform recreation users of sensitive biological resources in the plan area. This measure will be stipulated as a condition of subdivision approval.

- *Vegetation*

Preservation and enhancement of vegetation in dune areas adjacent to New Navy Base Road and elsewhere will strengthen existing dunes and reduce likelihood of degradation. Plantings will both reduce effects of tsunami while contributing to soil stabilization. Details are provided in the EIR.

For proposed Natural Resource and Public Recreation areas, a vegetation planting plan will be developed to reduce the potential for mobilizing large woody debris that could impact structures below the 26 foot elevation. Planting of deep rooted species such as shore pine and shrubs instead of Eucalyptus trees (which are very brittle) in these areas would reduce potential impacts. Also, some species

of Eucalyptus trees are highly flammable. Removal of “danger” species within the plan area is proposed.

- *Wetlands*

Wetlands create added opportunities for friction as well as for water detention. Existing wetlands on the site will be expanded.

To improve the functional value of the two small wetlands adjacent developed dunes will be restored to native landscapes, fill material will be removed and native vegetations will be planted within the setback area.

Central location chosen for the Emergency Services Vehicle Storage Facility

The facility housing the Emergency Services Vehicles is centrally located with respect to harbor facilities and to expected response demands. It has been sited above Elevation 40 feet. In the event of a tsunami the vehicles will be removed from the storage facility to assist with response. The building will then become available for shelter.

Designated Shelters

Refuge sites are safe buildings above the expected tsunami run up elevation where people can remain until it is safe to leave. Four shelter sites could be used for refuges. They include:

- *Peninsula School,*
- *The New Emergency Services Building,*
- *The Manager’s House, and,*
- *The Women’s Club.*

We recommend that the Peninsula School and the New Emergency Services building be constructed above Elevation 40 feet msl. Other buildings listed should also be located above Elevation 40 feet if they are designated as shelters. The buildings should be located so that people can travel by foot within approximately 5 to 8 minutes.

In addition, use of the proposed water tower will be prohibited for vertical evacuation because of its proximity to the commercial gas station and potential for a fire hazard. Signage will be installed.

Evacuation Routes

Strong ground motion from the earthquake essentially constitutes the warning from a CSZ earthquake. Based on this assumption the amount of time available for evacuation will be very short. An evacuation route plan will be prepared for

the plan area which will include information on tsunami warning devices. The plan will be kept on file at the Samoa Peninsula Fire department (SPFD) in the Samoa Block Building. Key SPFD emergency services personnel shall be trained in tsunami evacuation procedures. For areas below 26-feet directional signage will be posted on designated paths that show non-vehicular evacuation routes to designated areas greater than Elevation 40 feet msl.

Safety Plan

A Tsunami Safety Plan will be submitted the County as a condition of subdivision approval.

- The tsunami evacuation route and plan will include information on tsunami warning devices and techniques and a public information and education program targeted at Samoa residents.*
- The applicant will submit a proportional share of the fee towards a fund for the installation and maintenance of a warning siren in the town of Samoa. (If funding for a warning siren becomes available prior to the collection of sufficient funds from each newly proposed residence, the fund can be used for tsunami education, identification of evacuation routes, signage and subsidized weather radios to residents of Samoa.)*

After the publication of the GeoEngineers report (Exhibit 18), the Commission staff requested and the County staff required the preparation of a third-party review of the tsunami hazard analysis and recommendations. The resultant report, submitted to the Coastal Commission staff by County staff March 8, 2007 is attached as Exhibit 17. In addition, a Tsunami Hazard Emergency Planning map of the Humboldt Bay area prepared by Humboldt State University is attached as Exhibit 16 and is intended for educational use as part of the emergency planning for the Samoa lands. In addition, the County's "Draft Tsunami Safety Plan" dated September, 2007 is attached as Exhibit 19.

The Commission finds that Suggested Modification 9 is necessary to ensure that all of the recommendations of the tsunami hazard expert reviewers, and a plan for wider evacuation of the Samoa lands where emergency warning notice and time remaining before tsunami arrival allow for such evacuation to safer mainland areas, are incorporated into an adequate Final Tsunami Safety Plan by Humboldt County, distributed to fire and life safety and police emergency response sources, and that the pertinent standards to ensure tsunami safety planning are hereafter applied to land divisions and other development proposed on the lands subject to the STMP-LUP.

The Commission notes that the tsunami emergency planning map prepared by Humboldt State University has shown that the southerly to middle area of the Samoa lands is located within an area considered subject to high velocity wave hazard. The third party review (Exhibit 17) recommends vertical evacuation sites for development in those areas

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where it cannot be established that horizontal evacuation to acceptably safe ground (elevation of at least 40 feet above mean sea level) could be accomplished preferably within 5 and no more than 8 minutes. The STMP (Hazards) Policy 4 provision calls for the preparation of a Final Plan that will incorporate these requirements.

The Commission finds that significant destination or regional retail other than modest additional traffic that would be produced by allowing businesses located within the proposed Samoa Business Park to offer retail sales of products manufactured or produced on site, within the Samoa lands, either in the Business Park or within Commercial General locations proposed in the pending LCPA, would generate substantial additional traffic. The Commission further finds that the additional traffic would be imposed on areas that already face considerable congestion as the result of the subject project and other projects proposed within the general area. The Commission notes that other significant projects with the potential to generate significant additional traffic have not been analyzed in combination with the Samoa LCPA to evaluate the traffic impacts of the combined projects (these include the Marina Center/Balloon Track project in the City of Eureka and the Humboldt Harbor District's proposal to develop port facilities at the future Redwood Marine Terminal project site, which is located immediately adjacent to the subject Samoa site, and will share ingress and egress on New Navy Base Road with all other north spit traffic). The additional traffic of all of these projects will affect the Caltrans safety corridor imposed on the section of Highway 101 between the Eureka Bridges and the Samoa off ramp into Arcata. The Samoa project and the proposed Redwood Marine Terminal project have the potential to produce combined traffic impacts that will adversely affect the Samoa Bridges over Humboldt Bay.

Just as the proposed Samoa LCPA failed to evaluate the cumulative traffic impacts of the Samoa project combined with the Marina Center/Balloon Track project and the Redwood Marine Terminal proposal (which was undergoing feasibility analysis at the time the MEIR for Samoa was certified) the Marina Center/Balloon Track project environmental documents similarly ignored the cumulative impacts of the traffic generated by that project when combined with the traffic generated by the Samoa project. The Commission finds that all of these projects have the potential to adversely affect the primary public coastal access corridor of Highway 101, and to increase congestion significantly on Highway 255.

The consultants who prepared the transportation impact analysis referenced in the County's MEIR for the Samoa project indicated that their traffic analysis for the Business Park component of the Samoa proposal included reliance on standardized traffic calculations for that general type of development numbers, and that a small percentage of retail use is incorporated into the formula.

The transportation analysts evaluating the Samoa project concluded that at the build out of all of the mixed land uses proposed in the subject LCPA for the Samoa redevelopment area, including the business park, new residential, new commercial and recreational uses,

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and the existing development, approximately 7,000 net traffic trips per day would be generated. These trips would be distributed between Arcata and Eureka general destination directions (with somewhat more Eureka trips than Arcata trips). The Samoa traffic analysis data was gathered during the time after the closure of Montgomery Wards (off U.S. 101 near Eureka Bridges) but before the construction of the Target Center that replaced Montgomery Wards according to the County staff.

In comparison with the traffic data for the Samoa development, the transportation analysis for the Marina Center/Balloon Track project was reported in the Draft EIR for that project released in 2008. The Marina Center EIR concluded that the Marina Center project (proposed on a site of approximately 50 acres overall, compared with approximately a 150-acre development site at Samoa) would include about 300,000 square feet of various kinds of retail space and that the retail component alone would generate approximately 3,500 net traffic trips daily. The EIR also stated that approximately 54 multi-family units would be included in the project, and assigned an additional 7,000 net traffic trips to the non-retail component of the project. The combined net traffic total for the Marina Center/Balloon Track project was therefore approximately 11,000 net traffic trips per day for the 54-acre project (gross acreage, including open space, etc.)

By contrast, the Samoa Master EIR determined that the approximately 150 gross acres at Samoa, including in those calculations approximately 16.5 acres for a business park (revised to delete 2.5 acres that will remain General Industrial for the Arcata Community Recycling Center parcel), and 45 multi-family units in addition to another approximately 350 single family residences at build out, would produce approximately 7,100 traffic trips per day.

The area proposed for a Business Park at Samoa, not counting any other development that is proposed for the Samoa site, contains approximately 19 acres (net 16.5 acres deducting the 2.5-acre Arcata Community Recycling Center which owns a 40,000 sq. ft. warehouse processing facility at that site). Rounded down to 16 acres, with 50% lot coverage (the pertinent zoning standard), and only one story of construction (up to four stories in height would be allowed within the Business Park, although it is conceded that various design standards would likely prevent maximum 4-story coverage of the Business Park lands), the Business Park would total approximately 696,960 square feet (16 acres multiplied by 43,560 square feet per acre) divided by 2 to account for the 50% maximum coverage standard. The total Samoa Business Park development square footage, in a single-story build out scenario would therefore equal approximately 348,480 square feet of Business Park development. If multiplied by four, for maximum worst case planning build out of the Business Park (50-foot height limit), then the project could yield as much as 1,393,920 square feet of Business Park Development.

The Commission also notes that the traffic generated for the Samoa LCPA may be substantially higher than estimated in the MEIR because the other land uses would also

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generate significant additional traffic that has not been calculated in the numbers cited above. If maximum buildout was ultimately achieved based on the proposed mixed land uses, and if only the 45-unit multi-family housing was constructed, the Marina Center metric suggests that thousands of extra traffic trips per day could be added, in addition to the approximately 7,000 trips per day already estimated by the County in the Final MEIR.

The Commission further finds that the Samoa Business Park land use and zoning proposed in the County's LCPA as submitted allows for retail use as a use with a Conditional Use Permit (General Industrial, the existing land use and zoning of the subject area, does not allow any retail use, even with a CUP). This information suggests that the traffic analysis prepared for the Samoa project is very conservative. In addition, the Samoa lands are served by traffic traveling over U.S. Highway 101, but as Exhibits 5 and 6 show, most of the traffic must go via Highway 255 over the very narrow and aging Samoa Bridges (discussed in detail in the September 30, 2010 staff report), which cannot be widened according to Caltrans, or via Highway 255 toward Arcata on the west side of Humboldt Bay. Upon nearing the Samoa site, all traffic must funnel into the site via New Navy Base Road and surface streets. The Samoa lands are, in a landscape context, more or less a large "cul-de-sac."

This configuration has significant consequences when considered in light of tsunami hazards and emergency evacuation planning. Any provisions for significant retail use on the north spit of the Samoa Peninsula risks drawing retail shoppers into a high tsunami hazard area with limited emergency evacuation options and almost no site-specific evacuation training. The traffic routes into the Samoa lands have not been evaluated for large-scale evacuation of Samoa occupants under approaching tsunami conditions generated at a distance and with sufficient warning time to leave the peninsula. The result could be traffic gridlock stranding drivers in extremely high tsunami hazard areas (see Exhibit 16, which shows that portions of the State Highway 255 route are within the highest tsunami hazard areas of the map). The annual tsunami evacuation drills that allow citizens to practice following prescribed routes to higher ground in the tsunami-ready town of Samoa would not be part of the repertoire of the emergency response reactions of casual visitors to the site.

The California Highway Patrol also commented on the Samoa traffic implications, expressing concern that the additional traffic trips would significantly increase traffic congestion and compound emergency evacuation concerns that already exist. The comment letter sent to the Humboldt County planning staff dated March 30, 2007, prepared by S.W. Pudinski, Captain, Commander, Humboldt Area states:

" ... The Humboldt Area Office of the California Highway Patrol (CHP) received the "Recirculation Draft 2 Master Environmental Impact Report" for the proposed Samoa Town Master Plan State Clearing House (SCH) #20030502054. The CHP is the primary agency that provides traffic law enforcement, safety, and traffic management in unincorporated areas of California. The Humboldt Area is

responsible for these functions in the proposed development and will be affected by the implementation of the project, if the following is not addressed. We offer the following comments.”

“1. The proposed project development is located within an area of unincorporated Humboldt County west of the City of Eureka. The Humboldt CHP Area has primary traffic enforcement and investigative authority in and around the Samoa and Manila areas, including the proposed site.

“2. The project is of considerable size for this area and one of the larger developments undertaken in recent years. Currently, there are minimal lane widths and inadequate shoulders along the two-lane highways (roadways) providing ingress and egress to the proposed project. Vance [an abandoned County road that is presently unimproved within the subject STMP-LUP area, note of staff] and other roadways within the project area were not designed or maintained for high traffic volumes and will have to be modified to accept the increase in vehicular traffic.

“3. The proposed Samoa Town Master Plan contains estimates of 308 new residential units in addition to 99 existing structures, the construction of an RV park and approximately 56 acres dedicated for industrial and commercial build out. Considering projected increases in vehicular traffic, population, service traffic and average trip calculations, the ability of this office to provide quality service to Humboldt County residents will be substantially impacted. The Humboldt CHP Area will be responding to and investigating traffic collisions, stolen vehicles, and a variety of other California Vehicle Code and Penal Code violations. In addition, this office will respond to assist the Humboldt County Sheriff’s Department on calls within or surrounding the project. With the construction of this project, the Humboldt Area will experience a significant increase in demands for services from our already limited resources.

“It is this Area’s opinion that the proposed project, if completed as outlined in the Master Plan, would have a significant impact on our operations. Without improvements to the highways surrounding and feeding the proposed site, the impact of this project on local (and possibly interstate) traffic could be significant. Area foresees increased calls for service for traffic related matters, ingress and egress to the proposed site reaching gridlock and backing up within the area, possibly hampering emergency response. In addition, increased response times to emergency incidents can be anticipated as a result of increased calls for service. In order for the project to be feasible, a number of highway (roadway) infrastructure changes would have to be made and an increase in CHP staffing considered. Absent these changes, Area foresees a significant and detrimental impact to traffic safety within the Humboldt Area.”
(bold emphasis added).

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The County responded to the CHP concerns in part by stating that:

“...This comment presents concerns that the large project size will bring increased traffic volumes that current roadways are not designed and maintained for. The roadways have been analyzed and findings conclude that there is adequate capacity for this proposed development. The circulation and safety improvements proposed will be further refined in the tentative map prepared for the Samoa Master Plan. The commenter will have an opportunity to review the tentative map. As stated in the note above this future review alleviated CHP concerns. No change in the EIR necessary.” (Staff: the “note above” also states that the CHP Captain Pudinsky met with County staff and reiterated the CHP concerns in his comment letter.)

The Commission notes that the CHP comments were prepared and submitted to the County at least a year before the Marina Center/Balloon Track EIR was released, the latter project potentially adding another 11,000 traffic trips per day to the Highway 101 corridor (though not all trips would overlap Samoa trips and the projects would have differentially more significant impacts on specific intersections), and likely exacerbating the concerns expressed by the CHP in the letter excerpted above. The CHP letter does not contemplate the additional traffic that would be generated by the now-proposed Redwood Marine Terminal also served by New Navy Base Road and utilizing the same routes as the Samoa project.

In addition to the significant adverse effects that such traffic could have on the primary coastal access and recreation route along the North Coast (U.S. Highway 101), there are localized problems such as the ability to safely develop -- and if necessary evacuate -- the Samoa peninsula under emergency tsunami warning conditions. All traffic evacuating the entire north spit of the Samoa Peninsula must be routed through New Navy Base Road, which is the only point of ingress and egress for all vehicles. From New Navy Base Road, traffic must travel north to Arcata via Manila on Highway 255, or cross the Samoa Bridges over Humboldt Bay on Highway 255 to the east, to reach Highway 101 in Eureka. Both routes require drivers to rely on two-lane roads and both routes are located within the tsunami inundation hazard zone.

Coastal Act Section 30253 (which is incorporated by the County in the LCP as set forth above) requires that:

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.

The Commission finds that unless retail use within the proposed Business Park is limited in the manner set forth in the suggested modifications, excess, and avoidable additional traffic would be generated by retail shoppers and employees driving into Samoa from outer areas. The Commission further finds that such additional traffic as generated by retail uses would not only significantly and adversely affect key coastal access routes, but would reduce the ability to protect evacuees from Samoa from the geologic hazards posed by earthquake and tsunami and would substantially increase the population of shoppers to the most tsunami-vulnerable locations on the Samoa site inconsistent with Section 30253. Therefore, the Commission finds for all of these reasons that the measures to strictly limit allowable retail development at Samoa are necessary to secure the consistency of the Samoa LCPA proposal with the requirements of Coastal Act Section 30253. In addition, for all of these reasons, the Commission also continues to find as necessary the limitations included within the Business Park policies set forth in the Suggested Modifications listed above, including the provisions necessary to reduce traffic associated with the overall Samoa development.

Sea Level Rise

The Commission, like many other permitting agencies, has undertaken past assessments of sea level rise effects using the principal of “uniformitarianism” as guidance — that natural processes such as erosion, deposition, and sea level changes occur at relatively uniform rates over time rather than in episodic or sudden catastrophic events. As a result, future ocean surface elevations have been extrapolated from current levels using historical rates of sea level rise measured over the last century. For much of the California coast, this equates to a rate of about eight inches per 100 years. Rates of up to one foot per century have typically been used to account for regional variation and to provide for some degree of uncertainty in the form of a safety factor. This rate of rise is

then further adjusted upward or downward as needed depending upon other factors, such as localized subsidence or tectonic uplift.

Most climate models now project that the historic trends for sea level rise, or even a 50% increase over historic trends, will be at the very low end of possible future sea level rise by 2100. Satellite observations of global sea level have shown sea level changes since 1993 to be almost twice as large as the changes observed by tide gauge records over the past century. Recent observations from the polar regions show rapid loss of some large ice sheets and increases in the discharge of glacial melt. The 2007 Fourth Assessment Report by the Intergovernmental Panel on Climate Change (IPCC)⁵ notes that sea level could rise by 7 to 23 inches from 1990 to 2100, provided there is no accelerated loss of ice from Greenland and West Antarctica. Sea level rise could be even higher if there is a rapid loss of ice in these two key regions.

