

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8th STREET • SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



W15a

DATE: February 26, 2016

TO: Coastal Commissioners and Interested Parties

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

SUBJECT: **Humboldt County LCP Amendment LCP-1-HUM-15-0004-1
(Samoa Town Master Plan phasing changes)**

For the Commission meeting of Wednesday March 9, 2016

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission, upon completion of a public hearing, deny the LCP amendment as submitted, but certify both portions of the requested LCP amendment if modified as suggested by staff.

The proposed LCP amendment (LCPA) would change the development phasing requirements of the portion of the certified Humboldt County LCP that covers redevelopment of the historic timber mill company town of Samoa on the north spit of the Samoa Peninsula adjacent to Humboldt Bay. Most of Samoa is owned by landowner/developer Samoa Pacific Group LLC, including approximately 220 acres of land, mostly former heavy industrial land. The existing town of Samoa includes approximately 100 existing residences – vintage redwood millworker cottages and other historic structures constructed between 1895 and 1930 that comprise classic examples of the period's architecture. The existing town area also includes a popular restaurant (Samoa Cookhouse); commercial recreational amenities (a gymnasium and museum); a recycling facility; and several Brownfield sites. The lands of Samoa also contain wetlands, rare plant habitat, coastal scrub, forest, and dune habitats, and public beachfront areas near the County's popular Samoa Beach Park.

The changes to the currently certified phasing requirements would prioritize: (a) the construction of new wastewater collection, treatment, and disposal facilities for the town to replace the town's existing substandard wastewater facilities, (b) the development of an affordable housing project within a portion of the town that is designated and zoned for multi-family housing under the currently certified LCP; and (c) cleanup of contaminated soil and groundwater in various

locations in the town. If the proposed multi-family housing project does not move forward as an affordable housing project, the development phasing requirements would not prioritize residential development at that location.

The LCP was originally amended in 2012 under LCPA No. HUM-MAJ-1-08 to address redevelopment of Samoa under the Samoa Town Master Plan (STMP). The LCPA authorized a change to the industrial land use designations and zoning districts of the old unincorporated company town to allow for a mix of residential, commercial, business park, public facilities, and natural resource uses. Based on the new land uses certified under HUM-MAJ-1-08, the maximum potentially allowable levels of development for the redeveloped town could include up to 300 new single family residences and 105-unit apartments, retention of the 99 existing historic residences, a new business park approximately 19 acres in size, and a variety of general commercial, commercial recreation, public recreation, public facilities, and natural resource areas.

The redevelopment of Samoa raises issues addressed under HUM-MAJ-1-08, including, but not limited to, (1) cleanup of industrial Brownfield contamination and lead paint residues; (2) sea-level rise and tsunami wave run-up related flood hazards; (3) ensuring reservation of suitable sites for Coastal Act priority uses; (4) provision of adequate infrastructure for the aging town and for new development; (5) traffic impacts on coastal access; (6) retaining the visual character of the historic community; (7) protecting cultural resources; (8) protecting environmentally sensitive habitat areas; and (9) the lot legality of the existing properties. Since information sufficiently detailed to indicate the kinds, location and intensity of land uses had not yet been undertaken, certification of LCPA HUM-MAJ-1-08 resulted in the addition of numerous policies and standards to the Humboldt Bay Area Plan (LUP) relating to STMP development, effectively creating a “mini-LCP” for the STMP area. To facilitate the LCPA moving forward despite long standing unresolved questions about lot legality, the certified LCP requires that all of the lands covered by the STMP (except for a previously sold parcel already developed as a recycling center) first be merged into one large parcel. Only after the merger would the approved land use and zoning designations take effect.

In addition to setting forth development policies and standards, the certified LCP sets forth a phased planning and development process to ensure that all of the issues noted above are fully addressed before significant development of the STMP area proceeds. After recordation of the merger that is necessary both to resolve lot legality issues as well as effectuate a change to the land use and zoning designations, the certified LCP authorizes the lands to be further divided via one comprehensive subdivision to accommodate the array of land uses set forth in the STMP. The comprehensive subdivision can only occur after studies of the site are completed and submitted as filing information to support the CDP application for the subdivision.

The landowner indicates it may be more than a year before all the studies necessary for the comprehensive subdivision are completed and a complete coastal development permit application for the subdivision can be submitted to the County. In the meantime, the property owner would like to pursue certain development that, without an amendment to the phasing requirements of the certified LCP, would have to wait until after the comprehensive subdivision and the detailed studies necessary to support it have occurred. This LCPA therefore proposes to

allow certain development to occur after the initial merger of the STMP lands but prior to the comprehensive division of the merged land that is to be supported by the requisite studies. The development that would be allowed to proceed prior to the comprehensive subdivision includes: (a) the previously mentioned improvements to wastewater facilities; (b) the previously mentioned affordable housing project on land already designated and zoned for multifamily residential development; (c) an extension of Vance Avenue to serve the wastewater facilities and the affordable housing project (or a regular multifamily residential development at the site in the future if the affordable housing project does not move forward); (d) soil and groundwater contamination cleanup; and (e) the creation of a parcel just large enough to support the wastewater treatment and discharge facilities, the aforementioned residential development, and the extension of Vance Avenue to serve these uses. This parcel would be separated from the remaining STMP lands that would continue to be subject to the need for information in support of a comprehensive subdivision prior to any other development.

Improvements to the wastewater collection, treatment, and disposal facilities are needed now to address deficiencies in the wastewater facilities that serve the existing developed part of the Town that are contributing to groundwater pollution. The landowner/developer has obtained, and will be seeking an extension of, grant funding to make improvements to the wastewater facilities that are tied to development of an affordable housing project within an area in the STMP area that is designated and zoned for multi-family housing under the currently certified LCP. In addition to facilitating the funding of development of the needed wastewater facilities in this case, certifying development phasing requirements that prioritize affordable housing is encouraged by Section 30604(g) of the Coastal Act. Further, allowing the cleanup of soil and groundwater contamination to occur prior to the comprehensive subdivision of the remaining STMP lands will hasten the cleanup.

Staff recommends that the LCPA be approved with modifications to both the certified LUP and IP. The modifications suggested by staff primarily relate to the phasing and development process for STMP lands. The LCPA, as suggested to be modified, would allow for all STMP lands, (other than a separately-owned 2.5-acre parcel referred to as Master Parcel 1 that is developed with an existing recycling center), to be merged and resubdivided by parcel map into two master parcels (Master Parcels 2 and 3) rather than simply merging these STMP lands into a single master parcel (as currently required in the existing certified LCP). The LCPA, as suggested to be modified, also would allow for several changes to development phasing requirements, including that any affordable housing that occurs in new Master Parcel 2 would be allowed to occur prior to: (a) the comprehensive subdivision of STMP lands; (b) the development of various public access and recreational improvements; (c) the development of low-cost visitor serving improvements; and (d) the renovation of the existing residences in the historic town. As discussed above and in the below Findings, the existing certified LCP requires these elements to be developed prior to any new residential or business park development, including residential development that is affordable.

The Commission's authority to regulate affordable housing in the coastal zone has been limited since 1981, when an amendment to Section 30213 of the Coastal Act repealed the Commission's ability to require affordable housing, and Section 30500.1 of the Coastal Act was added to prohibit the Commission from requiring affordable housing policies in LCPs. However, there is

nothing in the Coastal Act that precludes local governments from submitting LCP amendments with provisions that protect and encourage affordable housing consistent with the Chapter 3 policies of the Coastal Act. In addition, Section 30604(g) of the Coastal Act directs the Commission to *encourage housing opportunities for persons of low and moderate income*. The Commission has implemented Section 30604(g) by encouraging affordable housing unless there is a Chapter 3 inconsistency.

Accordingly, while residential development is not a priority use under the Coastal Act, Section 30604(g) states that the Commission shall encourage housing opportunities for persons of low and moderate income. Therefore, as discussed in Finding III-E-ii below, staff recommends **Suggested Modifications 2 and 6** to ensure that affordable housing may be developed on Master Parcel 2 in advance of both the comprehensive subdivision of Master Parcel 3 and certain priority uses in the town, even though a multi-family housing project proposed on Master Parcel 2 that does not meet the definition of affordable would remain phased to occur only after both the comprehensive division of Master Parcel 3 and the development of higher priority visitor-serving facilities in the town. The suggested modifications also would clarify the scope of required upgrades and improvements to the wastewater facilities.

In addition, staff recommends other suggested modifications to various policies to include, among other requirements: (a) the installation of a minimum of one bus stop and pedestrian and bicycle facilities along Vance Avenue to serve the Samoa area concurrent with the development of improvements to Vance Avenue and prior to occupancy of any residential development on Master Parcel 2 (**Suggested Modification 4**); and (b) specification that the only type of residential development that may be developed prior to the various public access amenities specified in the policy is affordable housing on Master Parcel 2 as defined in Health and Safety Code Section 50093 (**Suggested Modification 6**).

Staff is recommending modifications that it has developed in coordination with both the County and the landowner/developer. To staff's knowledge, both the County and the landowner/developer are in agreement with staff's recommendation.

The appropriate motions and resolutions to adopt the staff recommendation are found on page 7.

DEADLINE FOR COMMISSION ACTION

This proposed LCP amendment was filed as complete on December 11, 2015 after receiving (1) information from the Regional Water Board on November 4, 2015 regarding the adequacy of the area proposed for the new wastewater facilities to support the development that would be facilitated by the LCPA, and (2) information from the landowner/developer's consultants on November 30, 2015 demonstrating that the total area designated and zoned as Public Facilities was adequate to support planned public infrastructure for development that would be facilitated by the LCPA, including wastewater facilities, water supply facilities, and a corporation yard. As the proposed amendment affects both the Land Use Plan and Implementation Plan portions of the LCP, the Commission has a 90-day deadline, or until March 10, 2016 to take a final action on the LCP amendment. Therefore, unless extended for a period of up to 12 months pursuant to the

provisions within the Coastal Act, the Commission must take action on the amendment request at the March 9-11, 2015 meeting.

ADDITIONAL INFORMATION

For additional information about the LCP amendment, please contact Melissa Kraemer at the North Coast District Office at (707) 826-8950. Please mail correspondence to the Commission at the letterhead address.

TABLE OF CONTENTS

I.	MOTIONS AND RESOLUTIONS	7
II.	SUMMARY OF SUGGESTED MODIFICATIONS	9
	A. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN	9
	B. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PROGRAM	16
III.	FINDINGS FOR DENIAL OF LUP AMENDMENT AS SUBMITTED AND CERTIFICATION IF MODIFIED	19
	A. STANDARD OF REVIEW	19
	B. PURPOSE OF PROPOSED LCPA	19
	C. BACKGROUND	21
	D. AMENDMENT DESCRIPTION	25
	E. CONSISTENCY WITH RELEVANT COASTAL ACT POLICIES	27
	i. PLANNING AND LOCATING NEW DEVELOPMENT.....	27
	ii. PRIORITY USES, PUBLIC ACCESS, AND RECREATION.....	36
	iii. WATER QUALITY AND ESHA.....	42
	iv. HAZARDS.....	47
	v. ARCHAEOLOGICAL RESOURCES.....	52
	vi. VISUAL RESOURCES.....	54
	vii. CONCLUSION.....	56
IV.	FINDINGS FOR DENIAL OF IP AMENDMENT AS SUBMITTED AND CERTIFICATION IF MODIFIED	56
	A. ANALYSIS CRITERIA	57
	B. IP AMENDMENT DESCRIPTION	57
	C. IMPLEMENTATION CONFORMITY	58
V.	CALIFORNIA ENVIRONMENTAL QUALITY ACT	58

EXHIBITS

[Exhibit 1](#) – Vicinity and Parcel maps

[Exhibit 2](#) – Certified plan and zoning maps

[Exhibit 3](#) – Existing “Exhibit 25” and Proposed “Exhibit 25A”

[Exhibit 4](#) – Proposed LUP amendments with suggested modifications

[Exhibit 5](#) – Proposed IP amendments with suggested modifications

[Exhibit 6](#) – Regional water board letter regarding wastewater facilities

[Exhibit 7](#) – Buffer evaluation for planned roadway improvements

[Exhibit 8](#) – Resolution Nos. 15-23 and 15-24

[Exhibit 9](#) – Ordinance No. 2526

I. MOTIONS, RECOMMENDATIONS, AND RESOLUTIONS

A. DENIAL OF LUP AMENDMENT NO. LCP-1-HUM-15-0004-01 AS SUBMITTED

Motion A:

I move that the Commission certify Land Use Plan Amendment No. LCP-1-HUM-15-0004-1 as submitted by the County of Humboldt.

Staff recommends a **NO** vote. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution A to Deny Certification of the LUP Amendment as submitted:

The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-HUM-15-0004-1 as submitted by the County of Humboldt and adopts the findings set forth below on the grounds that the land use plan as amended does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.

B. CERTIFICATION OF LUP AMENDMENT NO. LCP-1-HUM-15-0004-01 WITH SUGGESTED MODIFICATIONS

Motion B:

I move that the Commission certify Land Use Plan Amendment No. LCP-1-HUM-15-0004-1 for the County of Humboldt if it is modified as suggested in this staff report.

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

Resolution B to Certify the LUP Amendment with suggested modifications:

The Commission hereby certifies Land Use Plan Amendment No. LCP-1-HUM-15-0004-1 for the County of Humboldt if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives

have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment if modified.

C. DENIAL OF IP AMENDMENT NO. LCP-1-HUM-15-0004-01 AS SUBMITTED

Motion C:

I move that the Commission reject Implementation Program Amendment No. LCP-1-HUM-15-0004-1 for the County of Humboldt as submitted.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution C to Deny the IP Amendment as submitted:

The Commission hereby denies certification of the Implementation Program submitted for the County of Humboldt and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

D. CERTIFICATION OF IP AMENDMENT NO. LCP-1-HUM-15-0004-01 WITH SUGGESTED MODIFICATIONS

Motion D:

I move that the Commission certify the Implementation Program Amendment No. LCP-1-HUM-15-0004-1 for the County of Humboldt if it is modified as suggested in this staff report.

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

Resolution D to Certify the IP Amendment with Suggested Modifications:

The Commission hereby certifies the Implementation Program Amendment for the County of Humboldt if modified as suggested on the grounds that the Implementation Program Amendment with the suggested modifications conforms

with and is adequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program 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 Program 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.

II. SUMMARY OF SUGGESTED MODIFICATIONS

Key for Modifications to County Language:

The revised text deletions and additions proposed by the County are shown in ~~strikethrough~~ and underline, respectively. Text deletions and additions suggested by the Commission are formatted in ~~**bold double strikethrough**~~ and **bold double-underlined** text, respectively.

A. SUGGESTED MODIFICATIONS TO THE HUMBOLDT BAY AREA PLAN (LUP)

The following 15 suggested modifications to the LUP are needed to ensure that the LUP is consistent with the Coastal Act. The attached [Exhibit 4](#) presents both (1) the complete land use plan amendments as proposed by the County in the context of all the related LUP policies, showing in ~~strikethrough~~ and underline how the proposal would alter the existing LUP text, and (2) suggested text deletions and additions suggested by the Commission, shown in ~~**bold double strikethrough**~~ and **bold double underlined** text, respectively.

SUGGESTED MODIFICATION #1: Modify subsection “1” of *STMP (New Development) Policy 1A (Phasing of Development)* regarding the sequencing of required authorizations and subsequent development of the Samoa Town Master Plan (STMP) lands to allow for two specific developments to precede the required merger and resubdivision of the STMP lands: (a) upgrades to the wastewater facilities to serve existing development in the town, and (b) cleanup of contaminated soil and groundwater. In addition, to mirror the requirements of the certified LUP, modify the same subsection to clarify that revised land use designations and zoning certified under the original STMP LCP amendment (LCP Amendment No. HUM-MAJ-1-08) do not become effective unless and until the parcel map for the merger and resubdivision has been legally recorded. Make changes globally including, but not necessarily limited to, LUP sections 1.30, 3.60, 4.10, and *STMP (New Development) Policy 3* as shown in [Exhibit 4](#).

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 **and Resubdivision by Parcel Map** into Master Parcels

1. Preliminary Merger and Resubdivision by Parcel Map of the Samoa lands excluding the Samoa Processing Center (APN 401-031-67) into a maximum of ~~one~~ two parcels, ~~prior to Master Subdivision of that Master pParcel 3:~~

A. Prior to any other development, except for (1) repairs or upgrades to the existing wastewater facilities to serve existing development in the town, and (2) cleanup of contaminated soil and groundwater, the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit (CDP), to merge and resubdivide by parcel map 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 25A, 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 two master parcels generally depicted on Exhibit 25A as Master Parcel 2. The two resulting parcels will be shall comprise: 1) Master Parcel 2: the combined Public Facilities area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density area (Master Parcel 2), and 2) and the remainder of the land owned by Samoa Pacific Group (Master Parcel 3; all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.~~ The lands comprising Master Parcel ~~2~~ 3 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 recorded parcel map deed describing Parcel 2 shall specify this condition.

...

F. The land use designations and zoning certified under LCP Amendment No. HUM-MAJ-1-08 shall not become effective unless and until the parcel map for the above-described merger and resubdivision has been legally recorded.

SUGGESTED MODIFICATION #2: In *STMP (New Development) Policy 1B*, clarify (a) the scope of required upgrades and improvements to the wastewater treatment and disposal facilities (WWTF); (b) that only affordable housing that meets the definition of affordable housing in Health and Safety Code Section 50093 may be developed on Master Parcel 2 prior to the comprehensive division of Master Parcel 3 and prior to the development of priority visitor-serving uses on Master Parcel 3; and (c) phasing requirements for public transportation auxiliary facilities. Also make minor corrections and updates to spelling, numbering, and language. *STMP New Development Policy 1B* as proposed to be amended by the County includes over 17 pages of text. For brevity, the policy and the suggested modifications to the policy are not shown here. Please see [pages 11-28 of Exhibit 4](#) for the suggested modifications.

SUGGESTED MODIFICATION #3: In *STMP (New Development) Policy 4*, *STMP (ESHA) Policy 9*, and *STMP (Hazards) Policy 4*, clarify the applicability of the policies to any residential development on Master Parcel 2, whether for affordable housing or not. For brevity, the policies and the suggested modifications to the policies are not shown here. Please see [pages 29, 38, and 49 of Exhibit 4](#) for the suggested modifications.

SUGGESTED MODIFICATION #4: Modify *STMP (Coastal Access) Policy 4* to require the installation of a minimum of one bus stop on Master Parcel 2 to serve the Samoa area concurrent with the development of improvements to Vance Avenue and prior to any residential development on Master Parcel 2:

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 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. **A minimum of one of the bus stops required herein and associated amenities to serve the Samoa area shall be installed on Master Parcel 2 concurrent with the development of the Vance Avenue improvements on Master Parcel 2 and prior to occupancy of any residential development on Master Parcel 2.** The other 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.

SUGGESTED MODIFICATION #5: Modify *STMP (Coastal Access) Policy 2* to require that certain nonautomotive circulation and recreational amenities, specifically pedestrian and bicycle facilities along Vance Avenue, shall be installed and open for public use prior to occupancy of the affordable housing project on Master Parcel 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.
Pedestrian and bicycle facilities along Vance Avenue shall be installed concurrently with other roadway improvements and shall be open for public use prior to occupancy of any residential development on Master Parcel 2. All other 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 **on Master Parcel 3 (excluding Master Parcel 2, with the following exception: pedestrian and bicycle facilities along Vance Avenue shall be installed concurrently with other roadway improvements and shall be open for public use prior to occupancy of the multi-family housing on Master Parcel 2.)**
- B. Prior to the issuance of the coastal development permit for the comprehensive division of Master Parcel ~~2~~ 3, 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~~ 3, 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.

SUGGESTED MODIFICATION #6: Modify *STMP (Coastal Access) Policy 3* to specify that the only type of residential development that may be developed prior to the various public access amenities specified in the policy is affordable housing on Master Parcel 2 as defined in Health and Safety Code Section 50093:

Prior to construction of (1) the Business Park on Master Parcel 3 and (2) or development within the new residential areas ~~(excluding Master Parcel 2) on Master Parcels 2 and 3,~~ **other than affordable housing development on Master Parcel 2 that meets the definition**

of affordable for “Persons and families of low or moderate income” as defined in Health and Safety Code Section 50093:

- A. The approximately 1.5-acre site west of New Navy Base Road ~~and identified on Exhibit #4~~ 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.

SUGGESTED MODIFICATION #7: Modify *STMP (ESHA) Policies 1, 2, 4, 6, and 10* to update map references and other references as needed to ensure that the policies include appropriate citations to certified exhibits/maps and other documents as appropriate. For brevity, the policies and the suggested modifications to the policies are not shown here. Please see pages [35-40 of Exhibit 4](#) for the suggested modifications.

SUGGESTED MODIFICATION #8: Modify *STMP (ESHA) Policy 14* to clarify and update language to protect ESHA from the planting of problematic and/or invasive plant species and implement statewide directives for water conservation and the use of drought-tolerant landscaping.

Landscaping with exotic plants shall be limited to outdoor landscaped areas immediately adjacent to the proposed development. **All new landscaping within the lands subject to the**

STMP-LUP shall follow the California Native Plant Society (CNPS) “Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation”

(<http://www.cnps.org/cnps/archive/landscaping.pdf>). 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 **and/or as a “noxious weed”** by the California Native Plant Society, the California Invasive Plant Council, **the State of California, or the U.S. federal government or listed as a “noxious weed”** shall be used in any proposed landscaping within the lands subject to the STMP-LUP. **To minimize the need for irrigation, all new landscaping shall consist primarily of native, regionally appropriate, drought-tolerant plants. New development projects that include landscape areas of 500 square feet or more shall include appropriate water conservation measures related to efficient irrigation systems and on-site stormwater capture.** Development approvals for lands subject to the STMP-LUP shall attach conditions specifying ~~this~~ **these** requirements.

SUGGESTED MODIFICATION #9: Modify *STMP (Hazards) Policies 2, 3, and 5* and *STMP (New Development) Policy 1B* consistent with the best available science on local relative sea-level rise projections to require development design standards to consider a minimum sea level rise rate of 3.2 feet by 2100 and 5.3 feet by 2100 for critical infrastructure development of community-wide significance. For brevity, the policies and the suggested modifications to the policies are not shown here. Please see pages [11-19 and 48-51 of Exhibit 4](#) for the suggested modifications.

SUGGESTED MODIFICATION #10: Modify *STMP (Hazards) Policy 4* to (1) clarify that development on both Master Parcel 2 and Master Parcel 3 will need to be compliant with specified tsunami safety standards, (2) update references, and (3) clarify that plans for evacuation from the Samoa Peninsula need only be made for distant source tsunamis where sufficient time for such an evacuation exists.

Prior to the approval or issuance of a CDP for **either the multi-family (1) any residential housing development on comprehensive division of Master Parcel 2 or (2) the comprehensive division of Master Parcel 3 other development of lands subject to the STMP-LUP**, the landowner/developer shall demonstrate compliance with ~~the a~~ Final Tsunami Safety Plan incorporating ~~into~~ the County’s “Draft Tsunami Safety Plan for the Town of Samoa” dated ~~September 2007~~ **April 2013** (see ~~Exhibit 19~~ **Appendix M**) **and** all of the recommended tsunami hazard mitigation, design, safety, and other pertinent recommendations, including, **but not limited to,** recommendations for vertical or horizontal evacuation options throughout the **STMP** lands ~~subject to the STMP-LUP~~, as set forth in the following:

- a) the “Revised Tsunami Vulnerability Evaluation, Samoa Town Master Plan, Humboldt County, California” prepared by GeoEngineers, dated October 17, 2006 (see ~~Exhibit 18~~ **Appendix M**); 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 Appendix M); and
- 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 Appendix M); and
- d) a plan for distant-source tsunami events 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 3 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_s 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 the Eureka office of NOAA’s National Weather Service 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.

SUGGESTED MODIFICATION #11: Delete the language from *STMP (Hazard) Policy 6* related to archaeological resources, which was erroneously included in the County’s LCP amendment application submittal. The suggested deleted language is repeated in *STMP (Archaeological Resources) Policy 1*. For brevity, the policy and the suggested modification are not shown here. Please see [pages 51-52 of Exhibit 4](#) for the suggested modifications.

SUGGESTED MODIFICATION #12: Revise *STMP (Archaeological Resources) Policy 1* to clarify that Phase II archaeological resource assessments of all known archaeological sites shall be submitted at the time of filing applications for coastal development permits, rather than prior to approval or issuance of the permits, to ensure such archaeological information can be fully considered at the time the County reviews and acts on the permit application.

Prior to ~~the approval or issuance of the filing as complete a~~ CDP application for ~~the division or other any~~ development of the ~~Master Area parcels generally depicted on Exhibit 25A 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 a CDP for any development of the lands subject to the STMP-LUP ~~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.

SUGGESTED MODIFICATION #13: Update all references to “Exhibit 25” to “Exhibit 25A” throughout the LCP, including, but not necessarily limited to, in *STMP (New Development) Policy 8*, *STMP (Community Character/Visual) Policy 1*, *STMP Master Parcel 1 (APN 401-031-67, Samoa Processing Center) Policy 1*, and *STMP (Coastal Permit Appeal Jurisdiction) Policy 1* and, as discussed below, throughout the IP, including, but not necessarily limited to, sections 313-15.2, 313-15.3, and 313-34.5.3.

SUGGESTED MODIFICATION #14: For clarity, add references throughout the LUP policies to the appropriate Master Parcel number in the STMP lands where different development referred to in the LUP policies would occur as shown throughout [Exhibit 4](#).

SUGGESTED MODIFICATION #15: Add Appendix M to the Humboldt Bay Area Plan to include the documents cited in *STMP (Hazards) Policy 4* and other documents related to the STMP-LUP.

B. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PROGRAM

The following three suggested modifications to the IP are needed to ensure that the IP conforms with and is adequate to carry out the policies of the LUP as modified. The attached [Exhibit 5](#) presents both (1) the complete zoning code amendments as proposed by the County in the context of all the related zoning standards, showing in ~~striketrough~~ and underline how the proposal would alter the existing text of the Coastal Zoning Regulations, and (2) suggested text deletions and additions suggested by the Commission, shown in ~~bold double striketrough~~ and bold double underlined text, respectively.

SUGGESTED MODIFICATION #16: Revise the following statement on the applicable Samoa Zoning Map to clarify with greater specificity the master parcels to be created by the merger and resubdivision of STMP lands that is required before nearly all other development is allowed to occur. Also revise the same text included in sections 313-15.2, 313-15.3, and 313-34.5.3 of the CZR shown on [pages 1-7 of Exhibit 5](#).

- 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 25A 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 Areatā Community Recycling Center~~ (Master Parcel 1), are merged and resubdivided by parcel map into ~~one~~ two master parcels generally depicted on Exhibit 25A as ~~Master Parcel 2~~. **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.** If all such property is not merged and resubdivided by parcel map into Master Parcels ~~2~~ 2 and 3 generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A 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 resubdivided by parcel map into Master Parcels ~~2~~ generally depicted on Exhibit 25A, 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 resubdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger parcel map~~ consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. 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~~ 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.
- B. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, 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 25A. 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~~ 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

SUGGESTED MODIFICATION #17: Modify *STMP (Hazards) Standard 1* to require development design standards to consider a minimum sea level rise rate of 3.2 feet by 2100 and 5.3 feet by 2100 for critical infrastructure development of community-wide significance.

