

## CALIFORNIA COASTAL COMMISSION

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



# FRI 11 a

To: Commissioners and Interested Parties

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

Date: December 22, 2009

Subject: HUMBOLDT COUNTY LOCAL COASTAL PROGRAM AMENDMENT  
REQUEST NO. HUM-MAJ-O1-08 (SAMOA):

The County of Humboldt requests that the Commission review and certify LCP Amendment No. HUM-MAJ-01-08. The amendment includes Land Use Plan and Implementation Program components, including map changes that, if certified, will redesignate and rezone much of the approximately 138-acre site from General Industrial to a variety of other uses, including single and multi-family residential, business park, commercial general, commercial recreation, public facilities, and natural resources. The proposed amendment includes provisions that would establish an advisory design review committee to evaluate development proposals within Samoa, in recognition of the need to protect the unique character of the historic timber company town, and text additions to the Humboldt Bay Area Plan that would limit some land divisions that would increase development vulnerable to tsunami inundation.

Scheduled for Public Hearing and Commission Action at the California Coastal Commission's meeting on Friday, January 15, 2010 at the City Council Chambers, 200 Main Street, Huntington Beach, California.

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### **Local Coastal Program (LCP) Amendment Request No. HUM-MAJ-01-08:**

The lands subject to the LCP Amendment request submitted by the County of Humboldt comprise approximately 138 acres of land located on the north spit of the Samoa Peninsula, which runs south of Arcata and North of Eureka, and lies between the Pacific Ocean and Humboldt Bay (area map Exhibit 1). The proposed LCP amendment would also modify tsunami hazard policies that apply to all coastal lands within the area of the Humboldt Bay Area Plan if located in areas subject to potential tsunami inundation.

**STAFF RECOMMENDATION:** Staff recommends that, following a public hearing, the Commission deny certification of the proposed LUP and IP components of the amendment as submitted, and then **approve certification if modified in accordance with the suggested modifications** described in this staff report.

**MOTIONS & RESOLUTIONS:** The motions and resolutions drafted in accordance with the staff recommendation commence on **Page 15** of this staff report.

**TIMING OF SUBMITTAL AND DEADLINE TO ACT:** The subject Local Coastal Program Land Use Plan (LUP) and Implementation Program (IP) Amendment Request No. HUM-MAJ-01-08 was submitted by the County of Humboldt on April 23, 2008 and was determined by the Executive Director to be incomplete for filing on May 6, 2008. Subsequently, the County staff provided substantial additional information in response to the requests of Commission staff, and the Humboldt County Board of Supervisors made certain changes to the land use plan and implementation plan components, and finalized the previously advisory resolutions and ordinances on October 27, 2009. The revised LCP amendment reflecting the Board's further action was submitted in part by the County on December 11, 2009. The County submitted additional components of the amendment on December 15, 2009. On December 16, 2009 the Executive Director determined that the County's revised amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510(b) to Coastal Act Section 30512. Pursuant to California Code of Regulations Section 13522, the Commission must take action on an amendment of the Land Use Plan component of a certified LCP within 90 days of a complete submittal. In this case, the 90<sup>th</sup> day is March 16, 2010. The Commission must therefore act on LCP Amendment Request HUM-MAJ-01-08 before the end of the Commission's March 2010 hearing (presently scheduled March 10-12, 2010) unless the Commission grants an extension of time for further review.

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**STAFF NOTE: Addendum**

This staff report does not contain the complete findings for approval of the LCP amendment. Staff was unable to complete the findings prior to the mailing of the staff report. However, the County has identified the Commission's review of the County's LCP amendment as an urgent matter and therefore, rather than delay scheduling this item in order to complete the findings, and due to the constrained holiday mailing schedule, staff will present the remaining portion of the recommended findings for approval of the project as part of the addendum prior to the Commission meeting. The summary of the staff recommendation in this report reflects the basis for certification with suggested modifications contained in the existing findings in this staff report and the findings that will be included in the addendum.