The IPCC's findings were based on a 2007 report prepared by Dr. Stefan Rahmstorf of the Potsdam Institute for Climate Impact Research (hereinafter "Rahmstorf Report"). This report has become the central reference point for much of recent sea level rise planning. The Rahmstorf Report projects that by 2100, sea level could be between 20 to 55 inches higher than 1990 levels. The Rahmstorf Report developed a quasi-empirical relationship between historic temperature and sea level change. Using the temperature changes projected for the various IPCC scenarios, and assuming that the historic relationship between temperature and sea level would continue into the future, he projected that by 2100 sea level could be between 20 inches and 55 inches (0.5 to 1.4 meters) higher than the 1990 levels (for a rate of 0.18 to 0.5 inches/year). These projections for future sea level rise anticipate that the increase in sea level from 1990 to 2050 will be from about 8 inches to 17 inches (for a rate of 0.13 to 0.28 inches/year); from 1990 to 2075, the increase in sea level would be from about 13 inches to 31 inches (for a rate of 0.15 to 0.36 inches/year) and that the most rapid change in sea level will occur toward the end of the 21st century. Most recent sea level rise projections show the same trend as the projections by Rahmstorf — that as the time period increases the rate of rise increases and that the second half of the 21st century can be expected to have a more rapid rise in sea level than the first half.

Several recent studies have projected future sea level to rise as much as 4.6 feet from 1990 to 2100. For example, in California, the Independent Science Board (ISB) for the Delta Vision Plan has used the Rahmstorf Report projections in recommending that for projects in the San Francisco Delta, a rise of 0.8 to 1.3 feet by 2050 and 1.7 to 4.6 feet by

⁵ The IPCC is a scientific intergovernmental body established by the World Meteorological Organization (WMO) and the United Nations Environmental Programme to provide the decision makers and others interested in climate change with an objective source of information about climate change; <http://www.ipcc.ch/ipccreports/assessments-reports.htm> 5 Independent Science Board, 2007. Sea Level Rise and Delta Planning, Letter Report from Jeffrey Mount to Michael Healey, September 6, 2007, CALFED Bay-Delta Program: http://deltavision.ca.gov/BlueRibbonTaskForce/Sept2007/Handouts/Item_9.pdf

2100 be used for planning purposes. This report also recommends that major projects use the higher values to be conservative, and that some projects might even consider sea level projections beyond the year 2100 time period. The ISB also recommends “developing a system that can not only withstand a design sea level rise, but also minimizes damages and loss of life for low-probability events or unforeseen circumstances that exceed design standards. Finally the board recommends the specific incorporation of the potential for higher-than-expected sea level rise rates into long term infrastructure planning and design.”

The Rahmstorf Report was also used in the California Climate Action Team's Climate Change Scenarios for estimating the likely changes range for sea level rise by 2100. Another recent draft report, prepared by Philip Williams and Associates and the Pacific Institute for the Ocean Protection Council, the California Energy Commission's Public Interest Energy Research (PIER) Climate Change Research Program, and other agencies also identifies impacts from rising sea level, especially as relate to areas vulnerable to future coastal erosion and flooding. This report used the Rahmstorf Report as the basis to examine the flooding consequences of both a 40-inch and a 55-inch centurial rise in sea level, and the erosion consequences of a 55-inch rise in sea level.

On November 14, 2008, Governor Schwarzenegger issued Executive Order S-13-08, directing various state agencies to undertake various studies and assessments toward developing strategies and promulgating development review guidelines for addressing the effects of sea level rise and other climate change impacts along the California coastline.⁶ Consistent with the executive order, the governing board of the Coastal Conservancy adopted interim sea level rise rates: (a) 16 inches (40 cm) by 2050; and (b) 55 inches (140 cm) by 2100 for use in reviewing the vulnerability of projects it funds. These rates are based on the PIER climate scenarios. If adopted, these criteria would be utilized until the study being conducted by the National Academy of Sciences regarding sea level rise, requested by a consortium of state resource and coastal management agencies pursuant to the executive order, is completed.

Concurrently, in the Netherlands, where flooding and rising sea level have been national concerns for many years, the Dutch Cabinet-appointed Delta Commission has recommended that all flood protection projects consider a regional sea level rise (including local subsidence) of 2.1 to 4.2 ft by 2100 and of 6.6 to 13 ft. by 2200. Again, the Rahmstorf Report was used by the Delta Committee as a basis in developing their findings and recommendations. Given the general convergence of agreement over the observed and measured geodetic changes world wide in ocean elevations over the last several decades, most of the scientific community has ceased debating the question of whether sea level will rise several feet higher than it is today, but is instead only questioning the time period over which this rise will occur. However, as the conditions

⁶ Office of the Governor of the State of California, 2008. Executive Order S-13-08; <http://gov.ca.gov/index.php?/print-version/executive-order/11036/>

causing sea level rise continue to change rapidly, prognostications of sea level rise are similarly in flux. As a result of this dynamism, anticipated amounts and rates of sea level rise used in project reviews today may be either lower or higher than those that will be utilized ten years from now. This degree of uncertainty will continue until sufficient feedback data inputs are obtained to allow for a clear trend to be discerned from what is now only a complex and highly variable set of model outputs. Accordingly, in the interest of moving forward from the debate over specific rates and amounts of rise to a point where the effects of sea level rise greater than those previously assumed in the past may be considered, one approach is to undertake a sensitivity analysis on the development project and site to ascertain the point when significant changes to project stability would result based on a series of sea level rise rates. The analysis would be structured to use a variety of sea level rise projections, ranging from the relatively gradual rates of rise indicated by the IPCC and Rahmstorf models, to scenarios involving far more rapid rates of sea level rise based upon accelerated glacial and polar sea and shelf inputs.

For example, for the most typical development projects along the coast (i.e., residential or commercial), consideration of a two to three foot rise in level rise over 100 years could be assumed to represent the minimum rate of change for design purposes. However, in the interest of investigating adaptive, flexible design options, sensitivity testing should also include assessing the consequences of sea level rise at three to five times greater rates, namely five to six feet per century, and even 10 to 20 feet per 100 years. The purpose of this exercise is to determine, if there is some “tipping point” at which a given design would rapidly become less stable, and to evaluate what would be the consequences of crossing such a threshold. This type of analysis would make the property owner aware of the limitations, if any, of the initial project design early in the planning process. Depending upon the design life of the development, the economic and technical feasibility of incorporating more protective features, and levels of risk acceptance, the project proponent could propose, or the permitting agency may require, that greater flexibility be provided in the design and siting of the development, or other mitigation be identified, to accommodate the higher rates of sea level rise.

The sensitivity analysis approach would allow accelerated rates of sea level rise to be considered in the analysis of projects. Such evaluations provide some flexibility with regard to the uncertainty concerning sea level rise, providing an approach to analyze project in the face of uncertainty that would not involve the imposition of mandatory design standards based upon future sea level elevations that may not actually be realized. Given the nonobligatory and adaptive nature of this approach to hazards avoidance and minimization, as necessitated by such scientific uncertainty, it will remain important to include new information on sea level trends and climate change as iterative data is developed and vetted by the scientific community. Accordingly, any adopted design or siting standards that may be applied to development projects should be re-examined periodically to ensure the standard is consistent with current estimates in the literature before being reapplied to a subsequent project.

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Regardless of its particular rate, over time elevated sea level will have a significant influence on the frequency and intensity of coastal flooding and erosion. Accordingly, rising sea level needs to be considered to assure that full consistency with Section 30253 can be attained in the review and approval of new development in shoreline areas.

The LUP as proposed to be amended contains no provisions for the consideration of sea level rise in the review of new development at shoreline proximate localities where instability and exposure to flooding risks could be intensified at higher ocean surface elevations. Without such provisions, the LUP as proposed for amendment would be inconsistent with the policies of Chapter 3 of the Coastal Act, specifically Section 30253 and must be denied. The Commission thus includes suggested modifications to ensure that, to the greatest degree feasible given current scientific uncertainties relating to the variable projected rates of sea level rise, new projects in the City's coastal zone area will minimize risks to life and property in areas of high geologic and flooding hazard and not create or contribute to geologic-related instability or destruction by requiring that the effects of sea level rise be quantitatively considered in geologic and other engineering technical evaluations of new development.

The Commission finds that unless modified, the proposed LUP as amended is inconsistent with Coastal Act Section 30253. However, if modified as suggested above, the proposed amendment could be found consistent with Coastal Act policies concerning the avoidance and minimization of geologic and flooding hazards.

Hazards associated with land uses

Samoa Brownfield

Coastal Act Section 30232 set forth above requires the effective cleanup of hazardous materials that are accidentally released. As described previously, the area within the subject site is an identified Brownfield (Samoa Brownfield) under the direct supervision of the Regional Water Quality Control Board. Contaminated areas of concern to the RWQCB are scattered in numerous locations throughout the site. Cleanup of leaking tanks from the abandoned Lorenzo Shell Station (located in historic downtown Samoa) until recently was under the separate, direct supervision of the Humboldt County Environmental Health Department under the delegated authority of the RWQCB. The state Geotracker site indicates that the transfer of cleanup oversight to the RWQCB was made in July 2010). Residual contamination considerations are discussed in more detail in the water quality section of the findings.

The RWQCB has made certain determinations concerning the extent of active cleanup or passive land use restriction ("institutional controls") deemed appropriate for the various areas characterized by the developer/landowner. Documents describing the responses required by the RWQCB staff through final approvals in this regard are on file in the North Coast District Office as provided by Samoa Pacific Group LLC on December 2,

2010. In sum, the Commission requires that the County and the developer/landowner demonstrate that the proposed land uses in the requested LCP amendment be feasible with regard to the cleanup requirements that have been imposed. Three areas of the site require active cleanup measures to satisfy RWQCB requirements for the proposed re-use of the subject areas of the site.

Thus, the Commission finds that the land uses at the Samoa site will meet the requirements of Coastal Act Section 30232.

Conclusion

For all of these reasons the Commission finds that the LCPA, as submitted, is inconsistent with the policies of the Coastal Act and must be denied. The subject suggested modifications set forth above are necessary to ensure that the County's certified LCP contains the requirements necessary to find it consistent with Sections 30232 and 30253 of the Coastal Act. The County's submittal, therefore, if modified in the manner suggested, would be consistent with the requirements of Sections 30232 and 30253 of the Coastal Act and with the pertinent policies of Humboldt County's certified Humboldt Bay Area Plan.

F. 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

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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. (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.

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(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 401-031-36, 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 25.

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 Exhibits 5 and 6.)

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 estimated to be constructed or renovated at build out, based on the conceptual Samoa Town Master Plan (Exhibit 6, page 52). This LCPA does not approve any specific number of residences within the subject lands even if the lands are redesignated and rezoned to Residential. The density of development will instead be determined at the CDP stage, within the applicable limits of the pertinent land use designation and zoning. The occupants of these structures would be expected to enjoy the beach access amenities of the site, 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

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the STMP-LUP 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.

Discussion

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 the Samoa Cookhouse site east of the railroad tracks with the access tunnel under New Navy Base Road. 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 performed since the County's amendment submittal to include rare plants and habitat suitable for rare plants that are endemic to the Samoa Dunes. The tent camping site would provide affordable accommodations for coastal visitors, but the Commission finds that the placement of the facility within a dune habitat area that could be restored for sensitive plant habitat raises concerns.

The Commission finds that to ensure that adequate low cost visitor serving accommodations are available within the Samoa lands proposed for intensive redevelopment with non-priority Coastal Act uses, Suggested Modification 9 is necessary to ensure that an alternative for such use is viable and is implemented in the future.

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. The CHP letter is excerpted in the Hazards Section above.

The County and the developer/landowner asserted during meetings with Commission staff prior to the October 14, 2010 hearing that the proposed approximately 19-acre Business Park (which the County and the landowner/developer have requested that the Commission reduce to approximately 16.5 acres so that the Samoa Processing Center 2.5-acre parcel can remain designated and zoned General Industrial) should be allowed to include substantial retail sales components. At the Commission's October 14 hearing, however, the County and the landowner/developer did not testify that either party advocated increased retail sales uses within the lands subject to the proposed Samoa

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LCPA. Retail sales as a land use has 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 would drive the already burdensome traffic trip counts that would be produced by the Samoa development at buildout, higher. The environmental impact report prepared by the City of Eureka for the Marina Center project analyzed retail traffic and produced evidence that a significantly higher traffic trip count is associated with retail uses compared to the traffic counts upon which the Samoa EIR is based. The traffic issues of Samoa development are also discussed in detail in the Hazards Section above.

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 proposed redesignation and rezoning of approximately 19 acres of the subject Samoa lands from General Industrial to Business Park in the County's LCPA unless restricted as proposed in the Suggested Modifications, would allow the Business Park development to include retail uses with a Conditional Use Permit. The County and the landowner/developer submitted comments to the Commission prior to the October 14, 2010 hearing requesting even more liberal retail use, including use-by-right without the need for a CUP for some retail; the proposed LCPA as submitted required a CUP for retail.

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 on a 2.5-acre site located within the area proposed as a Business Park in the Samoa LCPA, and opened in 2007, is struggling to survive. If the ACRC loses its contract with Humboldt Waste Management Authority as has been widely reported, the ACRC may face a worsening financial environment for the non-profit recyclables management organization. It is not clear that the ACRC will continue to occupy, or pay off, the \$8.1 million facility constructed by DanCo. 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 and the landowner, as noted above, are now proposing that the 2.5-acre ACRC site remain General Industrial via Commission Suggested Modifications).

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The Commission finds that all of these factors, combined with the existing traffic congestion on Highway 101 and 255, support the need for Suggested Modifications listed above that provide limitations on the retail uses that may be approved within the Samoa Business Park.

The Commission finds that through these provisions, incorporated into the Suggested Modifications, that the Commission has ensured 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 without adversely impacting priority Coastal Act land uses and coastal resources. This combination affords flexibility and opportunity for a successful revitalization of the Samoa Brownfield and historic “company town” without attracting significant numbers of retail shopper traffic trips to the critical coastal access routes of Highway 101 and Highway 255.

Visitor-serving Accommodations

The County’s LCP amendment request includes land use changes that could facilitate, although not require as a future legal standard of development review, the provision of several sources of 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 the following low cost visitor serving accommodations as listed in the Special Modifications above:

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 minimum of 20 small free standing cabins (number of rooms may vary), and at least 15 car/tent camping sites. Amenities at each camping site and cabin should include at a minimum: potable water and electrical outlets, a picnic table with benches, a grill, wildlife-proof trash receptacles, adjacent parking for car camper spaces where feasible, shower/restroom facility with hot showers, picnic areas, a fenced dog exercise area large enough for dogs to play and exercise, and well kept grounds landscaped with native plants. In addition, installation of the pathway through the Natural Resources area to the New Navy Base Road under crossing is required by the Suggested Modifications listed above, thus connecting the low-cost visitor accommodations to the other public coastal access and recreation amenities on the beach side of New Navy Base Road.

The “Cookhouse” parcel is about 5 acres in size, and though vulnerable to tsunami inundation, it is, however, located within an approximately 5-minute walk to higher elevation refuge areas that are available to the west, across Vance Road, near the border of the lot line shared with the Peninsula School property. These facilities would be owned and operated as low-cost visitor accommodations.

The Commission finds that the low-cost visitor accommodations listed above or their equivalent shall be required components of the site redevelopment, with mandatory

provisions to ensure timely construction and opening for public use concurrent with the development of market rate new residential, commercial and business park development. These requirements are contained in the suggested modifications provided in Modification #9.

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 requirements necessary to provide for the development of 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 and must be denied unless modified as suggested above.

G. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in pertinent 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 ...Protection of Community Character) states in pertinent part:

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

In addition to incorporating directly Coastal Act policies 30251 and 30253, the County's Humboldt Bay Area Plan includes the following policies pursuant to the protection of coastal visual resources.

3.40 VISUAL RESOURCE PROTECTION

A. PLANNED USES

Within the Humboldt Bay Planning Area there are a number of outstanding views that are an asset to the region. At the south end of the planning area the drive along Table Bluff and Hookton Roads, ending at the scenic outlook at Table Bluff, offers a spectacular overview of Humboldt Bay. From this vantage point one can witness the natural resources areas, agriculture lands, urban areas and industry of the Bay – all of which are central to the well being of area residents. Roads along the North and South Spits offer the most easily accessible ocean view to Eureka-area residents. Highway 101 provides many vantage points from which daily commuters as well as tourists can see flocks of shorebirds, waterfowl and other wildlife, including the magnificent egrets that to many people are a symbol of Humboldt County. Samoa Blvd., directly west of Arcata, also offers views of the Bay and surrounding agriculture lands that are unparalleled near most urban coastal areas. The maps delineate Coastal Scenic and Coastal View areas.

B. DEVELOPMENT POLICIES

1. Physical Scale and Visual Compatibility

No development shall be approved that is not compatible with the physical scale of development

as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall

be determinative in establishing the compatibility of the proposed development:

a. For proposed development that is not the principle permitted use, or that is outside an urban limit [the Commission notes that the Samoa redevelopment area is proposed within the limits of the extended Urban Limit Line that is also proposed as part of the subject LCPA and thus B(1) & (2) would not apply; however, Subparagraph 2 below would apply] and for other than detached residential, agricultural uses, or forestry activities regulated by CDF, that the proposed development compatible with the principle permitted use, and, in addition is either:

(1) No greater in height or bulk than is permitted for the principle use, and is otherwise compatible with the styles and visible material so existing development or land forms in the immediate neighborhood, where such development is visible from the nearest public road.

(2) Where the project cannot feasibly conform to paragraph 1, and no other more feasible location exists, that the exterior design, and landscaping be subject to a public hearing, and shall be approved only when:

(a) There is no less environmentally damaging feasible alternative location.

(b) The proposed exterior design, and landscaping are sufficient to assure compatibility with the physical scale established by surrounding development.

2. Protection of Natural Landforms and Features

Natural contours, including slope, visible contours of hilltops and treelines, bluffs and rock

outcroppings, shall suffer the minimum feasible disturbance compatible with development of any

permitted use, and the following standards shall at a minimum secure this objective:

a. Under any permitted alteration of natural landforms during construction, mineral

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extraction or other approved development, the topography shall be restored to as close to natural contours as possible, and the area planted with attractive vegetation common to the region.

b. In permitted development, land form alteration for access roads and public utilities shall be minimized by running hillside roads and utility corridors along natural contours where feasible, and the optional waiving on minimum street width requirements, where proposed development densities or use of one-way circulation patterns make this consistent with public safety, in order that necessary hillside roads may be as narrow as possible.