34.5.4.5. STMP (Hazards) Standard 1:

34.5.4.5.1. **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, **consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document.** Residential and commercial development at nearshore sites shall analyze potential coastal hazard sensitivities for a range of potential global sea level rise scenarios, from three to six feet per century. The analysis shall also take into consideration regional sea level variability, localized uplift or subsidence, local topography, bathymetry and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance ~~using a minimum rise rate of 4.5 feet per century.~~ These hazard analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level thresholds after which limitations to the development's design and siting would cause the improvements to become significantly less stable. **For design purposes, development projects shall assume a minimum sea level rise rate of 3.2 feet by 2100, and projects of major community-wide significance shall assume a minimum sea level rise rate of 5.3 feet by 2100.**

SUGGESTED MODIFICATION #18: Delete erroneous/extraneous language from *STMP (New Development) Standard 1* as shown on [pages 17-18 of Exhibit 5](#).

III. AMENDMENTS TO THE LAND USE PLAN AND FINDINGS FOR DENIAL OF LUP AMENDMENT NO. LCP-1-HUM-15-0004-1 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as follows for proposed Land Use Plan (LUP) amendment LCP-1-HUM-15-0004-1:

A. STANDARD OF REVIEW

To certify the amendment to the LUP portion of the County of Humboldt LCP, the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act.

B. PURPOSE OF PROPOSED LCPA

As described in detail in Finding III-D below, the proposed LCP amendment would change the development phasing requirements of the portion of the certified Humboldt County LCP that covers redevelopment of the historic timber mill company town of Samoa on the north spit of the Samoa Peninsula adjacent to Humboldt Bay. The changes to the phasing requirements would prioritize: (a) the construction of new wastewater collection, treatment, and disposal facilities for the town to replace the town's existing substandard wastewater facilities, (b) the development of an affordable housing project within a portion of the Town that is designated and zoned for multi-family housing under the currently certified LCP; and (c) cleanup of contaminated soil and groundwater in various locations in the town. If the proposed multi-family housing project does not move forward as an affordable housing project, the development phasing requirements would not prioritize residential development at that location.

The LCP was originally amended in 2011 to address redevelopment of Samoa under the Samoa Town Master Plan (STMP). The LCPA authorized a change to the industrial land use designations and zoning districts of the old unincorporated company town to allow for a mix of residential, commercial, business park, public facilities, and natural resource uses. To facilitate the LCPA moving forward despite long standing unresolved questions about lot legality, the certified LCP requires that all of the lands covered by the STMP (except for a previously sold parcel already developed as a recycling center) first be merged into one large parcel. Only after the merger would the approved land use and zoning designations take effect. LCP Amendment No. HUM-MAJ-1-08 was effectively certified in August of 2012.

The redevelopment of Samoa raises numerous issues addressed under LCPA HUM-MAJ-1-08, including, but not limited to, (1) cleanup of industrial Brownfield contamination and lead paint residues; (2) sea-level rise and tsunami wave run-up related flood hazards; (3) ensuring reservation of suitable sites for Coastal Act priority uses; (4) provision of adequate infrastructure for the aging town and for new development; (5) traffic impacts on coastal access; (6) retaining the visual character of the historic community; (7) protecting cultural resources; (8) protecting environmentally sensitive habitat areas; and (9) the lot legality of the existing properties. Since information sufficiently detailed to indicate the kinds, location and intensity of land uses had not yet been undertaken, certification of LCPA HUM-MAJ-1-08 resulted in the addition of

numerous policies and standards to the Humboldt Bay Area Plan (LUP) relating to STMP development, effectively creating a “mini-LCP” for the STMP area.

In addition to setting forth numerous development policies and standards, the certified LCP sets forth a phased planning and development process to ensure that all of the issues noted above are fully addressed before significant development of the STMP area proceeds. After recordation of the merger that was necessary both to resolve lot legality issues as well as effectuate a change to the land use and zoning designations, the certified LCP authorizes the lands to be further divided via one comprehensive subdivision to accommodate the array of land uses set forth in the STMP. The comprehensive subdivision can only occur after extensive studies of the site are completed and submitted as filing information to support the coastal development permit application for the subdivision. This information includes, among other things: (a) wetland and ESHA delineations; (b) site plans showing surveyed boundaries of proposed lot lines, roads, and other features of the land; (c) analyses of soil and groundwater contamination; (d) geologic hazard analyses; (e) tsunami safety plans; (f) wastewater collection, treatment, and disposal plans; (g) plans for storing and distributing potable water and fire-fighting water; (h) master pedestrian bicycle circulation plans, (i) plans for the installation of bus stops for public transit; (j) plans for managing town public infrastructure; and (k) visual analysis of new development. To insure that the redevelopment of the town occurs under a planned process informed by these detailed studies, the certified LCP states that the detailed studies must precede the comprehensive division of the merged land, and no development other than the merger can occur on the lands covered by the STMP until after the comprehensive division of the merged land, supported by the requisite studies, occurs.

The landowner indicates it may be more than a year before all the studies necessary for the comprehensive subdivision are completed and a complete coastal development permit application for the subdivision can be submitted to the County. In the meantime, the property owner would like to pursue certain development that, without an amendment to the phasing requirements of the certified LCP, would have to wait until after the comprehensive subdivision, and the detailed studies necessary to support it, have occurred. This LCPA therefore proposes to allow certain development to occur after the initial merger of the STMP lands but prior to the comprehensive division of the merged land that is to be supported by the requisite studies. The development that would be allowed to proceed prior to the comprehensive subdivision includes: (a) the previously mentioned improvements to wastewater facilities; (b) the previously mentioned affordable housing project on land already designated and zoned for multifamily residential development; (c) an extension of Vance Avenue to serve the wastewater facilities and the affordable housing project (or a regular multifamily residential development at the site in the future if the affordable housing project does not move forward); (d) soil and groundwater contamination cleanup; and (e) the creation of a parcel just large enough to support the wastewater treatment and discharge facilities, the aforementioned residential development, and the extension of Vance Avenue to serve these uses. This parcel would be separated from the remaining STMP lands that would continue to be subject to the need for information in support of a comprehensive subdivision prior to any other development.

Improvements to the wastewater collection, treatment, and disposal facilities are needed now to address deficiencies in the wastewater facilities that serve the existing developed part of the

Town that are contributing to groundwater pollution. The landowner/developer has obtained, and will be seeking an extension of, grant funding to make improvements to the wastewater facilities that are tied to development of an affordable housing project within an area in the STMP area that is designated and zoned for multi-family housing under the currently certified LCP. In addition to facilitating the funding of development of the needed wastewater facilities in this case, certifying development phasing requirements that prioritize affordable housing is encouraged by Section 30604(g) of the Coastal Act. Further, allowing the cleanup of soil and groundwater contamination to occur prior to the comprehensive subdivision of the remaining STMP lands will hasten the cleanup.

C. BACKGROUND

i. Setting and Existing Conditions

Samoa is a historic timber mill “company town” in Humboldt County dating to the late 1800s, one of the last of its kind in the country. The current population of the unincorporated town is approximately 245.¹ Samoa is located on the north spit of the Samoa Peninsula, a strip of natural and developed sand dunes between the Pacific Ocean and Humboldt Bay. Most of Samoa is owned by landowner/developer Samoa Pacific Group LLC, including approximately 220 acres of land, mostly former heavy industrial land. (Notably, the recycling center located on what is known as Master Parcel 1 is not owned by Samoa Pacific Group LLC.) The only route in and out of Samoa is New Navy Base Road, which connects the town to Eureka approximately two miles to the east via the Samoa Bridges/Highway 255 over Humboldt Bay and to Arcata seven miles to the north via Highway 255 through the unincorporated community of Manila. The presently idle North Coast Railroad Authority (NCRA) railroad corridor and the County’s New Navy Base Road pass through or border the Samoa area. Samoa is not presently served by public transportation routes.

The existing town includes approximately 100 existing residences – vintage redwood millworker cottages and other historic structures constructed between 1895 and 1930 that comprise classic examples of the period's architecture. The existing town area also includes a popular restaurant (Samoa Cookhouse); commercial recreational amenities (a gymnasium and museum); a recycling facility; and several Brownfield sites.² The lands of Samoa also contain wetlands, rare plant habitat, coastal scrub, forest, and dune habitats, and public beachfront areas near the County's popular Samoa Beach Park. The Samoa Pulp Mill, which closed in 2008 and remains vacant and inactive, is located on adjacent lands. The pulp mill now is owned by the Humboldt Bay Harbor, Recreation, and Conservation District, who has been actively engaged for the past several years with the federal EPA in the cleanup and removal of toxic liquors and other legacy contaminants on the property.

ii. Currently certified LCP amendment and issues

In March of 2011 the Commission certified with suggested modifications Local Coastal Program Amendment No. HUM-MAJ-1-08, a project-driven LCPA that included policies and standards

¹ <http://california.hometownlocator.com/ca/humboldt/samoa.cfm>

² The Brownfields have been limited from redevelopment by the existence of residual contamination of soil and/or groundwater from former land use and include the site of an abandoned gasoline station, a former railroad/rigging shop, various garages, areas associated with the town’s antiquated sewer system, and other sites.

for the development of the Samoa Town Master Plan (STMP). The amendment was effectively certified in August of 2012. HUM-MAJ-1-08 amended the Humboldt Bay Area Plan and Coastal Zoning Regulations to change the industrial land use designations and districts within the unincorporated Samoa area to a mix of residential, commercial, business park, public facilities, and natural resources. The LCPA also provided for extending the urban limit line around the STMP area, which is surrounded by rural lands designed and zoned for coastal-dependent industrial uses (most of which currently are vacant or underutilized), natural resources uses (public beach access is available west of New Navy Base Road), and public facility uses (there is an existing public school in Samoa that serves approximately 40 students in grades K through 8).

Based on the new land uses certified under HUM-MAJ-1-08 that will not become effective unless and until the CDP for the merger is issued and the merger is recorded, the maximum potentially allowable levels of development for the redeveloped town of Samoa could include up to approximately 300 new single family residences and 105-unit apartments, retention of the 99 existing historic residences, a new business park approximately 19 acres in size (about half of that area could be covered with structural footprint up to four stories high), a variety of general commercial, commercial recreation, public recreation, 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).

As noted above, the redevelopment of Samoa raises numerous issues addressed under HUM-MAJ-1-08. Some of these key issues are discussed briefly below to provide context for the subject LCP amendment application.

Lot legality issues. Several of the STMP policies in the certified LCP, which were added under HUM-MAJ-1-08, relate to the issue of the legality of the town's underlying lots and the phasing of the town redevelopment. To facilitate the LCPA moving forward despite longstanding unresolved lot legality issues, the LCPA included *STMP (New Development) Policy 1A*. This policy requires the merger of all of the subject lands owned by Samoa Pacific Group LLC or its successor in interest (other than "Master Parcel 1," a 2.5-acre parcel that had already been sold and developed with a recycling facility) into "Master Parcel 2" containing the balance of the lands within the STMP area. The policy requires the merged land to 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 NCRA). As certified, the land use designations and zoning approved under HUM-MAJ-1-08 will not become effective unless and until the entirety of the legal parcels within the STMP area, except for Master Parcel 1, are merged into a single "Master Parcel 2."

Wastewater Infrastructure. The redevelopment of Samoa necessitates the replacement of outdated, failing infrastructure for the existing residential and commercial development in the town, as well as increased infrastructure capacity for future new development that would occur as the result of the maximum buildout of the town conceived under the STMP. The North Coast Regional Water Quality Control Board (hereafter regional water board) has determined that the existing town of Samoa is served by a failing sewage waste treatment system that is contributing to groundwater pollution. As groundwater under the Samoa lands trends toward Humboldt Bay

or toward the Pacific Ocean, sewage effluent contaminating groundwater affects not only the groundwater basin, but also the coastal waters of Humboldt Bay and the Pacific Ocean. In addition to the failing system that serves the majority of the town, a portion of the existing town (25 houses) currently disposes of sewage effluent directly to the dunes adjacent to the County's Samoa Beach Park on the west side of New Navy Base Road. The existing certified LCP requires the design and construction of a new sewage waste system for the town and abandonment of the old systems, including the system west of New Navy Base Road.

As certified, HUM-MAJ-1-08 identified approximately nine acres of land within the STMP area to be set aside for Public Facilities (PF) uses. The PF areas would house the town's new wastewater treatment and disposal system as well as its water storage tanks, public works and Community Services District (CSD) offices, and storage/maintenance yard. At the time that HUM-MAJ-1-08 was certified in March of 2011, consultants for the landowner indicated that less than 9 acres of land base would be needed to accommodate the necessary wastewater infrastructure for both the treatment and disposal of wastewater for the entire town at projected maximum buildout. However, because the regional water board had not yet determined that the consultant's plans would meet waste discharge requirements for the site, whether or not the 9 acres reserved for PF uses would be sufficient to contain the necessary wastewater infrastructure improvements had not yet been established.

The existing certified LCP instead requires 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 CDP required for the initial merger and redivision of the Samoa lands into two master parcels (described above under "Lot legality issues"). 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 PF uses, the existing LCP policies require evidence that an amendment of the LCP to accommodate the larger area needed for the facilities be obtained prior to filing the CDP application for the merger and redivision. To ensure that inadequate designations and zoning of PF areas do not become part of the effectively certified LCP before the precise amount of needed land area is determined through the above process, the existing certified LCP requires that the land use designations and zoning approved by the Commission under HUM-MAJ-1-08 shall not become effective unless and until the CDP for the merger is issued and the merger is recorded. On the other hand, if it is determined that an area smaller than the reserved 8.5-acre PF area is needed for the town's wastewater treatment and disposal needs, the landowner/developer could seek an LCP amendment to redesignate the excess PF lands to other appropriate uses.

Development phasing requirements under certified LCP. The certified LCP also includes numerous policies relating to the phasing of development. To ensure that the redevelopment of the town occurs fully consistent with Coastal Act and LCP policies, the certified LCP directs that after the required merger discussed above, no other development within the STMP area may occur until the Master Parcel is comprehensively subdivided consistent with the land use designations certified under HUM-MAJ-1-08 (business park lands, residential lands, etc.) and using a process informed by sufficient information. *STMP (New Development) Policy 1B* lists the required contents of a complete CDP application for the comprehensive subdivision of Master Parcel 2, such as site-specific wetland and ESHA delineations, geologic hazard analyses, a final

tsunami safety plan, final plans for a new wastewater treatment facility, and several other required studies needed to evaluate the consistency of the Master Parcel being comprehensively divided with the provisions of the certified LCP. In addition, a community services district or similar mechanism must be in place for the ongoing funding and maintenance of the STMP's water, wastewater, stormwater, fire, and other services. Furthermore, it must be demonstrated that all resultant parcels will be safe from hazards and protective of coastal resources with a minimum of at least 4.6 feet of sea level rise without future construction of shoreline armoring devices, among other requirements.

Currently certified *STMP (New Development) Policy 1B* further requires as a requirement of approval of the comprehensive subdivision of STMP lands that certain specified development must occur prior to commencement of any other development within the STMP lands, including development of the portions of the new wastewater treatment facility needed to serve the town's existing residential and commercial development. A few exceptions specified in the policy allow for certain development to occur in advance of the development of the wastewater facility, such as the remediation of contaminated soil and groundwater and the development of a public access trail network.

Currently certified *STMP (New Development) Policy 1B* allows for development under the comprehensive subdivision to proceed in phases with maps recorded for each phase, provided that final subdivision maps for all of the existing developed residential and commercial area in the town are recorded first. The Policy further specifies phasing requirements for business park and residential development such that prior to or concurrently with any new business park or residential development, the following must first occur:

- Renovation of the existing structures in the old town residential areas;
- Cleanup of contaminated soils and groundwater within the current and previous phases of the subdivision;
- Development of all emergency control water supply facilities needed to serve that phase of the subdivision;
- Construction of the portions of the wastewater facility needed to serve all development proposed in the current phase;
- Construction of a new emergency services vehicle storage building;
- Development of certain public access and recreational improvements, including new pedestrian trails and a new Beach and Dune interpretive area; and
- In the case of new residential development, certain low-cost visitor serving accommodations must be developed prior to commencement of construction of any new residential development within the STMP area, including a minimum 20-room hostel, 20 detached small housekeeping cabins, 15 car/tent camping spaces and associated amenities, and adequate internal circulation routes and parking for visitors to the area.

D. AMENDMENT DESCRIPTION

i. Project Driven LCPA

LCP Amendment Application No. LCP-1-HUM-15-0004-1 is a project-driven LCPA requested by Humboldt County on behalf of landowner/developer Samoa Pacific Group LLC/Danco Development (Project Representative: Dan Johnson, CEO, The Danco Group). The impetus for the LCPA is to (a) potentially facilitate an affordable housing development within an area designated under the certified LCP for multi-family housing; and (b) prioritize the timely construction of new wastewater collection, treatment, and disposal facilities for the town to replace the town's existing substandard infrastructure (discussed in more detail in Finding III-E below) and to serve the proposed affordable housing project, all prior to the comprehensive subdivision of the balance of the STMP area.

The potential affordable housing project being contemplated by the landowner/developer consists of 79 affordable rental housing units and one manager's unit. If constructed, eight of the units would be one-bedrooms, 24 would be two-bedrooms, 40 of them would be three-bedrooms, and eight would be four-bedrooms. Fifty-seven of the affordable units would be exclusively available to people making 50% of Humboldt County's Area Median Income (AMI), 13 units would be restricted to people making 45% AMI, and another 9 would be available to households at 30% AMI. The landowner/developer has been awarded, and will be seeking an extension of, a 3.5 million dollar Infill Infrastructure Grant (IIG) by the Department of Housing and Community Development (HCD) to develop infrastructure improvements necessary to support the planned affordable housing development, which is considered a Qualified Infill Project (QIP) under the grant terms. If awarded, any project receiving IIG funding is required per HCD regulations to be "affordable housing" as defined by Section 50093 of the Health and Safety Code.³ Grant monies also would be used to construct water, sewer, and utility service improvements, including a new wastewater treatment facility (WWTF), and an extension and improvement of Vance Avenue, which bisects the STMP area. The developer plans to finance the QIP using tax credits granted by the California Tax Credit Allocation Committee.

To enable the affordable housing project, the wastewater treatment plant facilities, and the extension of Vance Avenue to proceed prior to the comprehensive subdivision of the balance of the STMP area, the LCPA seeks to establish the boundaries of a new parcel ("Master Parcel 2," about 18 acres in size), which would support the new wastewater facilities, the affordable housing development, and Vance Avenue extension. The balance of the town would be encompassed within a separate "Master Parcel 3."

³ HSC Division 31. Housing and Home Finance [50000 - 53565]; Part 1. State Housing Policy and General Provisions [50000 - 50203]; Chapter 2. Definitions [50050 - 50106]; 50093: "*Persons and families of low or moderate income*" means persons and families whose income does not exceed 120 percent of area median income, adjusted for family size by the department in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937... "*Persons and families of low or moderate income*" includes very low income households, as defined in Section 50105, extremely low income households, as defined in Section 50106, and lower income households as defined in Section 50079.5, and includes persons and families of extremely low income, persons and families of very low income, persons and families of low income, persons and families of moderate income, and middle-income families...

The landowner/developer indicates that it is seeking an extension of certain deadlines for project implementation required by the Infill Infrastructure Grant from the Department of Housing and Community Development in order to move forward with the affordable housing project and related infrastructure improvements. Should the extension not be granted, the landowner/developer indicates it may not be able to develop an affordable housing project at the site, in which case the landowner/developer may ultimately develop multi-family residential in this location that does not meet the definition of “affordable housing” in Section 50093 of the Health and Safety Code.

Although residential development is not a priority use under the Coastal Act, Section 30604(g) states that the Commission shall encourage housing opportunities for persons of low and moderate income. Therefore, as discussed in Finding E below, **Suggested Modification 2** requires various changes to the proposed LCPA ensuring that affordable housing may be developed on Master Parcel 2 in advance of both the comprehensive subdivision of Master Parcel 3 and in advance of certain priority uses in the town even though a multi-family housing project proposed on Master Parcel 2 that does not meet the definition of affordable would remain phased after both the comprehensive division of Master Parcel 3 and the development of higher priority visitor serving facilities in the town.

ii. Summary of LCPA

The LCPA proposes numerous changes to the certified Humboldt Bay Area Plan (LUP) and Coastal Zoning Regulations (IP), primarily relating to the phasing and development process for STMP lands. As proposed, LCP-1-HUM-15-0004-1 would change the following:

- The LCPA would allow for all STMP lands other than a separately-owned 2.5-acre parcel (referred to as Master Parcel 1) that is developed with an existing recycling center, to be merged and resubdivided by parcel map into two master parcels (Master Parcels 2 and 3) rather than simply merging these STMP lands into a single master parcel (as currently required in the existing certified LCP, as discussed above). The existing LCP, as previously discussed, in order to resolve underlying lot legality issues, requires the merger of these STMP lands before the comprehensive subdivision of these STMP lands to ensure consistency of the land division with the land development policies of the Coastal Act and the certified LCP. As proposed, new Master Parcel 2 (~18.5 acres) would consist of approximately 8.5 acres of lands planned for public facilities uses (the planned wastewater facilities area), 3.5 acres of lands planned for medium-density residential uses (potentially affordable housing), and approximately 6 acres consisting of Vance Avenue and its associated improvement area. Proposed Master Parcel 3 would contain the balance of the STMP lands (approximately 201 acres, excluding the 2.5-acre “Master Parcel 1” discussed above, which contains the existing recycling facility).
- The LCPA would make several changes to development phasing requirements, including that any affordable housing that occurs in new Master Parcel 2 would be allowed to occur prior to: (a) the comprehensive subdivision of all STMP lands; (b) the development of various public access and recreational improvements; (c) the development of low-cost visitor serving improvements; and (d) the renovation of the existing residences in the

historic town. As discussed above, the existing certified LCP requires these elements to be developed prior to any new residential or business park development, including residential development that is affordable.

[Exhibit 4](#) shows the full text of the County's proposed changes to the LUP, showing in ~~strikeout~~ and underline how the proposal would alter the existing LUP text. Exhibit 4 also shows suggested text deletions and additions suggested by the Commission as explained in the Findings below, shown in ~~bold double strikethrough~~ and bold double underlined text, respectively.

E. CONSISTENCY WITH RELEVANT COASTAL ACT POLICIES

i. Planning and Locating New Development

Section 30250 of the Coastal Act states, in applicable part, as follows:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

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

New development shall do all of the following:

...

(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 of the Coastal Act states, in applicable part, as follows:

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;.... 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.

Section 30254.5 of the Coastal Act states as follows:

Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.

Cited Section 30412 of the Coastal Act states, in applicable part, as follows:

- (a) In addition to Section 13142.5 of the Water Code, this section shall apply to the commission and the State Water Resources Control Board and the California regional water quality control boards.*
- (b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.*

Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.

- (c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:*
 - (1) The siting and visual appearance of treatment works within the coastal zone.*
 - (2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.*

- (3) *Development projections which determine the sizing of treatment works for providing service within the coastal zone.*

The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.

- (d) *The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division...*

Summary of applicable Coastal Act and LCP policies

Coastal Act Section 30250 requires that new residential, commercial, and industrial development be located in a manner that does not significantly and adversely affect coastal resources, either individually or cumulatively. This policy is codified in part in Sections 3.21 and 3.27 of the Humboldt Bay Area Plan (HBAP).

Section 30254 of the Coastal Act sets limitations on the approval of new or expanded public works facilities such that the development of such facilities is limited to only that which can accommodate needs generated by development or uses permitted consistent with the Coastal Act. This policy is codified in Sections 3.12 and 3.22 of the HBAP. Coastal Act Section 30254.5 places limitations on the Commission's ability to impose permit terms or conditions on the development of any sewage treatment plant which is applicable to any future development that the Commission determines could be accommodated by the plant. Coastal Act Section 30412 further restrains the Commission's actions with regard to water quality issues, including the development of publicly-owned wastewater treatment works, prohibiting the Commission from taking actions that would be in conflict with the State or Regional Water Quality Control Boards. Section 30412 further confines the Commission's determinations on the development of such treatment works within the coastal zone to issues regarding: (a) the siting and visual appearance of the treatment works; (b) geographic and temporal limits of service areas; (c) the timing of the use of capacity of treatment works for those service areas to allow for phasing of development; and (d) the sizing of treatment works as determined by development projections.

Consistency Analysis

As summarized above, the LCPA involves numerous changes to the HBAP to prioritize development of (a) affordable housing within an area currently designated and zoned under the certified LCP for multi-family housing and (b) new wastewater collection, treatment, and disposal facilities for the town to replace the town's existing substandard infrastructure and to serve any such affordable housing project. The changes to the certified LUP policies involve two main components. First, all of the lands of Samoa Town Master Plan (STMP) planning area,

(except for the separately-owned 2.5-acre parcel referred to as Master Parcel 1 that is developed with the existing recycling center), would be merged and resubdivided by parcel map into two master parcels rather than merged into a single master parcel as is required under the existing certified LCP (see Exhibit 3). Under the proposed LCPA as submitted, proposed Master Parcel 2 would comprise approximately 18 acres and would contain (1) approximately 8.5 acres of land planned for Public Facilities (PF) uses where new wastewater treatment and disposal facilities for the town are planned to be sited, and (2) approximately 3.5 acres of land planned for Multifamily Residential (RM) uses where Samoa Pacific Group contemplates siting an affordable housing project. The remainder of Master Parcel 2 would consist of Vance Avenue and its associated improvement area. Proposed Master Parcel 3, approximately 200 acres in size, would contain the balance of the STMP lands. Master Parcel 3 would include a mix of single-family residential, commercial (general and commercial recreation), industrial (general and coastal-dependent), business park, public facility, public recreation, and natural resources land use and zoning designations. As proposed under the subject LCPA, the various land use and zoning designations of the STMP lands, which were originally certified under LCP Amendment HUM-MAJ-1-08 in 2012, would not become effective unless and until the entirety of the Samoa lands are merged and resubdivided by parcel map into Master Parcel 2 and Master Parcel 3 described above (and generally depicted in Exhibit 3). As previously discussed, currently all the lands of Samoa are planned and zoned for general industrial and coastal-dependent industrial uses and the currently certified LCP similarly requires that the various land use and zoning designations of the Samoa lands do not go into effect unless and until the entirety of the STMP lands are merged into a single master parcel.

The second main component of the proposed LCPA relates to changing numerous development phasing requirements. The existing certified LCP requires that after all STMP lands other than the lands within Master Parcel 1 are merged and subsequently comprehensively subdivided as discussed above, redevelopment of the town of Samoa is to proceed such that various public access improvements, low-cost visitor serving improvements, and the renovation of the existing historic residences in the town must occur prior to the development of any new residential or business park development. As proposed, the LCPA as submitted would allow for the developer's contemplated affordable housing project to precede both the comprehensive subdivision of the STMP lands as well as the public access improvements, low-cost visitor serving improvements, and the renovation of the existing historic residences in the town.