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**I. PROCEDURAL ISSUES**

**A. CONTENTS of AMENDMENT**

The County of Humboldt ("County") proposes to amend the County's certified Local Coastal Program (LCP) (the amendment includes proposed changes to both the Land

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Use Plan (LUP) (known locally as the Humboldt Bay Area Plan) and the Implementation Plan (IP) (known locally as the Humboldt County Coastal Zoning Regulations) to undertake the following changes:

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

## **B. SUMMARY**

### **Location and resources**

Humboldt County’s LCP Amendment Request No. HUM-MAJ-01-08 primarily includes land use and zoning changes proposed for approximately 138 acres along the narrow north spit of the Samoa Peninsula, situated between the cities of Eureka and Arcata, Humboldt Bay and the Pacific Ocean, in unincorporated Humboldt County (Exhibit 1). The site is an industrial brownfield subject to Regional Water Quality Control Board regulation of cleanup requirements. The site also contains numerous wetland and other sensitive habitat areas, and direct access from the subject site to the beaches and dunes west of New Navy Base Road. The historic timber mill company town is largely

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intact, and may be the last of its kind in the United States. The location and the substantial dedication of the lands to non-Coastal Act priority land uses raises concern about providing adequate public coastal access and low-cost visitor accommodation facilities as the proposed plans for buildout of the site are implemented.

Attachment 1, Sheet A, submitted by Samoa Pacific Group LLC, contains an aerial photograph of the subject site, and for those with internet access: the California Coastal Records Project contains a collection of aerial photographs of the coast, and aerial views of the Samoa area can be accessed directly via this link:

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

### **Map Change method replaces conceptual “Master Plan”**

The amendment has been described as the “Samoa Town Master Plan” and in the simplest terms calls for the re-designation and similar rezoning of approximately 138 acres of lands – most designated General Industrial presently (a relict of the site’s history as an industrial timber processing center/company town) – to a mixture of land uses focused mainly on Business Park, Single Family Residential, Multi-Unit Residential, and some General Commercial, and Commercial Recreation.

The amendment is not, however, a Specific Plan, and the term “master plan” applied to this amendment means only that the County and the landowner/developer have identified a conceptual option for how the future master subdivision and development might look – if information can be submitted at some point in the future, which supports the approvability of the patterns and intensities shown in the LUP and Coastal Zoning maps submitted with the LCP amendment. The subject LCP amendment revised by the County October 27, 2009 and submitted December 15, 2009 (shown in Exhibit 2) is more accurately characterized as a map change amendment than as a master plan amendment.

Staff determined during the course of review of the County’s amendment submittal that most of the specific features shown on the pertinent maps containing the phrase “master plan” in the map title were somewhat illusory because, as the County and the landowner/developer verified upon the request of Commission staff, the development plan shown on the “master plan” maps<sup>1</sup> was not actually being proposed and was not

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<sup>1</sup>Humboldt County’s previous LUP and zoning maps, which were submitted by Humboldt County on April 23, 2008 as part of the County’s initial LCP amendment certification request for HUM-MAJ-01-08 included individual lot layouts and detailed planning and development features. The former maps, since replaced by the Board of Supervisors on October 27, 2009, are contained in Exhibit 3 (colored version on website). The new LUP and zoning maps approved by the Board of Supervisors on October 27, 2009 and submitted on December 15, 2009 as part of the County’s revised LCP amendment submittal are contained in Exhibit 2 (colored versions of the subject maps are available on the Commission’s website). Attachment 1 contains a set of colored maps submitted directly by Samoa Pacific Group LLC and Sheet F contains

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accompanied by development standards that would bind the review of future coastal development permits necessary to implement any master subdivision and other development of the site in the future. The County staff further explained that the development patterns and specific development features shown on the “master plan” land use and zoning maps submitted for Commission certification review were only meant to be a conceptual illustration of one way that development might be proposed and arranged in the future master subdivision and development of the Samoa lands.

### **79 potential small lots with Unconditional Certificates of Compliance disclosed**

This clarification was received just as other new information was received by staff concerning the possible existence of a large number of small, substandard lots within and near the lands subject to HUM-MAJ-01-08 that had not been previously identified. The records submitted by the County previously had referred to the subject Samoa lands as being comprised of large parcels that were a relict of the lands being held in the ownership of one corporation at a time for over a hundred years (Vance, to Hammond Lumber, to Georgia Pacific, to Louisiana Pacific, to Simpson Timber/Simpson Samoa, and finally to Samoa Pacific Group LLC, the current owner). In light of the implications for the Commission’s review of HUM-MAJ-01-08, staff requested that the County verify the extent of legal lots that would be subject to the proposed LCP amendment.

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

The County staff and the landowner/developer responded on August 4, 2009 and in various responses provided to staff, acknowledged that as is generally known, assessor parcels do not necessarily represent legal parcels. The County staff indicated that the County issued Unconditional Certificates of Compliance for 79 “historic” Samoa lots on December 5, 2000 (Exhibit 15), however the County did not explain the basis for their

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another illustrative “Proposed Master Plan SAMOA TOWN MASTER PLAN” which differs from the version replaced by the County and is not part of HUM-MAJ-01-08. This map, like the other maps purporting to show a “master plan” for the Samoa lands, has not been submitted for certification or for coastal development permit approval for a master subdivision of the Samoa lands.