“SPECIAL COMMUNITIES AND NEIGHBORHOODS” – include the following:

- 1) areas characterized by a particular cultural, historical or architectural heritage that is distinctive in the coastal zone;*
- 2) areas presently recognized as important visitor destination centers on the coastline;*
- 3) areas with limited automobile traffic that provide opportunities for pedestrian and bicycle access for visitors to the coast;*
- 4) areas that add to the visual attractiveness of the coast.*

Discussion

Section C set forth above contains substantial discussion about the special community character of the historic timber “company town” of Samoa, which is part of the County’s pending LCPA and is proposed for restoration as part of the Samoa Town Master Plan upon which the County has based its previous review of the potential environmental impacts of the subject proposal. In addition, at the Coastal Commission hearing on this matter October 14, 2010, Commissioners commented that the visual resources of the town of Samoa warranted enhanced consideration within the pertinent findings. As such, the Commission notes that the town of Samoa is not only a place of special community character that makes the area one of special attraction and significance to coastal visitors, but it is also set within a unique coastal location with views to the Pacific Ocean and toward Humboldt Bay, and the town site is visible from distant public viewing areas of the California coast as well. Night lighting of the Samoa peninsula can be seen, for example, from Highway 101 public viewing locations from as far as McKinleyville to the north. The landowner/developer has hosted two public Coastal Commission site visits to Samoa, where the Commission was able to enjoy the sweeping Pacific views available from the deck of the Women’s Club, a longtime gathering place in the historic town where community events are often held. The Commission also visited the Samoa Cookhouse during the September 2010 Eureka Coastal Commission meeting and tour of the Samoa site. The Samoa Cookhouse is a famous tourist attraction that still serves food in the manner of the logging company tradition, in the same location where timber town workers took meals during the late 1800s and the first half of the following century. The second floor of the Cookhouse and the surrounding areas of the five-acre Cookhouse parcel include the proposed and required low-cost visitor serving accommodations.

Section C establishes the basis for preservation of the community character afforded by the historic neighborhoods and contributing structures in Samoa. In addition to these

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considerations, the following suggested modifications offer additional measures to ensure that new and restored development at Samoa preserve and protect public coastal views and the special character of the town. The suggested modifications require consideration of the affects of new lighting on the night skyline of the north spit and the protection of distant coastal views that may be affected by new night lighting. The suggested modifications also require detailed visual impact analysis at the time development is proposed within the lands subject to the requirements of the STMP Overlay area (STMP-LUP) and the provisions of the associated implementing measures set forth in the suggested modifications.

The Coastal Act requires that scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. These requirements include the policy that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. The Coastal Act requires that new development in designated highly scenic areas shall be subordinate to the character of its setting. The following suggested modifications are imposed to protect and preserve community character and coastal visual resources at Samoa consistent with Coastal Act requirements.

STMP (Community Character/Visual) Policy 1:

Development shall preserve and protect the unique community character of the historic development within the STMP Overlay Area generally depicted in Exhibit 25 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 Overlay Area. 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. All new development within any part of the lands subject to the STMP-LUP, including any signage or lighting, shall not interfere with the special character of the existing historic neighborhoods and public views available from public vantage points and from special community gathering places such as the Women's Club.

STMP (Community Character/Visual) Policy 2:

The Design Guidelines for Old Samoa dated March 4, 2007 are hereby incorporated as standards for development within the STMP-LUP overlay designation and are attached as an Appendix to the certified LCP and any changes or revisions to the Design Guideline shall require an amendment of the LCP. Where a conflict arises between the policies of

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the STMP-LUP overlay designation and the policies of the Design Guidelines, the policies of the STMP-LUP overlay designation shall take precedence.

STMP (Community Character/Visual) 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 be consistent with the STMP Design Guidelines and 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/Visual) Policy 4:

The demolition or relocation of, any structure that is at least fifty (50) years old and located on lands subject to the STMP-LUP Samoa shall not be considered a principal permitted use and shall 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. No permit to demolish or relocate any structure contributing to the community character and historic context of Samoa shall be approved unless compelling evidence exists that the structure cannot feasibly be restored in place.

STMP (Community Character/Visual) Policy 5:

Development on lands subject to the STMP-LUP, including lighting and signage, shall be designed and constructed in a manner that: (a) protects distant night skyline views from distant vantage points toward the Pacific Ocean and Humboldt Bay; (b) protects public views of the existing town site from public vantage points such as New Navy Base Road, the public beaches west of New Navy Base Road, and from the public trail that is required between the Samoa Cookhouse property and the underground tunnel crossing of New Navy Base Road, and (c) protects coastal views from the town site, such as the panoramic views of Humboldt Bay and the Pacific Ocean available from the Women’s Club and other higher elevation locations. A visual impact analysis shall be submitted with coastal development permit applications for all proposed development on lands subject to the STMP-LUP that utilizes the installation of story poles and other means of assessing the impact of the proposed structures.

STMP (Community Character/Visual) Policy 6:

A. Remodeling and restoration of historic “Company Town” structures and structures contributing to the character of old town Samoa, and construction of additional structures proposed for lots containing such structures shall require a coastal development permit

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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 that are at least fifty (50) years old, 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/Visual) 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 and visual resource context of the existing Samoa town site.

STMP (Community Character/Visual) Policy 8: All exterior lights of all development on lands subject to the STMP-LUP, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the

structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

STMP (Community Character/Visual) Policy 9:

Architectural or advertising/marketing signage shall be of modest scale and designed in a manner that is aesthetically compatible with the historic Samoa character and reviewed and approved by the Design Committee. Illuminated outdoor advertising shall be restricted to a single sign per commercial establishment affixed to the structure on the first floor level only, and not extending above or beyond the structure's profile (including porches), and not more than three feet wide by three feet in height. Non-illuminated coastal access signage, including resource interpretation displays and modest educational/protective signage shall be permitted at Samoa Beach.

STMP (Community Character/Visual) Policy 10:

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.

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 requirements to preserve and protect the visual resources and unique community character of Samoa 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 30251 and 30253 unless modified as suggested above.

H. CULTURAL RESOURCES

Coastal Act Section 30244 provides for the protection of cultural resources:

Section 30244 Archaeological or paleontological resources

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

LCP Policies:

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The County's certified Humboldt Bay Area Plan also provides at Sections 3.18 (Urban) and 3.29.1 (Rural), in accordance with incorporated Coastal Act Section 30244, that new development shall protect cultural, archaeological and paleontological resources.

Discussion:

According to Humboldt County staff, as many as five known Wiyot tribal settlement areas are known to exist within the lands subject to the STMP-LUP. These sites are not provided in spatially-identifiable form for the sake of protecting the resources from disturbance. The County's MEIR for the Samoa Town Master Plan did not provide any requirement that future proposed development at Samoa fully avoid these (or other identified cultural resource areas). Because it is possible at the master planning and policy stage to ensure that sensitive resources are not impacted and that new development is sited and designed in a manner to fully protect such resources through avoidance, the Commission finds it necessary to include the following suggested modification:

STMP (Archaeological Resources) Policy 1:

Prior to the approval or issuance of the CDP for the division or other development of Master Area Parcel 2 as generally depicted on Exhibit 25, a Phase II archaeological resources assessment of all known archaeological sites shall define the resultant boundaries of such sites if not formerly known, or if the boundaries of the sites are fully recognized, shall ensure that the former Wiyot village sites and all five of the sites noted previously by County studies or referenced in the County's environmental impact reports for the "Samoa Town Master Plan" are protected from further development and disturbance. Prior to undertaking any further division or other development, the landowner and County shall confer with designated Wiyot representatives to ensure that the cultural resources identified herein are protected in accordance with the Wiyot representative's recommendations. The Coastal Development Permit for any land division or other development that is undertaken on lands subject to the resultant restrictions shall be conditioned to ensure the continuing protection of the archaeological resources identified in accordance with these requirements.

Conclusion:

For these reasons the Commission finds that the subject suggested modification set forth above is necessary to ensure that the County's certified LCP contains the clear and comprehensive planning requirements to preserve and protect archaeological resources that are presently known to exist or that may be discovered in the future within the lands subject to 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 Section 30244 of the Coastal Act unless modified as suggested above.

I. COASTAL COMMISSION APPEAL JURISDICTION

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

Currently, development within the lands subject to the LCP amendment has been considered appealable to the Commission pursuant to Section 30603 of the Coastal Act primarily because approved development in these lands would be located between the sea and the first public road paralleling the sea. Section 13577(i)(1) of the Commission's regulations defines the "first public road" as follows:

The "first public road paralleling the sea" means that road nearest to the sea, as defined in [Public Resources Code Section 30115](#), which:

(A) is lawfully open to uninterrupted public use and is suitable for such use;

(B) is publicly maintained;

(C) is an improved, all-weather road open to motor vehicle traffic in at least one direction;

(D) is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and

(E) does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the

sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

The Town of Samoa is located on the Samoa Peninsula, a long and relatively narrow landform that separates the northern portion of Humboldt Bay from the Pacific Ocean. The principal existing road that extends up and down the Samoa Peninsula is New Navy Base Road. New Navy Base Road is a public road that meets criteria (A)-(D) of Section 13577(i)(1) above. However, the Commission's long standing interpretation of Section 13577(i)(1) is that dead-end or spur roads such as New Navy Base Road and loop roads that ultimately require traveling in a reverse direction do not meet criteria (E) because they do not provide a continuous public access system generally paralleling the shoreline. When the Commission adopted Post-LUP Certification and Post LCP Certification maps for Humboldt County in October of 1983 and February 1986, respectively, showing the areas where the Commission retains coastal development permit authority and certain geographic areas where the Commission has appeal jurisdiction over certain local government actions on coastal development permits, the Commission designated a series of roads that extend across the north and western sides of Humboldt Bay as the first public road paralleling the sea. As a result, all of the Samoa Peninsula is appealable on the basis that it is seaward of the first public road paralleling the sea unless the circumstances set forth in Section 13577(i)(2) or 13577(i)(3) apply.

Section 13577(i)(2) and 13577(i)(3) of the Commission's regulations state in applicable part:

(2) Whenever no public road can be designated which conforms to all provisions of (i)(1) above, and a public road does exist, which conforms to all provisions of (i)(1) except (i)(1)(v)[currently numbered (i)(1)(E)], the effect of designating the first public road paralleling the sea shall be limited to the following:

(A) all parcels between the Pacific Ocean and such other public road; and

(B) those parcels immediately adjacent of the sea inland of such other public road.

(3) Where the Commission determines that the designation of the "first public road paralleling the sea" results in the inclusion of areas within the permit and appeal jurisdiction where the grounds for an appeal set forth in [Public Resources Code Section 30603\(b\)](#) are not an issue, the Commission may take action to limit the geographic area where developments approved by a local government may be appealed to the Commission, to that area where any such grounds are, in fact, an issue.

Except in two small locations, all of the Samoa Peninsula has historically been considered appealable on the basis that it is seaward of the first public road. In 1986, Humboldt County requested that the Commission make a determination pursuant to Section 13577(i)(3) that designation of the first public road paralleling the sea inland of Humboldt Bay results in the inclusion of two areas on the Samoa Peninsula within the permit appeal jurisdiction where the grounds for an appeal are not an issue. The two identified areas are within the communities of Manila and Fairhaven, each more than a mile from the Town of Samoa. The Commission approved the County's request in February of 1986. As a result, the above mentioned two areas in Manila and Fairhaven have been excluded from the areas on the Samoa Peninsula that the Commission has considered to be appealable by virtue of being located between the first public road and the sea.

Depending on the application of future facts, it is possible that the circumstances set forth in Section 13577(i)(2) could also be considered to apply to portions of the Samoa Peninsula. Such a determination would limit appeal jurisdiction based on the designation of the first public road paralleling the sea to apply only to: (a) all parcels between the Pacific Ocean and a public road that meets all of the criteria of Section 13577(i)(1) except 13577(i)(1)(E), and (b) those parcels immediately adjacent of the sea inland of such a public road. Depending on the application of future facts, it's possible that within the Town of Samoa, New Navy Base Road, a future extension of Vance Road, or development of other roads within the Town of Samoa that would be facilitated by the LCP Amendment as modified could be considered to meet all of the criteria of Section 13577(i)(1) except 13577(i)(1)(E). New Navy Base and Vance Roads are shown in Exhibit 25. Such a determination could cause some parts of the Town of Samoa to henceforth be considered outside the Commission's appeal jurisdiction based on its location seaward of the first public road paralleling the sea.

At the March 10, 2011 public hearing, the Commission expressed the importance of the Commission retaining appeal jurisdiction over future development facilitated by the LCP amendment. The suggested modifications to the LCP amendment adopted by the Commission provide a comprehensive framework for addressing the many site constraints and concerns affecting development of the Town of Samoa. Substantial issues of conformance with the many policies that would be incorporated into the LCP by the suggested modifications could be raised during the local review and approval of coastal development permits. Given the broad range of Coastal Act issues that could be raised by development proposals in the Town of Samoa, including issues regarding the protection of environmentally sensitive habitat, public access, and other coastal resources, the Commission finds that it is essential that the Commission retain appeal jurisdiction over the area affected by the LCP amendment to better ensure full implementation and conformance with the policies of the certified LCP and the Coastal Act.

If the roads within the Town of Samoa whose development would be facilitated by the LCP amendment as modified do not meet criteria A-D of Section 13577(i)(1)

defining the first public road paralleling the sea, development of the roads would not affect the Commission's appeal jurisdiction based on the location of the first public road paralleling the sea. Thus, requirements that the roads be developed, maintained, or used in ways that do not meet these criteria would ensure that the roads to be developed under the LCP amendment as modified do not affect the Commission's appeal jurisdiction based on the location of the first public road paralleling the sea.

Most of the roads whose development would be facilitated by the LCP amendment as modified would need to be developed and used in a manner consistent with criteria A, C, and D of Section 13577(i)(1) in order to adequately serve the Town. As the roads would need to be used by the public to access residences, businesses, parks, the shoreline, and other locations in and around the Town, the roads would need to be open to uninterrupted public use and made suitable for such use consistent with Criteria A. As the Samoa Peninsula and Humboldt County in general receives relatively high amounts of rainfall compared to other parts of the state, the roads may need to be all-weather to ensure their suitability for use. In addition, to serve the purpose of providing vehicular access to locations in the Town, the roads would generally have to be open to motor vehicle traffic. Therefore the roads would need to be developed and used in a manner consistent with Criteria C. Finally, to facilitate access for everyone to locations within the town 24 hours a day, the roads could not be subject to restrictions on use by the public other than in cases of emergency. Thus, the roads would need to be developed and used in a manner consistent with Criteria D.

However, the roads whose development would be facilitated by the LCP amendment as modified do not necessarily need to be publicly maintained in a manner consistent with Criteria B of Section 13577(i)(1) in order to adequately serve the Town. Humboldt County currently requires that many new roads built as part of subdivision projects be privately maintained so as to minimize the growth of the County financial burden associated with the responsibility of maintaining roads. Although provisions of the County's uncertified subdivision ordinance require that new roads built to serve new subdivisions be offered for dedication to the County, the County often does not accept such dedications and the roads remain under private ownership with the maintenance responsibilities retained by the property owners or their successors. Requiring that this practice be followed with the roads whose development would be facilitated by the LCP amendment as modified would ensure that the roads would not meet Criteria B of Section 13577(i)(1) and thus would not affect the Commission appeal jurisdiction based on the location of the first public road paralleling the sea. Therefore, to ensure that future development within the Town of Samoa will remain appealable to the Commission pursuant to Section 30603(a)(1) of the Coastal Act and Section 13577(i) of the Commission's regulations defining the first public road paralleling the sea, the Commission attaches the end portion of Suggested Modification No. 9 titled "STMP (Coastal Permit appeal Jurisdiction) Policy 1," which requires that the roads whose

development would be facilitated by the LCP amendment as modified shall not be accepted by the County and thereafter publicly maintained.

Suggested Modification No. 9 expressly acknowledges that although uncertified local ordinances such as the County's subdivision ordinance may require that new roads built as part of new subdivisions be offered for dedication to the public, such offers need not be accepted by the County and thereafter affect the transfer of maintenance responsibilities to the County. Consistent with the County's current practice not to accept many roads that have been offered for dedication, the suggested modification states that notwithstanding any uncertified local ordinances that require new roads to be offered for dedication, the roads to be developed within the STMP Overlay area shall not be accepted by the County and thereafter publicly maintained.

At the March 10, 2011 public hearing, the Commission invited the Community Development Director for the County who was representing the County at the hearing to respond to whether the Commission's retention of coastal development permit appeal jurisdiction based on the location of the first public road paralleling the sea would be acceptable to the County. The County representative indicated the County's willingness to act on roads within the Town of Samoa in a manner that would preserve the Commission's appellate jurisdiction by stating both that he believed the County would have no objection to the Commission retaining this appeal jurisdiction and that the County has no intention of changing the appeal status.

Regardless of whether development within the Town of Samoa is appealable on the basis of being located between the first public road paralleling the sea, much of the development that would be facilitated by the LCP amendment would be appealable to the Commission on the other bases listed in Section 30603 of the Coastal Act, such as all development located within 300 feet of the inland extent of any beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area, or developments which constitute major public works or major energy facilities. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP.

This latter basis for appeal is particularly important for development that would be facilitated by the LCP amendment as modified. The suggested modification provides a comprehensive framework for addressing the many site constraints and concerns affecting development of the Town of Samoa primarily through the imposition of suggested modifications that would govern the review and approval of a master subdivision of the Samoa lands after all of the lands affected by the LCP amendment except the Arcata Recycling Facility property are first merged. Thus, the review of the coastal development permit for the master subdivision will be very important in determining what specific development ultimately occurs with the lands subject to the LCP amendment. As in many areas of the coastal zone, land

divisions are not designated as the principal permitted use in any zoning district under the Humboldt County LCP. Thus, the coastal development permit for the master subdivision of Master Parcel 2 required by the suggested modifications for all of the Town of Samoa except for the Arcata Recycling Center facility would be appealable to the Commission regardless of whether certain areas are determined to be appealable to the Commission pursuant to Section 30603(a)(1) of the Coastal Act and Section 13577(i) of the Commission's regulations defining the first public road paralleling the sea.

VI. IMPLEMENTATION PLAN

As compared to the major changes to the Land Use Plan, the proposed amendments to the Implementation Plan (IP) portion of the County's LCP are relatively minor. The proposed updated IP document would not entail a significantly changed requirement, but is necessary to ensure that the filing review and analysis of specific proposals are evaluated in a manner that ensures consistency of the resultant authorization with the policies and provisions designed for the STMP-LUP (Samoa Town Master Plan Land Use Plan Overlay). The STMP-LUP serves as the overarching policy template for the land use decisions affecting the master subdivision and further subdivision and development of the Samoa lands.