The proposed LCPA as submitted has the potential to affect a variety of coastal resources individually or collectively, as discussed below.

(1) Wastewater Infrastructure and Phasing of New Development

The existing development in Samoa is served by wastewater 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. 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 (hereafter referred to as the western system). Sewage from the other approximately 75 other residences in the town as well as from the community center, the fire station, and the Samoa Cookhouse restaurant is collected into a network of septic tanks and then pumped through a defunct treatment system (described as "bark filter structures") to an infiltration pond located

east of New Navy Base Road (the eastern system). 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 systems do not meet modern standards, and the Samoa Pacific Group, LLC presently is not in compliance with regional water board requirements for the existing sewage waste treatment and disposal systems at Samoa. The Samoa lands are underlain by highly permeable sand dunes, and the groundwater is in some areas very shallow. Surface areas of the site drain directly to the Pacific Ocean or to Humboldt Bay, depending on location. Humboldt Bay is the site of a thriving oyster aquaculture industry as well as habitat for eelgrass, species of special biological significance, and other significant marine resources. Thus, contamination by leaching wastes or waste-contaminated surface waters is a significant concern.

The existing certified LCP recognizes that new wastewater facilities of adequate design and capacity are necessary to serve the land uses planned for Samoa. Because it was not certain precisely how much land base would be needed for the new wastewater facilities at the time that the STMP policies allowing for the redevelopment of Samoa were certified under HUM-MAJ-1-08 (regional water board had not yet determined that that preliminary wastewater facilities plans would meet waste discharge requirements for the site), the existing certified LCP requires that prior to issuance of a CDP for the merger, evidence must be presented demonstrating that the land area reserved for Public Facilities (PF) uses in Samoa is sufficient to accommodate wastewater facilities for the entire town at planned maximum buildout as well as the town's corporate yard and water storage facilities. If the facilities needed to serve build-out of the STMP lands cannot be accommodated within the areas designated and zoned for PF uses, the existing LCP specifies that the LCP shall be amended prior to issuance of a CDP for the master merger to accommodate the larger area needed for the facilities (which might involve, for example, increasing the size of PF areas within Samoa by decreasing the amount of the land reserved for business park or residential uses).

The existing certified LCP also requires that the CDP for the subdivision of the Samoa lands shall be conditioned to require that new wastewater facilities needed to serve all development within a particular phase of the subdivision shall be put into place prior to development within the phase in accordance with any staged upgrade approved by the regional water board and determined by the County (or the Commission on appeal) to be consistent with LCP policies for the protection of coastal resources. However, the development phasing requirements of the existing certified LCP do not require the development of new wastewater facilities to replace the existing substandard systems that serve the existing town prior to the comprehensive subdivision of the STMP lands. As discussed above, before the lands can be comprehensively subdivided under the existing certified LCP, numerous studies, analyses, and mapping efforts must be completed. At the time that these policies were certified under HUM-MAJ-1-08, it was believed that subdivision plans for the town would advance quickly and the development of new wastewater facilities would therefore not be delayed. However, due to an economic downturn, financial constraints, and other factors, since certification of HUM-MAJ-1-08 in 2012, plans for the master merger and subdivision have not progressed as fast as previously anticipated.

As mentioned above, the regional water board has documented that the existing wastewater collection, treatment and discharge systems are contributing to groundwater pollution and potentially impacting the water quality of Humboldt Bay. The landowner/developer has been

working with regional board staff over the past several years to design a new wastewater treatment and disposal facility to serve the existing development in the town. Recently, after reviewing updated design plans and site data provided by Samoa Pacific Group consultants, regional water board staff have determined that a minimum of 8.5 acres of land will be needed for necessary wastewater infrastructure improvements to serve the entire town of Samoa at planned maximum buildout. Regional water board staff state in part, in a letter sent to Commission staff dated November 4, 2015 (Exhibit 6), that

...The Samoa Pacific, LLC proposes to install a full advanced wastewater treatment (FAT) system that will include microfiltration, reverse osmosis, and a combined hydrogen peroxide/ultraviolet light disinfection system for treatment of wastewater from full buildout of the Project. Based on data provided by the manufacturer, it appears that treated effluent from the Samoa Townsite will meet most water quality objectives at the point of discharge if these FAT technologies are employed. Additional information provided by Samoa Pacific, LLC... indicates that FAT technologies will also reduce other key pollutants, such as total dissolved solids, pathogens, and endocrine disrupting chemicals, to very low concentrations in the effluent...

The regional water board letter goes on to state that any wastewater facility expansion for any increase in wastewater flows beyond existing development and planned affordable housing development in the town will require submittal of an antidegradation analysis demonstrating that additional wastewater effluent flows would not degrade existing groundwater quality or cause exceedances of any water quality objective for groundwater.

The LCPA as submitted proposes to prioritize the construction of new wastewater facilities for the town in conjunction with the construction of any affordable housing development on proposed Master Parcel 2. One of the constraints to date of repairing and maintaining the wastewater infrastructure in Samoa has been cost. As previously discussed, Samoa Pacific Group LLC, Inc., which owns the town in its entirety, has been awarded, and is seeking to extend, a 3.5-million-dollar Infill Infrastructure Grant (IIG) by the Department of Housing and Community Development (HCD) to develop infrastructure improvements necessary to support an affordable housing development in Samoa, which is considered a Qualified Infill Project (QIP) under the grant terms. Any project receiving IIG funding is required per HCD regulations to be “affordable” as defined by Section 50093 of the Health and Safety Code. Grant monies would be used to construct new wastewater facilities that would serve both the planned affordable housing project as well as the existing residential and commercial development in the town.

As proposed, the LCPA would allow certain development to proceed after the required merger and resubdivision by parcel map of all the Samoa lands into two master parcels (Master Parcels 2 and 3 described above) but before the comprehensive division of Master Parcel 3. The development that may proceed in advance of the Master Parcel 3 subdivision includes (1) upgrades and improvements to the wastewater facility, (2) improvements to Vance Avenue, (3) development associated with the abandonment and/or removal of existing defunct wastewater facilities, (4) cleanup/remediation of contaminated soil and/or ground water, and (5) affordable housing development on Master Parcel 2. The LCPA as submitted retains the LCP policies requiring that the CDP for the subdivision of the Samoa lands shall be conditioned 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 and be in accordance with any staged upgrade approved by the regional water board and determined by the County (or the Commission on appeal) to be consistent with LCP policies for the protection of coastal resources.

In addition, as submitted, the LCPA retains requirements of the certified policies that: (1) new wastewater facilities be ready to serve all existing development in the town prior to developing any new residential development in the town including the affordable housing project; (2) proper abandonment of old (existing) wastewater facilities in accordance with necessary permits from the regional water board at the time that new wastewater facilities are developed; and (3) the establishment of a mechanism, organized under public ownership and management, for the on-going funding and maintenance of the town's potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, public open spaces, and common areas prior to approval or issuance of a CDP for wastewater infrastructure improvements, road improvements, and any other new development in the town.

The Commission finds that because the LCPA as submitted will facilitate water quality improvement opportunities and the development of new wastewater facilities to replace the existing antiquated wastewater facilities for the town that do not adequately protect water quality, the changes to the phasing of the redevelopment of Samoa proposed under the subject LCPA are generally consistent with the new development policies of the Coastal Act. However, the proposed LCPA necessitates suggested modifications to bring the LCPA into full conformity with the new development policies of the Coastal Act. These include:

- The proposed LCPA as submitted does not clarify as intended that repairs and upgrades to the substandard wastewater facilities that serve the existing town are able to be developed prior to any other development in the town, including prior to the merger and resubdivision by parcel map into Master Parcels 2 and 3.
- The proposed LCPA as submitted in *STMP (New Development) Policy 1B(1)* limits the repairs and upgrades that may occur prior to the comprehensive subdivision of Master Parcel 3 to the wastewater facilities in the dunes that serve only 25 existing residences in the town and does not include the wastewater facilities that serve the bulk of the existing residential, commercial, and other development in the town.
- The LCPA as submitted does not provide for the installation of at least one of the two bus stops currently required by the certified LCP to serve Samoa during construction of the extension of Vance Avenue to serve the proposed affordable housing project or other residential development that would be facilitated on Master Parcel 2 in the designated Multi-Family Residential area. The greatest demand for public transit in Samoa in the future may come from occupants of the residential development on Master Parcel 2, and the location that would best serve the occupants would be along Vance Avenue, the roadway that will serve the residential development site. As submitted, the LCPA requires that such a bus stop be developed prior to occupancy of the residential

development rather than at the time the Vance Avenue extension is developed, which is when the bus stop can best be planned, designed, and constructed to optimize its utility.

- The LCPA as submitted does not include provisions to ensure that a mechanism for the on-going funding and maintenance of the STMP's waste water processing system and other infrastructure, including storm water facilities, public fire and life safety facilities and services, public open spaces, common areas, and the potable water delivery system be in place prior to approval of a CDP for wastewater facilities improvements, affordable housing development, or other development on Master Parcel 2.

Thus, for all of the reasons discussed above, the Commission finds that the proposed LUP amendments as submitted are inconsistent with the requirements of Sections 30250 of the Coastal Act. Therefore, the Commission imposes Suggested Modification Nos. 1, 2, 3, and 4. **Suggested Modification 1** modifies *STMP (New Development) Policy 1A* regarding the sequencing of required authorizations and subsequent development of the STMP to allow for two specific developments to precede the required merger and resubdivision of the STMP lands: (a) upgrades to the wastewater facilities to serve existing development in the town, and (b) cleanup of contaminated soil and groundwater. In addition, to mirror the requirements of the certified LUP, Suggested Modification 1 modifies the same policy subsection to clarify that revised land use designations and zoning certified under the original STMP LCP amendment (LCP Amendment No. HUM-MAJ-1-08) do not become effective unless and until the parcel map for the merger and resubdivision has been legally recorded. Finally, this suggested modification also directs that where identical policy language appears elsewhere in the LUP, such as sections 1.30, 3.60, and 4.10, that the same suggested modifications be applied (all suggested modifications to the County's LUP submittal are shown in Exhibit 4). **Suggested Modification 2** requires various changes to *STMP (New Development) Policy 1B* to clarify (a) the scope of required upgrades and improvements to the wastewater facilities; and (b) phasing requirements for the installation of a bus stop to serve residential development on Master Parcel 2. The suggested modifications also included suggested minor corrections and updates to spelling, numbering, and language of the policy. **Suggested Modification 3** amends *STMP (New Development) Policy 4*, *STMP (ESHA) Policy 9*, and *STMP (Hazards) Policy 4* to clarify that any residential development on Master Parcel 2 can only be developed with appropriate protections for ESHA and minimization of tsunami hazard risk consistent with the Coastal Act. as discussed in the findings below. **Suggested Modification 4** modifies *STMP (Coastal Access) Policy 4* to require the installation of a minimum of one bus stop on Master Parcel 2 to serve the Samoa area concurrent with the development of improvements to Vance Avenue and prior to any residential development on Master Parcel 2. Collectively these suggested modifications will assure that new residential development in Samoa will be appropriately located with adequate public services to accommodate it and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources, consistent with Section 30250 of the Coastal Act.

(2) Lot Legality

As discussed above, various policies in the existing certified LCP relate to the issue of the legality of the town's underlying lots and the phasing of the town redevelopment. In order to move forward on the LCPA despite longstanding unresolved lot legality issues, including the unresolved status of the legality of the underlying subdivision and resultant parcel boundaries

comprising the STMP area, the existing certified LCP requires the preliminary merger of all of the subject lands except for Master Parcel 1, the 2.5-acre parcel that had already been sold and developed with a recycling facility. The merger is required to be completed prior to the comprehensive subdivision of resultant Master Parcel 2 and most other development.

In order for the merger to be permitted, the policy requires all of the following to occur (1) the entirety of the legal parcels comprising the STMP-LUP Overlay area shall be included in the merger; (2) there must be evidence that all necessary authorizations have been obtained from the North Coast Railroad Authority (NCRA), or its successor-in-interest, and 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; (3) evidence must be presented demonstrating that the land area reserved for Public Facilities (PF) uses in Samoa is sufficient to accommodate wastewater facilities for the entire town at planned maximum buildout as well as the town's corporate yard and water storage facilities; and (4) various conditions of approval shall be imposed on the CDP for the merger related to required deed restrictions to address and disclose (a) known areas of soil and groundwater contamination in Samoa, and (b) known geologic and flood hazards with the potential to affect Samoa lands. These requirements were imposed by the Commission at the time of original certification to ensure that redevelopment of the town and the array of proposed land uses envisioned in the Samoa Town Master Plan would be located where they can be accommodated and not have significant adverse effects, either individually or cumulatively, on coastal resources, consistent with Section 30250 of the Coastal Act. *STMP (New Development) Policy IA (Phasing of Development)* in the existing certified LCP requires the land to be merged as one undivided parcel before the land use designations and zoning approved under HUM-MAJ-1-08 can become effective.

The LCPA as submitted proposes to retain similar requirements that the underlying lot legality be resolved prior to the certified land use designations and zoning becoming effective and before the master subdivision of the Samoa lands could thereafter be permitted. However, rather than an initial merger of all Samoa lands (other than Master Parcel 1) followed by a comprehensive subdivision of these lands, the LCPA as submitted provides for the merger and simultaneous resubdivision by parcel map of these Samoa lands into two master parcels (Master Parcel 2 and Master Parcel 3 described above).

Section 4.10, "INTRODUCTION," of Chapter 4 of the certified LCP, which the LCPA retains, includes the provision that the land use and zoning designations do not take effect unless and until the parcel map for the merger and resubdivision has been legally recorded. For clarity, this provision should also be added to *STMP (New Development) Policy IA*, as this policy directs how the merger and resubdivision by parcel map is to be implemented. Therefore, the Commission includes **Suggested Modification No. 1**, which modifies *STMP (New Development) Policy IA* to include the provisions requiring that the land use designations and zoning certified under LCP Amendment HUM-MAJ-1-08 shall not become effective unless and until the parcel map for the above-described merger and resubdivision has been legally recorded.

Conclusion

For all of the reasons discussed above, the Commission finds that the proposed LUP amendments as submitted are inconsistent with the pertinent requirements of Sections 30250 of the Coastal Act unless modified as suggested above. The Commission further finds that the suggested modifications requiring various changes to proposed policies collectively will assure that new residential development in Samoa will be appropriately located with adequate public services to accommodate it and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources, consistent with Section 30250 of the Coastal Act. The various suggested modifications (1) clarify the scope and timing of required upgrades and improvements to the wastewater facilities and emergency control water supply facilities relative to new development in the town; (2) clarify phasing requirements for public transportation auxiliary facilities to support proposed affordable housing on Master Parcel 2; (3) ensure that land use designations and zoning certified under LCP Amendment HUM-MAJ-1-08 do not become effective unless and until the parcel map for the above-described merger and resubdivision has been legally recorded. Furthermore, the Commission finds that the suggested modifications will 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.

ii. Protection of Visitor Serving Facilities, Public Access, and Recreation

Section 30210 of the Coastal Act states as follows

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 of the Coastal Act states as follows

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 of the Coastal Act states as follows

(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.

- (b) *For purposes of this section, "new development" does not include: (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610. (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure. (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure. (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure. (5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach. As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.*
- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 of the Coastal Act states:

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 of the Coastal Act states as follows:

- (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 30222 of the Coastal Act states:

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 30252 of the Coastal Act states as follows:

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 30604 of the Coastal Act states, in applicable part, as follows:

...

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h)

of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established 106 by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

- (g) *The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.*

Summary of applicable Coastal Act and LCP policies

The Coastal Act includes various policies to protect, enhance, and maximize public access and recreational opportunities to and along the coast. Section 30210 requires in part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in part that development not interfere with the public's right of access to the sea where acquired through use. Section 30212 requires in part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety. Section 30214 requires that the public access policies 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. Section 30252 requires the location and amount of new development to maintain and enhance public access to the coast through various means, such as facilitating the provision or extension of transit service and providing nonautomobile circulation within the development. Finally, the Coastal Act protects and encourages lower cost visitor and recreational facilities (Section 30213) and prioritizes visitor-serving commercial recreational facilities that enhance public opportunities for coastal recreation over private residential, general industrial, and general commercial development (Section 30222).

The existing certified LCP includes *STMP (Coastal Access) Policy 2*, which requires in part that pedestrian/bikeway paths and related amenities within Samoa be completed prior to the commencement of development within either the Business Park area or any new residential areas. In addition, *STMP (Coastal Access) Policy 3* requires in part that prior to construction of the Business Park or development within any new residential areas, the landowner is required to develop both a 1.5-acre public recreational area west of New Navy Base Road adjacent to the County beach (referred to as the Samoa Dunes Interpretive Area), and a public pedestrian path connecting the Samoa Cookhouse area and the Samoa Dunes Interpretive Area via the tunnel under New Navy Base Road. Furthermore, *STMP (Coastal Access) Policy 4* requires the

installation of at least two bus stops in the town prior to commencement of construction of development within the new residential and business park areas. Other lower-cost visitor-serving commercial and recreational facilities that the existing certified LCP requires include the following: (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); (3) at least 15 car/tent camping sites; and (4) a bed and breakfast inn at the Victorian “Manager’s Mansion,” which dates from the industrial timber town days of Samoa. These low-cost visitor accommodations are required to be constructed and operational prior to the commencement of any development within the new residential and business park areas. The existing certified LCP also includes Sections 30210, 30211, 30212, 30213, and 30222 of the Coastal Act (codified in Sections 3.27 and 3.50 of the Humboldt Bay Area Plan).

Consistency Analysis

The Samoa Peninsula is a scenic beach area convenient to Eureka and Arcata and of regional public coastal access and recreational significance. The Samoa Beach County Park is located directly across New Navy Base Road from the Samoa town lands subject to the proposed LCPA. The beach and dunes, including Samoa Beach and the corridor west of New Navy Base Road, are connected to the town of Samoa via a publicly-owned tunnel under New Navy Base Road, providing an important public coastal access and recreation corridor linkage between the two. Existing visitor-serving amenities in the town include the Samoa Cookhouse, a popular historic restaurant (opened since 1890) and tourist attraction for its “lumber camp style” cuisine and in-house Historic Logging Museum.

In certifying LCPA HUM-MAJ-1-08 in 2011, the Commission imposed suggested modifications requiring that nonautomobile circulation be provided during the redevelopment of Samoa as well as provisions for the installation of at least two bus stops in the town. These requirements were found to be necessary to protect public coastal recreational access in view of the approximately 7,000 additional traffic trips per day that would be added to the area as a result of the maximum potential build out of Samoa lands and the resulting increased demand for coastal recreation and increased congestion on limited capacity local highways and roads. 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. The suggested modifications imposed by the Commission under HUM-MAJ-1-08 and ultimately adopted by the County include various policies to mitigate traffic and its corresponding public access impacts through required mixed use development strategies, limitations on land uses that generate significant destination traffic by individual drivers, and encouragement of public and multi-modal transportation.

The LCPA as submitted retains the LCP policies summarized above, although as proposed, any affordable housing project on proposed Master Parcel 2 could occur prior to development of (a) the Samoa Dunes Interpretive Area, (b) the required public trail between the town center and the dunes area, and (c) the various required low-cost visitor serving accommodations, including the minimum 20-room hostel, 20 detached small housekeeping cabins, 15 car/tent camping spaces and associated amenities, and internal circulation routes and parking for visitors to the area. As proposed under the LCPA, these various public access and low-cost visitor-serving amenities

would be required to be developed prior to any new housing development on Master Parcel 3. The LCPA proposes to prioritize the construction of pedestrian/bicycle improvements along Vance Avenue and the installation of at least one new bus stop along Vance Avenue consistent with *STMP (Coastal Access) Policy 4* prior to occupancy of any affordable housing project on Master Parcel 2.

The Commission's authority to regulate affordable housing in the coastal zone has been limited since 1981, when an amendment to Section 30213 of the Coastal Act repealed the Commission's ability to require affordable housing, and Section 30500.1 of the Coastal Act was added to prohibit the Commission from requiring affordable housing policies in LCPs.⁴ However, there is nothing in the Coastal Act that precludes local governments from submitting LCP amendments with provisions that protect and encourage affordable housing consistent with the Chapter 3 policies of the Coastal Act. In addition, Section 30604(g) of the Coastal Act directs the Commission to *encourage housing opportunities for persons of low and moderate income*. The Commission has implemented Section 30604(g) by encouraging affordable housing unless there is a Chapter 3 inconsistency.

The Commission finds that because the LCPA as submitted (1) prioritizes the construction of pedestrian/bicycle improvements along Vance Avenue and the installation of at least one new bus stop along Vance Avenue consistent with *STMP (Coastal Access) Policy 4* prior to occupancy of the any affordable housing project on Master Parcel 2, and (2) as discussed above, proposes to prioritize affordable housing in Samoa in a manner that protects coastal resources will facilitate water quality improvement opportunities and the development of a timely-constructed new wastewater facility to replace the existing antiquated wastewater facilities for the town, the proposed changes to the phasing of the redevelopment can be found consistent with the development policies of the Coastal Act if modified.

For example, as discussed above, the proposed LCPA as submitted does not provide for public transportation auxiliary facilities to be developed during the proposed infrastructure improvement phase for Master Parcel 2, when improvements to Vance Avenue would be constructed. Instead it delays this necessary coastal access traffic mitigation to the affordable housing development phase after the Vance Avenue improvements already have been completed, when the bus stop facility cannot be integrated as effectively into the design of the extension of Vance Avenue to maximize the bus stop's utility. In addition, the proposed LCPA as submitted fails to specify that new residential housing on Master Parcel 2, which may be developed in advance of certain priority uses planned for under the existing certified LCP on what will become Master Parcel 3, shall meet the definition of affordable for "Persons and families of low or moderate income" as defined in Health and Safety Code Section 50093.

Therefore, the Commission imposes **Suggested Modification 2**, discussed above, requiring in part changes to *STMP (New Development) Policy 1B* to clarify (a) that only affordable housing that meets the definition of affordable housing in Health and Safety Code Section 50093 may be

⁴ The Humboldt Bay Area Plan, which was originally certified by the Commission in 1982 and hasn't been comprehensively updated since, still includes the original language of Section 30213 directing that *Housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided...*

developed on Master Parcel 2 prior to the comprehensive division of Master Parcel 3 and prior to the development of priority visitor-serving uses on Master Parcel 3; and (b) phasing requirements for public transportation auxiliary facilities to be developed during the infrastructure improvement phase for Master Parcel 2 (when improvements to Vance Avenue would be constructed). In addition, the Commission imposes Suggested Modification Nos. 4, 5, and 6 to require changes to *STMP (Coastal Access) Policies 2-4*. **Suggested Modification 4**, discussed above, would modify *STMP (Coastal Access) Policy 4* to require the installation of a minimum of one bus stop to serve the Samoa area concurrent with the development of improvements to Vance Avenue and prior to any residential development on Master Parcel 2. **Suggested Modification 5** would modify *STMP (Coastal Access) Policy 2* to require that certain nonautomobile circulation and recreational amenities, specifically pedestrian and bicycle facilities along Vance Avenue, shall be installed and open for public use prior to occupancy of the affordable housing project on Master Parcel 2. **Suggested Modification 6** would modify *STMP (Coastal Access) Policy 3* to specify that the only type of residential development that may be developed prior to the various public access amenities specified in the policy is affordable housing on Master Parcel 2 as defined in Health and Safety Code Section 50093.

Conclusion

Therefore, the Commission finds that the proposed LCPA as submitted is inconsistent with and inadequate to carry out the pertinent requirements of Sections 30210, 30211, 30212, 30213, 30214, 30222, and 30252 of the Coastal Act. For all of the reasons discussed above, the Commission finds that the suggested modifications summarized above are necessary to ensure that the certified LCP as amended protects public access and recreational opportunities, provides for lower-cost visitor serving facilities, and provides for the extension of transit service and nonautomobile circulation within Samoa consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, 30213, 30214, 30222, and 30252.

iii. Protection of Water Quality and ESHA

Section 30230 of the Coastal Act states as follows:

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

Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow,

encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states in applicable part as follows:

- (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
- (1) *New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
 - (2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
 - (3) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
 - (4) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - (5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
 - (6) *Restoration purposes.*
 - (7) *Nature study, aquaculture, or similar resource dependent activities.*
- ...

Section 30234.5 of the Coastal Act states as follows:

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

Section 30240 of the Coastal Act states as follows:

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

- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Summary of applicable Coastal Act and LCP policies

Sections 30230 and 30231 of the Coastal Act require the protection of marine resources and the biological productivity and quality of coastal waters and wetlands appropriate to maintain optimum populations of marine organisms and for the protection of human health in conjunction with development and other land use activities. Section 30233 of the Coastal Act limits the allowable uses within coastal wetlands, estuaries, and waters and requires that authorized uses maintain or enhance the functional capacity of the wetland or estuary. Section 30240(a) of the Coastal Act limits development within ESHA to only resource-dependent uses. Section 30240(b) requires that development in areas adjacent to ESHA 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.

The existing certified LCP contains numerous policies and standards to protect wetlands, ESHA, and coastal water quality. In addition to Sections 30233, 30231, and 30240 of the Coastal Act, which are codified in Section 3.30 of the Humboldt Bay Area Plan, the LCP contains 15 additional policies related to wetland and ESHA protection specific to the Samoa Town Master Plan (STMP) overlay area. These policies require in part that (1) development within the STMP-LUP shall provide maximum protection, restoration, and enhancement of existing ESHA; (2) undisturbed buffers (designated Natural Resources, NR) around known ESHAs shall be maintained; (3) adequate neighborhood parks that include active recreation and play areas and picnic facilities be developed to minimize the unauthorized recreational use of the sensitive resource areas within the STMP-LUP lands designated Natural Resources; (4) all wetlands and non-wetland ESHAs identified outside of the areas designated NR shall include adequately sized buffers from permitted development; (5) there be an allowance for certain limited development within the otherwise restricted NR buffers (limited portions of bicycle/pedestrian paths and signage for tsunami evacuation routes); (6) new fencing erected in Samoa be wildlife-permeable; (7) the use of OHVs/ATVs within the STMP lands be prohibited; (8) an invasive species removal plan be developed for the town prior to approval of a CDP for the comprehensive subdivision of the Samoa lands; (9) development 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; (10) herbicides and rodenticides be prohibited from use within NR areas and rodenticides with anti-coagulant compounds be prohibited from use within all of the Samoa lands; (11) certain landscaping restrictions be applied to new development projects in the town; and (12) 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.

In addition, the existing certified LCP also contains additional water quality protection policies requiring the cleanup of contaminated areas as a condition of approval of the CDP for the master subdivision of all Samoa lands. *STMP (New Development) Policy IA-E* requires in part that prior to issuance of the CDP for the master merger of all Samoa lands, the landowner is required to execute and record deed restrictions disclosing both the nature and locations of any contamination detected in soils or surface or groundwater within the subject lands as well as all requirements of the regional water board or other applicable authorities concerning requirements for cleanup, stabilization, management, monitoring, reporting, or other actions. *STMP (New Development) Policy IB-1* requires the CDP application for the comprehensive subdivision of all Samoa lands to include 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 property required and approved by the pertinent regulatory authority. *STMP (New Development) Policy IB-2* requires that prior to recordation of each final map for all or a portion of Master Parcel 3 (i.e., all of the Samoa lands except for the 2.5-acre recycling facility), the landowner/developer must demonstrate that the work plans for cleanup of contamination have been fully implemented and the requisite cleanup of soil and water completed within the area covered by the final map.