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issuance. The lots were originally shown on a map created in 1892 that proposed the division of the Samoa site into about 2,000 very small lots. At the time, the developer and investors envisioned developing a beach resort at "Samoa."

The surveyor/planner representing the landowner/developer stated that the certificate lots were not created by the map, which did not meet the standards for subdivisions set forth in the Subdivision Map Act. The subsequent transfer of the lots established legality according to his analysis. As the surveyor in 2000 of the lots subject to the unconditional certificates of compliance, he indicated that he had prepared the requests for certificates of compliance for the 79 lots based on documents provided by Simpson Samoa before the company publicly auctioned the lands that comprise part of the subject LCP (the auction was held December 13, 2000 according to published accounts). Samoa Pacific Group LLC (the present owner/developer) was the winning bidder at the auction, though the sale was not finalized until approval, due diligence and escrow transactions were completed in 2001. The surveyor/planner was able to provide substantial information to Commission staff due to continued work on the subject project; however, it seemed apparent that despite his efforts, the lot legality questions could not be resolved without extensive additional investigation of historic records.

### **Options for resolution**

The staff met with the County representatives and the landowner/developer on August 11, 2009 to discuss this concern, among others. Commission staff suggested that the County consider revising the LUP and Coastal Zoning maps to delete conceptual information on the maps that was unaccompanied by an environmental analysis of the intensity of uses the LCP amendment could affect. Among other things, the Commission staff also suggested that the landowner/developer and the County consider the option of a requirement that all lots be merged into one undivided lot upon certification of the pending LCP amendment, and then subsequently divided in accordance with an approved master subdivision and coastal development permit. The County and the landowner/developer agreed to the first suggestion but needed time to evaluate the implications of the second suggestion.

The staff also offered to schedule for a September Commission hearing the "Phase I" portion of the LCP amendment --the cleanup and restoration of the existing structures in old town Samoa. The landowner/developer had previously described this as "job one" leading staff to suggest that facilitating this portion of the proposal would provide the landowner/developer with some schedule relief while the other problems with the LCP amendment submittal were resolved.

The County was willing to go forward with the review of the Phase I portion of the LCP amendment first. Samoa Pacific Group LLC rejected the option, however, stating that the investors wanted to secure all approvals at the same time. A September Commission hearing on a portion of the amendment was therefore not scheduled.

**Four basic problems emerge**

By the end of August, 2009 four basic problems presented by the structure of the County's LCP amendment submittal became clear:

- 1). The proposed "master plan" wasn't actually proposed in a manner that could be legally certified by the Commission. The proposal was only conceptual and appeared to be in a state of flux as to the specifics.
  
- 2). The proposed LCP amendment request did not adequately describe the number, size, and configuration of lots and intensity of uses it would affect. The 79 certificate lots acknowledged by the County in 2000 were not settled as to lot legality and the development expectations that the LCP amendment might create for these lots had not been disclosed or analyzed.
  
- 3). The proposed LCP amendment lacked text policies and provisions to implement it. Without such policies and provisions, the illustrative nature of the proposed Samoa LUP and Coastal Zoning maps is insufficient. The County staff had previously asserted that the County's Master Environmental Impact Report (MEIR) adequately serves this function. However, the MEIR has not been submitted for certification as an amendment of the LCP, which would be necessary for the document to become part of the legal standard of review for future development subject to the LCP, nor is the MEIR prepared in a manner suitable for this purpose. When the County eventually reviews a coastal development permit for the extensive master subdivision and redevelopment that will be required to move the conceptual plans forward, the LCP will not contain policies and provisions sufficient to ensure that the master plan is consistent with Chapter 3 of the Coastal Act. For example, there is no specific provision to require public coastal access amenities to connect the access tunnel under New Navy Base Road with the beach and dunes and the other coastal access, recreation, and visitor-serving accommodations of the Samoa site. Nor is there any specific requirement within the pending LCP amendment that presents any particular requirements for the provision of these features.
  
- 4). As the cleanup requirements necessary to satisfy the requirements of the Regional Water Quality Control Board (and the associated cost) became clearer, the question of how to ensure adequate and timely brownfield remediation throughout the site became more pressing as an amendment review concern.