The suggested modifications include provisions ("standards") to address specific requirements for new development review, water quality protection, historic town preservation during soil remediation and renovation activities, wetland analysis and protection, hazards and zoning map modifications that reflect the requirements of the Land Use Plan, modified as suggested herein. The Commission further notes that the standard for hazard review set forth in the suggested modifications for the Implementation Plan component of the County's proposed LCPA is consistent with the Commission's similar requirement for hazard policy implementation in the Crescent City LCP update (October 2010) and the Del Norte County LCP update (September 2009).

The Commission finds, therefore, that the proposed Implementation Plan amendments as submitted by the County are inconsistent with and inadequate to implement the policies of the LCP as certified and therefore must be denied. The Commission further finds that only as modified in accordance with the provisions (standards) contained in Implementation Program Modification 4, set forth above, will the Implementation Plan component provide adequate standards to implement the STMP-LUP.

VII. RESPONSES TO COMMENTS RECEIVED PRIOR TO MARCH 10, 2010 PUBLIC HEARING

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This finding provides responses to comments received after publication of the staff report on February 24, 2011, and prior to the public hearing on March 10, 2011 during which the Commission certified Humboldt County LCP Amendment HUM-MAJ-1-08 with suggested modifications. The responses to comments were included in an addendum to the February staff report that was presented at the March 10, 2011 hearing. The addendum indicated the comments and responses would be added as a separate “Response to Comments” finding.

The responses to comments made certain changes to the February 24, 2011 staff recommendation prior to Commission action on the amendment that have been incorporated into the suggested modifications and findings language above. To show the changes to the staff recommendation, the response to comments used the following text conventions:

Format for Changes to Suggested Modifications:

- Existing recommended suggested modification text shall be shown in regular text with double underline; and
- **The proposed additional text shall be shown in bold text with double underline**; and
- Any existing text proposed for deletion shall be shown in **~~bold text without underline but with strike-through~~**.

Format for Changes to Findings:

- Existing finding text shall be shown in plain text; and
- **The proposed additional finding text shall be shown in bold text with double underline**; and
- Any existing text proposed for deletion shall be shown in **~~bold text with strike-through~~**.

County Staff Comment #1

The suggested modifications require merger of Arcata Recycling Center's property with

the Samoa Pacific Group's property and then a re-division to separate them again. Although the County states it does not have the authority under the Subdivision Map Act to require two different owners to merge property, the Samoa Group has agreed to merge all property affected by the LCPA except for the Arcata Recycling Center to avoid the need to prove the validity of the 70 plus lots that were issued Certificates of Compliance but did not receive coastal development permits.

Commission Staff Response:

The suggested modifications recommended in the staff report would require the merger and division of all lands affected by the Samoa LCP amendment into two Master parcels prior to any comprehensive subdivision of the LCP Amendment area and prior to the LUP and zoning designations taking effect. These two Master parcels would include (1) the 2.5-acre parcel that now contains the existing Samoa Processing Center (recycling facility) and has been sold as such to the Arcata Community Recycling Center (ACRC), and (2) the remainder of the lands affected by the Samoa LCP amendment. The modifications would render moot existing legal uncertainties surrounding specific parcel boundaries and certificate lots within the subject lands. Without suggested modifications requiring a merger and redivision of the affected property into two Master Area Parcels prior to the LUP and zoning designations taking effect, 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 County and the landowner/developer have expressed a preference not to include the APN that currently includes the Arcata Community Recycling Center in a merger and redivision into the two master parcels. The County and the landowner/developer are still agreeable to merging the remainder of the lands affected by the Samoa LCP Amendment.

The APN that currently includes the Arcata Community Recycling Center is already developed with a viable use within the configuration of the APN. Thus applying LUP and zoning designations to this APN does not pose the same concerns about whether the use can be supported by the lot configuration as applying such designations on other smaller lots with uncertain legality within the subject area would. In addition, excluding the APN that currently includes the Arcata Community Recycling Center from the merger and simply merging the remainder of the lands affected by the LCP amendment would create the same result as the staff recommended merger of all of the lands affected by the LCP amendment (including the Arcata Community Recycling Center APN) and subsequent division into two parcels (one of which would match the APN containing the Arcata Community Recycling Center facility). Therefore, staff is revising the recommended suggested modifications to exclude the requirement that the APN that currently includes the Arcata Community Recycling Center be merged with all the other lands subject to the LCP Amendment and redivided into two master parcels, and to

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instead simply require that all of the lands affected by the LCP amendment other than the Arcata Community Recycling Center be merged.

A. A number of suggested modifications are being revised to incorporate the changes described above. Typical of these affected suggested modification is the section of Suggested Modification No. 9 titled, "STMP (New Development) Policy 3" on pages 70-71 of the February 24, 2011 staff report. The suggested modification language is revised as follows and the associated language of the findings is also revised to incorporate these changes:

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 401-031-36, 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 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area, ~~excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1)~~, are merged ~~and redivided~~ into ~~the two one~~ master parcels generally depicted on Exhibit 25 ~~comprising (1) the 2.5-acre parcel that now contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), and (2) all other lands within the Samoa LCP amendment overlay area generally depicted on Exhibit 25 (as Master Parcel 2)~~. If all such property is not merged ~~and redivided~~ into ~~the two~~ Master Parcels ~~2~~ generally depicted on Exhibit 25, the ~~property entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area~~ will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged ~~and redivided~~ into ~~the two~~ Master Parcels ~~2~~ generally depicted on Exhibit 25, 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 both: (a) issuance of the coastal development permit for the merger ~~and redivision~~ consistent with the certified LCP and (b) recordation of a final map for the merger ~~and redivision~~ consistent with the coastal development permit. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, 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 master parcel generally depicted on Exhibit 25. 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. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of

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Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

The above language being revised is repeated in several other sections of the suggested modifications, including, but not limited to, the suggested modification language of the February 24, 2011 staff report contained on pages 52, 56-57, 94-95, 96-97, 98-99, and 111-112.

B. Other suggested modification language of the staff report refers to the previously required merger and redivision into two master parcels. This language is similarly being revised to reflect that only a merger of lands outside of the Samoa Processing Center site (APN 401-031-67) is required. The first such suggested modification language is contained in the section of Suggested Modification No. 9 titled, “STMP (New Development) Policy 1A (Phasing of Development) – Merger and Redivision into Two Master Parcels” found pages 58-62 of the February 24, 2011 staff report. The suggested modification is revised as follows and the associated language of the findings is also revised to incorporate these changes:

STMP (New Development) Policy 1A (Phasing of Development) – Merger **and Redivision** into ~~Two~~ Master Parcels~~2~~.

1. Preliminary Merger **and Redivision** of the Samoa lands **excluding the Samoa Processing Center (APN 401-031-67)** into a maximum of ~~two~~ **one** parcels, prior to Master Subdivision of that parcel:

A. Prior to any other development, the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit (CDP), to merge the entirety of the legal parcel(s) containing APN 401-031-36, 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 25, **excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), and redivide the property into the two one** master parcels generally depicted on Exhibit 25 **comprising (1) the 2.5-acre parcel that now contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), and (2) all other lands within the Samoa LCP amendment overlay area (as Master Parcel 2) generally depicted on Exhibit 25.** The lands comprising Master Parcel 2 shall be held as one undivided parcel, regardless of the physical separation of the subject lands by the parcels containing New Navy Base Road, the railroad corridor owned by the North Coast Railroad Authority, or any other easement or interest that may affect the subject lands, and the deed describing Parcel 2 shall specify this condition.

B. Unless evidence that any needed approvals for establishing and/or maintaining railroad crossings necessary to serve Master Parcel 1 has been obtained and submitted

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with the Coastal Development Permit Application for the merger **and redivision**, an easement in favor of Master Parcel 1, not less than 40 feet wide, for the purpose of ingress and egress without the need to cross at any point the railroad corridor parcel owned by the North Coast Railroad Authority (NCRA) or successor-in-interest, across the lands comprising Master Parcel 2, shall be granted by the owner of Master Parcel 2. The subject access easement shall be surveyed, mapped and recorded as a condition of the CDP authorizing the merger **and redivision** of the subject lands, and shall be located within the alignment of the proposed Vance Road or other main through-street alignment through Samoa, and shall not impair ordinary use of the subject street upon completion of the master subdivision for the overall town development. The easement across Master Parcel 2 for the benefit of Master Parcel 1 shall not be extinguished or otherwise restricted from use by Master Parcel 1 until or unless (1) the owner of Parcel 1 obtains a permit from the NCRA or its successor-in-interest and from the California Public Utilities Commission (CPUC) for more direct access to Master Parcel 1 from New Navy Base Road via the presently unpermitted railroad crossing or an alternative easement providing equivalent access across Master Parcel 2 is provided by the owners of Master Parcel 2.

C. The merger **and redivision** into **Master Parcel 1 and** Master Parcel 2 of all lands subject to the STMP-LUP **excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1)**, i.e. the entirety of the legal parcel(s) containing APN 401-031-036, 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 as **Master Parcel 2** on Exhibit 25 shall encompass all such property regardless of the legality of any parcels or lots within the STMP-LUP overlay area, and regardless of whether Certificates of Compliance (conditional or unconditional) or other authorizations have been issued for any of these parcels or lots in the past, and shall fully expunge and extinguish all development rights that may have existed under any prior land division, lot line adjustment, or transmittal by whatever description may have been used. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, 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 Master Parcel 2 as generally depicted on Exhibit 25.

D. The following information shall be included as filing requirements of the Coastal Development Permit Application for the merger **and redivision**:

- (1) Evidence that the entirety of the legal parcel(s) containing APN 401-031-36, 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 25 are being merged **and redivided**, including, but not limited to, chain of title information, chain of lot creation information, Subdivision Map Act approvals, and Coastal Development Permit approvals

(3) Evidence that all necessary authorizations from the North Coast Railroad Authority (NCRA) or its successor-in-interest, and authorization from the California Public Utilities Commission (CPUC) for ingress and egress across the railroad corridor traversing the lands subject to the STMP-LUP in all locations necessary to ensure a complete circulation and access plan for the Samoa lands, including the lands designated for Coastal Dependent Industrial Use and the lands containing the Samoa Cookhouse and totaling approximately five (5) acres shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger ~~and redivision~~.

(3) Evidence that the land area needed for proposed wastewater treatment and discharge facilities, the town's corporate yard, and the town's water storage facilities needed to serve build-out of the STMP Overlay area can be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities under LCP Amendment HUM-MAJ-1-08 shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger ~~and redivision~~. If the facilities needed to serve build-out of the STMP Overlay area cannot be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities, evidence that an amendment of the LCP to accommodate the larger area needed for the facilities has been obtained shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger ~~and redivision~~.

E. ~~The Coastal Development Permit for the merger and redivision of all lands within the STMP-LUP overlay area generally depicted on Exhibit 25 into Master Area Parcel 1 and Master Area Parcel 2~~The merger into Master Parcel 2 of all lands affected by ~~subject to the STMP-LUP excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as Master Parcel 2 on Exhibit 25~~ shall include conditions incorporating the following requirements:

1) Prior to issuance of the coastal development permit ~~for the merger into Master Parcel 2 as generally depicted on Exhibit 25~~ and prior to recordation of the final map for the merger ~~and redivision of the STMP-LUP Overlay Area generally depicted on Exhibit 25 excluding APN 401-031-67~~ into ~~Master Parcel 1 and~~ Master Parcel 2 as generally depicted on Exhibit 25, the landowner shall provide copies to the County, of 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

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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 Parcels and these records shall be retained by the County and available for public inspection until the pertinent appeal period, if any, for the subject Coastal Development Permit has ended. Whether or not an appeal to the Coastal Commission is filed, the County staff shall either permanently store as public records the collected records required herein, or shall provide the subject collected records to the Coastal Commission for retention. 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 collected and stored by the County and transferred to the Coastal Commission 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 **for the merger into Master Parcel 2** and prior to recordation of the final map for the merger **into Master Parcel 2 and redivision of the STMP-LUP Overlay Area generally depicted on Exhibit 25 excluding APN 401-031-67 into the Master Parcel 1 and Master Parcel 2 as generally depicted on Exhibit 25**, the landowner(s) of Master Parcels ~~1 and 2~~ shall execute and record, free and clear of all prior liens and encumbrances, against the title of the subject parcels, 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 contamination detected in soils or surface or groundwater within the subject lands, including a map of the contaminated

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locations, the identities of previous landowners and descriptions of 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 Master Parcels pursuant to Subparagraph A(1) 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 lands, including any requirements for cleanup, stabilization, management, monitoring, reporting, or other actions required by the pertinent authority; and

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

d) Deed restriction setting forth the following disclosures,

- (3) Disclosure that the lands situated within ~~Master Parcel 1 and~~ Master Parcel 2 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
- (4) 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;

C. Suggested modification language in the first paragraph of the section of Suggested Modification No. 9 titled, “STMP (New Development) Policy 1B (Phasing of Development) – Further Subdivision of ‘STMP Parcel 2’ of the staff report on page 62 of the staff report also refers to the previously required merger and redivision into two master parcels and is being similarly revised as follows along with the language of the finding to incorporate these changes:

STMP (New Development) Policy 1B (Phasing of Development) – Further Subdivision of STMP “Parcel 2”.

2. After the merger into Master Parcel 2 of all lands subject to the STMP-LUP excluding APN 401-031-67 which contains the Samoa Processing Center

(recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as Master Parcel 2 on Exhibit 25 merger and redivision of all lands within the STMP-LUP overlay area depicted in Exhibit 25 into Master Parcel 1 (2.5-acre Samoa Processing Center Parcel) and Master Parcel 2 as generally depicted on Exhibit 25, and prior to any other development of the lands within Master Parcel 2, the landowner shall obtain a Subdivision Map Act approval and a Coastal Development Permit for the comprehensive division of all lands within Master Parcel 2. No portion of Master Parcel 2 shall be left as a remainder parcel.

D. Revising the suggested modifications to exclude APN 401-031-67 from the merger requirement has the unintended effect of excluding requirements that future development of APN 401-031-67 be subject to requirements that certain deed restrictions be recorded against the property to notify the owners and any future purchases of the site of the geologic and flooding hazards associated with the site. To ensure that such deed restriction requirements would be imposed on APN 401-031-67 at the time of future development in a manner similar to how such deed restrictions would be imposed on the remainder of the lands affected by the LCP amendment at the time of merger, staff is adding the following suggested modification language to the end of Suggested Modification No. 9 on page 92 of the staff report. The language of the findings is also revised to incorporate these changes.

STMP Master Parcel 1 (APN 401-031-67, Samoa Processing Center) Policy 1:

The Coastal Development Permit for any future development of APN 401-031-67, Samoa Processing Center, generally depicted on Exhibit 25 as Master Area Parcel 1 shall include conditions incorporating the following requirements:

A) Deed restriction disclosing that any further division or other development of Master Parcel 1 is subject to the requirements of the certified Humboldt County LCP, including, but not limited to the requirements of the STMP-LUP overlay designation; and

B) Deed restriction setting forth the following disclosures,

- (3) Disclosure that the lands situated within Master Parcel 1 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**
- (4) Disclosure that no shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development**

within Master Parcel 1 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;

County Staff Comment #2

Although County staff believes that connecting the Arcata Recycling Center to the proposed sewer system is a good idea, the County staff also believes that ARC would have to connect voluntarily.

Commission Staff Response.

The Arcata Community Recycling Center (ACRC) or Samoa Processing Center property is currently developed with a 40,000-square-foot recyclable materials processing center. The 2.5-acre site is located at the southern end of the lands affected by the pending LCP amendment. The County's pending proposal would redesignate and rezone the ACRC property to "Business Park" rendering the existing ACRC's Samoa Processing Center development a legal non-conforming use. Commission staff suggested leaving the Industrial General designation and zoning, which the County now agrees is preferable. However, the coastal development permit granted by the County for the Samoa Processing Center refers to the on-site septic system designed to serve the facility as a "temporary system." The County Environmental Health Department and the State Regional Water Quality Control Board commented that the Center should only rely temporarily on septic at that location, which is a sandy area with soils that are too fast-draining to provide adequate secondary (leachfield) treatment.

The portion of Suggested Modification No. 9 titled, "STMP (New Development) Policy 11," on page 73 of the staff report requires that the existing ACRC's Samoa Processing Center be connected to the new or upgraded waste water treatment facilities that will be built to serve the town within 180 days after the waste water treatment facility is placed in service and a waste water collection line that could serve the facility is installed. The Coastal Act regulates new development rather than existing development. Therefore, the suggested modification has been revised to require that at the time a coastal development permit is sought to authorize new development at the site, such new development must connect to the new waste water treatment facilities within 180 days after waste water treatment facilities are placed in service. Therefore, Commission staff agrees with the County that some adjustment of STMP (New Development) Policy 11 is needed and is revising STMP (New Development) Policy 11 with Suggested Modification No. 9 on

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page 73 of the staff report as follows. The language of the findings is also revised to incorporate these changes:

STMP (New Development) Policy 11:

Coastal Development Permits granted to ~~T~~the Arcata Community Recycling Center Regional Processing Facility (Samoa Processing Center) or other ownership interest utilizing the subject facility for new development shall require that the facility be connected to the new or upgraded waste water treatment facilities within 180 days after the new or upgraded waste water treatment plant is placed in service and a wastewater collection line is installed within Vance Avenue or in another location adjacent to the ACRC facility. The existing septic system that presently serves the ACRC Facility site shall be removed or remediated and properly abandoned in accordance with RWQCB requirements, subject to any necessary coastal development permit, within 180 days after connection to the new waste water treatment plant.

County Staff Comment #3

The County staff wants to make sure the suggested modifications don't preclude staged upgrade of the wastewater treatment system as the site develops. The County staff wants to condition each phase of the subdivision to Regional Water Quality Control Board Wastewater Discharge Requirements/Basin Standards in place at the time of development. From the County staff's perspective, It's not necessary to impose "new system" requirements to ensure protection of coastal resources and it does not make sense because parts of the existing system will likely be part of a "new system" such as the marsh treatment pond. The County staff wants the Commission to stick to specifying conformance with Waste Discharge Requirements unless there is specific coastal resource that demands a higher level of protection than WDR's or Basin Standards would provide.

There is a requirement that all existing residences get hooked up within 180 days of the first wastewater system improvement. From the County staff's perspective, hookups need to be tied to subdivision timing. Likewise, the County staff wants the ability to allow phased construction of the fire suppression system according to fire department and fire code standards in place at the time of development.