Consistency Analysis

The lands within the town of Samoa contain a mosaic of sensitive habitat areas, including remnant dune habitat, dune hollow (and other) wetlands, coastal scrub and forests, and rare plant populations. The lands also provide habitat for a variety of seasonal and year-round wildlife and contain corridors that connect important habitat areas and allow for wildlife movement through the area. Numerous biological studies prepared in the area have confirmed the presence of these resources, including the presence of various species of birds dependent upon the coastal forest at the northern end of the existing town. As the town of Samoa is nestled between the Humboldt Bay and the Pacific Ocean, the surrounding lands also contain significant marine resources and areas and species of special biological significance. Humboldt Bay is the second largest estuary in California (over 17,000 acres in size) and provides estuarine habitat for numerous species of invertebrates, fish, birds, and mammals. The bay also contains an abundance of eelgrass, which provides essential fish habitat for dozens of species of fish, including three species of salmonids listed as threatened under the Endangered Species Act of 1973. Moreover, Humboldt Bay is home to the largest commercial oyster cultivation industry in California. Thus, commercial fisheries and numerous species depend on the health of the aquatic environment of Humboldt Bay. The Samoa area drains directly into Humboldt Bay from many locations, and groundwater beneath the Samoa site trends toward Humboldt Bay as well.

As a former industrial timber processing town, as previously discussed, Samoa lands contain legacy Brownfield contamination at a number of sites. In addition, the soil around the historic residences and other structures in the town contains lead paint residues. These contaminants would adversely affect the development and uses of the land that would be facilitated by the proposed LCPA and affect soil and groundwater quality. The regional water board and/or the County Department of Environmental Health have regulatory authority over cleanup requirements for the Brownfield sites. The landowner/developer has prepared final Remedial Action Plans for the cleanup of the Brownfield sites, which have been approved by the regional

water board. While no deadline for cleanup has been established, the regional water board has confirmed that unremediated contamination may adversely impact coastal water quality.

The proposed LCPA as submitted proposes changes to two of the STMP Wetlands/ESHA policies. *STMP (Wetlands/ESHA) Policy 2*, which is the policy that allows for certain limited development within the otherwise restricted NR buffers (see #5 above), is proposed to be modified to specify one additional exception to be allowed within ESHA buffer if authorized by a coastal development permit. The proposed additional exception is planned roadway and shoulder improvements and maintenance within the Vance Avenue right of way in one particular area (at the easterly limit of the smaller circular dune hollow ESHA buffer area). The proposed improvements would involve excavating portions of the existing paved Vance Avenue, which is within the above-described NR buffer, and its adjacent right-of-way area to install underground utility systems. The improvements would occur within upland, ruderal, non-ESHA areas on the opposite side (i.e., on the eastern side) of the existing paved road from the delineated dune hollow scrub-shrub wetland ESHA, which is located on the western side of the road. According to a buffer analysis completed by the landowner/developer's consultant (J.B. Lovelace & Associates, August 17, 2015, Exhibit 7), encroaching into the 100-foot buffer area of the dune hollow scrub-shrub wetland ESHA as proposed would not degrade the wetland ESHA for various reasons related to the biological significance of adjacent lands (“...almost entirely composed of historically developed...industrial mill site...covered with deteriorating pavement...and ruderal vegetation...”); the sensitivity of the resource to disturbance (no known sensitive species inhabit the area); the susceptibility of the area to erosion (the planned roadway improvement area is at least 1 meter lower in elevation from the ESHA, reducing the possibility of inadvertent impacts to ESHA from polluted runoff during construction); and other factors.

The LCPA as submitted also proposes to modify *STMP (Wetlands/ESHA) Policy 9*, which mandates the development of an invasive species removal plan for the town prior to approval of a CDP for the comprehensive subdivision of the Samoa lands (see #8 above). As discussed above, the LCPA allows certain development to proceed on Master Parcel 2 prior to the comprehensive division and further development of Master Parcel 3. To ensure that invasive species removal is appropriately planned for development on each of these two Master Parcels at appropriate times, the LCPA as submitted provides that separate invasive species removal plans are created for development on each master parcel. An invasive species removal plan for Master Parcel 2 may be developed prior to issuance or approval of a CDP for any development within Master Parcel 2, and a separate plan may be developed prior to issuance or approval of a CDP for any development within Master Parcel 3.

Finally, although the proposed LCPA as submitted proposes to amend *STMP (New Development) Policy 1A* (master merger) and *Policy 1B* (further subdivision of STMP lands) to allow for the merger and resubdivision by parcel map into the two master parcels previously described, as submitted the proposed LCPA maintains the phasing requirements for disclosure and timely cleanup of Brownfield contamination described above.

The Commission finds that the changes proposed under the subject LCPA application in general protect wetlands, ESHA, and water quality consistent with the Coastal Act. In the case of the proposed changes to *STMP (Wetlands/ESHA) Policy 2* described above, the Commission notes that the existing certified LCP includes Section 30240(b) of the Coastal Act, which requires that

development in areas adjacent to ESHA must be undertaken in a manner that protects the adjacent ESHA and provides for its continuance. When the County reviews a CDP application in the future for roadway and shoulder improvements within the Vance Avenue right of way near the dune hollow ESHA, the County must determine the project consistent with Section 30240(b) (and all other LCP policies) and can condition the CDP to include appropriate BMPs for ESHA protection as recommended in the buffer analysis completed by the landowner/developer's consultant (J.B. Lovelace & Associates, August 17, 2015, Exhibit 7).

However, the Commission finds that in some cases, the proposed LCP changes are inconsistent with and inadequate to carry out the pertinent requirements of Sections 30230, 30231, and 30240 of the Coastal Act. For example, as submitted the proposed LCPA fails to make clear that the clean-up of contaminated sites and the repair and upgrade of wastewater facilities may precede the master merger. In addition, as submitted the LCPA policies do not incorporate statewide directives for water conservation and drought tolerant landscaping, nor are the map and exhibit references in the policy appropriately updated.

Therefore, certain additional modifications to several wetland/ESHA policies are needed. As previously discussed, **Suggested Modification 1**, would further modify *STMP (New Development) Policy 1A* to allow for both upgrades to the wastewater facilities to serve existing development in the town and cleanup of contaminated soil and groundwater to occur prior to any other development in the town, including prior to the master merger and resubdivision by parcel map of all Samoa lands. **Suggested Modification 3**, previously discussed, would modify *STMP (Wetlands/ ESHA) Policy 9* to clarify the applicability of the policy to the proposed affordable housing project on Master Parcel 2 in addition to any other residential development within Master Parcel 2. **Suggested Modification 7** would modify *STMP (Wetlands/ESHA) Policies 1, 2, 4, 6, and 10* to update map references and other references as needed to ensure that the policies include appropriate citations to certified exhibits/maps and other documents as appropriate. **Suggested Modification 8** would modify *STMP (Wetlands/ESHA) Policy 14* to clarify and update language to protect ESHA and implement statewide directives for water conservation and the use of drought-tolerant landscaping.

Conclusion

Therefore, the Commission finds that the proposed LCPA as submitted is inconsistent with a the pertinent requirements of Sections 30230, 30231, and 30240 of the Coastal Act. For all of the reasons discussed above, the Commission finds that the suggested modifications summarized above are necessary to ensure that the certified LCP as amended protects wetlands, ESHA, and water quality consistent with the requirements of Coastal Act Sections 30230, 30231, and 30240.

iv. Hazards

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

New development shall do all of the following:

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

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

...

Summary of applicable Coastal Act and LCP policies

Section 30253 of the Coastal Act requires in part that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard and 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. The existing certified LCP contains various policies to address hazards. In addition to Section 30253 of the Coastal Act, which is codified in parts in Sections 3.11, and 3.17, and 3.27 of the Humboldt Bay Area Plan, the LCP contains six additional policies related to hazards specific to the Samoa Town Master Plan (STMP) overlay area. These policies require in part that (1) appropriate geologic studies be completed prior to approval of a CDP for any development within Samoa; (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 CDP applications for development of the lands subject to the STMP-LUP; (3) critical facilities 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; (4) all new development shall be required to prepare and obtain approval of plans showing consistency of the development with the County's Samoa tsunami safety plan; (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 32 feet above mean sea level; and (6) various disclosures related to the area's extraordinary hazards and prohibiting the construction of future shoreline armoring in the town shall be recorded in deed restrictions for any conveyance of title to Samoa lands and prior to the issuance of a CDP for any development within the lands subject to the STMP-LUP.

Consistency Analysis

The Samoa Peninsula is located immediately east of the Pacific Ocean and west of Humboldt Bay. 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. 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 remain high. 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 in

magnitude.⁵ 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 in magnitude.

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. Tsunami waves 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.

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.

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.

The LCPA as submitted proposes changes to some of the STMP Hazards policies. *STMP (Hazards) Policy 1B* requires that prior to approval of the CDP for the comprehensive division of all Samoa lands or any other development of the lands subject to the STMP-LUP, a site-specific geologic study shall be completed determining that the proposed subdivided lots would support buildable sites for future development that could be found safe from all potential geologic hazards that may affect the site(s). The LCPA as submitted would retain this requirement, but modify the policy to add the requirement to prepare a site specific geologic study as a filing requirement for CDP applications pertaining to initial development on Master Parcel 2, such as development of the wastewater facilities and planned affordable housing project. In support of the proposed LCPA application, the applicant submitted a Geologic Hazards Analysis Report for Samoa.⁶ The study assessed the potential for seismically-induced liquefaction within the Samoa development areas and provided preliminary recommendations regarding mitigation of the hazard. Recommended mitigation includes proper compaction and specific design criteria for foundations. Additional subsurface exploration, laboratory testing, and analysis is recommended to be completed for larger commercial structures. The study also evaluated tsunami wave run-up and sea-level rise related flood hazards for varying tidal and wave height scenarios (up to 5 feet

⁵ 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 10 times the amount of ground shaking as a magnitude 5 quake.

⁶ LACO Associates, May 29, 2013.

of sea level rise and tsunami wave heights up to 40 feet). The report verifies that both proposed parcels (Master Parcel 2 and Master Parcel 3) as configured include areas that will be safe from flooding, erosion, and geologic hazards, including hazards posed by up to 5 feet of sea level rise and tsunami wave heights of up to 20 feet. Therefore, the Commission finds that the proposed changes to *STMP (Hazards) Policy 1B* described above retain appropriate policy measures to minimize risk to life and property in areas of high geologic and flood hazards consistent with Section 30253 of the Coastal Act.

The LCPA as submitted also proposes to modify *STMP (Hazards) Policy 4*, which requires that prior to approval of the CDP for the comprehensive division of all Samoa lands or any other development of the lands subject to the STMP-LUP, the landowner/developer shall demonstrate compliance with the County's Tsunami Safety Plan and all of the recommended tsunami hazard mitigation, design, safety, and other pertinent recommendations as set forth in various documents cited in the policy. Many of the recommended measures are requirements of the existing certified LCP STMP Hazards policies, such as (corresponding policies cited): (1) siting residential structures above the anticipated run-up elevation (i.e., at a minimum of 32 feet) (required by *STMP (Hazards) Policy 5*); (2) siting evacuation sites, designated shelters, and emergency facilities (such as the new emergency services building) at a minimum of 40 feet in elevation and a maximum walking distance of 8 minutes; and (3) installing interpretative signage at the public access parking areas to inform recreation users of sensitive biological resources in the plan area (since natural features, such as wetlands, may help to reduce both velocity and inundation of waves) (required by *STMP (Coastal Access) Policy 3*).

Similar to the changes described above to the policy requiring the geologic studies, the proposed LCPA as submitted would retain the fundamental policy requirement for submittal of a final tsunami safety plan as a CDP filing requirement for proposed new development, but the policy is proposed to be modified such that separate final tsunami safety plans shall be submitted for separate CDP applications pertaining to (1) initial development on Master Parcel 2 (such as development of the wastewater facilities and planned affordable housing project), and (2) for any development, including the comprehensive subdivision, of Master Parcel 3.

The LCPA as submitted also includes changes to assure that all new development in Samoa will minimize fire hazard risks consistent with Section 30253 of the Coastal Act. The Town of Samoa currently lacks sufficient water supply storage facilities for fire-fighting. Historically, the Samoa lands were 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 led 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.

The existing certified LCP requires emergency control water supply facilities needed for each phase of the comprehensive subdivision of STMP lands shall be constructed, tested, and

determined ready for service prior to commencement of any new development within that phase. The LCPA extends this requirement to the development of Master Parcel 2 that would be facilitated by the LCPA.

The Commission finds that the proposed changes to the policies summarized above in general are appropriate to minimize risks to life and property from potential flood and geologic hazards in Samoa. However, the Commission finds that the LCPA as submitted is inconsistent with the pertinent requirements of Section 30253, because it fails to include necessary updates to the hazard policies to ensure that the policies incorporate the best available science with respect to sea level rise related flood hazards and tsunami preparedness. In addition, one hazard policy of the LCPA erroneously includes references to unrelated archaeological resource protection concerns. Each of these issues is discussed below.

Necessary sea level rise rate updates: Various STMP policies in the existing certified LCP (e.g., *STMP (New Development) Policy 1B*, *STMP (Hazards) Policy 2*, among others) require that critical facilities in the town (e.g., wastewater facilities, emergency response facilities, etc.) 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. For other types of development, a minimum sea level rise rate of 3 feet per century is required to be assumed. At the time that LCPA No. HUM-MAJ-1-08 was certified in 2011, the best available science on sea level rise included global models projecting sea levels globally to rise at a minimum rate of 3 feet by 2100 and a maximum rate of 4.5 feet rise by 2100. These specific rates are cited in *STMP (Hazards) Policies 2, 3, and 5* and several other policies to direct the appropriate siting and design of new development safe from sea level rise related flood hazards. In 2014, hydrodynamic modelling of Humboldt Bay was completed⁷ projecting relative sea level rise rates for Humboldt Bay based on historic tidal gauge data and local conditions, including increased rates due to seismically induced active ground subsidence over the past 100 years. The model examined the consequences of multiple sea level rise amounts, plus extreme water levels from storms and El Niño events, to generate projected rates ranging from a minimum of 3.2 feet to a maximum of 5.3 feet by 2100. Thus, to ensure that the LUP includes adequate policies to protect life and property in areas of high geologic and flood hazard consistent with Section 30253, the Commission imposes Suggested Modification 9. **Suggested Modification 9** would update *STMP (Hazards) Policies 2, 3, and 5* and *STMP (New Development) Policy 1B* consistent with the best available science on local relative sea-level rise projections to require development design standards to consider a minimum sea level rise rate of 3.2 feet by 2100 and 5.3 feet by 2100 for critical infrastructure development of community-wide significance.

Necessary tsunami preparedness updates: In addition, the LCPA as submitted fails to include necessary updates to the hazard policies to ensure that the policies incorporate the best available science with respect to tsunami preparedness. As submitted, the LCPA includes proposed changes to *STMP (Hazards) Policy 4* that do not include updated references, such as the County's Tsunami Safety Plan for Samoa updated in April of 2013, and which do not clarify that evacuation from the Samoa Peninsula is only recommended in the event of a distant-source

⁷ Northern Hydrology and Engineering. April 2015. Humboldt Bay: Sea Level Rise, Hydrodynamic Modeling, and Inundation Vulnerability Mapping. McKinleyville, CA.

tsunami (where there is more time to evacuate relative to a tsunami arising from a major Cascadia seismic event). Finally, STMP (Hazard) Policy 6 contains an erroneous reference to protection of archaeological resources that doesn't concern tsunami preparedness. Therefore, the Commission imposes Suggested Modification 10. **Suggested Modification 10** modifies *STMP (Hazards) Policy 4* to (1) clarify that development on both Master Parcel 2 and Master Parcel 3 will need to be compliant with specified tsunami safety standards, (2) update references, and (3) clarify that plans for evacuation from the Samoa Peninsula need only be made for distant source tsunamis where sufficient time for such an evacuation exists. **Suggested Modification 11** modifies *STMP (Hazard) Policy 6* to delete references to protection of archaeological resources, which the County erroneously included in the policy that has nothing to do with archaeological resources but instead has to do with hazards-related disclosure requirements for land conveyances and development in Samoa.

Conclusion

Therefore, the Commission finds that the proposed LCPA as submitted is inconsistent with the pertinent requirements of Section 30253 of the Coastal Act. For all of the reasons discussed above, the Commission finds that the suggested modifications summarized above are necessary to ensure that the certified LCP as amended minimizes hazard risks consistent with the requirements of Coastal Act Section 30253.

v. Protection of Archaeological Resources

Section 30244 of the Coastal Act states as follows:

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

Summary of applicable Coastal Act and LCP policies

The above-cited policy requires reasonable mitigation measures to protect archaeological and paleontological resources from development impacts. The existing certified LCP (*STMP (Archaeological Resources) Policy 1*) requires that Phase 2 archaeological significance evaluations be completed prior to approval of a CDP for the master subdivision of all Samoa lands. In addition, the existing certified Humboldt Bay Area Plan (Section 3.18) includes Section 30244 of the Coastal Act, which requires that reasonable mitigation be required where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer.

Consistency Analysis

Samoa is located within the ancestral lands of the Wiyot Tribe. The tribe is understood to have been composed of three tribal divisions (Patawat, Wiki, and Wiyot), each associated with a water-related resource (the Mad River, Humboldt Bay, and the lower Eel River, respectively) and each speaking a common language (Selateluk). Settlements existed all around Humboldt Bay and along the banks of many of the streams and sloughs in the region. As many as three known Wiyot tribal settlement areas are known to exist within the lands subject to the STMP-LUP.

When the proposed LCPA was in process at the local level, the County consulted with the Wiyot Tribe pursuant to Senate Bill 18, which requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan and prior to designating any land as open space. Through the consultation process, the County and the three Wiyot area tribes (Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe) executed a Memorandum of Agreement (MOA) regarding the Samoa Town Master Plan and the proposed LCP changes, which became effective in May of 2015. The MOA specifies in part that Phase 2 archaeological significance evaluations must be implemented, by a qualified consultant with local experience and expertise in historic and prehistoric archaeology, prior to the County's approval of the recordation of any tentative map phase that may include one or more previously identified archaeological sites in the town of Samoa. The MOA further specifies details for coordination with the Tribes' Historic Preservation Officers (THPOs) for review and comment on evaluations and test excavations, protocol for inadvertent archaeological discoveries, treatment of native American human remains and funerary objects, reporting requirements, and other details.

As summarized above, the existing certified LCP requires that Phase 2 archaeological significance evaluations be completed prior to approval of a CDP for the master subdivision of all Samoa lands. Under the proposed LCPA as submitted, this requirement is proposed to be added to the *STMP (New Development) Policy 1A* as a permit application filing requirement for the proposed merger and resubdivision by parcel map of Samoa lands into Master Parcels 2 and 3. Also as described above, the existing certified LCP includes Section 30244 of the Coastal Act, which requires that reasonable mitigation be required where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer. The County and the Commission on appeal will be able to review the consistency of any CDP application submitted for development in Samoa with these policies and impose mitigation measures as necessary.

Although the LCPA as submitted provides in several policies for the protection of archaeological resources, in some cases the policy language is confusing or erroneous, which could lead to inadequate implementation of these policies and the requirements of Section 30244. The Commission therefore suggests **Suggested Modification 12** to clarify one of the policies in the County's submittal that addresses archaeological resources and which is somewhat confusing. Suggested Modification 12 modifies *STMP (Archeological Resources) Policy 1* to clarify when the Phase 2 archaeological evaluation must be submitted in relation to the CDP application process for development in Samoa. The Commission finds that the LCPA, as suggested to be modified, is consistent with Coastal Act Section 30244, as it provides for the protection or archaeological resources by enabling future development in Samoa to be conditioned under future CDPs to include mitigation measures to ensure that development will not adversely impact archaeological resources.

Conclusion

Therefore, the Commission finds that the proposed LCPA as submitted is inconsistent with the pertinent requirements of Section 30244 of the Coastal Act. For all of the reasons discussed above, the Commission finds that the suggested modifications summarized above are necessary

to ensure that the certified LCP as amended protects archaeological resources consistent with the requirements of Coastal Act Section 30244.

vi. Protection of Visual Resources

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

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

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

New development shall do all of the following:

...

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

Summary of applicable Coastal Act and LCP policies

In addition to Sections 30251 and Section 30253(e) of the Coastal Act, codified in Section 3.40 of the Humboldt Bay Area Plan, the LCP contains development policies requiring that new development be compatible with the physical scale of development as designated in the Area Plan and zoning for the area (Section 3.40-B-1) and that natural contours, including slopes, shall suffer the minimum feasible disturbance compatible with development of any permitted use (Section 3.40-B-1). In addition, the existing certified LCP includes 10 additional policies specifically related to the protection of visual resources within the STMP overlay area. These policies require in part that (1) development shall preserve and protect the unique community character of the historic development within the STMP Overlay Area; (2) 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; (3) historic structures contributing to the community character and historic context of Samoa shall not be demolished or relocated unless compelling evidence exists that the structure cannot feasibly be restored in place; (4) 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; and (c) protects coastal views from the town site; (5) remodeling and restoration of historic “Company Town” structures and structures contributing to the character of old town Samoa shall (a) 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; (b) maintain the exterior appearance of the original building; (c) new accessory structures shall be designed and located in a manner that harmonizes with and preserves the period character and street views of the primary structure; (6) all exterior lights 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; (7) 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 (8) cleanup of contaminated soil 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.

Consistency Analysis

As summarized above, the existing certified LCP contains numerous policies for the protection of the special community character of the historic timber “company town” of Samoa. During the Commission’s consideration of major changes to the LCP for the Samoa Town Master Plan proposed under LCPA Application No. HUM-MAJ-1-08, 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.

Most of the visual resources protection policies for the STMP-LUP overlay area relate to the historic “Company Town” of Samoa, which, under the proposed LCPA as submitted, would be located on proposed Master Parcel 3. The LCPA as submitted proposes no changes to any of the visual resources protection policies cited above. However, the LCPA as submitted does add new policies that affect visual resource protection in at least two ways. First, under the phasing changes proposed, CDP applications for new residential development on both Master Parcel 2 and Master Parcel 3 shall include a Landform Alteration Analysis, including preliminary grading plans, cross sections and daylight lines prepared by a California-licensed Professional Civil Engineer (*STMP (New Development) Policy 1B-1-B(6)* and *1B-1-C(8)*). Second, the phasing requirements of *STMP (New Development) Policy 1B-2-C(8)* for new residential development in Samoa would be slightly changed. This policy will continue to prioritize the renovation of the existing structures in the old town residential areas over development of new residential areas on Master Parcel 3. However, the policy is proposed to be modified to allow for affordable housing to be developed on Master Parcel 2 in advance of the renovation of the existing structures in the old town residential areas on Master Parcel 3.

As discussed above, Section 30604 of the Coastal Act, directs the Commission to encourage housing opportunities for persons of low and moderate income. The Commission has interpreted Section 30604 as direction to encourage affordable housing by supporting it, unless there is a

Chapter 3 inconsistency. The Commission finds that because the LCPA as submitted proposes to prioritize affordable housing in Samoa in a manner that protects coastal resources by facilitating water quality improvement through the development of new wastewater facilities to replace the existing antiquated wastewater facilities for the town, the changes to the phasing of the redevelopment of Samoa proposed under the subject LCPA are generally consistent with the Coastal Act. However, the LCPA as submitted fails to specify that the “priority” affordable housing must meet the definition of affordable for “Persons and families of low or moderate income” as defined in Health and Safety Code Section 50093. Developing multi-family housing that does not qualify as affordable is not similarly encouraged under the Coastal Act, and development of such housing would not enable the landowner to apply for infrastructure grants in the same way that developing affordable housing would. Only housing that qualifies as affordable would lead to water quality improvements and the protection of coastal resources that would offset the delay in restoration of the historic structures and the resulting protection of the special community of Samoa.

Therefore, the Commission finds that the proposed LCPA as submitted is inconsistent with the pertinent requirements of Section 30251 of the Coastal Act that protects the scenic and visual qualities of the area and Section 30253(e) of the Coastal Act that protects special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The Commission therefore requires **Suggested Modification 2**, discussed above, which modifies *STMP (New Development) Policy 1B-2-B* to require that new affordable housing on Master Parcel 2 that is developed in advance of the comprehensive division of all lands within Master Parcel 3 shall be required to meet the definition of affordable for “Persons and families of low or moderate income” as defined in Health and Safety Code Section 50093.

Conclusion

Therefore, the Commission finds that the proposed LCPA as submitted is inconsistent with the pertinent requirements of Sections 30251 and 30253(e) of the Coastal Act. For all of the reasons discussed above, the Commission finds that the suggested modification summarized above is necessary to ensure that the certified LCP as amended protects visual resources consistent with these policies.

vii. Conclusion

As discussed herein, Suggested Modifications have been identified to ensure such Coastal Act consistency. The Commission finds that if modified as suggested above, the proposed amendment will be consistent with the policies and standards of the Coastal Act.

IV. AMENDMENTS TO THE IMPLEMENTATION PROGRAM AND FINDINGS FOR DENIAL OF IP AMENDMENT NO. LCP-1-HUM-15-0004-1 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as follows for proposed Implementation Program (IP) amendment number LCP-1-HUM-15-0004-1:

A. ANALYSIS CRITERIA

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified Implementation Programs (IP). Section 50513 states, in applicable part:

...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

B. IP AMENDMENT DESCRIPTION

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 amendments as submitted would not significantly change existing standards, but would add provisions 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 merger and resubdivision by parcel map and further subdivision and development of the Samoa lands.

Similar to the proposed LUP amendments, the proposed IP amendments would require the merger and resubdivision by parcel map of all Samoa lands into two master parcels rather than merged into a single master parcel as is required under the existing certified LCP (see Exhibit 2). Under the proposed LCPA as submitted, proposed Master Parcel 2 would be approximately 18 acres in size and would contain in part (1) approximately 8.5 acres of land zoned for Public Facilities (PF) uses where new wastewater treatment and disposal facilities for the town are planned to be sited, and (2) approximately 3.5 acres of land zoned for Multifamily Residential (RM) uses where Samoa Pacific Group proposes to site an affordable housing project. The remainder of Master Parcel 2 would consist of Vance Avenue and its associated improvement area. Proposed Master Parcel 3, approximately 200 acres in size, would contain the balance of the STMP lands. Master Parcel 3 would include a mix of single-family residential, commercial (general and commercial recreation), industrial (general and coastal-dependent), business park, public facility, public recreation, and natural resources zoning designations. As proposed under the subject LCPA, the various land use and zoning designations of the STMP lands, which were originally certified under LCPA No. HUM-MAJ-1-08 in 2012, would not go into effect unless and until the entirety of the Samoa lands (except for existing Master Parcel 1, containing a separately owned and developed recycling center) are merged and resubdivided by parcel map into Master Parcel 2 and Master Parcel 3 described above (and generally depicted in Exhibit 3). As previously discussed, currently all the lands of Samoa are planned and zoned for general industrial and coastal-dependent industrial uses. Presently, the certified LCP requires that the various land use and zoning designations of the Samoa lands do not go into effect unless and until the entirety of the STMP lands are merged into a single master parcel.