**The solution proposed by the suggested modifications**

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

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First, it was decided that the County would revise the proposed LUP and zoning maps. The County agreed to strip the “master plan” components that were advisory or conceptual only from the County’s proposed LUP and zoning maps for the Samoa lands. That change was captured in the Board of Supervisors action on October 27, 2009, which revised the amendment package for HUM-MAJ-01-08 (the County submitted the revised amendment on December 15, 2009).

The County staff did not include a provision in the Board’s revision to address the legality of lots affected by the proposed amendment. The County staff and the landowner/developer did not want to make “substantive revisions” to the amendment, fearing this might result in delay, but indicated that they would support a staff-drafted modification that called for the merger and subsequent subdivision of all lands within the area subject to the Samoa LCP amendment. The lands would be merged to create a single undivided lot, and that lot would subsequently be divided into the lots authorized by a master subdivision and coastal development permit.

Subsequently the County staff, in a meeting on November 17, 2009, suggested that perhaps the merger modification would be unnecessary because at the time a subdivision is implemented, merger of all lands subject to the subdivision is required by the provisions of the Subdivision Map Act. The problem with that approach, however, is that if the Commission certifies HUM-MAJ-01-08 without the suggested modification previously agreed to by the landowner/developer requiring a merger of all property into a single legal parcel followed by a subsequent subdivision of all such property as authorized by a coastal development permit for a master subdivision of the entire site, the potential would remain for the landowner/developer to seek approval of an intensity or location of development and uses not supported by the size, legality, and configuration of the lots subject to the LCP amendment or the existence and location of coastal resources on those lots.

### **Conclusion**

For these reasons, staff determined that the most feasible solution is to develop suggested modifications that define a Samoa Town Master Plan Land Use Plan Designation Overlay (abbreviated as: STMP-LUP) and an accompanying Samoa Town Master Plan Special Area Combining Zone (abbreviated as: STMP) within the Coastal Zoning Regulations, and prepare numbered policies and zoning provisions to ensure that development of the Samoa lands is undertaken in a comprehensively planned manner, consistent with the resource protection policies of the Coastal Act.

### **Brownfield issues**

Preliminary review of the LCP Amendment submittal (submitted April 23, 2008) indicated that although the site was a brownfield, there was no evidence that the hazardous wastes present at the site had been adequately characterized (defined as a conclusive determination -- made through prescribed field testing and laboratory sampling -- of the kinds and extent of contamination present, including the horizontal and vertical extent of such contamination in soil and water – particularly groundwater).

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The Regional Water Quality Control Board (RWQCB) confirmed in September 2008 that the site was not adequately characterized, and that the landowner/developer had been so notified approximately one year previously. The landowner/developer and the County were notified that development facilitated by the LCP amendment could not be authorized until the site was fully characterized to the satisfaction of the RWQCB and until remedial action plans for cleanup of contaminated areas of the site found during characterization were approved by the RWQCB.

The landowner/developer thereafter resumed efforts to complete the site characterization through a program of soil and groundwater sampling at the Samoa lands, and interpretation of the resultant laboratory report. The site characterization was mostly completed by the end of summer of 2009, as well as the majority of the work necessary to secure RWQCB approval of the remedial action plans for the three most contaminated locations at the site.

The RWQCB provided certain clarifications of some of its requirements concerning the site remediation in a letter to the Commission staff on November 10, 2009 (Exhibit 12), and continued the process of finalizing other requirements (such as the final review of the contents of pending deed restrictions) at that time. The RWQCB determined that three areas of the lands subject to the LCP amendment would require active cleanup due to the high levels of certain contaminants detected during site characterization. The RWQCB also determined eight areas of the subject Samoa lands qualified for “institutional controls” which consist of deed restrictions that call for further analysis in the future, and potentially additional soil and water cleanup, before development of the deed-restricted areas would be allowed to proceed. What these future requirements might entail is presently unknown; however the RWQCB staff has indicated that migration of the contaminants to other presently unaffected areas of the site, including the further movement of contaminated groundwater, has a low probability of occurring.

The landowner/developer has not initiated cleanup activities of the three areas of the site (the abandoned Lorenzo Shell gas station, the past and present locations of structures that discharged lead-based paint into the surrounding soils, and an area referred to as the “soccer fields”) with approved remedial plans, and must secure coastal development permits for the work from Humboldt County. The question of how to ensure that plans to finalize all of the cleanup requirements that may be necessary are prepared by the landowner/applicant, approved by the RWQCB, and implemented before master subdivision and other development of the subject lands has not been fully addressed by the County in the subject LCP amendment, and thus remains to be resolved in the suggested modifications.