Commission staff response:

The existing Town development currently relies on an antiquated wastewater treatment system that does not conform to current Regional Water Quality Control Board standards for new development. Sewage from existing development at Samoa is transmitted through clay pipelines installed as much as 100 years ago and the integrity and continuity of most of the lines and connections is unknown. System failures have occurred.

The suggested modifications require that a comprehensive waste water collection, treatment, and disposal facilities plan to serve the complete buildout of the Samoa lands approved by the Regional Water Quality Control Board be submitted as a filing requirement for the coastal development permit for the master subdivision of the area affected by the LCP amendment. The facilities may be of a design that can be constructed incrementally over time, as new development is added, however, the portions of the new facilities that are needed to serve the existing town development and all new development within the existing town must be installed and placed in service prior to recordation of the first final map for the master subdivision of the Samoa lands. In addition, the suggested modifications would require that all existing development be connected to the new facilities within 180 days of the placement of the new wastewater processing facilities into service.

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The staff recommendation does not establish an absolute timeline for these improvements, relying instead on an approach that ties the construction and use of the new system to the first phase of development subsequent to the approval of the master subdivision of the STMP-LUP lands.

The County staff suggests that the Regional Water Quality Control Board (RWQCB) may determine that reliance on the existing treatment facilities with or without upgrades to treat existing development may conform with water quality regulations. Therefore, the County implies that the requirements of the suggested modifications to require completion of a proposed new wastewater treatment to serve all existing and future development within the existing town prior to any other development is unwarranted. The County believes the suggested modifications should be revised to allow for reliance on the old system to serve existing development within the Town to the extent that such reliance on the old system would be allowed by the RWQCB. In addition, County staff believes that hookups of existing residences to the new system should only be required as the phases of the master subdivision are implemented.

Commission staff believes that allowing for a staged upgrade of wastewater collection, treatment, and disposal facilities to serve existing development in the town would be appropriate if, (1) in fact, such a staged upgrade would be determined by the RWQCB to be consistent with water quality regulations and (2) the staged upgrade were determined by the County or the Commission on appeal in the review of coastal development permit applications for the master subdivision of the town or other development to be consistent with the policies of the certified LCP for the protection of ESHA, wetlands, and other coastal resources. The latter criteria is important because it is possible, that a staged upgrade of facilities to serve the existing development in the town may be consistent with RWQCB requirements but may conflict with other LCP policies designed to protect ESHA, wetlands, or other coastal resources. To approve a coastal development permit for the master subdivision or other development, the County or the Commission on appeal must find that the proposed development is consistent with the policies of the LCP and the public access policies of the Coastal Act.

Therefore, staff is revising the suggested modifications regarding the development of a comprehensive wastewater facilities plan to allow the comprehensive wastewater facilities plan that must be submitted as a filing requirement of the coastal development permit application for the master subdivision of the town to provide for staging of upgrades to serve existing development if approved by the RWQCB. Staff is also revising the suggested modification regarding the timing of installation and use of new wastewater facilities in several ways. First, the requirement that all treatment facilities needed to serve existing and future development within the existing town be placed in service prior to any other

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development is being modified to require that only waste water facilities determined by the RWQCB to be necessary to serve **existing** development and determined by the County or the Commission on appeal to be consistent with LCP policies for the protection of coastal resources be required to be placed in service prior to other development. In addition, the suggested modification would be modified to require that the coastal development permit for the master subdivision shall require new wastewater facilities needed to serve all development within a particular phase of the subdivision be put into place prior to development within the phase in accordance with any staged upgrade approved by the RWQCB and determined by the County or the Commission on appeal to be consistent with LCP policies for the protection of coastal resources. Finally, the suggested modification is being revised to allow connections to the new wastewater facilities in accordance with the staged upgrade approved both by the RWQCB and the County or Commission on appeal.

- A. Revise the relevant portion of section A(11) of STMP(New Development Policy 1B (Phasing of Development) – Further Subdivision of STMP “Parcel 2,” contained on pages 62 and 64 of the staff report as follows. The language of the findings is also revised to incorporate these changes:

STMP (New Development) Policy 1B (Phasing of Development) – Further Subdivision of STMP “Parcel 2”.

1. ... prior to any other development of the lands within Master Parcel 2, the landowner shall obtain a Subdivision Map Act approval and a Coastal Development Permit for the comprehensive division of all lands within Master Parcel 2. No portion of Parcel 2 shall be left as a remainder parcel.

A. A complete application for a coastal development permit for the comprehensive division of Master Parcel 2 shall at a minimum include all information needed to evaluate the consistency of the division with the policies of the STMP-LUP and all other applicable provisions of the certified LCP, and in addition shall specifically include the following information:

...

(11) Waste Water Treatment: Final Plans for development of facilities for the collection, treatment, and disposal of sewage waste water from the entire development that would result from buildout of all STMP lands, including the Samoa Processing Plant on Master Parcel 1 and the lands zoned Coastal Dependent Industrial on Master Parcel 2 that have been approved by the North Coast Regional Water Quality Control Board (RWQCB) and the County Environmental Health Department. To the extent that the wastewater system is designed and approved by the RWQCB to be implemented in phases or as part of a staged upgrade of

existing waste water collection, treatment, and disposal facilities, a phasing plan shall be provided that addresses when the various components of the system will be constructed and operational relative to the phasing of buildout of all STMP lands. The final plans shall also address abandonment and removal of old wastewater collection and treatment facilities in association with development of the new facilities (such as but not limited to the abandonment of the waste disposal system on the dunes West of New Navy Base Road and of the grease trap and cesspool east of the Samoa Cookhouse). The submitted plans shall include evidence prepared by a California-licensed civil engineer of (a) total system capacity, including collection, treatment, and discharge capacity designed to serve maximum buildout of the STMP lands at maximum waste water flow rates and volumes during peak winter storm water runoff and winter high ground water conditions, (b) evidence that the consulting civil engineer has verified that the complete waste water collection, treatment, and discharge system will function effectively under site conditions consistent with at least 4.5 feet of future sea level rise, (c) evidence 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; and (d) evidence that all components of the wastewater treatment and discharge system are proposed for installation within the STMP-LUP lands designated and zoned Public Facilities and located generally west of New Navy Base Road and east of the railroad parcel traversing the STMP-LUP lands (except for waste water collection facilities;

B. Revise the relevant portion of the portion of Suggested Modification No. 9 titled, "E. Provision of Waste Water Collection, Treatment and Disposal Facilities," on page 67 of the staff report as follows:

E. Provision of Waste Water Collection, Treatment and Disposal Facilities

(1) The portions of the approved waste water treatment facilities and associated wastewater **collection, treatment, and disposal facilities needed determined by the RWQCB to be necessary to serve all existing** development within the existing residential and commercial areas of the STMP-LUP overlay area depicted on Exhibit 25 **and determined by the County or the Commission on appeal to be consistent with LCP policies protecting ESHA, wetlands, and other coastal resources** shall be constructed, tested and determined ready for connection and service prior to commencement of any new development including recordation of a final subdivision map for any portion of Master Parcel 2 but not including the development listed in subsection (4) below.

(2) The coastal development permit for the comprehensive division of Master Parcel 2 shall require that prior to the commencement of any development within any phase of development of the subdivision, including the recordation of final subdivision map for that phase but not including the development listed in subsection (4) below, the landowner/developer must demonstrate that the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service **in accordance with any staged upgrade of facilities approved by the RWQCB and determined by the County or the Commission on appeal to be consistent with LCP policies protecting ESHA, wetlands, and other coastal resources.**

(3) 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 or replaced in the same location in accordance with pertinent regulations and necessary permits and with the approval of the RWQCB ~~within one (1) year after the new or upgraded waste water treatment facilities becomes operational in accordance with the schedule set forth in any staged upgrade of wastewater facilities in the approved comprehensive wastewater facilities plan.~~

(4) The following development may be performed prior to installation of the sewage treatment facilities: (1) installation of emergency control water supply facilities; (2) recordation of a final subdivision map covering the Public Facilities designated area only; (3) the remediation of contaminated soil and groundwater; and (4) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.

County Staff Comment #4

The County staff want an allowance to build at least two buildings in the industrial park up to 30,000 square feet. Currently the modifications cap building size at 20,000 square feet. The County staff want to locate the two larger buildings to the south side of the property adjacent to the pulp mill (very large) and the Arcata Recycling Center (+40,000 sq. ft.). The County staff think some of the businesses need that amount of space; for example, Fox Farm and that building bulk in this location is not a coastal scenic or zoning compatibility issue because the adjacent land uses are coastal dependent and heavy industry. The County staff are proposing a vegetation buffer between the residential area and the industrial park and a 10,000 sq. ft. building size restriction in this buffer area.

Commission staff response:

The County and the landowner/developer proposed that the subject lands be redesignated and rezoned to a coastal business park use. The original concept for the business park structures noted by the landowner/developer during the preparation of the Master EIR for the Samoa Town Master Plan was for 800 to 2,000-square-foot buildings (see Exhibit 27), designed to function primarily as a clean, small business incubator, and developed in an attractive, campus-like environment. In comments and meetings since, and in the comment above, however, the County and the landowner/developer have asserted that much larger buildings should be allowed at Samoa as a means of accommodating construction businesses such as Danco, and the example of “Fox Farm” noted above. “Fox Farm” produces fertilizer and soil amendment products.

The land use designation consistent with the uses the County staff proposes above, such as for “Fox Farm” (which is a local fertilizer and soil amendment manufacturing company), and to provide for large, warehouse scale structures, is the existing General Industrial use rather than business park. General Industrial (zoned Industrial General) allows for the following as principal permitted uses:

- Minor Utilities
- Warehousing, Storage & Distribution
- Heavy Commercial
- Research/Light Industrial
- Aquaculture; subject to the Coastal Dependent Industrial Development
- Timber Product Processing

The zoning performance standards for coastal Industrial General call for a minimum lot size of one acre, which is consistent with the scale and type of boxy warehouse type structures that the County and the landowner now seem to envision for the site. The land use designation consistent with this type of scale and design is the Industrial General land use that presently exists in the area that would be converted to Business Park in the pending LCPA; the County and the landowner/developer have not, however, proposed this land use designation for any location other than the existing Arcata Community Recycling Center facility (which was also proposed by the County for redesignation to Business Park until the Commission staff noted that this would render the ACRC facility a non-conforming use).

Staff does not propose any changes to the staff recommendation in response to this comment.

County Comment #5

The County requests more liberal provisions for retail use in the Business Park. Although the requirement for retail use only with a Conditional Use Permit would remain, the County requests relief from the restriction against retail use where a majority of customers would come from outside of the business park area. The County mentioned examples of local wineries, breweries or manufacturing enterprises that could benefit from having a minor retail component on site that would enable direct sales of their products.

Commission staff response:

The Commission staff has considered the County's request and agrees that a minor retail component to support an enterprise that is primarily engaged in manufacturing or producing a product on site would be appropriate provided the retail component did not generate significant additional traffic from off-site locations. Therefore, the staff report dated February 24, 2011 is hereby amended as follows:

Modify Page 12 of 193 pages of the February 24, 2011 staff report:

Highway 101 is the key, central public coastal access route to and along the entire North Coast. Samoa is not currently served by the public transportation system (Redwood Transit Authority) due to the presently sparse population/low potential ridership at Samoa, and the present lack of suitable bus stops. Mitigation of traffic impacts through mixed use development strategies, limitations on land uses that generate significant destination traffic by individual drivers (destination retail **that relies on resale of goods, merchandise or produce shipped in from offsite for resale**, for example, **in contrast to products that are produced or manufactured on site within the Samoa Business Park**), and encouragement of public and multi-modal transportation is therefore a significant consideration.

Modify Page 16 of 193 pages of the February 24, 2011 staff report:

The redevelopment of the Samoa site raises such concerns as cleanup of industrial Brownfield contamination and lead paint residues, sea level rise, tsunami hazards, ensuring reservation of suitable sites for Coastal Act priority uses, provision of adequate infrastructure for the aging town and for new development, traffic impacts, restricting destination retail **that is based on resale of products produced or manufactured off-site**, coastal access, retaining the visual character of the historic community, protecting cultural resources, protecting

environmentally sensitive habitat areas, and the lot legality of the existing properties.

Commission staff response:

Commission staff has considered the County's request for the proposed new Urban Land Use Definition of "Business Park" in the County's certified Humboldt Bay Area Plan to include fewer restrictions on retail use, and the opportunity to install more, and larger structures than the suggested modifications in the February 24, 2011 staff report would presently allow. The concern about allowed size of structures is addressed specifically elsewhere within this addendum to the staff report, but the two issues are somewhat related as discussed below.

The Commission staff recognizes that retail use limitations on the authorization of destination retail sales that are in the draft definition proposed for Coastal Commission certification would not allow retail on a large scale that would generate additional traffic (and any retail use in the Business Park would not be a principal permitted use, and would require a Conditional Use Permit and Coastal Development Permit if located within a County, as the subject Samoa site presently is).

The staff has also considered the County and the landowner/developer's request that the Business Park uses be authorized to have retail sales for such things as wines produced by an on-site winery, or cheese produced on site, or bags of fertilizer produced by local fertilizer manufacturer "Fox Farms" and other examples. The staff recommends a change to the staff recommendation to accommodate this additional category of retail sales in the Business Park with the caveat that the sales be incidental to the overall purpose of the business and that the sales component not generate significant amounts of additional traffic. A Conditional Use Permit and Coastal Development Permit would still be required. With these protective limitations in place, this change would be consistent with the goal of the mixed-use redevelopment of Samoa as the jobs/housing mix would help to reinforce the match of Samoa residents with employment in the nearby town site areas.

For all of these reasons, staff recommends the changes to the staff report that are described below, including that a limited additional amount of retail sales be authorized for products produced on-site in the Business Park while recommending that that scale and number of large scale buildings not be increased beyond the additional two 20,000 square foot (total) buildings the staff recommendation presently allows.

Modify pages 42 and 43 of 193 pages of the February 24, 2011 staff report:

The findings set forth below indicate that because (1) the County EIR indicates Samoa redevelopment will generate significant traffic, including a very conservative estimate of over 7,000 traffic trips per day, which does not take into account the cumulative traffic impacts of other projects in the region proposed more recently, and (2) the trip estimates do not include any significant destination retail sales, which are known to generate substantially more traffic than most other land uses, and (3) the traffic increases attributed to future Samoa buildout have the potential to adversely affect the key public coastal access routes serving the entire North Coast, retail uses that would attract destination shopper/drivers from outside the Samoa area are not considered appropriate within the Samoa mixed use proposal.

In addition, the Samoa Peninsula is subject to substantial earthquake and tsunami hazard and New Navy Base Road and narrow two-lane roads and the Samoa bridges to Eureka several miles away, are the only evacuation routes for Samoa as well as all other development on the north spit of the Samoa Peninsula. Drawing substantial numbers of visitors who cannot be readily evacuated would be unsafe and would increase the risk that other Samoa and north spit occupants cannot be safely evacuated. Moreover, the California Highway Patrol wrote to the County in 2007 expressing extreme concern that the traffic associated with the Samoa Town Master Plan then undergoing EIR preparation, would overwhelm the CHP's resources and produce traffic congestion beyond what the CHP considered to be safe levels on Highway 101 and at the intersections of Highways 101 and 255 in Eureka, in particular. Staff considered the landowner/developer and the County's requests that more flexible allowances for the incorporation of retail be included in the suggested modifications, particularly to increase retail sales opportunities in the proposed Business Park. Staff modified the suggested recommendation to allow for a small amount of retail use within the Business Park primarily to service existing development within the town, **and also to allow businesses located within the proposed Business Park to undertake small-scale resale of items manufactured or produced on-site when the resale portion of the operation is minor in nature and incidental to the primary activity of the business, and would not generate significant additional traffic**, and required that retail uses be undertaken only with a Conditional Use Permit, which would be appealable to the Commission, to ensure that any retail proposed within the business park is carefully considered for compliance with the policies and provisions of the STMP-LUP and protective of public coastal access as required by the Coastal Act. Staff continues to believe that these limitations within the Samoa redevelopment are necessary to ensure consistency of the proposed LCPA with the hazard policy requirements of Coastal Act Section 30253 in particular, and with the public coastal access policies of the Coastal Act.

Modify page 55 of 193 pages of the February 24, 2011 staff report:

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 nonmotorized transportation.

PRINCIPAL USE: Mixed business development that includes compatible administrative, business, and professional offices, and research and development within individual structures limited to a maximum of 10,000 square feet. A limited amount of accessory warehouse and storage facilities 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: (a) Mixed business development that includes compatible administrative, business, and professional offices, and research and development within individual structures greater than 10,000 square feet, (b) light industrial, and (c) 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. Individual structures shall be limited to a maximum of 10,000 square feet with the following exception: a maximum of two structures within the business park may be sized up to 20,000 square feet.

Modify page 86 of 193 pages of the February 24, 2011 staff report:

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, and an on-site source of potential 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. **However, businesses located within the Business Park may include a minor amount of retail sales incidental to the primary business enterprise, and restricted to products manufactured or produced on site.**

Modify page 166 of 193 pages (findings section) of the staff report dated February 24, 2011:

The Commission finds that significant destination or regional retail, **other than modest additional traffic that would be produced by allowing businesses located within the proposed Samoa Business Park to offer retail sales of products manufactured or produced on site,** within the Samoa lands, either in the Business Park or within Commercial General locations proposed in the pending LCPA, would generate substantial additional traffic. The Commission further finds that the additional traffic would be imposed on areas that already face considerable congestion as the result of the subject project and other projects proposed within the general area. The Commission notes that other significant projects with the potential to generate significant additional traffic have not been analyzed in combination with the Samoa LCPA to evaluate the traffic impacts of the combined projects (these include the Marina Center/Balloon Track project in the City of Eureka and the Humboldt Harbor District’s proposal to develop port facilities at the future Redwood Marine Terminal project site, which is located immediately adjacent to the subject Samoa site, and will share ingress and egress on New Navy Base Road with all other north spit traffic). The additional traffic of all of these projects will affect the Caltrans safety corridor imposed on the section of Highway 101 between the Eureka Bridges and the Samoa off ramp into Arcata. The Samoa project and the proposed Redwood Marine Terminal project have the potential to produce combined traffic impacts that will adversely affect the Samoa Bridges over Humboldt Bay.