The proposed changes to the IP are proposed for the zoning map for the town as well as to Sections 313-15.2, 313-15.3, and 313-34.5.3 as shown in [Exhibit 5](#).

C. IMPLEMENTATION PLAN CONFORMITY

For any proposed changes to an IP to be certifiable, the implementing zoning designation must be shown to conform with its LUP counterpart and adequately carry out all applicable LUP policies. In this case, changes to the IP are proposed for the zoning map for the town as well as to Sections 313-15.2, 313-15.3, and 313-34.5.3 that implement the corresponding LUP policies. Because the changes proposed do not conform with the LUP's respective changes proposed in Chapter 1.30 of the LUP and the revised statement on the LUP map for Samoa, the IP amendment as submitted must be denied pursuant to Section 30513 of the Coastal Act. However, the Commission imposes **Suggested Modification 16** to require revisions to the statement on the applicable zoning map for Samoa and in sections 313-15.2, 313-15.3, and 313-34.5.3 as shown in [Exhibit 5](#) consistent with the changes proposed in the LUP. In addition, the Commission imposes **Suggested Modification 17** to require changes to *STMP (Hazards) Standard 1* to conform the standard consistent with the LUP hazard policies to reflect best available science on local relative sea-level rise projections. As modified, the standard would require development design standards to consider a minimum sea level rise rate of 3.2 feet by 2100 and 5.3 feet by 2100 for critical infrastructure development of community-wide significance. Finally, the Commission imposes **Suggested Modification 18** to require changes to *STMP (New Development) Standard 1* and *STMP (Wetlands/ESHA) Standard 1* to correct language and update exhibit references and citations consistent with the LUP policies. With these suggested changes, the IP will conform with the LUP and be adequate to carry out as modified.

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 LUP as certified and therefore must be denied. The Commission further finds that only as modified as suggested will the IP component conform with and provide adequate standards to implement the STMP-LUP.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County prepared, circulated, and adopted 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), Final MEIR (February 2008), Draft Addendum to the MEIR (June 2014), and Final Addendum to the MEIR (February 2015).

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Therefore, local governments are

not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available that 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).

In addition to the alternatives to the Samoa Town Master Plan evaluated by the County through the EIR process, consideration has been given to alternatives to the proposed LCPA. Alternatives considered include (1) the no project alternative; and (2) alternative parcel configurations (other than as generally depicted in proposed Exhibit 25A). Each is discussed below.

The “No Project” alternative means there would be no changes to the existing certified LCP policies that limit new development in Samoa until after the comprehensive subdivision of all Samoa lands is complete. Under this alternative, due to phasing restrictions in the existing certified LCP, it is not possible to obtain a CDP to develop new wastewater facilities for the town to replace the existing failing facilities or obtain a CDP to clean up contaminated soil and groundwater in the town until after a CDP for comprehensive division of all Samoa lands is issued. Compared to the proposed alternative, which would change phasing restrictions in a manner that would allow for new wastewater facilities and to allow for contamination remediation to occur in advance of the CDP for the master subdivision, the no project alternative is less protective of water quality. Therefore, the Commission finds that the “no project alternative” would not substantially lessen significant adverse impacts on the environment compared to the proposed LCPA with suggested modifications discussed herein.

There are many alternative parcel configurations conceivable other than the configuration generally depicted in proposed Exhibit 25A, which proposes two Master Parcels – Master Parcel 2 (approximately 18 acres, including the existing wastewater facilities in part as well as portions of Vance Avenue and areas reserved for multifamily residential housing) and Master Parcel 3 (approximately 200 acres, including the balance of the town). Master Parcel 3, as proposed, would be undeveloped except for existing wastewater treatment and disposal facilities. Master Parcel 3, as proposed, would be developed with approximately 100 existing single family residences as well as existing commercial structures and vacant industrial lands. Principal considerations for any proposed parcel configuration must include, at a minimum, consideration as to whether or not all resultant parcels have buildable areas that can be developed (1) protective of coastal resources (e.g., ESHA, visual resources, etc.), (2) with adequate infrastructure (sewer, water, access, emergency services, etc.), and (3) in a manner that minimizes risks to life and property from geologic, flood, and fire hazards and in no way would require the future

construction of shoreline armoring devices to protect the property from erosion. Given these considerations, there are a limited number of parcel configurations possible for Samoa.

Proposed Master Parcel 2 includes existing wastewater infrastructure upon which new upgraded infrastructure is proposed to be added. The regional water board has confirmed, based on site-specific soil and groundwater data submitted to the board, that the entirety of upgraded wastewater facilities needed to serve all of Samoa at planned maximum buildout, including all existing development in Samoa, can be accommodated on proposed Master Parcel 2 in a manner that protects water quality. As proposed, all wastewater treatment and disposal facilities for the town would be on Master Parcel 2, and the existing substandard wastewater facilities in the dunes west of New Navy Base Road would be abandoned. The area where the new wastewater facilities are planned on Master Parcel 2 is one of the highest areas of the town demonstrated to be safe from flood hazards, including flood hazards associated with at least 5 feet of sea-level rise and tsunami waves of up to 20 feet in height. The area where future residential development would be located also is located in an area demonstrated to be safe from geologic and flood hazards. Master Parcel 2 includes sufficient upland areas where future infrastructure and residential development also could be accommodated in a manner that avoids placing non-resource dependent development within ESHA and which will protect adjacent and nearby ESHA from significant disruption of habitat values.

As discussed above, proposed Master Parcel 3 would be approximately 200 acres in size and would be developed with approximately 100 existing single family residences as well as existing commercial structures and vacant industrial lands. All existing development on the parcel would be served by new wastewater treatment and disposal facilities to be developed on Master Parcel 2 in the same location as where the existing facilities are located (the existing substandard wastewater facilities on Master Parcel 3 in the dunes west of New Navy Base Road would be abandoned, and the 25 existing residences served by that substandard facility would be served by the new facility on Master Parcel 2). Aside from the existing residential and commercial development that would be located on Master Parcel 3, the master parcel, which is planned for further subdivision in the future, would include additional vacant upland areas where future infrastructure and residential development could be accommodated in a manner that avoids placing non-resource dependent development within ESHA. In addition, the master parcel as configured places existing residential development in areas that have been demonstrated to be safe from geologic and flood hazards, and also includes areas where future development could be located safe from geologic and flood hazards.

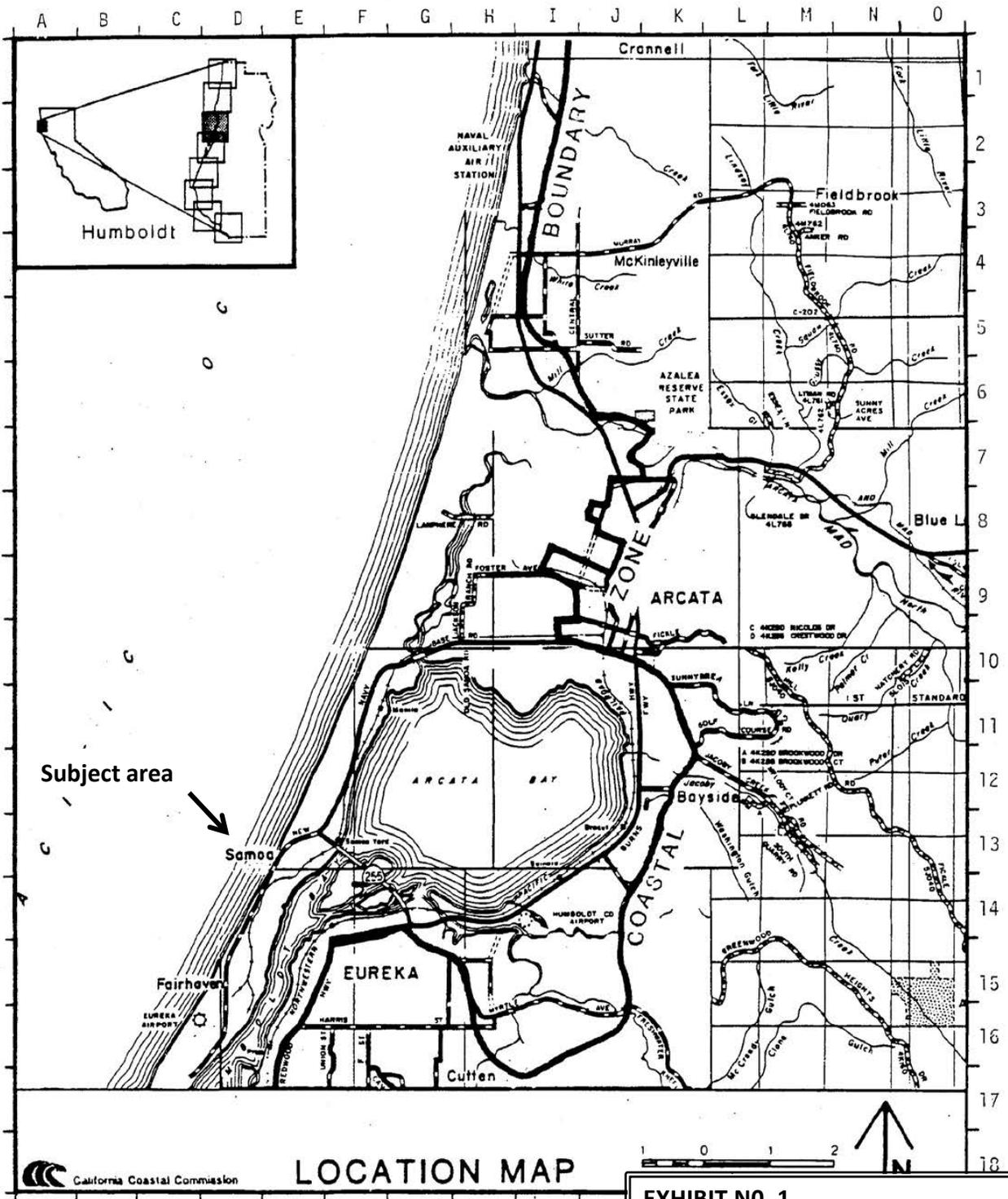
Therefore, the Commission finds that alternative parcel configurations would not substantially lessen significant adverse impacts on the environment compared to the proposed LCPA with the suggested modifications discussed herein.

In addition to the above-considered alternatives, consideration also has been given to potential cumulative impacts of the proposed LCPA, considering other past, present, and reasonably foreseeable future actions. The proposed LCPA proposes no new uses in the Samoa area not already planned for under the existing certified LCP. As discussed in the above Findings, with the suggested modifications discussed herein, the proposed LCPA will not result in substantial

direct or indirect impacts on coastal resources. Furthermore, there are no other reasonably foreseeable development projects planned within the Samoa region that are known at this time.

The County's LCP Amendment consists of Land Use Plan amendment (LUP) and Implementation Plan (IP) amendments. The Commission incorporates its findings on Coastal Act and land use plan conformity into this CEQA finding as it is set forth in full. As discussed herein, the Commission has suggested modifications to bring the LUP into full conformance with the Coastal Act and the IP amendments into full conformance with the certified LUP. As modified, the Commission finds that approval of the LCP amendments will not result in significant or potentially significant adverse environmental impacts under the meaning of the CEQA.

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



California Coastal Commission

LOCATION MAP

County of Humboldt

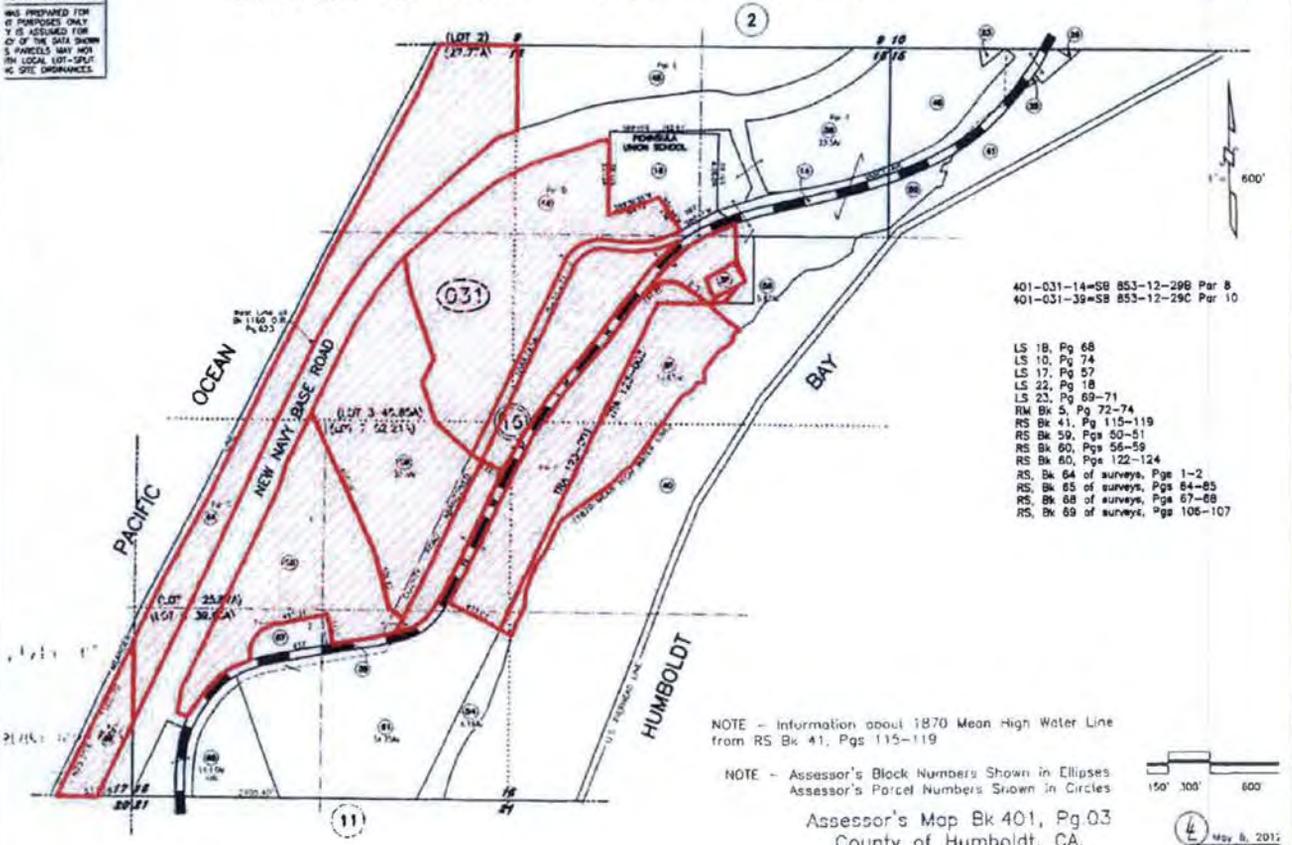
EXHIBIT NO. 1

LCP Amendment Application No.
 LCP-1-HUM-15-0004-1
 (Samoa Town Plan Modifications)
VICINITY & PARCEL MAPS
 Page 1 of 4

THIS PARCEL MAP
 WAS PREPARED FOR
 PURPOSES ONLY
 IT IS ASSUMED FOR
 ALL OF THE DATA SHOWN
 PARCELS MAY NOT
 BE LOCAL LOT-SPLIT
 OR SITE ORDINANCES

PTN SECS 15,16 & 17 T5N, R1W H.B.& M.

401-03



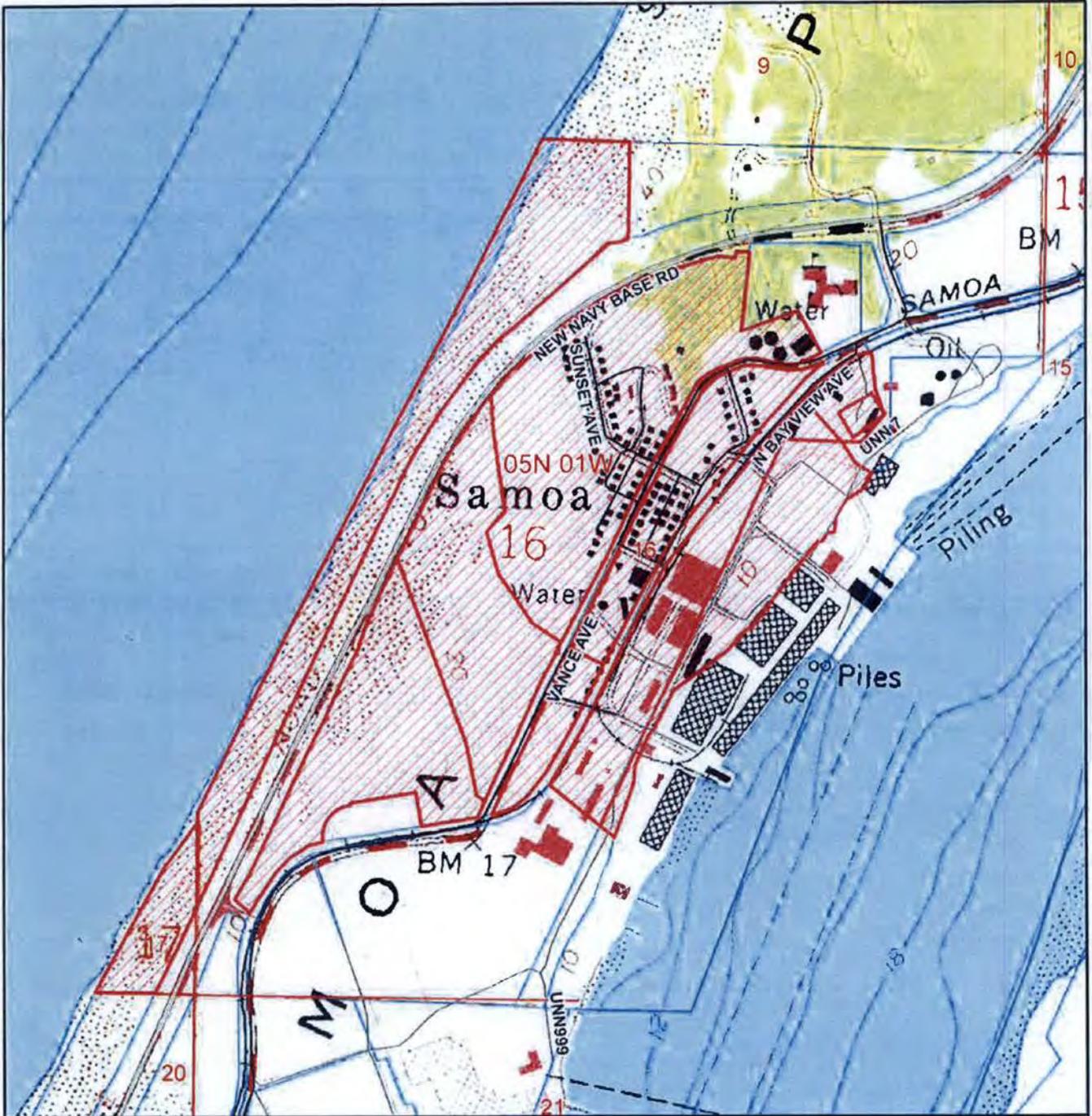
PROJECT SITE =

ASSESSOR PARCEL MAP

**PROPOSED SAMOA PACIFIC GROUP
 GENERAL PLAN AMENDMENT
 SAMOA AREA
 GPA-14-001**

**APN: 401-031-036 et seq
 T05N R01W S16,17 HB&M (Eu)**

**EXHIBIT NO. 1
 VICINITY & PARCEL MAPS**
 Page 2 of 4



TOPO MAP

PROPOSED SAMOA PACIFIC GROUP
GENERAL PLAN AMENDMENT
SAMOA AREA
GPA-14-001

APN: 401-031-036 et seq
T05N R01W S16,17 HB&M (Eureka)

Project Area = 



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



AERIAL MAP

**PROPOSED SAMOA PACIFIC GROUP
GENERAL PLAN AMENDMENT
SAMOA AREA
GPA-14-001
APN: 401-031-036 et seq
T05N R01W S16,17 HB&M (Eureka)**

Project Area = 



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

**EXHIBIT NO. 1
VICINITY & PARCEL MAPS**
Page 4 of 4

EXHIBIT NO. 2

LCP Amendment Application No.
LCP-1-HUM-15-0004-1

(Samoa Town Plan Modifications)
CERTIFIED PLAN & ZONING MAPS

Page 1 of 2



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 parcels) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-59, 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 of 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 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.

Samoa Town Master Plan

Land Use Plan Map

- STMP-LUP Overlay**
- RL Residential Low Density
 - RM Residential Medium Density
 - MB Business Park
 - CG Commercial General
 - PF Public Facility
 - CR Commercial Recreation
 - MC Industrial Coastal Dependent
 - MG General Industrial
 - PR Public Recreation
 - NR Natural Resources
- Urban Limite Boundary**
- STMP Land Use Overlay**
- Roads**
- NW Pacific Railroad**
GPA 14-001 Samoa Pacific Group 9204
4/5 899 Feet



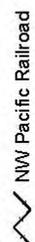
Samoa Town Master Plan
Zoning Map

Zoning Designations / Combining Zones

- RS/D,P Residential Single-Family
- RM/D,P Residential Multi-Family
- MB/D Business Park
- CG/D Commercial General
- PF/D Public Facility
- CR/D Commercial Recreation
- CR/A,D Commercial Recreation
- MC/A Industrial Coastal Dependent
- MG - General Industrial
- PR/D Public Recreation
- NR/W Natural Resources

Combining Zone Descriptions

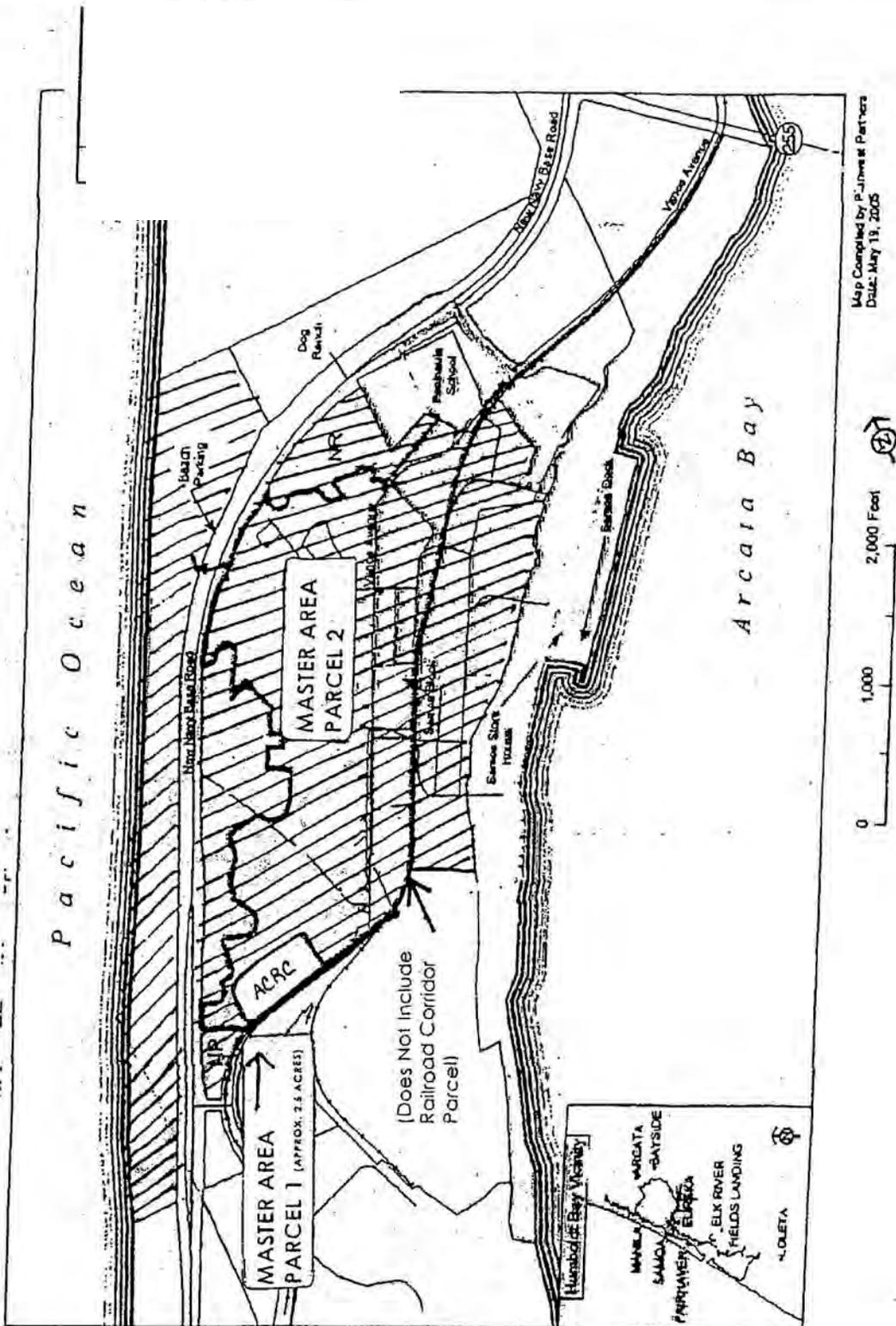
- D - Design Review
- W - Wetland
- P - Planned Development Unit
- A - Archaeological Resource



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 entry of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-59, 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 entry 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 of the STMP Overlay Area boundary shall be included within the merger and becomes part of the immediately adjacent master parcel generally depicted on Exhibit 25. If the land use 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 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.