### **Suggested Modifications to Ensure Comprehensive Planning for Samoa Lands**

For all of these reasons, the staff has prepared modifications that are far more extensive than would typically be required for a project-driven LCP amendment. The staff has essentially drafted the necessary policies and provisions for a replacement master plan for the Samoa lands. The modifications also include revisions of text

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amendments to the certified Humboldt Bay Area Plan that the County has proposed for the purpose of limiting some land divisions (those that would result in three or more new lots, for example) that increase potential development exposure to tsunami hazards. In addition, the suggested modifications contain revisions to text amendments to the certified Coastal Zoning Regulations that the County proposes for the purpose of establishing a Design Review Committee to undertake review of Samoa development proposals that would affect historic community character, including requiring certification of the “Design Guidelines” prepared for Samoa and referenced as a tool for the proposed Design Review Committee.

### **C. KEY ISSUES**

- Adequate articulation of policies and provisions necessary to direct comprehensive planning for the subdivision and development of Samoa consistent with Coastal Act requirements.
- Revised Urban Limit Line requires adequate infrastructure on site.
- Community Character: preservation and restoration of relatively intact historic timber working town with period architecture and features
- Brownfield cleanup: how to ensure implementation of RWQCB requirements prior to subdivision and sale of individual lots
- Extinguish small lots of uncertain legality upon Commission certification of the subject LCP amendment, merge all lots into one undivided Samoa parcel.
- Planning in the face of coastal hazards such as Cascadia Subduction Zone rupture with earthquake and tsunami, coastal flooding and groundwater changes associated with future sea level rise
- Full protection of wetlands and other Environmentally Sensitive Habitat
- Adequacy of Low-Cost Visitor-Serving Accommodations
- Public coastal access and recreation
- Minimizing vehicle miles and energy use
- Protecting public coastal views

### **D. PUBLIC PARTICIPATION**

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

### **E. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551 (b) of the California Code of Regulations, the County resolution of submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission’s approval

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automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The County's Resolution for this amendment states that the amendment will take effect after Commission certification. However, in this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves this Amendment, the County must act to accept the certified suggested modifications within six months from the date of Commission action for the Amendment to become effective (California Code of Regulations Section 13544.5; Section 13537 by reference). Pursuant to Section 13544, the Executive Director shall determine whether the County's action in accepting the suggested modifications is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission.

### **F. STANDARD OF REVIEW**

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

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

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

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

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

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

### **G. ADDITIONAL INFORMATION**

This staff report is also available on the Coastal Commission's website at:

<http://www.coastal.ca.gov>. Extra staff reports are often copied in black and white to conserve resources; therefore, some exhibits may be available in color if the reader consults the staff report posted on the website. See the current "Public Meeting/Agenda" (January 2010) link to locate the current agenda and the staff report.

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If there is an addendum to the staff report published after distribution, that information will also be available on the website, at the North Coast District Office (at the letterhead address), and at the public hearing.

As noted above, the County's revised LCP amendment request that was submitted by the County on December 15, 2009 is attached as Exhibit 2. The pertinent land use and zoning maps are reproduced in black and white in the printed copies of this staff report but are available in color on the Commission's website. The landowner/developer has also submitted a package of colored maps attached as Attachment 1, Sheets A-I. Exhibit 3 contains the master plan version of the amendment maps that have been replaced by the County in revisions of the LCP amendment submittal (the County's revised submittal is attached as Exhibit 2). These and other exhibits, the staff report, and an addendum to the staff report (if time allows posting) will be available on the Commission's website prior to the scheduled hearing. Staff intends to present additional findings that were not completed at the time of the staff report publication at the Commission's hearing on this matter.

For those with internet access, an archival record of coastal aerial photographs is available via the California Coastal Records Project. The following link leads to the aerial photograph that includes a portion of the Samoa town site. The site is "navigable" so that the viewer can scroll through other aerial photographs up and down the coast and get a sense of the subject location's coastal landscape context. The archives of the Coastal Records Project are made available to the public through the generosity of Kenneth and Gabrielle Adelman. The archival material is copyrighted.