County Staff Comment #6

The County raised the concern that the suggested modifications appear to require construction of a commercial space suitable for a small grocery/convenience store that must be held vacant for years waiting for a suitable tenant to emerge and establish such a business in the vacant structure.

Commission staff response:

The comment refers to the requirements set forth in Modification 9, at STMP (Coastal Access) Policy 5. The suggested modification places requirements on the development by requiring (within the proposed commercial downtown Samoa revitalization component of the new development) the provision of a structure designed in a manner suitable for use as a small grocery/convenience store (so that such an operation could eventually be accommodated, to reduce traffic trips of Samoa residents and visitors that would otherwise drive frequently to Arcata or Eureka for purchase of all groceries). However, the suggested modification does not require that the structure be held vacant until/unless an entity seeks to lease it for that purpose. The point of the modification is to ensure that provision of a suitable building will not be precluded by construction of other, unsuitable structures in the available locations thereby forestalling the potential for a small grocery/convenience store to serve Samoa. Staff realizes that the landowner/developer cannot otherwise control whether a suitable tenant will emerge and that eventually, if no tenant is identified, the requirement should be dropped. In the interim, other tenants could use the space until the desired grocery/convenience tenant emerged. The staff also believes that construction of the suitable space could alternatively be achieved by suitably remodeling and making available an appropriate existing structure in the downtown commercial center.

Staff does not propose any changes to the staff recommendation in response to this comment.

County Staff Comment #7

The County staff commented that the boundaries of the ESHA/Natural Resource area identified in the staff report may require adjustment once the County completes further wetland delineation and habitat mapping during future review of the landowner/developer applications for subdivision of the Samoa lands. The County staff comment suggested that the County staff might seek future changes in the boundaries of the NR area even if the Commission certifies the boundaries that are recommended by Commission staff in the staff report dated February 24, 2011. Specifically, the County staff stated:

“...The newly identified ESHA boundaries will require a revision of the development Master Plan so there may be more issues once we understand all the ramifications of the boundary adjustments. We're glad that the ESHA/Natural Resource boundaries have been identified for Local Coastal Plan purposes but they may need to be adjusted once we complete the wetland delineation and habitat mapping required for the subdivision application. If changes are necessary, we will have to go back to our Board and the Coastal Commission to seek changes in plan designation boundaries.”

Commission staff response:

The staff report dated February 24, 2011 includes the specific recommendation of the Commission's senior staff ecologist, John Dixon, Ph.D., based on his review of background information and a site visit to the subject Samoa lands undertaken on December 7, 2010. Dr. Dixon's advisory memorandum is attached as Exhibit 3, and Figures attached to his memorandum show the locations that he determined should be protected within the Natural Resources (NR) land use designation and zoning map boundaries, as well as the 100-foot-setback/buffer for these resource areas. Dr. Dixon's memorandum and Figures attached to the memorandum also show some areas that the County had designated as ESHA that Dr. Dixon did not recommend be considered ESHA nor included in the NR boundaries.

Dr. Dixon's recommendation and the staff recommendation for the area to be included within the NR resources reserve protected area (shown in yellow on Exhibit 4 of the February 24, 2011 staff report) are based on multiple factors, including habitat connectivity despite patches of disturbed habitat, potential wildlife corridor use, buffering from nearby development, and other factors in addition to specifically delineated areas. The boundaries of the Natural Resources and use designation area, after Commission certification, are not expected to be further adjusted based on the precise extent and location of ESHA wetlands. These Natural Resources Areas are recommended by staff to be land use

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designated as such in the staff recommendation set forth in the February 24, 2011 staff report in order to identify permitted and proscribed land uses. The recommended Natural Resources boundary is not coincident with the precise boundary of ESHA and is not meant to be. The County would need an LCP amendment to convert any of the area designated Natural Resources to a use that is not permitted in the Area, such as to construct new housing. However, ESHA that is identified in any of the Designated Land Use Areas would not automatically need an LCP amendment before other development could proceed. Staff anticipates that wetlands and other environmentally sensitive habitat areas will likely be identified during coastal development permit review for future subdivision and further development of the pertinent Samoa lands. At that time, those resources must be considered under the policies of the certified LCP, and protected as part of the usual CDP review process as would typically be the case. Further LCP amendments are not, therefore, required by every potential discovery of additional ESHA within the Samoa lands.

The Commission staff further notes with regard to the importance of protecting the ESHA identified at Samoa, that the prediction of the Commission staff geologist (Exhibit 9 in the February 24, 2011 staff report) that future erosion of the dunes west of New Navy Base Road can be expected in the future due to sea level rise underscores the importance of permanently protecting the remnant dune mats, wetlands, and other sensitive habitat areas that are recommended by the Commission's staff ecologist, including the recommended 100-foot-wide setback/buffer (where existing development/hardscape does not prevent this) also recommended by staff. See for example the gold line representing future erosion on the Samoa Peninsula available in the map at the Pacific Institute's sea level rise map for the Eureka quadrant (which contains the Samoa area) referenced on page 4 of the February 24, 2011 staff report:

http://www.pacinst.org/reports/sea_level_rise/hazmaps/Eureka.pdf

The map shows the anticipated erosion line completely removing all dune fields west of New Navy Base Road and attacking Navy Base Road itself eventually. As these changes take place, there will be a great loss of rare dune mat habitat along the North Coast, and the inland areas that remain will be the last reserves for the plants and other inhabitants of this habitat. Thus, the area recommended for protection by the designation and zoning as Natural Resources is shown in Exhibit 4 is not an area that could be reduced for specific development proposals, or in light of any other delineations of specific locations within the area, for all of these reasons.

The County and the landowner have also commented that historic locations of rare plants and other resources should not be considered in establishing the Natural Resources boundaries. Dr. Dixon did not rely on historic data because the County's consulting biologist did not include historic locations of rare plants and other resources that were known to County staff and others in the biological

resource maps prepared in 2004 for inclusion in the County's MEIR. Instead, the County's certified "Humboldt Beach and Dunes Management Plan" dated March 1995 and prepared by Humboldt County with funding from the California Coastal Conservancy contains evidence of occurrences of rare plants on the dune mat habitat areas within the Samoa redevelopment site (a copy of Figure 3.23 A of the certified "Humboldt Beach and Dunes Management Plan" is attached as Exhibit 26). Page 90 of the document, for example, shows two populations of the rare Menzies' Wallflower located within the STMP-LUP lands, including a population with 100-500 plants located in the area near or possibly co-occurring with the existing ACRC Samoa Processing Center site (the map has been reduced in the *Management Plan* to a scale that cannot be readily interpreted). The source for the map is dated 1988. Although the County's and the landowner/developer's 2004 surveys have not shown any rare plants within the subject area, Dr. Dixon's recommended NR boundary includes what remains of most of the interconnected dune mat habitat that once hosted, and would be the location most likely to contain, any individuals that might occur in this area in the future. In addition, soil seed banks often contain the seeds of rare plants that are capable of germinating even decades later in some cases, and thus even when rare plants are not located in an area where they were once known to occur, the soil seed bank may still contain viable seed that may eventually generate new individuals if the habitat itself is conserved.

Staff does not propose any changes to the suggested modifications in response to this comment but includes the above paragraphs in their entirety as Commission findings in the ESHA/Wetland section of the report.

County Staff Comment #8

The County staff believe that the level of detail of many of the suggested modifications is inappropriate for a Local Coastal Plan, and will result in the need for the County to complete LCP amendments for minor issues that are more appropriately resolved at the Coastal Development Permit, subdivision and zoning layers of planning. The County staff believes this level of detail is unnecessary to assure consistency of this Plan Amendment with the Coastal Act.

Commission staff response:

The level of detail (in the suggested modifications) of which the County complains was necessary to prepare a favorable staff recommendation for Commission certification of the County's map change LUP and zoning amendment. The alternative available to staff was to either refuse to file the

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otherwise deficient LCP amendment until the County addressed the shortcomings of the submittal, or to file the amendment request and thus commit the Commission staff to undertake the necessary, and considerable amount of work to prepare the suggested modifications. The Samoa site is unusually complex, and the buildout of the land uses the County and the landowner/developer seek is extensive. The project raises numerous concerns that could significantly and adversely affect coastal resources.

For example, the County proposes to move the Urban Limit Line to encircle the Samoa area. This proposal requires that the Commission find that existing infrastructure is adequate to serve the intensified development that would thereby occur. The existing infrastructure at Samoa is inadequate for this purpose as is discussed in detail in the February 24, 2011 staff report. The County's LCP amendment request did not address this problem, among many other significant concerns, at all.

Similarly, neither the County nor the Landowners provided evidence of lot legality for the Samoa Town Property being redeveloped. Without that information, the County and landowner could seek approval of an intensity or location of development and uses unsupported by the size, legality and configuration of the lots subject to the LCPA. The suggested modifications allow the landowners to proceed with the LCPA without establishing the legality of all of the property affected by the LCPA if all such property is merged into a Master Parcel. Although the landowners need not establish the legality of each and every parcel, it is still necessary to ensure that the entirety of the legal parcel(s) containing the property affected by the LCPA (other than the Arcata Recycling Center) are merged before the land use designations and zoning proposed in LCP Amendment HUM-MAJ-01-08 take effect.

By requiring that the entirety of the legal parcels containing the APNs affected by the LCPA (other than the Arcata Recycling Center) are merged prior to the effectiveness of the land use designations and zoning contained in HUM-MAJ-01-08, even if the County accepts the suggested mods, concerns about lot legality would be resolved before the land use designations and zoning takes effect.

In addition, the information and studies necessary to support designating and zoning a particular area with a specific land use designation and zoning was also not provided as part of the LCPA submittal. Therefore, the suggested modifications devise a two step process wherein even if the land use designations and zoning become effective because the landowner merged the entirety of the legal parcels containing the APNs affected by the LCPA into Master Parcel 2, that Master Parcel can only be further divided and sold upon receipt of the necessary supporting information.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #1

1. Citing Government Code section 66451.302(a), the landowner/developer asserts that because the Arcata Community Recycling Center Samoa Processing Facility (ACRC) is not owned by SPG, there is no Subdivision Map Act process for it to be merged with SPG owned lands.

Commission Staff Response:

The developer cites to a SMA provision that governs the notice that must be provided in conjunction with mergers initiated by a local government. Whether or not this or other SMA provisions require that the property be in common ownership before it can be merged, development voluntarily pursued by the landowner/developer such as the development that the landowner may choose to pursue on property affected by this LCPA will not be effectuated by a local government initiated merger.

Also, see Commission staff response to County Comment #1 above.

Landowner/Developer Comment #2

• All existing lots have been certified as separate lots by recorded certificates of compliance. Despite this fact, the owner is willing to merge all lots owned by Samoa Pacific Group into one parcel.

Commission Staff Response:

The certificates of compliance to which the landowner/developer refers require, but do not have the benefit of, coastal development permits. The merger requirement discussed in Commission staff's Response to County Comment #1 above is the Commission's staff's solution to resolution of the lot legality matter, crafted as a benefit to the County and the landowner/developer in resolving the problem without preventing the furtherance of the proposed LCPA.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #3

- *“Remainder” parcels will be shown on each phase of the subdivision map until the last phase, after which there will be no remainder.*

Commission Staff Response:

The comment appears to mistake the term “remainder parcel.” At the time of the master subdivision undertaken pursuant to Modification 9, all portions of the lands subject to the STMP-LUP will be divided as approved by coastal development permit and tentative tract map. These approvals will establish the location and limits of lots throughout the entirety of the subject lands. Although multiple final maps will subsequently be recorded once the tentative map that determines the comprehensive configuration of all of the lots is approved, the sequential filing of multiple final maps does not change the overall configuration approved by the tentative map.

In comparison, when only a portion of real property is subdivided, the subdivider may designate as a “remainder” or omit entirely from the map the portion that is **not** divided for the purpose of sale, lease, or financing. Government Code section 66424.6(a). However, if the subdivider intends to sell, lease, or finance the remainder parcel (either when the other parcels are subdivided or in the future), which is the case here, that parcel must be considered part of the subdivision and does not qualify as a remainder parcel under Government Code section 66424.6. No remainder lots are allowed to remain at the time of the master subdivision.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #4

- *Staff Report Page 61, 2 – The deed restrictions will be recorded prior to any sales or new loans on the property, but not prior to existing easements.*

Commission staff response:

Recommended Suggested Modification 9, STMP (New Development) Policy 1 (Phasing of Development) commencing on page 58 of the staff report dated February 24, 2011 requires the recordation of the pertinent deed restrictions at various stages of the development of the STMP-LUP lands, as a condition of the Coastal Development Permit for that development.

First, in reviewing the submitted comments, staff noted that the requirement for recordation of the “assumption of risk” deed restriction for the lands subject to the STMP-LUP had been inadvertently deleted from the recommended suggested modifications during preparation of the February 24, 2011 staff report. The requirement is referenced in the staff report at pages 35 and 36 under the discussion of the significant earthquake and tsunami hazards present at the Samoa site (excerpted here for convenient reference) and should be modified as indicated below.

Modify Pages 35-36 of the staff report to add bolded language.

8. Earthquake & Tsunami Hazards:

Concern: The hazards posed to the site by the earthquake & tsunami risks associated with the presence of the Cascadia Subduction Zone, as well as other geologic hazards associated with the site’s location between Humboldt Bay and the Pacific Ocean, are significant concerns associated with the County’s LCPA request. As part of the LCP amendment, the County proposes to add a LUP policy to the Humboldt Bay Area Plan that would require that for any land division of three or more lots, no residential lots can be created unless the livable portions of the residences can feasibly be constructed above tsunami run-up elevations.

Response: The previous staff recommendation and the Suggested Modifications set forth in the current recommendation contain substantial requirements to ensure that the Samoa development is consistent with the requirements of Coastal Act Section 30253 (hazards). The staff recommended suggested modifications continue to require that the tsunami hazard policy proposed by the County to limit land divisions and redivisions allowing three or more new residential development sites subject to tsunami inundation in the area subject to the Humboldt Bay Area Plan apply to all land divisions that would allow permanent residential development and requires that such residential development be authorized only if the subject location could be feasibly developed with residential use designed to place the first habitable floor above the applicable tsunami runup elevation (which has been established at 32 feet above mean sea level for the Samoa site development).

The suggested modifications also require that Business Park development (which is located in the mapped “high velocity wave hazard” area (mapped for

educational purposes only by Humboldt State University geologists) (Exhibit 16) be designed in such a manner as to be resilient if subject to the forces of a tsunami, and to provide vertical evacuation features in lieu of inadequate walking evacuation distances to higher ground. The modifications also require, for example, that the recommendations of the consulting experts and third party reviewers evaluating tsunami hazard (Exhibits 16-20) be included in the County's final tsunami plan (Exhibit 19) for the subject town of Samoa rehabilitation and redevelopment. Nevertheless, the hazards present are of such a nature and magnitude that they cannot be completely avoided. **Therefore, the Suggested Modifications further require the recordation of deed restrictions by the current landowner(s) advising future buyers and landowners of the nature of these hazards, including recordation of an assumption of risk acknowledging and accepting liability for the residual level of hazard (as well as the risks posed by sea level rise, which may increase the potential impacts of other hazards such as the height of tsunami run up) associated with the subject area.** See Suggested LUP Modification 9.

[bold emphasis added]

Staff therefore corrects this inadvertent omission by making the following changes to the staff recommendation set forth in the staff report dated February 24, 2011, commencing on page 66 of 193 pages of the staff report dated February 24, 2011 be made:

C. The coastal development permit for any portion of Master Parcel 2 shall require that: (1) prior to issuance of any CDP for any portion of Master Parcel 2 and (2) prior to recordation of each final map for all or a portion of Master Parcel 2, and (3) prior to any future additional development of the parcel identified as Master Parcel 1 (presently containing the Arcata Community Recycling Center's Samoa Processing Center, previously approved by Humboldt County, 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 parcels within the area covered by the final map; and (2) a deed restriction has been recorded against the legal title of the parcels within the area covered by the final map describing the kinds and location of contamination that has previously been associated with the subject lots, 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 groundwater present on site. ; and

(3) prior to recordation of a final map where pertinent for subdivision of lands within Master Parcel 2, or prior to issuance of a coastal development permit for any development arising within lands originally identified as Master Parcel 1 or Master Parcel 2 shown on Exhibit 25, a deed restriction has been recorded against the legal title of each parcel either previously existing or thereby established, and re-recorded as a condition of approval of any coastal development permit for future development of parcels within the area originally shown as Master Parcel 1 or Master Parcel 2 on Exhibit 25 of the Coastal Commission staff report dated February 24, 2011, and the subject “Assumption of Risk” deed restriction shall state the following:

Assumption of Risk

By acceptance, amendment or transfer of this permit or in performing due diligence evaluation of the subject property in support of a decision to purchase the subject site and any improvements of the subject property that is subject to this deed restriction, the landowner and future purchaser acknowledges and agrees (i) that the site may be subject to hazards from: earthquake, tsunami, fires triggered by such events, landslide, erosion, liquefaction, wave attack, storm surge and other sources of flooding, and future sea level rise, including the amplification of other hazards in response to sea level rise; (ii) to assume the risks to the applicant and/or future purchaser of the property that the subject site that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against Humboldt County and/or the Coastal Commission, and their officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless Humboldt County and/or the Coastal Commission, their officers, agents, and employees with respect to the approval by Humboldt County or the Coastal Commission of the project giving rise to the establishment or improvement of any lands located within the Samoa area subject to the STMP-LUP including or originating from the areas described as Master Parcel 1 or Master Parcel 2 in Exhibit 25 of the Coastal Commission staff report dated February 24, 2011, against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

Second, in response to the County’s and the landowner/developer’s concern regarding the requirement that such deed restrictions be recorded free and clear of prior liens, staff notes that this condition ensures that the Commission’s (or the County’s) interest in the protection of the pertinent coastal resources or other matter has first priority. In the case

of the deed restrictions in the recommended suggested modifications for Samoa, many of the deed restrictions serve the primary purpose of giving notice to future landowners of information such as where underlying contamination may have been identified in the past, or, in the case of the “Assumption of Risk” deed restriction, that the property is subject to extraordinary hazards that cannot be completely avoided. The staff believes the hazards at Samoa are of such significance that recordation of recorded documents free and clear of prior liens is warranted at Samoa.