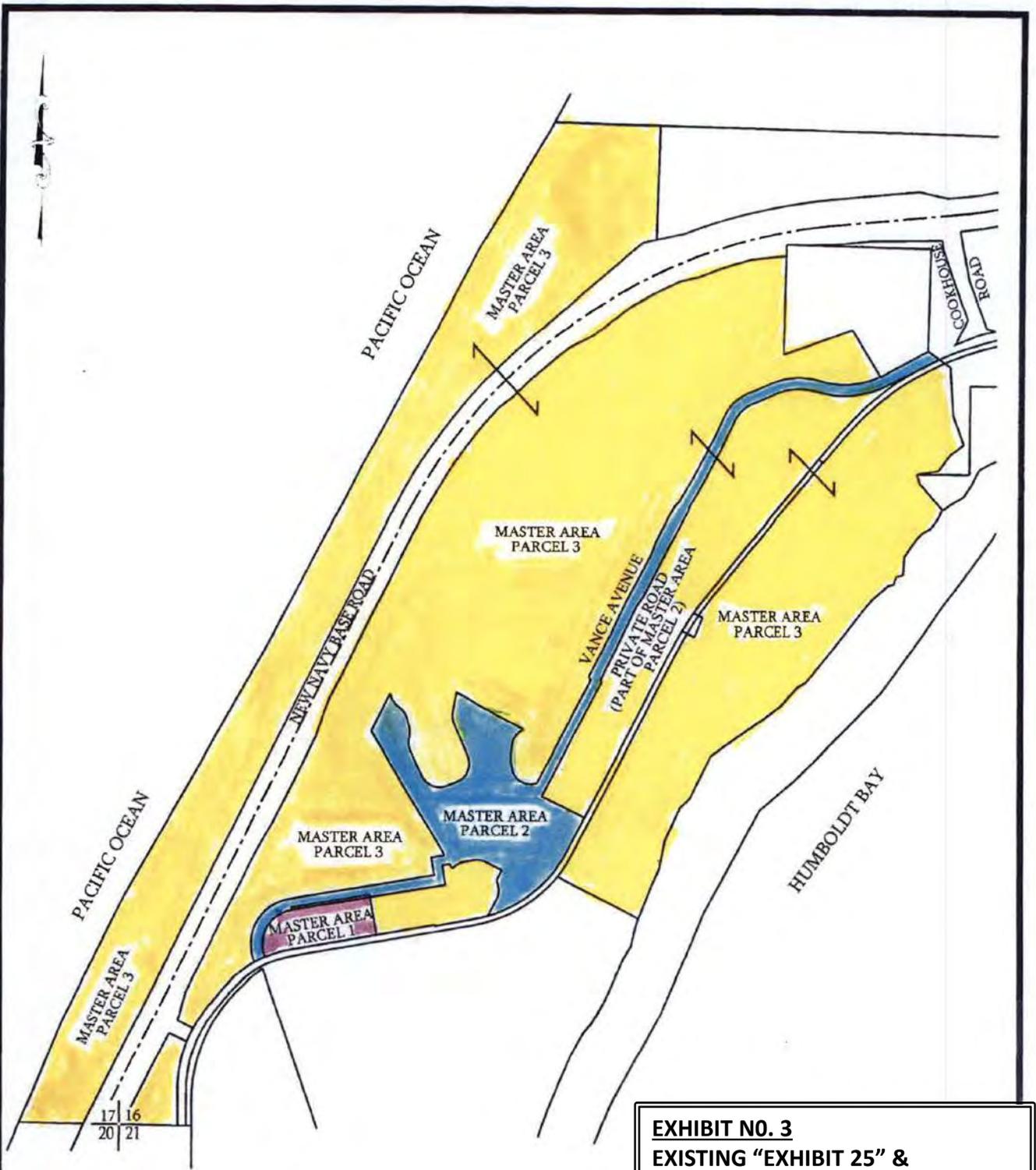
Locations are approximate
 based on the 2012
 Aerial Photograph
 Source: Esri, Inc.
 8/2011
 Revised: 8/2012



EXISTING EXHIBIT 25

EXHIBIT NO. 3

LCP Amendment Application No.
LCP-1-HUM-15-0004-1
(Samoa Town Plan Modifications)
**EXISTING "EXHIBIT 25" &
PROPOSED "EXHIBIT 25A"**
Page 1 of 2



PROPOSED EXHIBIT 25A

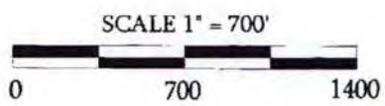


EXHIBIT NO. 3
EXISTING "EXHIBIT 25" &
PROPOSED "EXHIBIT 25A"
 Page 2 of 2

ILLUSTRATION OF MERGER AND
 RESUBDIVISION BY PARCEL MAP INTO
 THREE MASTER AREA PARCELS

KELLY-O'HERN ASSOCIATES
 EUREKA, CALIFORNIA
 DATE: JUNE 17, 2014

Samoa Town Master Plan
Proposed Humboldt Bay Area Plan Text Revisions
Adopted by the Humboldt County Board of Supervisors on February 10, 2015

NOTE 1 – Key for Modifications to County Proposed Plan Revisions: This exhibit presents the complete land use plan (Humboldt Bay Area Plan) amendments as proposed by the County and as suggested to be modified by the Commission. The revised text deletions and additions proposed by the County are shown in ~~strikethrough~~ and underline, respectively. Text deletions and additions suggested by the Commission are formatted in ~~**bold double strikethrough**~~ and **bold double-underlined** text, respectively. Boxed text is neither certified nor proposed but has been added here to aid the reader in distinguishing the different plan sections and/or policy topics and to identify those policies with no proposed changes but which are included here to provide the complete context of the LUP in which the proposed amendments occur.

CHAPTER 1: OVERVIEW

...

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 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

EXHIBIT NO. 4 APPLICATION NO. LCP-1-HUM-15-0004-1 (Samoa Pacific Group) Suggested Modifications to Proposed LUP Amendments Page 1 of 53

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 25A 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 resubdivided by parcel map into one two master parcels generally depicted on Exhibit 25A as Master Parcel 2. The two resulting parcels will be shall comprise:~~ 1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium (RM) Density area (Master Parcel 2); and 2) the remainder of the land owned by Samoa Pacific Group (Master Parcel 3): all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center. If all such property is not merged and resubdivided by parcel map into Master Parcels 2 and 3 generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A 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 resubdivided by parcel map into Master Parcels 2 and 3 generally depicted on Exhibit 25A, 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 merger and resubdivision by parcel map consistent with the certified LCP and (b) recordation of a parcel map notice of merger consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. 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 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

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 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. 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.

...

CHAPTER 3: HUMBOLDT BAY AREA DEVELOPMENT AND RESOURCE POLICIES

...

3.11 URBAN LIMIT No changes to these policies are proposed.

A. PLANNED USES

...

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

...

3.60 AREA PLAN MAPS

The maps included herein are for illustrative purposes only...

A. HUMBOLDT BAY AREA PLAN LAND USE DESIGNATIONS

No changes to these designations are proposed.

URBAN	
...	...
STMP-LUP	SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION
RURAL	
...	...
STMP-LUP	SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION

Revise the following statement on the Samoa Land Use Plan Map included in Chapter 3 of the HBAP:

- 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 401-031-59, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25A 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 resubdivided by parcel map into one two master parcels~~ generally depicted on Exhibit 25A ~~as Master Parcel 2.~~ **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.** If all such property is not merged and resubdivided by parcel map into Master Parcels ~~2~~ generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A 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 resubdivided by parcel map into Master Parcels ~~2~~ generally depicted on Exhibit 25A, 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 resubdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger parcel map~~ consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. 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~~ 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

CHAPTER 4: STANDARDS FOR PLAN DESIGNATIONS

4.10 INTRODUCTION

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

On the maps, the planned principal uses – or planning designations are indicated by symbols; the key on the map indicates which symbol stands for which planning designation. While in some cases these standards are very specific, they are for the most part of a more general nature than the zoning standards, (these are found in the Coastal Zoning Ordinance). This is for a definite reason: the plan designations for an area indicate the type of development use which is permissible, while the zoning identifies the maximum potentially allowable level of development. 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, 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).

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 Areatā Community Recycling Center (Master Parcel 1), are merged and resubdivided by parcel map into one-two master parcels~~ generally depicted on Exhibit 25A as Master Parcel 2. **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance**

Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.

If all such property is not merged and resubdivided by parcel map into Master Parcels 2 generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A 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 resubdivided by parcel map into Master Parcels 2 and 3 ~~2~~ generally depicted on Exhibit 25A, 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 resubdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger parcel map~~ parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. 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 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

...

**4.10-A and B: URBAN AND RURAL (respectively) LAND USE DESIGNATIONS
(both include the following land use designation):**

No changes to these designations are proposed.

...

**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 and Resubdivision by Parcel Map into Master Parcels.

1. Preliminary Merger and Resubdivision by Parcel Map of the Samoa lands excluding the Samoa Processing Center (APN 401-031-67) into a maximum of ~~one~~ two parcels, ~~prior to Master Subdivision of that Master Parcel 3:~~
 - A. Prior to any other development, except for (1) repairs or upgrades to the existing wastewater facilities to serve existing development in the town, and (2) cleanup of contaminated soil and groundwater, the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit (CDP), to merge and resubdivide by parcel map 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 25A, 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~~ two master parcels generally depicted on Exhibit 25A as ~~Master Parcel 2~~. The two resulting parcels will be shall comprise: 1) Master Parcel 2: the combined Public Facilities area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density area (Master Parcel 2), and 2) and the remainder of the land owned by Samoa Pacific Group (Master Parcel 3): all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center. The lands comprising Master Parcel ~~2~~ 3 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 recorded parcel maps 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 and resubdivision by parcel map, 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 Parcels 2 and 3, shall be granted by the owner of Master Parcels 2 and 3. The subject access easement shall be surveyed, mapped and recorded as a condition of the CDP authorizing the merger and resubdivision by parcel map 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 Parcels 2 and 3 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 Parcels 2 and 3 is provided by the owners of Master Parcels 2 and 3.

- C. The merger and resubdivision by parcel map into Master Parcels 2 and 3 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 Parcels 2 and 3 on Exhibit 25A 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 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, 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 25A.
- D. The following information shall be included as filing requirements of the Coastal Development Permit Application for the merger and resubdivision by parcel map:
- (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 and resubdivided by parcel map, 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 and resubdivision by parcel map.

- (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 and resubdivision by parcel map.

- (4) Evidence that the proposed boundaries of Master Parcel 2 will appropriately protect archaeological resources. A Phase 2 archaeological assessment and/or other applicable evidence shall be submitted.

E. The merger and resubdivision by parcel map into Master Parcels 2 and 3 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 25A shall include conditions incorporating the following requirements:

- (1) Prior to issuance of the coastal development permit for the merger and resubdivision by parcel map Master Parcels 2 as generally depicted on Exhibit 25A and prior to recordation of the parcel 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. 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 and resubdivision by parcel map into Master Parcels 2 and prior to recordation of the parcel map ~~Notice of Merger~~ for the merger into Master Parcels 2, the landowner(s) of the Master Parcels 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 the Master Parcels 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.

F. The land use designations and zoning certified under LCP Amendment No. HUM-MAJ-1-08 shall not become effective unless and until the parcel map for the above-described merger and resubdivision has been legally recorded.

STMP (New Development) Policy 1B (Phasing of Development) – Further Development of STMP ~~“Parcel 2”~~ Master Parcels

1. After the merger and resubdivision by parcel map into Master Parcels 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 Areatā 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 25A and prior to ~~the comprehensive division of all lands within Master Parcel 3~~ any other development of the lands within Master Parcels ~~2 and 3~~, **except for the development specified below, the landowner shall obtain a Subdivision Map Act approval and a Coastal Development Permit for the comprehensive division of all lands within Master Parcel 3. No** ~~no~~ other development of the lands within the Master Parcels except the following may occur: ~~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.~~ (1) upgrades and improvement of the wastewater **collection, treatment and disposal** facilities (WWTF), to ~~include~~ **serve (a) affordable housing development on Master Parcel 2 that meets the definition of affordable for “Persons and families of low or moderate income” as defined in Health and Safety Code Section 50093, and (b) all existing residential and commercial**~~

development in the STMP area, including, but not limited to, ~~associated with the sewer connection for~~ the 25 existing residences currently served by the permitted leach field on Master Parcel 3 on the west side of New Navy Base Road adjacent to the beach parking area; and; (2) Vance Avenue improvements on Master Parcel 2, which may include bike lanes and concurrent installation of underground utility infrastructure such as electrical lines, wastewater collection and distribution lines, and water lines along Vance Avenue; ~~(23)~~ development associated with the abandonment and/or removal of existing wastewater treatment facilities on any of the master parcels; (34) the cleanup/remediation of contaminated soil and/or ground water on any of the master parcels; and (45) Multi-family “affordable” housing development on Master Parcel 2 that meets the definition of affordable for “Persons and families of low or moderate income” as defined in Health and Safety Code Section 50093. Separate coastal development permits may be approved/issued for (i) the merger and resubdivision by parcel map described in STMP (New Development) Policy 1A and for (ii) each of the ~~project~~ developments ~~phases~~ listed above. No portion of the Master Parcels 2 shall be left as a remainder parcel.

- A. A complete application for ~~a a each~~ coastal development permit for the comprehensive division of Master Parcel 2 for any development on lands subject to the STMP-LUP shall at a minimum include all information needed to evaluate the consistency of the ~~division~~ development 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: In addition,~~ each CDP application for the specific development listed below shall include the specific information described below.

A. ~~The A~~ CDP application for ~~WWTF~~ wastewater facilities improvements on any parcel and Vance Avenue improvements on Master Parcel 2 shall include the following:

- (1) Wetland Resources: Wetland delineations, including to-scale maps and supporting data prepared in accordance Wetland/ESHA Policy 10.
- (2) Non-wetland ESHA delineations, including to-scale maps and supporting data;
- (3) 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.);
- (4) Locations and limits of all public and private utility lines, hookups, facilities, or easements, whether for collection, storage, treatment or disposal of sewage, firefighting or potable water, as applicable;
- (5) 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;

- (6) 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;
- (7) Waste Water ~~Treatment~~ Facilities: Final Plans for development of facilities for the collection, treatment, and disposal of sewage waste water from Master Parcel 2 development, in accordance with a phasing plan approved by the RWQCB to ~~include~~ **serve all existing residential and commercial development in the STMP area, including** the connection of 25 **existing** residences currently served by the permitted leach field on the west side of New Navy Base Road adjacent to the beach parking area. To the extent that the wastewater system is designed to be implemented in phases, a **phasing plan approved by the regional water board** 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 covered by this CDP (i.e., the simultaneous abandonment and/or removal of the existing leach fields, cesspools, and other facilities that currently accept sewage from the existing developments. 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 ~~4.5-5.3~~ feet of future sea level rise by 2100, (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;

- (8) 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, and sensitive resource areas consistent with the requirements of STMP (New Development) Policy 4;
- (9) 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 Master Parcel 2.
- (10) Plans for pedestrian and bicycle facilities/amenities along the improved portion of Vance Ave. covered by this CDP.
- (11) Public Transportation Auxiliary Facilities: Plans for the installation of one bus stop and associated amenities to serve the Samoa area, consistent with the requirements of STMP (Coastal Access) Policy 4.**

B. The A CDP application for the ~~multi-family housing any residential~~ development on Master Parcel 2 shall include the following:

- (1) Wetland Resources: Wetland delineations, including to-scale maps and supporting data prepared in accordance Wetland/ESHA Policy 10.
- (2) Non-wetland ESHA delineations, including to-scale maps and supporting data;
- (3) 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.);

- (4) Locations and limits of all public and private utility lines, hookups, facilities, or easements, whether for collection, storage, treatment or disposal of sewage, firefighting or potable water, as applicable;
- (5) 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;
- (6) Landform Alteration Analysis: Preliminary grading plans including cross sections and daylight lines prepared by a California-licensed Professional Civil Engineer;
- (7) 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;
- (8) Final Samoa Tsunami Safety Plan consistent with the requirements of STMP (Hazard) Policy 4;

(9) Waste Water ~~Treatment Facilities~~: Final Plans for development of facilities for the collection, treatment, and disposal of sewage waste water from Master Parcel 2 development, ~~in accordance with a phasing plan approved by the RWQCB to include including all existing residential and commercial development in the STMP area, including~~ the connection of 25 ~~existing~~ residences currently served by the permitted leach field on the west side of New Navy Base Road adjacent to the beach parking area. 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 ~~approved by the regional water board~~ 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 covered by this CDP (i.e., the simultaneous abandonment and/or removal of the existing leach fields, cesspools, and other facilities that currently accept sewage from the existing developments. 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 ~~4.5-5.3~~ feet of future sea level rise ~~by 2100~~, (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;

(10) 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 development covered by this CDP, 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 the Master Parcels 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;

~~(11) Public Transportation Auxiliary Facilities: Plans for the installation of one bus stop and associated amenities to serve the Samoa area, consistent with the requirements of STMP (Coastal Access) Policy 4;~~

~~(12)~~ (11) 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, and sensitive resource areas, consistent with the requirements of STMP (New Development) Policy 4;

~~(13)~~ (12) 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; and

~~(14)~~ (13) Samoa Business Park and/or New Samoa Residential development: Visual analysis of the development covered by this CDP 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 development 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.

(14) For new affordable housing on Master Parcel 2 that is developed in advance of a Subdivision Map Act approval and approval of a Coastal Development Permit for the comprehensive division of all lands within Master Parcel 3 consistent with STMP (New Development) Policy 1B-1, evidence shall be provided demonstrating that the proposed new housing meets the definition of affordable for "Persons and families of low or moderate income" as defined in Health and Safety Code Section 50093.

C. The CDP application for the comprehensive division of Master Parcel 3 shall include the following:

- (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;
- (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 Facilities~~: 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 the Master Parcels 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 **approved by the regional water board** 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 4.5-5.3 feet of future sea level rise by 2100, (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 the Master Parcels 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 4 & 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 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.

BD. 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~~ Master Parcels 2 and 3 depicted in Exhibit 25A, including the comprehensive division of ~~the~~ Master Parcels ~~2-3~~, shall be consistent with the following requirements:

A. Development requirements specific to the ~~WWTF~~ wastewater facilities improvements on any of the master parcels, Vance Avenue improvements on Master Parcel 2, and cleanup of soil and groundwater contamination on any of the master parcels in Master Parcel 2, if applicable, include the following:

- (1) (a) fully implement work plans approved by the Regional Water Quality Control Board (RWQCB) or other applicable authority and complete the cleanup of soil and water contamination within the areas proposed for development prior to any other development of those areas; (b) provide evidence from the RWQCB or other applicable authority that the proposed development area has, at a minimum, been cleaned up to background levels and/or is suitable for the type of development proposed without further remediation; (c) provide evidence that the subject development area, if developed as proposed and without further remediation, will not result in a threat to waters of the state; and (d) record against the subject parcel all applicable deed restrictions required by existing STMP (New Development) Policy 1B-2-C(3) of the certified LCP.
- (2) A requirement to construct, test, and determine ready for service all emergency control water supply facilities needed to serve the wastewater treatment facility and road improvement development prior to or concurrently with the development of the facilities and improvements.
- (3) A requirement to convert existing structures in the STMP overlay area to service by the proposed new wastewater treatment plant within 180 days of construction of the initial portions of the WWTF or in accordance with the schedule set forth by the RWQCB in the adopted Waste Discharge Requirements for the upgraded facility, whichever is earlier.
- (4) A requirement to properly abandon the old (existing) wastewater treatment facilities in accordance with pertinent regulations and necessary permits of the RWQCB.

- (5) A requirement to develop bicycle and pedestrian amenities along the length of the proposed Vance Ave. improvement segment concurrently with the permitted roadway improvements.
- (6) A requirement to implement the plan required to be developed by STMP (New Development) Policy 1B-1-C(17) for the ongoing funding, maintenance, and management of the wastewater processing system, improved road segments, stormwater facilities, bicycle/pedestrian pathways, and fire and life safety facilities.
- (7) A requirement to install on Master Parcel 2 at least one bus stop and associated amenities to serve the Samoa area consistent with the requirements of STMP (Coastal Access) Policy 4 concurrent with development of the Vance Avenue improvements and prior to occupancy of any residential development on Master Parcel 2.**

B. Development requirements specific to the ~~multi-family housing~~ **any residential** development on Master Parcel 2₇ include the following:

- (1) As applicable: (a) fully implement work plans approved by the RWQCB or other applicable authority and complete the cleanup of soil and water contamination within the areas proposed for development prior to any other development of those areas; (b) provide evidence from the RWQCB or other applicable authority that the proposed development area has, at a minimum, been cleaned up to background levels and/or is suitable for the type of development proposed without further remediation; (c) provide evidence that the subject development area, if developed as proposed and without further remediation, will not result in a threat to waters of the state; and (d) record against the subject parcel all applicable deed restrictions required by existing STMP (New Development) Policy 1B-2-C(3) of the certified LCP.
- (2) A requirement to construct, test, and determine ready for service all emergency control water supply facilities needed to serve the multi-family housing development concurrent with development and prior to occupancy of the multi-family housing development.
- (3) A requirement to construct, test, and determine ready for service, in accordance with necessary permits approved by the RWQCB, the portion of the new wastewater treatment plant needed to serve the multi-family housing development concurrent with development and prior to occupancy of the multi-family housing development.
- ~~**(4) A requirement to install one bus stop and associated amenities to serve the Samoa area consistent with the requirements of STMP (Coastal Access) Policy 4 concurrent with development and prior to occupancy of the multi-family housing development.**~~
- (4) For new affordable housing on Master Parcel 2 that is developed in advance of a Subdivision Map Act approval and approval of a Coastal Development Permit for**

the comprehensive division of all lands within Master Parcel 3 consistent with STMP (New Development) Policy 1B-1, affordable housing shall be required to meet the definition of affordable for “Persons and families of low or moderate income” as defined in Health and Safety Code Section 50093.

C. Development requirements specific to the comprehensive division of Master Parcel 3 and any development other than development authorized in STMP (New Development) Policy 1B-1, include the following:

- (1) ~~A.~~ The recordation of final maps for the comprehensive division of Master Parcel ~~2~~ 3 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” are recorded first. Final maps for new residential areas (excluding Master Parcel 2) 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 (with the exception noted above), and all existing developed commercial areas.
- (2) ~~B.~~ The coastal development permit shall require that prior to recordation of each final map for all or a portion of Master Parcel ~~3~~ 2:
- (a) ~~(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
- (b) ~~(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
- (c) ~~(1)~~ 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.
- (3) ~~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~~ 3, 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:
- (a) ~~(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

~~(b)(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

~~(c)(3)~~ Prior to recordation of a final map where pertinent for subdivision of lands within Master Parcel ~~2~~3, or prior to issuance of a coastal development permit for any development arising within lands originally identified as Master Parcel 1 or Master Parcels 2 and 3 shown on Exhibit 25A, 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.

~~(4)D.~~ Provision of Emergency Control Water Supply Facilities

~~(a)(1)~~ The coastal development permit for the comprehensive division of Master Parcel ~~2 3~~ 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)(b)~~ 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.

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

~~(c)(3) The development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.~~

~~(5)E.~~ Provision of Waste Water Collection, Treatment and Disposal Facilities

~~(a)(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 commercial areas of the STMP-LUP overlay area depicted on Exhibit 25A 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 3~~ but not including the development listed in subsection ~~(4)(d)~~ below.

~~(b)(2)~~ The coastal development permit for the comprehensive division of Master Parcel ~~2 3~~ 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)(d)~~ 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.

~~(c)(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 RWQCB in accordance with the schedule set forth in any staged upgrade of wastewater facilities in the approved comprehensive wastewater facilities plan.

~~(d)~~(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)~~(3) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.

~~(6)~~F. Provision of Emergency Services Building

~~(a)~~(4) The coastal development permit shall require that prior to the commencement of any new development within the new residential and business park areas (excluding Master Parcel 2), 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)~~(b) 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.

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

~~(7)~~G. Development of Business Park

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

~~(a)~~(4) Final maps for the portions of the comprehensive division of Master Parcel ~~2~~3 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 25A 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;

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

~~(c)(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.

~~(d)(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.

~~(e)(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.

(8)H. Development of New Residential Areas

Development of the New Residential Areas (excluding Master Parcel 2) is subject to the following phasing requirements:

~~(a)(1)~~ Final maps for the portions of the comprehensive division of Master Parcel ~~2~~ 3 covering the designated new residential areas shall only be approved and recorded in accordance with the above requirements after: ~~(a) (1)~~ final maps have been recorded for the ~~Public Facilities designated area~~, all existing developed residential areas and all existing developed commercial areas; ~~(b) (2)~~ cleanup of contaminated soil and groundwater has been completed within the current and previous phases of the subdivision; ~~(c) (3)~~ all emergency control water supply facilities needed to serve all development within the STMP-LUP overlay area depicted on Exhibit 25A has been constructed, tested and determined ready for service; ~~(d) (4)~~ 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) (5)~~ the new emergency services vehicle storage building has been constructed and is operational;

~~(b)(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;

~~(c)~~(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.

~~(d)~~(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.

~~(e)~~(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.

STMP (New Development) Policy 2: No changes to this policy are proposed.

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 25A 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 Areatā Community Recycling Center (Master Parcel 1), are merged and resubdivided by parcel map into one two master parcels generally depicted on Exhibit 25A, as Master Parcel 2.~~ **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.** If all such property is not merged and resubdivided by parcel map into Master Parcels 2 and 3 ~~2~~ generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A 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 resubdivided by parcel map into Master Parcels 2 2 and 3 generally depicted on Exhibit 25A, 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 resubdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger parcel map~~ notice of merger parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. 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 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

STMP (New Development) Policy 4:

- A. Prior to approval or issuance of a coastal development permit for WWTF improvements, Vance Avenue improvements, ~~and multi-family housing development~~ or any residential 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, and bicycle/pedestrian pathways, except where the County of Humboldt provides evidence that the County will accept the title to and management obligations for any of these.
- B. Prior to approval or issuance of a coastal development permit for the comprehensive division of Master Parcel 2 3 or any other development within Master Parcel 2 3, 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 3~~ or any ~~other development within Master Parcel 2 3~~ construction on the Master Parcels; except for issuance of a CDP for development associated with soil/water contamination remediation.

STMP (New Development) Policy 6: No changes to this policy are proposed.

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: No changes to this policy are proposed.

- 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; 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:

Development authorized within the STMP-LUP overlay area generally depicted on Exhibit 25A 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: No changes to this policy are proposed.

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 on Master Parcel 3 shall be connected to the new or upgraded waste water treatment facilities on Master Parcel 2 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 ~~Areato Community~~ Recycling Center ~~Regional Processing Facility on Master Parcel 1~~ (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 on Master Parcel 2 is placed in service and a wastewater collection line is installed within Vance Avenue or in another location adjacent to the ~~ACRC recycling~~ facility. The existing septic system that presently serves the ~~ACRC recycling~~ 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.

<p>Preservation and Enhancement of Community Character and Visual Resources</p>
--

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 25A 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: No changes to this policy are proposed.

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: No changes to this policy are proposed.

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: No changes to this policy are proposed.

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: No changes to this policy are proposed.

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: No changes to this policy are proposed.

- 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 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: No changes to this policy are proposed.

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: No changes to this policy are proposed.

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: No changes to this policy are proposed.

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: No changes to this policy are proposed.

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.

**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 ~~e~~Environmentally s~~S~~ensitive h~~H~~abitat a~~A~~reas (ESHA) 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~~ as NR, Natural Resources, in Exhibit 4 the certified STMP-LUP map 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 24~~ Exhibit 4 the certified STMP-LUP map); (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 certified STMP-LUP map designated as NR, Natural Resources, Environmentally Sensitive Habitat Areas in the maps attached to the Memorandum contained in Exhibit 3, including the include both ESHA and ESHA areas identified as buffers, shall be designated and zoned Natural Resources.~~ Development within the areas 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; (4) planned roadway and shoulder improvements and maintenance within the Vance Avenue right of way on Master Parcel 2, at the easterly limit of the smaller circular dune hollow ESHA buffer area, designated Natural Resources; and ~~or~~ (5) tsunami refuge areas within buffer portions of the area designated Natural Resources but outside of identified ESHA areas.

STMP (Wetlands/ESHA) Policy 3: No changes to this policy are proposed.