There is another option for such deed restrictions which does not require that the deed restriction be recorded free and clear of liens, but in such cases if foreclosure or bankruptcy occurs, the deed restriction is the last of many documents that may be considered and in such cases, the deed restriction documents are sometimes lost, failed to be transferred, or simply are not noticed within so much paperwork related to the proceedings. The Commission staff believes that the potential impacts of the hazards affecting Samoa are of such significance that the option for recordation that requires the deed restriction to be recorded free and clear of prior liens would ensure that in the future, the subject deed restriction remains associated with transfer of the Samoa lands, thus ensuring that this important information remains prominent in the record and available for consideration of future landowners/occupants of the Samoa lands.

Therefore, the staff is recommending only the above changes to the recommendation set forth in the staff report dated February 24, 2011.

Landowner/Developer Comment #5

2. Railroad crossings - NCRA approval. Suggested Modification #9 requires evidence of NCRA and CPUC authorizations with the initial merger and subdivision of STMP-LUP lands application (Staff Report page 60). The landowner/developer asserts that NCRA approval is beyond the applicant's control and could potentially delay initial CDP application filing for years. SPG states it has and will continue to work to secure NCRA approval for required RR crossings; however the proposed timing of NCRA approval is a complete unknown at this time and it is requested that this approval be a condition of a later development phase.

Commission staff response:

The Suggested Modification 9, STMP (New Development) Policy 1 (Phasing of Development) commencing on page 58 of the staff report does require the resolution of the problem that Samoa Pacific Group LLC does not presently have an authorized crossing of the railroad corridor for several significant locations within the LCPA. Resolution of this matter cannot wait for a development phase

subsequent because the configuration of lot lines and the designation of land uses cannot be decided until access to the lot or designated land use area is determined to be feasible. For example, if the feasibility of developing the low-cost visitor serving accommodations on the approximately 5-acre Samoa Cookhouse property with the necessary crossing at that property is not resolved before Master Parcel 2 is divided, and the necessary crossing later proves impossible to resolve, the return of railroad service to that existing line could mean that the envisioned visitor serving accommodations cannot be constructed due to the unauthorized crossings of the existing railroad line that would thereby occur. The ability to cross the railroad must be resolved before the requested land use designations become effective and before Master Parcel 2 is divided, because otherwise, an alternative location for priority uses must be found within the Samoa lands.

Securing authorized ingress/egress to priority uses and avoiding the creation of land locked parcels is necessary to ensure consistency of the proposed LCPA with the policies of the Coastal Act protective of priority land uses.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #6

3. Increase in ESHA/ Natural Resource areas. The areas recommended for Natural Resource designation (Staff Report Exhibit 4) include a 100 foot buffer from ESHA areas (except where existing development would preclude such buffer). Per Dr. Dixon's 2/11/11 Memo, the following areas, which were previously designated non-ESHA, are now considered ESHA: the entire dune area east of New Navy Base Road, the existing wastewater point of discharge area, a small dune hollow area near the center of the site, and the dune area adjacent to existing residences located near the northern property boundary.

This results in a significant overall reduction of developable lands (see attached figure). The approximate total loss by land use follows: Business Park (MB): 2.85 acres, Public Facility (PF): 2.44 acres, Residential Low Density (RL): 6.35 acres, Public Recreation (PR): 0.36 acres.

Commission Staff Response:

Dr. Dixon assessed the subject areas in a manner consistent with this recounting; the stated acreage estimates have not been calculated by Commission staff. The staff notes, however, that there are no actual losses by land use as these are proposed, not existing land uses. All of the areas noted in Comment #6 above are

presently designated General Industrial and zoned Industrial General in the County's certified LCP, and are comprised of large, (legally) undivided tracts of land. The lands in question (overall) are developable for a range of uses, but setbacks from habitat areas would be required even if coastal development permits were under consideration for uses consistent with the existing designation/zoning. As well, the subject area is (presently) located within the Commission's appellate jurisdiction.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #7

4. Wetland/ESHA Policies and Standards. STMP Wetlands/ ESHA Policy 9 (Staff Report page 80) requires a plan for the removal of "invasive non-native plant species of particular ecological concern" within the entire STMP-LUP area that shall be implemented per phase and monitored for 5 to 10 years. This and other required invasive species removal and restoration and enhancement of ESHA's (Staff Report page 77) and adjacent buffer areas would create a substantial financial burden on the applicant/ future property owners. The recommended increased NR area has already significantly reduced the developable area and enhancing/restoring buffer areas is not a typical requirement. Enhancing and restoring native species to the buffer areas would likely require intensive seed collection activities, which are time intensive and expensive.

Commission Staff Response:

On the previous two site visits to the subject area (September 2006 and September 2010), the Commission has expressed concern regarding the extensive escape and persistence of aggressive, invasive non-native species in the Samoa area – particularly pampas grass. The landowner/developer has not kept this weed in check, and it has a tendency to colonize and spread and to overtake native plant habitat to the detriment of coastal ecosystems. The Samoa site contains numerous rare and fragile ESHAs, and the requirement for the removal and control of ecologically important invasive species is consistent with Coastal Commission requirements imposed on many other projects of such scale or ecological importance. The implementation of the plan that must be prepared consistent with the cited Suggested Modification can be timed along with the new development that is proposed, in a phased manner, as evidenced by the requirement that removal of invasive species be demonstrated at the time of the recordation of a final map (which would occur in phases).

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It is important to note that the development intensity that the County and the landowner/developer propose at Samoa will bring substantial numbers of new residents, visitors, and businesses to Samoa, and that with these changes will come substantial increases in the number of people recreating among the dunes, trails, and parks in the immediate area. The coastal dunes, both east and west of New Navy Base Road, and the coastal forest and scrub habitats and rare plant habitat areas, as well as sensitive wetlands, will all be at risk of increased disturbance. The aerial photos of the subject site, particularly those shown in Exhibit 5 of the February 24, 2011 staff report, reveal the extent of disturbance that is already occurring from the use of informal trails through the dunes, the use of off road vehicles on the slopes of the Samoa lands, etc. Requiring the restoration and protection of ESHA and ESHA buffer is a small offset of the increased impacts that will be felt by these resource areas as the population of Samoa increases in response to the proposed LCPA, once it is implemented.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #8a

• Protection and preservation of existing ESHAs will occur; for the reasons discussed above it is requested that all language referring to enhancement and restoration of ESHAs be removed. The following summarizes previously recommended language revisions for the proposed Wetlands/ ESHA related suggested modifications, but is not a comprehensive list of all previous comments.

Landowner/Developer Comment #8b

*Page 78, 1 and page 108.a. Functional Relationships.
Comment: Biological functional relationships are (1) complex to assess; (2) there are no Coastal Act guidelines for determining or assessing such a relationship; and (3) the analysis would be qualitative at best and would not be quantifiable.*

Landowner/Developer Comment #8c

• *Since there is no guidance on determining functional relationships, it is requested that all language referring to biological functional relationships be removed and related policies/ standards could state “The buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.”*

Landowner/Developer Comment #8d

Page 78, 7 and 8; page 108 (a) and (e); page 110, 7 and 8. Use of Natural topography and historic locations of habitat/ species. Comment: The natural topography is already incorporated into the project design and buffer areas. “Historic locations” is too broad and should be limited to mapping methods such as GPS/GIS, standard survey, or orthorectified aerial photos.

Landowner/Developer Comment #8e

• *It is requested that all policy/ standard references to natural topography be removed and references to historic locations be limited to the mapping methods defined above.*

Commission Staff Response to Comments 8a-e:

The requirement that the landowner/developer objects to with regard to analyzing functional relationships of habitat resources has been included by the Commission in recent LCP updates such as Crescent City, Del Norte County, and others on the advice of the Commission staff ecologist. The assessment of biological functional relationships is well understood by qualified biologists and considers the complete biological context of a sensitive habitat or species rather than relying only on a simple yardstick where ESHA complexity is an important factor to consider if sensitive resources are to be adequately protected.

With regard to “use of natural topography and historic locations...” These are important assessment features and records. Rare plant surveys, for example, may record presence of annual plant species with highly variable records of appearance in any particular year due to fluctuating environmental conditions, or may reflect the limited opportunities to undertake surveys in certain areas. The historical data is valuable, however, for determining where rare species habitat may be present, even when annual species are not apparent, and where dormant soil seed banks may persist.

To eliminate such sources of information is to exclude important evidence from the record of potential ESHA and sensitive species. At the subject site, for example, US Fish and Wildlife Service botanists have confirmed for Commission staff that populations of rare plants known to inhabit the dune mat areas have been identified at Samoa in the past. In fact, the certified Humboldt County Beach and Dunes Management Plan shows the location of rare plant populations within the area proposed for the Business Park and areas adjacent to it, as mapped in 1988. The County in preparing the Plan (c. 1995 date) and the Commission in certifying it, considered these historic mappings to be significant data concerning the expression of continued presence of rare plants in the subject area. (See Exhibit 26.)

In addition, the Commission's senior ecologist, John Dixon, Ph.D. advised the County's consulting biologist during the December 7, 2010 site visit to Samoa that the botanical surveys prepared for the site should have included known historical data concerning sensitive species previously identified in the subject area.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #9

5. Contamination Remediation. Comprehensive subdivision approval will contain conditions for contamination remediation; the cleanup of affected areas will be completed in phases, prior to final map recordation of the applicable phase.

- Cleanup of the lands within any phase shall be completed prior to the recordation of the map for that phase.*

Commission Staff Response:

This comment appears to be re-stating what the recommended suggested modifications presently require, which is a change from the previous staff recommendations and has been made in response to comments received from the landowner/developer and from the county staff.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #10

6. WWTF requirements. The requirements imposed by the Staff Report pertaining to development strategy and forced installation of improvements which are not directly affecting the health, safety, and welfare, of those current and future occupants place unnecessary and undue burden to the point of making the project infeasible and is in direct violation of the subdivision map act as these conditions are expressly granted to the local agencies.

Commission Staff Response:

It is not clear what “development strategy and forced installation of improvements” is referred to. The suggested modifications contain numerous requirements pertaining to the required provision of adequate infrastructure protective of coastal waters, safety requirements for development in the face of the substantial earthquake, tsunami, storm wave attack, and erosion now and in the future of changed shoreline dynamics in response to sea level rise, among other requirements. The County’s LCPA did not include specific text policies to address these concerns. The detailed suggested modifications contain requirements for phased development as suggested by the County to address the developer’s requirements for flexibility and market-rate development priorities in a manner consistent with the protection of coastal resources.

Staff does not propose any changes to the staff recommendation in response to this comment

Landowner/Developer Comment #11

• Improvements to the WWTF shall be made as required to serve each phase. Collection facilities will be installed as required to serve each phase. The improvements to the WWTF and the collection facilities shall be completed to the satisfaction of the Regional Water Quality Control Board.

Commission Staff Response:

Staff has proposed changes to the staff recommendation regarding the phasing of wastewater treatment facilities. See response to County staff Comment #3 above.

Landowner/Developer Comment #12

Following are comments related to specific Staff Report recommendations. According to Staff Report page 67.E, the wastewater treatment facilities needed to serve all existing residential and commercial areas must be constructed, and ready for connection prior to any final map recordation (except for Public Facility designated area). However, Staff Report Page 64 (11) seems to open the provision for phasing of the wastewater system improvements, and requires progressive abandonment of existing facilities. It is requested that this language defer the progressive installation and abandonment of improvements beyond this matter to the proper jurisdiction of the Ca. Regional Water Quality Control Board, and simply require that each phase of the project receive written approval from the Regional Board, along with compliance of the waste discharge requirements that are issued and contain a mitigation and monitoring program that is consistent with the Basin Plan. The provision of 72 hours of storage is a provision that infers the system is a “septic” system. This system is not, it is a mechanical treatment and filtration system which operates under entirely different provisions. The storage requirement written in, will actually require more power (thus less green), and place the surrounding environment at risk and further degrade the possibility of adequately treating and discharging. It’s inappropriate for the system type being proposed.

Commission Staff Response:

See staff response to County staff Comment #3 above. In addition, with regard to the backup capacity for 72 hours, numerous features of the existing waste water treatment system require pumping to move the waste water from the points of generation on through the collection, treatment and distribution system. If the new system that is ultimately proposed uses electrified pumping components, this requirement for backup power systems will ensure that the system continues to function in a significant power outage. The purpose of this provision of the suggested modifications is to ensure adequate back up in the Samoa system to protect coastal waters.

In addition, the comments include specific complaints that in most cases cannot be further resolved until the landowner/developer receives a final waste water treatment facility design and plan approval from the Regional Water Quality Control Board. Such an approved plan is required as a filing requirement for the coastal development permit application for the Master Subdivision.

Landowner/Developer Comment #14

Page 67 E (1) (2) – Requires that all wastewater system components be built and “ready” for connection prior to any final maps being filed. Previous statements allowed for phasing of the wastewater system improvements. The wastewater system improvements being phased should be under the jurisdiction of the Regional Water Quality Control Board and Local Agency.

Commission Staff Response:

(See response to County staff Comment #3 above.)

Landowner/Developer Comment #15

Phasing these improvements is better for the project as it allows the progressive development of the project over time, and allows the use of the best available technology and best practices at the time of the filing of the final maps be implemented, thus over time and as the project is phased, the successive components of the system will only get better, and are already progressively regulated and monitored on an ongoing basis by the regional board.

Commission Staff Response:

(See response to County staff Comment #3 above.)

Landowner/Developer Comment #16

Page 67 of 193 E (3) – The requirement of connection of all existing structures to the new system should be modified to say that prior to issuance of a final map, all structures within that phase of the final map, and any structures lying along a path of a sewer main line passing between the phased portion of the subdivision and the treatment plant shall be connected to the system under the provisions of the subdivision map act.

(See response to County staff Comment #3 above.)

Landowner/Developer Comment #17

Page 73 STMP (New Development) Policy 10: This is not a policy, it's a requirement. The requirement that all existing residences be connected to the new system after 180 days is not financially feasible. This language could read "that residences shall be connected with each phase of the final map prior to filing of a final map, and that any residences or structures lying along the sewer main line path, shall also be connected to the system as a requirement of the filing of any phase of a final map".

Commission Staff Response:

(See response to County staff Comment #3 above.)

Landowner/Developer Comment #18

Page 73 STMP (New Development) Policy 11: The plumbing code designates that any structure that lies within 200 feet of public sewer may be required to connect by the local jurisdiction. This property is not under title by Samoa Pacific Development, thus there is no legal way to enforce a policy or requirement onto a party, whom does not have some control or title to another

Commission Staff Response:

The plumbing code does not supersede the Coastal Act or the County's LCP. See also response to County staff Comment #3 above.

Landowner/Developer Comment #19

7. Requirement to build grocery store building. STMP (Coastal Access) Policy 5 (Staff Report page 86) requires that the "landowner/developer construct a building to house a grocery/convenience store" without first securing a tenant; a significant financial investment.

Commission Staff Response:

(See response to County Staff Comment #6 above.)

Landowner/Developer Comment #20

• *SPG will provide an area for a grocery/convenience store. This could be space in the existing building in the commercial block or a new building to be constructed after a tenant is secured.*

Commission Staff Response:

(See response to County Staff Comment #6 above.)

Landowner/Developer Comment #21

8. Business Park structure size. Suggested Modification # 6 (Staff Report page 55) limits Business Park (MB) structures to 10,000 square feet (conditionally allowing for up to two 20,000 square foot structures). Limiting MB structure size to 10,000 square feet is too restrictive for most light industrial type businesses and is not consistent with the County's existing MB standards.

Commission Staff Response:

(See response to County Staff Comment #4 above.)

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #22

• *Remove the statement at the bottom of Staff Report page 86 regarding customers from outside of the coastal business park. In order to be viable, the business park customers should not be limited to local customers.*

Commission Staff Response:

(See response to County Staff Comment #5 above.)

Landowner/Developer Comment #23

- *At the top of page 87 the statement “detectable odors” should be revised to “objectionable odors.”*

Commission Staff Response:

Staff proposes to delete "detectable odors" from the cited suggested modification. See staff response to County staff Comment #5.

Landowner/Developer Comment #24

- *The size of the buildings in the north portion of the business park should be 10,000 SF. Throughout the business park buildings should be allowed up to 20, 000 SF with one building 20,000 to 30,000 SF.*

Commission Staff Response:

(See the staff response to County Comment # 4 above.)

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #25

- *Pertinent portions of the Samoa Design Guidelines should be used in the business park, rather than listing specific requirements in the LCP.*

Commission Staff Response:

The County did not submit either of the two Design Guidelines for certification with the LCPA submittal. The Design Guidelines for Old Town Samoa were in final form, and appropriate for use by the Design Review Committee established in the LCPA provisions. The Design Guidelines for New Town Samoa, including the Business Park were only in draft form, however, and contained some

conflicting standards that the County had not resolved. The County staff also expressed interest in using the LCP standards instead, so that the Business Park could be designed with lower profile structures and park-like features and landscaped buffers on the northerly side of the Business Park, to buffer the historic town and new residential development in the future from any significant adverse impacts to visual resources or to the special community character of historic Samoa that the Business Park structures might otherwise cause. The County in reviewing Samoa development may certainly refer to the Draft Design Guidelines for New Town Samoa for inspiration or guidance, but the binding legal standard of review for pertinent coastal development permits would be the certified LCP. The County and the landowner/developer could finalize the New Town Samoa Design Guidelines and propose the resultant document as an LCPA.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #26

9. Emergency control water supply facilities. Staff Report Page 66 D (1) requires the installation of all emergency control water supply facilities to serve all development with the STMP before any other maps are filed except as specified. The water system has to be phased, especially concerning storage due to the requirements of water turn over and water quality issues that arise from storing water in a system too long. Furthermore the direction of the allowed maps under this provision do not benefit the public, either from a health and safety and are not economically viable.

Commission Staff Response:

Neither the LCPA submittal nor the County's Master EIR for the Samoa Town Master Plan project suggest phasing the town's emergency control water supply facilities. The MEIR and the County staff reports for the project include the requirements of installation of a 500,000 gallon water tank and other infrastructure features. The Samoa fire chief has complained that existing "temporary" system is inadequate, and could not fight a significant fire event (could not supply adequate sustained volume and pressure for a worst case scenario to which Samoa's volunteer fire department might be called). Because Samoa is located in an area of extreme earthquake and tsunami hazard, and because such events could cause substantial fire at a time when the Peninsula could be isolated by collapsed roads and bridges, having an adequate fire fighting water supply is fundamental. Maintenance of the reserve fire fighting water supply in terms of water quality would be an infrastructure design consideration

that could be resolved through a variety of means, such as recirculating water to the town's potable water supply/delivery system, deploying filters, etc. These would be considerations for the system design and permitting based on the LCPA policies and provisions.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #27

• Emergency control water supply facilities should be improved as required for individual phases. A new water storage tank shall be constructed prior to any new development. Distribution lines shall be installed in each phase prior to the filing of the map for each phase.