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 24~~ the certified STMP-LUP map (and where no except for environmentally sensitive raptor nesting habitat areas has been identified) shall require a 100-foot setback/buffer, unless it can be demonstrated that a reduced buffer is sufficient to prevent disruption of the habitat. Development adjacent to environmentally sensitive raptor nesting habitat areas shall be consistent with Section 30240(b) of the Coastal Act. Wetland and non-wetland ESHA buffers shall not be reduced to less than fifty (50) feet. The determination that a reduced buffer is adequate shall be based on the following criteria:

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

- 2) Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall take into account subsections (3) and (4) below and consultations with biologists of the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Coastal Commission or others with similar expertise:
- 3) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species, which may include reliance on non-native species, including trees that provide roosting, feeding, or nesting habitat;
- 4) An assessment of the short-term and long-term adaptability of various species to human disturbance; ~~and~~
- 5) An assessment of the impact and activity levels of the proposed development on the resource.
- 6) Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.
- 7) Use of natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.
- 8) Required buffer areas shall be measured from the following points, and shall include historic locations of the subject habitat/species that are pertinent to the habitats associated with the STMP-LUP area, as applicable:
 - The perimeter of the sand dune/permanently established terrestrial vegetation interface for dune-related ESHA.
 - The upland edge of a wetland.
 - The outer edge of the canopy of coastal ~~sage~~ scrub or forests plus such additional area as may be necessary to account for underground root zone areas.
 - The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys and the likely area containing the dormant seed banks of rare plant species.

- The outer edge of any habitat associated with use by mobile or difficult to survey sensitive species (such as ground nesting habitat or rare insects, seasonal upland refuges of certain amphibians, etc.) based on the best available data.

Where established “protocols” exist for the survey of a particular species or habitat, the preparing biologist shall undertake the survey and subsequent analysis in accordance with the requirements of the protocol and shall be trained and credentialed by the pertinent agency to undertake the subject protocol survey.

- B. A determination to utilize a buffer area of less than the minimum width shall be made by a qualified biologist contracting directly with the County, 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 areas ~~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: No changes to this policy are proposed.

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: No changes to this policy are proposed.

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:

- A. Prior to approval or issuance of a coastal development permit for WWTF improvements, Vance Avenue improvements, and ~~multi-family housing development~~ or any residential ~~other~~ development within Master Parcel 2, except for the cleanup of contaminated soil and

groundwater, 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 applicable to Master Parcel 2 shall be attached as a condition of approval of the subject coastal development permit for Master Parcel 2 development.

B. Prior to approval of a coastal development permit for the comprehensive division of Master Parcel 2_3 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_3. 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_3 and the condition shall require that prior to recordation of each final map for all or a portion of the subdivision Master Parcel 2_3, 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 May 2010, or other Corps of Engineers delineation guidance that is in effect at the time of action. Section 13577 states in pertinent part:

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

- (A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
 - (B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
 - (C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
- B. Wetland delineations shall be conducted according to the California Code of Regulations, Section 13577(b) definitions of wetland boundaries. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum: (1) a map at a scale of 1:2,400 or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points; and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.
- C. Wetland delineations shall be prepared by a qualified biologist approved by the County.
- D. Wetland delineations should not be greater than five (5) years old at the time of development approval in reliance on the information provided by the delineation(s). If substantial time passes between application submittal 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: No changes to this policy are proposed.

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 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: No changes to this policy are proposed.

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 changes to this policy are proposed.

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. **All new landscaping within the lands subject to the STMP-LUP shall follow the California Native Plant Society (CNPS) “Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation” (<http://www.cnps.org/cnps/archive/landscaping.pdf>).** 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 **and/or as a “noxious weed”** by the California Native Plant Society, the California Invasive Plant Council, **the State of California, or the U.S. federal government** ~~or listed as a “noxious weed”~~ shall be used in any proposed landscaping within the lands subject to the STMP-LUP. **To minimize the need for irrigation, all new landscaping shall consist primarily of native, regionally appropriate, drought-tolerant plants. New development projects that include landscape areas of 500 square feet or more shall include appropriate water conservation measures related to efficient irrigation systems and on-site stormwater capture.** Development approvals for lands subject to the STMP-LUP shall attach conditions specifying ~~this~~ **these** requirements.

STMP (Wetlands/ESHA) Policy 15: No changes to this policy are proposed.

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 on Master Parcel 3 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.
- 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.
Pedestrian and bicycle facilities along Vance Avenue shall be installed concurrently with other roadway improvements and shall be open for public use prior to occupancy of any residential development on Master Parcel 2. All **other** 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 **on Master Parcel 3 (excluding Master Parcel 2, with the following exception: pedestrian and bicycle facilities along Vance Avenue shall be installed concurrently with other roadway improvements and shall be open for public use prior to occupancy of the multi-family housing on Master Parcel 2.)**
- B. Prior to the issuance of the coastal development permit for the comprehensive division of Master Parcel 2~~3~~, 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~~3~~, 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.

STMP (Coastal Access) Policy 3:

Prior to construction of (1) the Business Park on Master Parcel 3 and (2) of development within the new residential areas ~~(excluding Master Parcel 2) on Master Parcels 2 and 3, other than affordable housing development on Master Parcel 2 that meets the definition of affordable for “Persons and families of low or moderate income” as defined in Health and Safety Code Section 50093:~~

- 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 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. **A minimum of one of the bus stops required herein and associated amenities to serve the Samoa area shall be installed on Master Parcel 2 concurrent with the development of the Vance Avenue improvements on Master Parcel 2 and prior to occupancy of any residential development on Master Parcel 2.** The **other** 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 **on Master Parcel 3** 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~~ 3 to (1) 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: No changes to this policy are proposed.

- 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.
- 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: No changes to this policy are proposed.

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: Business Park Structural Restrictions: No changes to this policy are proposed.

- 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: No changes to this policy are proposed.

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: No changes to this policy are proposed.

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 (excluding the initial merger and resubdivision by parcel map that would result in Master Parcels 2 and 3).

STMP (Business Park) Policy 6: No changes to this policy are proposed.

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 ~~a~~ **the** coastal development permit for ~~development on~~ the comprehensive division of ~~Master Parcels 2 and 3 or~~ any ~~other~~ development of the lands subject to the STMP-LUP (other than a CDP for (1) the preliminary merger and resubdivision by Parcel Map of the Samoa Lands required by STMP (New Development) Policy 1A, and (2) the cleanup of soil and/or water contamination on any of the master parcels), 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~~ consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document.

The analysis shall also consider localized uplift or subsidence, local topography, bathymetry, and geologic conditions. A similar sensitivity analysis shall be performed for all critical facilities, energy production and distribution infrastructure, and other development projects of major community significance ~~using a minimum rise rate of 4.5 feet per century.~~ These hazard analyses shall be used to identify current and future site hazards, to help guide site design, development location, and hazard mitigation requirements, and to identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes, development projects shall assume a minimum sea level rise of ~~three (3) 3.2 feet per century by 2100~~ 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 5.3 feet per century by 2100, consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document;~~ 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 5.3 feet of sea level rise per century by 2100 consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document.~~ 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 ~~either the multi-family (1) any residential housing development on comprehensive division of Master Parcel 2 or (2) the comprehensive division of Master Parcel 3 other development of lands subject to the STMP LUP,~~ the landowner/developer shall demonstrate compliance with ~~the a~~ Final Tsunami Safety Plan incorporating ~~into~~ the County's "Draft Tsunami Safety Plan for the Town of Samoa" dated ~~September 2007 April 2013~~ (see ~~Exhibit 19 Appendix M~~) and all of the recommended tsunami hazard mitigation, design, safety, and other pertinent recommendations, including, but not

limited to, recommendations for vertical or horizontal evacuation options throughout the STMP lands ~~subject to the STMP-LUP~~, as set forth in the following:

- a) the “Revised Tsunami Vulnerability Evaluation, Samoa Town Master Plan, Humboldt County, California” prepared by GeoEngineers, dated October 17, 2006 (see ~~Exhibit 18~~ Appendix M); 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~~ Appendix M); and
- 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~~ Appendix M); and
- d) a plan for distant-source tsunami events 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~~ 3 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 the Eureka office of NOAA’s National Weather Service ~~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.

<p>Note: Add Appendix M to the Humboldt Bay Area Plan to include the documents cited in STMP (Hazards) Policy 4 and other documents related to the STMP-LUP.</p>

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~~ 3.2 feet ~~per century~~ by 2100 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, 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.~~

Archaeological Resources

STMP (Archaeological Resources) Policy 1:

Prior to ~~the approval or issuance of the filing as complete a~~ CDP application for ~~the division or other any~~ development of the ~~Master Area parcels generally depicted on Exhibit 25A~~ 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 a CDP for any development of the lands subject to the STMP-LUP ~~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.

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 25A 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 25A 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.

CHAPTER 5: DEFINITIONS

...

“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 25A.

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.

Samoa Town Master Plan
Proposed Implementation Program Text Revisions
Adopted by the Humboldt County Board of Supervisors 2/10/15

NOTE 1 – Key for Modifications to County Proposed Revisions: This exhibit presents the Implementation Program (Coastal Zoning Regulations, CZR) amendments as proposed by the County and as suggested to be modified by the Commission. The revised text deletions and additions proposed by the County are shown in ~~strickethrough~~ and underline, respectively. Text deletions and additions suggested by the Commission are formatted in ~~bold double strikethrough~~ and **bold double-underlined** text, respectively. Boxed text is neither certified nor proposed but has been added here to aid the reader in distinguishing the different plan sections and to identify those standards with no proposed changes but which are included here to provide the complete context of the STMP-related IP standards.

Revise the following statement on the applicable 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 25A 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 Areata Community Recycling Center~~ (Master Parcel 1), are merged and resubdivided by parcel map into ~~one two~~ master parcels generally depicted on Exhibit 25A as ~~Master Parcel 2~~. **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.** If all such property is not merged and resubdivided by parcel map into Master Parcels ~~2-2 and 3~~ generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A 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 resubdivided by parcel map into Master Parcels ~~2~~ generally depicted on Exhibit 25A, 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

EXHIBIT NO. 5
APPLICATION NO.
LCP-1-HUM-15-0004-1
(Samoa Pacific Group)
Suggested Modifications to
Proposed IP Amendments
Page 1 of 23

for the merger and resubdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger~~ parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. 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 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

- B. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, 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 25A. 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 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

CZR 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 25A 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 Areatā Community Recycling Center (Master Parcel 1), are merged and re-subdivided by parcel map into one two master parcels generally depicted on Exhibit 25A as Master Parcel 2.~~ **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.** If all such property is not merged and re-subdivided by parcel map into Master Parcels ~~2-2~~ **2 and 3** generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A 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 re-subdivided by parcel map into Master Parcels ~~2-~~ **2 and 3** generally depicted on Exhibit 25A, 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 re-subdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger parcel map~~ parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and re-subdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. 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~~ 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

CZR Section 313-15.3

313-15.3 Special Area Combining Zones and Respective Designations

The following table lists all of the Special Area Combining Zones and their respective designators:

COMBINING ZONES - COASTAL		
COMBINING ZONE	DESIGNATION	CODE SECTION
Archaeological Resource Area Outside Shelter Cove	A	313-16.1
Special Archaeological Resource Area Regulations for Shelter Cove	A	313-16.2
Airport Safety Review	AP	313-16.3
Beach and Dune Areas	B	313-17.1
Coastal Resource Dependent	C	313-18.1
Design Review	D	313-19.1
Coastal Elk Habitat	E	313-20.1
Flood Hazard Areas	F	313-21.1
Alquist-Priolo Fault Hazard	G	313-22.1
Landscape and Design	L	313-27.1
Manufactured Home	M	313-28.1
Noise Impact	N	313-29.1
Offshore Rocks and Rocky Intertidal Areas	O	313-30.1
Planned Unit Development	P	313-31.1
Qualified	Q	313-32.1
Streams and Riparian Corridor Protection	R	313-33.1
Development Standard	S	313-34.1
Modified Building Standards Including Provision for Manufactured Homes	SM	313-34.2
Development Standards Which Are Combined with a Prohibition Against Further Subdivision	SX	313-34.3
Development Standards Where Standards in Addition to Minimum Lot Size are Modified	SY	313-34.4
Samoa Town Master Plan Land Use Plan	STMP	313-34.5

Transitional Agricultural Lands	T	313-35.1
Coastal Wetlands	W	313-38.1
No Further Subdivision Allowed	X	313-39.1
Specified Minimum and Average Lot Sizes	Y	313-40.1

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 25A 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 Areata Community Recycling Center~~ (Master Parcel 1), are merged and re-subdivided by parcel map into ~~one~~ two master parcels generally depicted on Exhibit 25A ~~as Master Parcel 2~~. **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.** If all such property is not merged and re-subdivided by parcel map into Master Parcels ~~2~~ **2 and 3** generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A 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 re-subdivided by parcel map into Master Parcels ~~2~~ **2 and 3** generally depicted on Exhibit 25A, 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 re-subdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger parcel map~~ notice of parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and re-subdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. 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~~ 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

Note: the above text shall also appear on the face of the Zoning Map for the Samoa Town Master Plan.

313-15.4 Representation of the Special Area Combining Zone Regulations

When combined with a Principal zone, the Special Area Combining Zone(s) shall be represented on the adopted zoning maps with the applicable designator(s). The applicable designator(s) shall be listed, in the above order, below the principal zone designator, and the Development Standard Combining Zone and Qualified Combining Zone designators, when applied, in a numerator/denominator format (e.g. RM/D).

CZR Section 313-34.5

313-34.5 STMP: SAMOA TOWN PLAN STANDARDS

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

34.5.2 **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.

34.5.3 **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 depicted on Exhibit 25A 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 Aieata Community Recycling Center~~ (Master Parcel 1), are merged and re-subdivided by parcel map into ~~one~~ two master parcels generally depicted on Exhibit 25A as ~~Master Parcel 2~~. **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.** If all such property is not merged and re-subdivided by parcel map into Master Parcels 2, 2 and 3 generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A 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 re-subdivided by parcel map into Master Parcels ~~2~~ **2 and 3** generally depicted on Exhibit 25A, 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 re-subdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger parcel map~~ parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and re-subdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. 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~~ **3** has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

34.5.4 **STMP Development Findings.** 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.

34.5.4.1 **STMP (New Development) Standard 1:**

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

34.5.4.1.1.1. **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:

34.5.4.1.1.1.1 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.

34.5.4.1.1.1.2 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.

34.5.4.1.1.1.3 Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which is important for preventing erosion and sedimentation.

34.5.4.1.1.1.4 Development shall implement soil stabilization BMPs, including but not limited to re-vegetation, on graded or disturbed areas as soon as feasible.

34.5.4.1.1.1.5 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.

34.5.4.1.1.1.6 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:

34.5.4.1.1.1.6.1 Controls to be implemented on the amount and timing of grading.

34.5.4.1.1.1.6.2 BMPs to be implemented for staging, storage, and disposal of excavated materials.

- 34.5.4.1.1.1.6.3 Design specifications for structural treatment control BMPs, such as sedimentation basins.
- 34.5.4.1.1.1.6.4 Re-vegetation or landscaping plans for graded or disturbed areas.
- 34.5.4.1.1.1.6.5 Other soil stabilization BMPs to be implemented.
- 34.5.4.1.1.1.6.6 Methods to infiltrate or treat stormwater prior to conveyance off-site during construction.
- 34.5.4.1.1.1.6.7 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.
- 34.5.4.1.1.1.6.8 BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials.
- 34.5.4.1.1.1.6.9 Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation.
- 34.5.4.1.1.1.6.10 A site plan showing the location of all temporary erosion control measures.
- 34.5.4.1.1.1.6.11 A schedule for installation and removal of the temporary erosion control measures.

34.5.4.1.1.2. **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:

- 34.5.4.1.1.2.1. Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources.

- 34.5.4.1.1.2.2. Permanent erosion control measures shall be installed, as may be needed, depending upon the intensity of development proposed and the sensitivity of receiving waters.
- 34.5.4.1.1.2.3. Runoff from the project shall not increase sedimentation in receiving waters.
- 34.5.4.1.1.2.4. On-site filtering, grease, and/or sediment trapping systems shall be installed, as needed, to capture any pollutants contained in the runoff.
- 34.5.4.1.1.2.5. 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.
- 34.5.4.1.1.2.6. 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:
 - 34.5.4.1.1.2.6.1 Proposed site design and source control BMPs that will be implemented to minimize post-construction polluted runoff.
 - 34.5.4.1.1.2.6.2 Proposed drainage improvements (including locations of infiltration basins, and diversions/ conveyances for upstream runoff).
 - 34.5.4.1.1.2.6.3 Measures to maximize on-site retention and infiltration (including directing rooftop runoff to permeable areas rather than to driveways).
 - 34.5.4.1.1.2.6.4 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.
 - 34.5.4.1.1.2.6.5 Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.
 - 34.5.4.1.1.2.6.6 A site plan showing the location of all permanent erosion control measures.

34.5.4.1.1.2.6.7 A schedule for installation and maintenance of the permanent erosion control measures.

34.5.4.1.1.2.6.8 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.

34.5.4.1.1.2.6.9 A site plan showing finished grades in one-foot contour intervals and associated drainage improvements.

34.5.4.1.1.3. **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:

34.5.4.1.1.3.1. 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.

34.5.4.1.1.3.2. 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).

34.5.4.1.1.3.3. 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.

34.5.4.1.1.3.4. 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.

34.5.4.1.1.3.5. 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.

34.5.4.1.1.4. **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.

34.5.4.1.1.4.1. “Developments of water quality concern” include the following:

34.5.4.1.1.4.1.1. Housing developments of five or more dwelling units, including but not limited to residential subdivisions.

34.5.4.1.1.4.1.2. Hillside developments on slopes greater than 20 percent, located in areas with highly erodible soil, such as soils deposited in association with dune formation.

34.5.4.1.1.4.1.3. Developments that will cumulatively result in the creation, addition, or replacement of one acre or more of impervious surface area.

34.5.4.1.1.4.1.4. 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.

34.5.4.1.1.4.1.5. 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.

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

34.5.4.1.1.4.1.7. 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.

34.5.4.1.1.4.1.8. 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.

34.5.4.1.1.4.1.9. 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.

34.5.4.1.1.4.1.10. 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.)

34.5.4.1.1.4.2. Additional Requirements for developments of water quality concern:

34.5.4.1.1.4.2.1. 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.

34.5.4.1.1.4.2.2. 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.

34.5.4.1.1.4.2.3. 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.

34.5.4.1.1.4.2.4. 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.

34.5.4.1.1.4.3. Content. The water quality and hydrology plan shall contain the following:

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

34.5.4.1.1.4.3.2. All of the information required in subsection A for the post-construction stormwater plan.

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

34.5.4.1.1.4.3.4. 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.

34.5.4.1.1.4.3.5. 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.

34.5.4.1.1.4.3.6. 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.

34.5.4.1.1.4.3.7. 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.

34.5.4.1.1.4.3.8. 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.

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

34.5.4.1.1.5.1. 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:

34.5.4.1.1.5.1.1. 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.

34.5.4.1.1.5.1.2. 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.

34.5.4.1.1.5.1.3. 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.

34.5.4.1.1.5.2. 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.

34.5.4.1.1.5.3. 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.

~~34.5.4.1.2. Supplemental STMP Findings Required. 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:~~

~~34.5.4.1.2.1. 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.~~

34.5.4.2 **STMP (New Development) Standard 2:** No changes to this policy are proposed.

34.5.4.2.1. 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:

34.5.4.2.1.1. 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;

34.5.4.2.1.2. 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.

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

34.5.4.3. **STMP (New Development) Standard 3:** No changes to this policy are proposed.

34.5.4.3.1 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.

34.5.4.4. **STMP (Wetlands/ESHA) Standard 1:**

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

34.5.4.4.1.1. 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;

- 34.5.4.4.1.2. 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;
- 34.5.4.4.1.3. Photographs of the site labeled with orientation noted on pertinent maps;
- 34.5.4.4.1.4. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;
- 34.5.4.4.1.5. A site map depicting the location of biological resources, both current and historical. The resources shall be shown within the context of a topographic based map that shall be at a scale sufficiently large to permit clear and accurate depiction of the extent of sensitive resources identified through appropriate field investigations and where pertinent, protocol surveys for sensitive species, vegetation associations and soil types in relation to any and all proposed development (minimum 1:2,400) and other information, such as the locations of specific trees, habitat boundaries, etc. discussed in the text of the subject biological report. Contour intervals shall be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date).
- 34.5.4.4.1.6. An analysis of the potential impacts of the proposed development on the identified habitat or species;
- 34.5.4.4.1.7. 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.);

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

34.5.4.4.1.9. A buffer adequacy analysis consistent with the requirements of STMP (Wetland/ESHA) Policy ~~5~~ 4 where an ESHA buffer of less than 100 feet (100') is proposed. The buffer adequacy analysis shall at a minimum include the following:

34.5.4.4.1.9.1. 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.

34.5.4.4.1.9.1.2. 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:

34.5.4.4.1.9.1.3. 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;

- 34.5.4.4.1.9.1.4. An assessment of the short-term and long-term adaptability of various species to human disturbance; ~~and~~
- 34.5.4.4.1.9.1.5. An assessment of the impact and activity levels of the proposed development on the resource.
- 34.5.4.4.1.9.1.6. 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.
- 34.5.4.4.1.9.1.7. 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.
- 34.5.4.4.1.9.1.8. 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:
 - 34.5.4.4.1.9.1.8.1. The perimeter of the sand dune/permanently established terrestrial vegetation interface for dune-related ESHA.
 - 34.5.4.4.1.9.1.8.2. The upland edge of a wetland.
 - 34.5.4.4.1.9.1.8.3. 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 ESHA.
 - 34.5.4.4.1.9.1.8.4. 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.

34.5.4.4.1.9.1.8.5. 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.

34.5.4.4.1.9.1.8.6. 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.

34.5.4.5. STMP (Hazards) Standard 1:

34.5.4.5.1. **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, **consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission’s adopted Sea Level Rise Policy Guidance document.** Residential and commercial development at nearshore sites shall analyze potential coastal hazard sensitivities for a range of potential global sea level rise scenarios, from three to six feet per century. The analysis shall also take into consideration regional sea level variability, localized uplift or subsidence, local topography, bathymetry and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance ~~using a minimum rise rate of 4.5 feet per century.~~ These hazard analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level thresholds after which limitations to the development’s design and siting would cause the improvements to become significantly less stable. **For design purposes, development projects shall assume a minimum sea level rise of 3.2 feet per century and projects of major community-wide significance shall assume a minimum of 5.3 feet per century.**



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

November 4, 2015

Mr. Dan Johnson
Samoa Pacific, LLC
5251 Ericson Way
Arcata, CA 95521
DJohnson@danco-group.com

Ms. Melissa Kraemer
California Coastal Commission
1385 Eighth St., Suite 130
Arcata, CA 95521
Melissa.Kraemer@coastal.ca.gov

Dear Ms. Kraemer and Mr. Johnson:

Subject: Determination of Adequacy of Proposed Disposal Area for Samoa Townsite Wastewater Treatment and Disposal System (Facility)-Phases 1, 2, and 3 Proposed Development Project

File: Samoa Pacific Group, LLC, Samoa Townsite, Humboldt County
WDID No. 1B85017RHUM

On October 26, 2015, Samoa Pacific, LLC submitted a proposal to install equipment at the above referenced Facility that will provide additional treatment to wastewater flows from the Samoa Townsite proposed development project (Project) as described in the October 2, 2015 letter. At the request of Regional Water Board staff, on October 30, 2015, the Samoa Pacific, LLC also submitted an updated map for the disposal area that identifies the placement of primary and replacement leachfield lines. The proposal and updated map amend the May 8, 2015, Report of Waste Discharge (ROWD). Regional Water Board staff has reviewed the amended ROWD and determined that the proposed wastewater treatment system will be capable of treating domestic wastewater to a level that Regional Water Board staff could reasonably conclude that the proposed 8.5-acre disposal area would be adequate for disposal of wastewater from all phases of the Project, provided that

EXHIBIT NO. 6

LCP Amendment Application No.
LCP-1-HUM-15-0004-1
(Samoa Town Plan Modifications)
**REGIONAL WATER BOARD LETTER
REGARDING WASTEWATER
FACILITIES**
Page 1 of 2

proposed treatment improvements are installed and used for treatment of all wastewater flows from the Samoa Townsite.

Regional Water Board staff also notes that the updated leachfield map indicates that almost 100 percent of the proposed 8.5-acre disposal site is committed to either primary or replacement leachfields, and cautions Samoa Pacific, LLC that the need for additional disposal area and/or modifications to treatment and disposal system design criteria may need to be evaluated if incompatible soils or debris fill are encountered during future Project site investigations.

The Samoa Pacific, LLC proposes to install full an advanced wastewater treatment (FAT) system that will include microfiltration, reverse osmosis, and a combined hydrogen peroxide/ultraviolet light disinfection system for treatment of wastewater from full build-out of the Project. Based on data provided by the manufacturer, it appears that treated effluent from the Samoa Townsite will meet most water quality objectives at the point of discharge if these FAT technologies are employed. Additional information provided by Samoa Pacific, LLC in Attachment 1 of its October 26, 2015, submittal indicates that FAT technologies will also reduce other key pollutants, such as total dissolved solids, pathogens, and endocrine disrupting chemicals, to very low concentrations in the effluent.

As indicated in previous correspondence dated October 2, 2015, any facility expansion for Phase 1, 2 and 3 development will require that Samoa Pacific, LLC, or other responsible party, submit additional information to complete its ROWD. A complete ROWD must include an antidegradation analysis, and final design plans and engineered drawings of the advanced treatment system to confirm that the total disposal area, including 100 percent replacement, will accommodate the additional projected flows from Phases 2 and 3 and will not degrade existing groundwater quality or cause exceedances of any water quality objective for groundwater.

If you have any questions, you may contact Roy O'Connor at (707) 576-2670 or by email at Roy.O'Connor@waterboards.ca.gov or me at (707) 576-2752 or Charles.Reed@waterboards.ca.gov.

Sincerely,



Digitally signed
by Charles Reed
Date: 2015.11.04
15:28:35 -08'00'

Charles Reed
Senior Water Resource Control Engineer

151104_RRO_dp_SamoaTownsite_AdequacyOfDisposalArea_Updated

EXHIBIT NO. 6
REGIONAL WATER BOARD LETTER
REGARDING WASTEWATER
FACILITIES
Page 2 of 2



www.jblovellace.com

HC 69 Box 38, Covelo, CA 95626

EXHIBIT NO. 7

LCP Amendment Application No.
LCP-1-HUM-15-0004-1
(Samoa Town Plan Modifications)

**BUFFER EVALUATION FOR
PLANNED ROADWAY
IMPROVEMENTS**

Page 1 of 7

To: Michael O'Hern
Kelly-O'Hern Associates
3240 Moore Avenue
Eureka, CA 95501

August 17, 2015

Re: Dune Hollow Wetland Environmentally Sensitive Habitat Area (ESHA)
Buffer Analysis for Proposed Development of Vance Avenue, Adjacent to
APN 401-031-059, Samoa, California (Humboldt County).

Dear Mr. O'Hern,

At your request, on behalf of the Samoa Pacific Group (Arcata, California), I visited APN 401-031-059 in Samoa, California (Humboldt County) on July 20, 2015 to assess the potential effects of the proposed development of Vance Avenue on a dune hollow wetland that extends into the Vance Avenue right-of-way from the aforementioned parcel. This letter serves to document that assessment and includes an analysis of the standard minimum 100-foot buffer at this location established by the California Coastal Commission to prevent development-related impacts that adversely affect such habitats. Herein, I briefly describe the proposed development and provide rationale, based on observations of ecological conditions during my site visit and recommendations for mitigation measures to avoid project-related impacts, for a temporary buffer reduction to allow for the proposed work to occur within this 100-foot protective buffer.

As part of their implementation of the Samoa Town Master Plan Project, Samoa Pacific Group has proposed to excavate portions of the existing, paved Vance Avenue and the adjacent (eastern) right-of-way to install underground utility systems that will facilitate future planned development on the North Spit of Humboldt Bay, near the community of Samoa. Proposed utility systems include both gravity and forcemain sewer lines, water lines, and electrical utility lines, the latter of which will be installed by Pacific Gas & Electric Company (PG&E). An existing PG&E gas main already exists beneath the western edge of the paved roadbed. Once these utilities are installed, reconstruction of Vance Avenue will include improvements located along the eastern side of the roadway such as a pedestrian walkway and a bicycle path.

At the approximate location of station 35±00 Vance Avenue branches with a side route that heads east towards Humboldt Bay. At this location, on the western side of Vance Avenue, there is a discrete and isolated dune hollow Coastal Act scrub-shrub wetland that extends from the eastern edge of APN 401-031-059,

into the Vance Avenue right-of-way. This wetland habitat (0.16 acres) is surrounded in its entirety by stabilized and impermeable (paved) surfaces. Vance Avenue forms the eastern boundary, and an historic, paved log deck that is elevated approximately 3 meters above Vance Avenue, extends to the west. Paved access ramps to and from Vance Avenue and the log deck contain this dune hollow along its northeastern and southern edges.

The wetland in question has been previously studied by Mad River Biologists (*Samoa Town Master Plan Biological Resource Study* [2004]), during the preparation of the *Samoa Town Master Plan Final Master Environmental Impact Report* (Planwest Partners, Inc. 2007) and subsequently by Stephanie Morrisette Biological Resource Consulting in 2013 (*Addendum: Samoa Town Master Plan Biological Resource Study*). A more thorough description of this "dune hollow Coastal Act wetland" can be found in these documents. Recent observations made during my site reconnaissance visit on July 20th were consistent with these previous analyses, and I observed no significant variation in either the extent, or ecological values, of this wetland from those described in the aforementioned documents.

As you are aware, this location is situated within the California coastal zone, wherein the California Coastal Commission (Coastal Commission) maintains regulatory jurisdiction over wetlands and other "environmentally sensitive habitat areas" (ESHA). Coastal Commission ecologist, John Dixon, confirmed that the wetland habitat in question is indeed considered an ESHA in his memorandum, *Samoa Town LCP Amendment* (February 11, 2011). The Coastal Commission has established standards for siting development adjacent to ESHAs and for establishing appropriate buffer areas around ESHAs, which are described in Section VII of the Coastal Commission's *Statewide Interpretive Guidelines* (December 16, 1981, as amended). The Coastal Commission requires that standard minimum buffers around ESHAs be at least 100-foot wide, "unless the applicant can demonstrate that 100 feet is unnecessary to protect the resources of the habitat area...." Specified standards used to evaluate buffer widths include:

1. Biological significance of adjacent lands
2. Sensitivity of species to disturbance
3. Susceptibility of parcel to erosion
4. Use of natural topographic features to locate development
5. Use of existing cultural features to locate buffer zones
6. Lot configuration and location of existing development
7. Type and scale of development proposed

Although the ESHA does extend eastward from APN 401-031-059 into the Vance Avenue right-of-way, the easternmost edge of the ESHA stops approximately 3 meters to the west of the westernmost edge of the proposed construction area. The 100-foot protective buffer, however, extends east across Vance Avenue and therefore includes the roadbed and proposed work area.

Given my observations of the site and my understanding of proposed development at this location, it is my opinion that a temporary reduction in the extent of the buffer along the eastern edge of the ESHA to allow for the proposed development (as described) would likely not result in significant adverse effects to, nor contribute to further degradation of, this ESHA as long as specific mitigation measures are implemented and maintained during construction. The primary basis for this opinion is that the proposed construction would be contained within the existing roadway and/or along its eastern edge (opposite from the ESHA), and that the ESHA is situated slightly higher in elevation than the areas that would be disturbed. Below, I provide additional rationale supporting this opinion in the context of the Coastal Commission's aforementioned standards, as well as recommended mitigation measures to avoid and/or minimize impacts to this dune hollow Coastal Act wetland habitat during, and as a result of, the proposed development:

1. Biological significance of adjacent lands

The dune hollow scrub-shrub wetland itself is stabilized by development and pavement around its entire perimeter, and is therefore isolated and discontinuous from any other similar ESHA in the vicinity. The landscape adjacent to the ESHA in question is almost entirely composed of a historically developed, and subsequently abandoned, industrial mill site. Much of this landscape is covered with deteriorating pavement, and this degraded habitat supports predominantly ruderal vegetation, largely composed of exotic and/or invasive species. The proposed development is not likely to adversely affect the ecological functions of the dune hollow wetland itself, nor its relationship to the biological context of such a surrounding landscape.

2. Sensitivity of species to disturbance

Although no Special Status plant or wildlife species have been documented being established in, or utilizing, this ESHA, it may seasonally provide suitable breeding habitat for Northern Red-legged Frog (*Rana aurora*) and Western Pond Turtle (*Emys marmorata*), both California Species of Special Concern (CDFW 2015a), as well as state (CDFW 2015b) and federally (16 USC Chapter 7, Subchapter 2 §703) protected nesting birds during the avian breeding season for this region. No direct impacts to this breeding habitat would occur from the proposed development and scheduling of work in this area to occur outside of the avian breeding season would mitigate potential indirect impacts to such species.

3. Susceptibility of parcel to erosion

No development upslope of this ESHA would occur as part of the proposed effort associated with Vance Avenue. The proposed construction area would be located at least 3 meters (horizontal distance) away from, and approximately 1 meter (elevation) below the nearest (easternmost) edge of the dune hollow wetland. Given this spatial relationship, in combination with stormwater

management design elements and post-construction revegetation efforts that are assumed to be required as part of the road reconstruction, it is highly unlikely that the proposed work would result in erosion-related problems that would affect this dune hollow wetland.

4. Use of natural topographic features to locate development

The proposed development of Vance Avenue would be located at least 3 meters (horizontal distance) away from, and approximately 1 meter (elevation) below the nearest (easternmost) edge of the dune hollow wetland, which would significantly reduce the likelihood of inadvertent impacts to the ESHA due to stormwater runoff and/or other potential problems that could result in sedimentation or otherwise adversely affect water quality.

5. Use of existing cultural features to locate buffer zones

All development associated with utility line installation in, and reconstruction of, Vance Avenue is proposed to occur within the existing developed roadway or along its eastern edge, on the opposite side from the ESHA. This design minimizes impacts to undeveloped coastal habitat, and consolidates new utility installation where previously installed utilities already exist.

6. Lot configuration and location of existing development

As mentioned above, proposed development would occur within the existing developed roadway or along its eastern edge, on the opposite side from the ESHA. Additional mitigation measures are recommended below.

7. Type and scale of development proposed

As mentioned above, proposed development would occur within the existing developed roadway or along its eastern edge, on the opposite side from the ESHA. Additional mitigation measures are recommended below.

Recommended Mitigation Measures

Adoption and implementation of the following mitigation measures would further support the rationale for an allowance of a temporary buffer reduction at this location. These mitigation measures would help ensure that construction within the original 100-foot minimum protective ESHA buffer would not result in adverse or degrading impacts to this dune hollow Coastal Act scrub-shrub wetland. Indeed, they would provide protective and restorative effects where the surrounding landscape lacks many of the characteristics that a protective buffer attempts to establish.

1. Best Management Practices (BMPs)

Implementation of appropriate Best Management Practices (BMPs) that isolate work areas from the adjacent ESHA should occur prior to, and be maintained throughout, construction until post-construction restoration and soil stabilization efforts prove successful.

2. Stormwater Pollution & Prevention Plan

A Stormwater Pollution & Prevention Plan should be developed and implemented prior to the commencement of construction. Similarly, road reconstruction and erosion prevention measures should include design elements that direct concentrated stormwater drainage away from the ESHA.

3. Construction Schedule

The ideal period for construction in this specific area is between September 1 and October 31. Construction work that requires substantial ground disturbance should occur during the dry season to reduce the likelihood of erosion and sediment mobilization. To avoid construction-related indirect impacts to nesting birds that may be utilizing the woody riparian vegetation associated with this ESHA, construction should occur outside of the avian breeding season for this region, which typically extends from mid-March until late August.

4. Construction Personnel Education & Training

Prior to the commencement of work, all construction personnel working in the vicinity of the ESHA and surrounding buffer should be informed about the sensitive nature of the ESHA and receive appropriate training regarding the required mitigation measures and protocols necessary to protect this ESHA. Education and training should be performed by appropriately qualified personnel.

5. Construction Monitoring

Given the close proximity of proposed construction to the ESHA, monitoring of the construction effort should be conducted by a qualified biologist while work is occurring within the original 100-foot buffer to rescue and relocate wildlife encountered within the construction area, to ensure proper implementation and function of BMPs, and to advise the contractor should unforeseen circumstances arise that may impact the adjacent sensitive habitat.

6. Removal of Invasive Vegetation

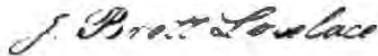
Removal of invasive vegetation associated with this dune hollow wetland would improve the ecological value of this ESHA, and would be expedient and efficient while construction personnel are mobilized in this area. Invasive species observed at this location include: pampas grass, *Cortaderia jubata*; Himalayan blackberry, *Rubus armeniacus*; yellow bush Lupine, *Lupinus arboreus*; iceplant, *Carpobrotus edulis x chilensis*; and European beachgrass, *Ammophila arenaria*. Although not mapped within the wetland in question, each of these species is discussed in *Addendum Samoa Town Master Plan Biological Resource Study, Botanical Survey and Invasive Plant Management Plan* (Morrissette 2013).

7. Restoration

Restoration of areas disturbed during construction should include revegetation efforts to stabilize disturbed soils, using native plant species representative of undisturbed adjacent habitats.

I hope that the information provided above is helpful. Should you have any questions or require additional information or services, please don't hesitate to contact me.

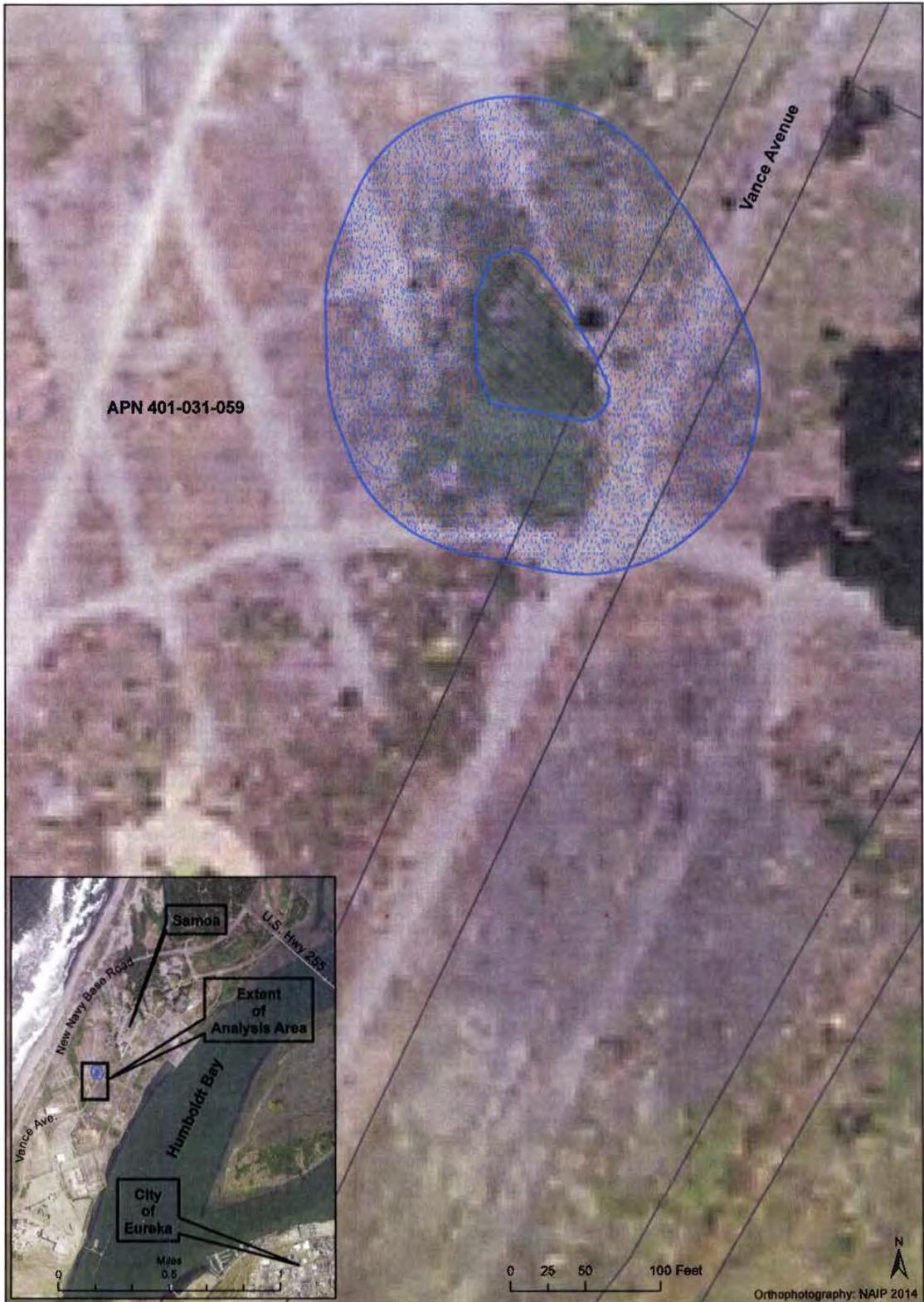
Sincerely,



J. Brett Lovelace M.A.
Senior Environmental Scientist

References and Literature Cited

- California Coastal Commission. December 16, 1981 (as amended). *Statewide Interpretive Guidelines*. California Coastal Commission. San Francisco, California.
- California Department of Fish & Wildlife. 2015a. *Special Animals List*. Periodic Publication. 50 pp. California Department of Fish & Wildlife, Natural Diversity Database. Sacramento, California.
- . 2015b. California Fish & Game Code. Available at:
<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=fgc>
- Dixon, J. February 11, 2011. Memorandum: *Samoa Town LCP Amendment*. California Coastal Commission. San Francisco, California.
- Mad River Biologists. 2004. *Samoa Town Master Plan Biological Resource Study*. Prepared for County of Humboldt Community Development Services Department and Samoa Pacific Group. Mad River Biologists. Eureka, California.
- Morrisette, S. September 9, 2013. *Addendum Samoa Town Master Plan Biological Resource Study, Botanical Survey and Invasive Plant Management Plan*. Stephanie Morrisette Biological Resource Consulting. Eureka, California.
- Planwest Partners, Inc. 2007. *Samoa Town Master Plan Final Master Environmental Impact Report*. State Clearinghouse #2003052054. Prepared for Humboldt County Community Development Services. Planwest Partners, Inc. Arcata, California.
- United States Code. Federal Migratory Bird Treaty Act of 1918 (16 USC Chapter 7, Subchapter 2 §703. Available at:
<http://www.law.cornell.edu/uscode/text/16/703>.



**Samoa Pacific Group's Proposed Vance Avenue Development:
Environmentally Sensitive Habitat Area (ESHA) Buffer Analysis**

-  Environmentally Sensitive Habitat Area (ESHA)
-  100-Foot ESHA Buffer
-  Humboldt County Assessor Parcel Boundaries

EXHIBIT NO. 7
BUFFER EVALUATION FOR
PLANNED ROADWAY
IMPROVEMENTS
 Page 7 of 7

EXHIBIT NO. 8

LCP Amendment Application No.
LCP-1-HUM-15-0004-1
(Samoa Town Plan Modifications)

RESOLUTIONS

Page 1 of 6

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Certified copy of portion of proceedings, Meeting

RESOLUTION NO. 15-23

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND RECOMMENDING
CONDITIONAL APPROVAL OF THE SAMOA PACIFIC GROUP APPLICATION:
CASE NUMBERS GPA-14-001ZR-14-001;
ASSESSOR PARCEL NUMBERS 401-031-036, 401-031-038, 401-031-039, 401-031-044,
401-031-046, 401-031-055, 401-031-059, 401-031-065, AND 401-031-067**

WHEREAS, State law provides for local governments to amend their Local Coastal Program (LCP) three (3) times per year; and

WHEREAS, Samoa Pacific Group submitted an application and evidence in support of approving the Local Coastal Program Amendment and Zoning Text changes associated with implementation of the Samoa Town Master Plan; and

WHEREAS, the proposed Local Coastal Program Amendment and Zoning Text changes may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; (3) The amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act; and (4) The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law; and

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

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

WHEREAS, on October 27, 2009 the Board of Supervisors of the County of Humboldt certified the proposed Final Master Environmental Impact Report as required by Section 15090 of the CEQA Guidelines and approved the local coastal plan amendment subject to California Coastal Commission review. And the Board of Supervisors made the findings that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the Humboldt County Board of Supervisors, and the Humboldt County Board of Supervisors reviewed and considered the information contained in the Final EIR prior to approving the project; and c) the Final EIR reflects the lead agency's independent judgment and analysis; and

WHEREAS, for the proposed the Local Coastal Program and Zoning Text Amendments, the County Planning Division caused the preparation of an Addendum to the Master Environmental Impact Report in accordance with the requirements of Section 15164 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the County Planning Division engaged in formal consultation with representatives of the Wiyot Tribe, Blue Lake Rancheria and Bear River Band of the Rohnerville Rancheria in accordance with State law that resulted in the preparation of a Memorandum of Agreement setting forth the protocols to be followed by the developer and County to ensure that the project is carried out in a manner most protective of cultural resources; and

WHEREAS, Attachment 2 in the Planning Commission staff report (Attachment E) includes

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

RESOLUTION NO. 15-23

evidence in support of making all of the required findings for approving the proposed Local Coastal Program Amendment and Zoning Text Amendment application for Case Nos.: GPA-14- 001/ZR-14-001; and

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the project; and

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

WHEREAS, the Planning Commission held a public hearing on July 3, 2014 on this matter to receive other evidence and testimony; and

WHEREAS, at their July 3, 2014 meeting, the Planning Commission resolved, determined, and ordered that the following findings be and are hereby made:

1. The Planning Commission found that an Addendum to the Master Environmental Impact Report meet all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15074; and
2. The Planning Commission made the findings in Attachment 2 of the Planning Commission staff report for Case Nos.: GPA-14-001/ZR-14-001 based on the submitted evidence; and

WHEREAS, at their July 3, 2014 meeting the Planning Commission recommended the Board make the necessary findings and approve the amendment and zone reclassification; and

WHEREAS, a public hearing was held by the Humboldt County Board of Supervisors on January 27, 2015 and was continued to February 3, 2015 and further continued to February 10, 2015 to receive other evidence and testimony.

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

1. The Board of Supervisors makes the findings for Case Nos.: GPA-14-001/ZR-14-001 based on the submitted evidence.
2. The Board of Supervisors finds that the proposed text amendments to the HBAP and Coastal Zoning Regulations conform to the policies contained in Chapter 3 of the Coastal Act.
3. The Board of Supervisors finds that the LCP Amendment will be carried out in accordance with the Coastal Act pursuant to Section 30510(a) of the Act.
4. The Board of Supervisors finds that project development will conform with Government Code Section 65590 regarding low- and moderate-income housing within the Coastal Zone and the County's adopted Housing Element.
5. The Board of Supervisors approves the Local Coastal Program Amendment application as recommended by the Planning Commission at their July 3, 2014 meeting for Case No.: GPA-14-001/ZR-14-001.
6. The Board of Supervisors adopts Ordinance No. amending Section 313-15.2, 313-15.3 and 313-34.5 of the Coastal Zoning Regulations to become effective upon certification by the

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

RESOLUTION NO. 15-23

Coastal Commission.

7. The Board of Supervisors directs staff to transmit the Local Coastal Program text amendments to the Humboldt Bay Area Plan and the Coastal Zoning Regulations (Implementation Program) to the California Coastal Commission for certification in accordance with the Coastal Act.

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

1. The Board of Supervisors makes the findings contained in and adopts the Addendum to the Environmental Impact Report for the Samoa Town Master Plan (SCH No. 2003052054) in Attachment E pursuant to the State CEQA Guidelines.
2. The Board of Supervisors authorizes the Chair to execute the Memorandum of Agreement with the project applicant that memorialize the protocols developed through Tribal Consultation to ensure that the project is carried out in a manner most protective of cultural resources.
3. The Clerk of the Board is hereby directed to give notice of the decision to the applicant and any other interested party.

Dated: February 10, 2015



ESTELLE FENNELL, Chair
Humboldt County Board of Supervisors

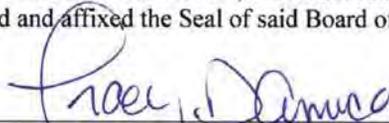
Adopted on motion by Supervisor Bass, seconded by Supervisor Lovelace, and the following vote:

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

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

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



By TRACY DAMICO
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

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

RESOLUTION NO. 15-24

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND DIRECTING PLANNING STAFF
TO SUBMIT TO THE CALIFORNIA COASTAL COMMISSION THE PROPOSED SAMOA
PACIFIC GROUP AMENDMENT TO THE LOCAL COASTAL PROGRAM FOR REVIEW
AND CERTIFICATION**

WHEREAS, on April 1, 2014, the Board of Supervisors approved a General Plan Petition for a Local Coastal Program (LCP) Amendment, to wit, to amend the Samoa Town Master Plan (STMP) provisions of the Humboldt Bay Area Plan and the Coastal Zoning Regulations to modify the development timing and improvement requirements of the STMP to support development of affordable housing, by facilitating infrastructure improvements, including the upgrade of the Wastewater Treatment Facility (WWTF); and

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

WHEREAS, the County Planning Division caused the preparation of an Addendum to the Final Master Environmental Impact Report for the LCP amendment package pursuant to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Division undertook consultation with representatives of the Wiyot Tribe, Blue Lake Rancheria and Bear River Band of the Rohnerville Rancheria in accordance with State law which resulted in the preparation of a Memorandum of Agreement setting forth responsibilities of the developer in carrying out the project in a manner protective of cultural resources; and

WHEREAS, the County Planning Division prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the text amendment to the HBAP and Zoning Regulations (Case Nos.: GPA-14-001/ZR-14-001); and

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

WHEREAS, on July 3, 2014, the Planning Commission adopted Resolution No. 14-23 recommending the Board of Supervisors approve the Local Coastal Program Amendment to the HBAP and Coastal Zoning Regulations application for the Samoa Pacific Group to facilitate implementation of the Samoa Master Plan; and

WHEREAS, a public hearing was held on January 27, 2015 and was continued to February 3, 2015 and further continued to February 10, 2015 by the Humboldt County Board of Supervisors to receive other evidence and testimony.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Humboldt County Board of Supervisors that the following findings regarding the Samoa Pacific Group amendment be hereby made:

1. The Plan amendment is in the public interest because the change to the phasing provisions of the Samoa Town Master Plan (STMP) adopted into the HBAP will facilitate obtaining an

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

RESOLUTION NO. 15-24

infrastructure grant to upgrade the wastewater treatment facility (WWTF) to serve low-income multi-family housing, funding which would otherwise be unavailable and would delay this necessary improvement.

2. The Plan amendment is necessary because base information and physical conditions and community values and assumptions have changed; i.e.
 - a. A 3.5 million dollar grant for infrastructure improvement that will facilitate an affordable housing project has become available since the adoption of the LCP amendment.
 - b. The timing of the grant is tied to construction of an affordable housing project. Currently the LCP states that new construction cannot begin until the existing town of Samoa has been subdivided. Based on projected sales of lots, this schedule cannot be met.
 - c. Although an affordable housing project has always been part of the Samoa Town Master Plan, the State of California promotion of a grant for infrastructure improvements has changed the timing of the development. The requested revision to the adopted LCP will provide affordable housing opportunities within the Coastal Zone at an earlier time when the County is being pressed by the State to provide for more affordable housing.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the following findings regarding the Samoa Pacific Group Zone Reclassification be hereby made:

1. The Zoning Text Amendments are consistent with the comprehensive view of the Plan in that they are consistent with policies land use designations that implement the General Plan as amended.
2. The Zoning Text Amendments are in the public interest because they will facilitate the development of affordable housing and the necessary upgrade of the wastewater treatment facility necessary to serve the development.
3. Based on the evidence presented in the Final Environmental Impact Report certified on October 27, 2009, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR. An addendum to the Final EIR has been adopted for the project in accordance with CEQA.

NOW THEREFORE BE IT RESOLVED that this Board of Supervisors hereby finds that the proposed Local Coastal Program amendments and the proposed zoning text amendments have been prepared in accordance with the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended, and are consistent with the provisions of said Act.

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

RESOLUTION NO. 15-24

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

BE IT FURTHER RESOLVED that this Board of Supervisors hereby directs Planning staff to submit the approved Local Coastal Program and Zoning (Implementation Program) text amendment to the California Coastal Commission for their review and certification.

Dated: February 10, 2015



ESTELLE FENNELL, Chair
Humboldt County Board of Supervisors

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

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

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

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



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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

**ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
AMENDING SECTIONS 313-15.2, 313-15.3 and 313-34.5, CHAPTER 3, DIVISION 1, TO TITLE
III OF THE HUMBOLDT COUNTY CODE HAVING TO DO WITH SPECIAL AREA
COMBINING ZONES AND SAMOA TOWN PLAN STANDARDS**

ORDINANCE NO. 2526

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. Sections 313-15.2, 313-15.3 and 313-34.5, Chapter 3, Division 1, to Title III of the Humboldt County Code having to do with Special Area Combining Zones and Samoa Town Plan Standards in the Coastal Zone are hereby amended as shown in Exhibit A attached (new language being added or amended is underlined).

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective immediately upon certification by the California Coastal Commission.

SECTION 3. A summary of the adopted ordinance shall be published and a certified copy of the adopted ordinance shall be posted, along with the names of those Supervisors voting for and against the ordinance, fifteen (15) days after passage [Government Code §25124 (b)(1)].

PASSED, APPROVED AND ADOPTED this 10th day of February, 2015 on the following vote, to wit.

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



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

(SEAL)

ATTEST:

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

By: _____

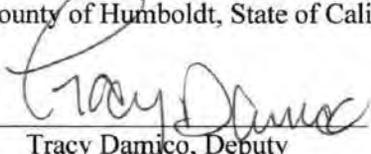

Tracy Damico, Deputy

EXHIBIT NO. 9

LCP Amendment Application No.
LCP-1-HUM-15-0004-1
(Samoa Town Plan Modifications)
ORDINANCE