(See response to Landowner/Developer Comment #27.)

Landowner/Developer Comment #28

10. Energy Conservation/ Minimizing VMT. STMP (New Development) Policy 7 includes measures such as "requiring development to use recycled building materials" (see comment below). Many of the measures are ambiguous and not specific. Following are comments related to specific recommended measures.

Commission Staff Response:

The listed energy conservation measures are intended to provide a starting point for the County staff to undertake development-specific coastal development permit application review in accordance with this policy.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #29

Page 72, 1. Siting development in a manner that will minimize traffic trips;

Comment: The guideline is not specific enough and is suggested to be reworded to provide specific recommendations such as: "Ensure that any community serving retail uses are located within 1/4 mile of the central residential uses."

Commission Staff Response:

The idea articulated in this comment is an example of the kinds of interpretations that would be anticipated at the coastal development permit review level when the County staff analyzes the specific development under consideration. When the development is as broad as an entire subdivision, the scope of the analysis would naturally be different than if the development under review is a single family residence within the Samoa lands. For this reason, the list is as specific as would be possible while incorporating the general provisions of Coastal Act Section 30253, upon which this policy is based in part.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #30

Page 72, 2. Prohibiting retail sales establishments designed to attract more than an incidental percentage of customers from off-site area;

Comment: The guideline is not specific enough and is suggested to be reworded to provide specific types of retail establishments that are prohibited. Is suggested that this prohibition cover uses such as "national chains occupying more than 25,000 square feet of floor area", but allow independent retail uses. This suggested type of guideline would fit within the traffic analysis' estimates of trip generation.

Commission Staff Response:

(See response to County staff Comment #5.)

Landowner/Developer Comment #31

Page 72, 3. Incorporating the "smart growth" development concepts that combine

interdependent uses that potentially reduce off-site traffic trips, including adequate grocery and convenience stores in the revitalized downtown area to supply resident and visitor needs with fewer off-site trips;

Comment: It is cautioned that this guideline may be in conflicts with the reworded Item 2 (i.e., grocery and convenience store may be national chains).

Commission Staff Response:

Staff reviewed item 2 and finds no conflict between the two. The grocery store/convenience store at Samoa is not envisioned or required to be large-scale, and in fact the town even at buildout is not likely to support a major grocery store outlet. However, the town would be very likely – when approaching buildout – to support a smaller scale grocery store, and such a store would dramatically reduce the off-site trip frequency of residents. Traffic issues are a major concern at Samoa and this provision is a significant means of ensuring that the traffic-reduction benefits of Samoa mixed use redevelopment are reduced as much as possible through a considerate blend of land uses that helps residents find basic daily shopping needs (such items as milk, bread, eggs, produce) within a convenient distance. The commercial and business park enterprises within Samoa will also help some residents find employment on site as well (the traffic analysis performed by the County’s consultant to generate the approximately 7,000 traffic trips per day estimate for Samoa relied extensively on this synergistic factor to reduce total traffic trip counts from what the proposed land uses and zoning would otherwise suggest).

Staff does not propose any changes to the staff recommendation in response to this comment

Landowner/Developer Comment #32

Page 72, 11. Requiring development to use recycled building materials.

Comment: Recycled building materials should be used as economically feasible. The wording above could be interpreted as requiring the use of only recycled materials.

Commission Staff Response:

The pertinent citation in the suggested modifications is part of a list of potential items to reduce energy demands of development, but the list is predicated by the phrase: “... by such means, but not limited to...”

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #33

Page 72, 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.); recycled materials and should be modified as above.

Comment: Since it may be financially infeasible for small-scale independence uses to provide these amenities, it is suggested that this guideline be applied only to nonresidential uses with more than (say) 25,000 square feet and/or structures with more than 50 employees. Also, the plan could include open air bike racks in common public areas which could serve the bicycle storage needs of smaller independent uses.

Commission Staff Response:

As noted above, the list of measures does not impose an absolute mandate that any one of the measures be applied to all development. The example provided in the comment is an example of an innovative interpretation. Another way to interpret the possibilities might be to envision a community space available to all business park employees as an amenity that would include a bicycle locker area with lockers and shower facilities that would not be sensible to provide for each and every separate business park structure. This, in combination with well designed and well located bus stops might be very contemporary and attractive amenities for employees of the business park that would encourage the use of non-motorized transportation.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #34

Page 72, 15. Encouraging employer incentives such as paid us passes, etc., to encourage employee use of public transportation;

Comment: Since it may be financially infeasible for small-scale independence uses to provide these types of incentives, it is suggested that this guideline be applied only to nonresidential uses with more than (say) 25,000 square feet and/or structures with more than 50 employees.

Commission Staff Response:

As noted above, the list of measures does not impose an absolute mandate that any one of the measures be applied to all development. The staff notes that 25,000 square foot structures (ground floor) are not allowed pursuant to the suggested modifications applicable to the proposed Business Park.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #35

Page 85, A.1. The necessary turnout area should be approximately 100 feet in length and proportioned to allow for maneuvering of a 40-foot long, 102-inch wide bus.

Comment: Since the Humboldt Transit Authority would review and approve the bus stop designs, it is suggested that this specific guideline detailing dimensions be deleted and replaced with a more general statement that the bus stop areas should be consistent with the local transit authority's design guidelines.

Commission Staff Response:

The staff notes that these dimensions were provided by the Humboldt Transit Authority. The HTA manager explained that unless such dimensions are taken into consideration from the earliest design stage, the resultant bus stop amenities may prove to be unusable by the HTA. An example given was the social security office in a mall in downtown Eureka: there is a substantial demand locally for bus service for senior and disabled citizens to get to the social security office, but the mall's bus stop was not designed to the necessary standards and the HTA regrettably cannot therefore serve the Social Security office with bus stop service at that location. There remains the commitment of the HTA to review plans for the Samoa bus stops in advance, to ensure that all of the requirements of HTA are met. This alone does not guarantee that HTA will serve Samoa, because it is the Board of Supervisors that must request, and pay for, the additional route service.

Presumably this expense will be considered by the County staff in the subdivision review process.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #36

11. Seal Level Rise. According to consultation with a professional geologist who has substantial coastal hazard experience, the requested geologic hazard analysis (Staff Report page 63 and 110-111) is above and beyond scientific studies that are currently required for coastal development. A sea level rise analysis was completed for the proposed project and all recommendations from that report will be complied with.

Commission Staff Response:

The review requirements are consistent with the most recent LCPA update certification reviews approved by the Commission and consistent with the unfolding awareness of the effects of geologic hazards compounded by sea level rise on the north coast. It is notable that the north coast is subject to the extreme geologic hazard posed by the Cascadia Subduction Zone – which is geologically extremely similar to the formations that triggered the great subduction zone earthquake and tsunami in Indonesia in 2004 that killed a quarter of a million people.

Staff does not propose any changes to the staff recommendation in response to this comment.

Landowner/Developer Comment #37

In addition, Cal Pub Resources Code § 30005.5 states:

The following provisions shall apply to the commission's decision to certify or refuse certification of a land use plan pursuant to Section 30512:

(a) The commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan.

Commission Staff Response:

The analysis of Commission staff determined that the LCPA as submitted was not sufficiently specific as to the kinds, locations and intensities of land uses proposed nor did the submittal contain adequate provisions to ensure that the development that would be facilitated by the proposed land uses and zoning would be undertaken in a manner consistent with the requirements of the LCP as amended or with the requirements of the Coastal Act. Therefore, the staff prepared the suggested modifications set forth in the staff report dated February 24, 2011. See also Commission staff response to County staff comment #8.

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #1

CEC Inc.

Coastal Commission Notes:

Overall Comments:

1.) It seems to me that the requirement of a merger of parcels by the staff report is in direct violation of the subdivision map act section: 66451.302. (a) By January 1, 1987, a city or county or city and county which has within its boundaries, parcels or units of land which are or may be subject to the provisions of Section 66451.301, shall send a notice to all owners of real property affected by Section 66451.301 in substantially the following form:

"The city or county sending you this notice has identified one or more parcels of land which you own as potentially subject to a new state law regarding the merger of substandard parcels which are located in one or more of the following categories: etc...

Commission Staff Response:

See Commission staff responses to County Staff Comment #1 above and Landowner/Developer Comment #1.

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #2

2.) The provision within the report that prohibits the subdivision from including a "remainder parcel" is in direct violation of the subdivision map act section: 66424.6. (a) When a subdivision, as defined in Section 66424, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing.

Commission Staff Response:

See Commission staff response to Landowner/Developer Comment #3.

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #3

3.) Any and all of the regulations designating how the design of the improvements are to take place such as designating requirements for the development of certain features prior to others, limiting sizes of buildings, within the report is in direct violation of the subdivision map act section: 66411. Regulation and control of the design and improvement of subdivisions are vested in the legislative bodies of local agencies.

Commission Staff Response:

The Coastal Development Permit process is an independent permitting process required in addition to the Map Act's requirements. A Subdivision Map Act approval from local government does not excuse a project from compliance with the state law requirements such as the Coastal Act. Any person proposing to subdivide pursuant to the Map Act is required to obtain a CDP prior to submitting a final map for recordation. In fact, Section 66498.6 of the Map Act specifically

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provides that no provision of the Map Act “removes, diminishes, or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations, or policies and does not grant local agencies the option to disregard any state or federal laws, regulations or polices.” Accordingly, the Map Act must be implemented in addition to (not in circumvention of) the Coastal Act, because they are separate and independent statutory schemes.

Other cases have specifically addressed the relationship between these two statutory schemes and consistently held that the Coastal Act must prevail in the case of a conflict, as it represents “a major statement of overriding public policy regarding the need to preserve the state's coastal resources not only on behalf of the people of our state, but on behalf of the people of our nation.” *South Central Coast Regional Commission v. Pratt Construction Co., Inc.* (1982) 128 Cal.App.3d 830, 844. In fact, one of the cases cited by Mr. Burg held that:

Even if there were a conflict between the Subdivision Map Act and the Coastal Act, statutory construction principles require a specific statute to prevail over a general statute. ([Code Civ. Proc., § 1859](#); *Loken v. Century 21-Award Properties* (1995) 36 Cal. App. 4th 263, 272-273 [42 Cal. Rptr. 2d 683].) The Legislature enacted the Coastal Act to protect the coast statewide, while it generally gave local government power to regulate local subdivisions throughout the state ([Gov. Code, § 66411](#)). However, local regulation of property within the particular area of the coastal zone gives way to the state's authority to preserve the coast's natural resources; otherwise the Coastal Act's purposes would be hindered and the Coastal Act would not specifically refer to the Subdivision Map Act.

Ojavan Investors v. Cal. Coastal Com. (1997) 54 Cal.App.4th 373, 388.

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer’s Waste Water Treatment Facility Engineering Consultant Comment #4

4.) The requirements imposed by the staff report pertaining to development strategy and forced installation of improvements which are not directly affecting the health, safety, and welfare, of those current and future occupants and place unnecessary and undue burden to the point of making the project infeasible is in direct violation of the subdivision map act as these conditions are expressly granted to the local agencies.

Commission Staff Response:

(See responses to Landowner/Developer Comment #10 and Engineering Consultant Comment #3 above)

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #5

Specific Comments and Suggested Modifications:

1.) Due to the mapping that occurred by the Coastal Commission, the land use for public facilities needs to be modified, so that there can be some sort of overlay into the Business Park area. We have used the remaining available land in the proposed disposal area, and had to modify the remainder of the disposal system to be underneath the roadways and parking lots within the business park. There is language for this to occur on pg. 94 #2.

Commission Staff Response:

The suggested modifications reduce the land designated for business park and new residential to accommodate the needed public facilities area.

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #6

2.) Due to the nature and that the disposal area is underground, and non evasive, can we receive some relief from the 100 ft. natural resource buffer to say 25 feet from an ESHA. The underground lines and additional water may actually enhance adjacent ESHA's and the installation is benign. There seems to be a provision on pages 78 and 79 for this to occur Policy #4.

Commission Staff Response:

Staff notes this comment. Depending on the results of the Commission staff ecologist's evaluation of a specific proposal (which would be reviewed for water quality concerns and compatibility therefore with environmental receptors) it is possible that discharge of fully treated water suitable for infiltration directly into groundwater or for discharge directly into Humboldt Bay or the Pacific Ocean could be allowed to percolate into some portion of the *buffer* of adjacent wetlands. This would be subject to the RWQCB review as well, and RWQCB staff have cautioned that they will not authorize the discharge of any effluent into wetlands.

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #7

3.) Page 56 of 193 "CONDITIONAL USES" – The existing treatment plant percolation basin is and continues to be considered a public infrastructure and should be considered for repair, maintenance and replacement of public infrastructure within the same location. This means that the existing ESHA determinations would be modified to allow for the installation of underground disposal lines, and that "native" coastal vegetation could replace much of the "non native" that currently exists.

Commission Staff Response:

This comment appears to suggest that the "treatment percolation basin" should be considered a public infrastructure and considered for repair, maintenance and replacement of public infrastructure within the same location. The area is not designated "Public Facilities" as suggested in the comment.

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #8

4.) Page 61 of 193 #2) concerning free and clear title of the property should be eliminated, as this provision is handled under the subdivision map act, and impractical.

The Final Map process, through the subdivision map act already requires notification of all lien holders be a signatory on any final map for a subdivision. Thus the required constructive notice provision is already met. All projects of this size have notes and liens.

Commission Staff Response:

See Commission staff responses to Engineering Consultant Comment #3 and Developer/Landowner Comment #4.

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #9

5.) Page 62 of 193 1. RE "no remainder parcel" is a violation of the subdivision map act, Section No. 66424.6. (a) When a subdivision, as defined in Section 66424, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing.

Commission Staff Response:

(See Commission staff responses to Landowner/Developer Comment #3 and Engineering Consultant Comment #3.)

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #10

6.) Page 64 of 193 (11) – Seems to open the provision for phasing of the wastewater system improvements, and requires progressive abandonment of existing facilities. I would suggest this language defer the progressive installation and abandonment of improvements beyond this matter to the proper jurisdiction of the Ca. Regional Water Quality Control Board, and simply require that each phase of the project receive written approval from the Regional Board, along with compliance of the waste discharge

requirements that are issued and contain a mitigation and monitoring program that is consistent with the Basin Plan. The provision of 72 hours of storage is a provision that infers the system is a “septic” system. This system is not, it is a mechanical treatment and filtration system which operates under entirely different provisions. The storage requirement written in, will actually require more power (thus less green), and place the surrounding environment at risk and further degrade the possibility of adequately treating and discharging. It’s inappropriate for the system type being proposed.

Commission Staff Response:

(See Commission staff response to County Comment #3.)

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer’s Waste Water Treatment Facility Engineering Consultant Comment #11

Page 66 of 193 A. – directs the development phasing. This is a violation of the subdivision map act Section 66411 and as the direction/requirements being imposed are not for the protection of public health and safety, rather are choices being made by coastal commission staff for their “preference” and actually counter productive to their own policies, as they reduce the possibility of the project owner being able to enhance the coast for public enjoyment. It is also in violation of the subdivision map act 66474.01. which vest the development strategy with the local jurisdictions and take into account impractical and economic constraints.

Commission Staff Response:

(See Commission staff response to Engineering Consultant Comment #3.)

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer’s Waste Water Treatment Facility Engineering Consultant Comment #12

7.) Page 66-193 D (1) – Requires the installation of all Water supply facilities to serve all development with the STMP before any other maps are filed except those which the

Coastal Commission staff “prefers”. The water system has to be phases, especially concerning storage due to the requirements of water turn over and water quality issues that arise from storing water in a system too long. Furthermore the direction of the allowed maps under this provision do not benefit the public, either from a health and safety or benefit, as they kill the project and are not economically viable.

Commission Staff Response:

(See Commission staff response to County Comment #3.)

Developer’s Waste Water Treatment Facility Engineering Consultant Comment #13

8.) Page 67 of 193 E (1) (2) – Requires that all wastewater system components be built and “ready” for connection prior to any final maps being filed. Previous statements allowed for phasing of the wastewater system improvements. The wastewater system improvements being phased should be under the jurisdiction of the Regional Water Quality Control Board and Local Agency. Phasing these improvements is better for the project as it allows the progressive development of the project over time, and allows the use of the best available technology and best practices at the time of the filing of the final maps be implemented, thus over time and as the project is phased, the successive components of the system will only get better, and are already progressively regulated and monitored on an ongoing basis by the regional board.

Commission Staff Response:

(See Commission staff response to County Comment 3.)

Developer’s Waste Water Treatment Facility Engineering Consultant Comment #14

9.) Page 67 of 193 E (3) – The requirement of connection of all existing structures to the new system should be modified to say that prior to issuance of a final map, all structures within that phase of the final map, and any structures lying along a path of a sewer main line passing between the phased portion of the subdivision and the treatment plant shall be connected to the system under the provisions of the subdivision map act.

Commission Staff Response:

(See Commission staff response to County comment #3.)

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #15

10.) Page 73 STMP (New Development) Policy 10: This is not a policy, it's a requirement. The requirement that all existing residences be connected to the new system after 180 days is not financially feasible. This language could read "that residences shall be connected with each phase of the final map prior to filing of a final map, and that any residences or structures lying along the sewer main line path, shall also be connected to the system as a requirement of the filing of any phase of a final map".

Commission Staff Response:

(See Commission staff response to County comment #2.)

Developer's Waste Water Treatment Facility Engineering Consultant Comment #16

11.) Page 73 STMP (New Development) Policy 11: The plumbing code designates that any structure that lies within 200 feet of public sewer may be required to connect by the local jurisdiction. This property is not under title by Samoa Pacific Development, thus there is no legal way to enforce a policy or requirement onto a party, whom does not have some control or title to another.

Commission Staff Response:

(This comment has already been addressed above)

Staff does not propose any changes to the staff recommendation in response to this comment.

Developer's Waste Water Treatment Facility Engineering Consultant Comment #17

12.) STMP (Wetlands/ESHA) Policy 2: There is an allowance to repair and maintain existing underground utilities within existing footprints provided there can be restoration of the disturbed areas. Why not allow the treatment disposal area to be installed as proposed in the mapped ESHA areas, and then restored. It will improve the native habitat, and be consistent with this land use policy.

Commission Staff Response:

(This comment has already been addressed above)

Staff does not propose any changes to the staff recommendation in response to this comment.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County 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

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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.

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.