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

The California State Office of Emergency Service released tsunami inundation maps for the California coast on December 17, 2009. The link to the map that includes the Samoa area:

[http://www.conservation.ca.gov/cgs/geologic\\_hazards/Tsunami/Inundation\\_Maps/humboldt/Documents/Tsunami\\_Inundation\\_Eureka\\_Quad\\_Humboldt.pdf](http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/humboldt/Documents/Tsunami_Inundation_Eureka_Quad_Humboldt.pdf)

In addition, the Humboldt Earthquake Education Center of Humboldt State University publishes Humboldt Bay area tsunami hazard illustration maps and many other resources pertaining to large earthquake and tsunami risks and resources at website: [http://www.humboldt.edu/~geology/earthquakes/eqk\\_info.html](http://www.humboldt.edu/~geology/earthquakes/eqk_info.html)

For further information, please contact the North Coast District Office in Eureka, in care of Linda Thomas, Office Manager, at (707) 445-7833.

## **H. SUBMITTING COMMENTS**

Correspondence should be sent by regular mail or delivered in person to the North Coast District Office at 710 E St., Suite 200, Eureka, CA 95501. Do not send

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information or comments via e-mail or facsimile unless specifically requested to do so by Commission staff.

### I. LIST OF EXHIBITS & ATTACHMENT

**Exhibit 1.** Area Map of Samoa, including Humboldt Bay, Eureka & Arcata.

**Exhibit 2.** Humboldt County LCP Amendment Request HUM-MAJ-01-08, revised – Board of Supervisors, October 27, 2009, submitted December 15, 2009. Includes revised Land Use Plan and Zoning Maps, and a Map of the Urban Limit Line. (color version on Commission’s website) 88 pages.

**Exhibit 3.** Previous Land Use Plan and Coastal Zoning map components of LCP Amendment Request HUM-MAJ-01-08, submitted April 23, 2008, replaced by County Board of Supervisors as reflected by maps contained in Exhibit 2. (color version on Commission’s website)

**Exhibit 4.** Design Guidelines for Samoa, California areas subject to LCP Amendment Request HUM-MAJ-01-08, pursuant to the modifications suggested by the Coastal Commission for certification of LCP Amendment Request HUM-MAJ-01-08. (color version on Commission’s website)

Exh. 4, pt. 2

Exh. 4, pt. 3

**Exhibit 5.** Department of Commerce, National Oceanic & Atmospheric Administration, National Weather Service (NWS) Instruction 10-1802, dated October 6, 2004, “Operations and Services, Stormready and Tsunamiready Recognition Programs.”

**Exhibit 6.** Tsunami Hazard Map dated July 28, 2004, Humboldt State University, illustrating tsunami inundation relative hazard areas (including areas relevant to the review of such hazards pursuant to the requirements of the Humboldt Bay Area Plan). Colored version available through the HSU Humboldt Earthquake Education Center website: [http://www.humboldt.edu/~geology/earthquakes/eqk\\_info.html](http://www.humboldt.edu/~geology/earthquakes/eqk_info.html)

**Exhibit 7.** “Samoa Town Master Plan Biological Resources Study,” prepared by Mad River Biologists, dated December 2004. Prepared for County of Humboldt Community Development Services Dept. & Samoa Pacific Group, submitted to Planwest Partners.

**Exhibit 8.** “Botanical Survey for Samoa Town Master Plan Coastal Access and Visitor Use Area” prepared by Mad River Biologists, dated August 26, 2009. Prepared for Samoa Pacific Group and Planwest Partners. (colored version scanned for website staff report)

**Exhibit 9.** “Samoa Town Master Plan Coastal Access and Visitor Use Area Map” showing approximate location of the Tent Camping Site proposed in LCP Amendment HUM-MAJ-01-08 and sensitive habitat areas, July 16, 2007. (color version scanned for website staff report)

**Exhibit 10.** Regional Water Quality Control Board “Concurrence with Revised Removal Action Workplan for Lead in Soil – Samoa Peninsula Brownfield” dated August

**Humboldt County LCP Amendment No. HUM-MAJ-01-08 (Samoa)**

28, 2009 and received September 1, 2009 by the Coastal Commission, signed by Kasey Ashley , P.G., Senior Engineering Geologist, copy only to Commission, pertaining to the July 24, 2009 “Revised Removal Action Workplan-Samoa Peninsula Brownfield” prepared by Winzler & Kelly for Mr. Sean Armstrong, Danco Construction.

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

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

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

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

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

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

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

Attach. 1, pt. 2

Attach. 1, pt. 3

## II. STAFF MOTIONS, RESOLUTIONS, RECOMMENDATIONS

### A. REJECTION OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

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

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

#### STAFF RECOMMENDATION: REJECTION of CERTIFICATION REQUEST:

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

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

The Commission hereby **DENIES CERTIFICATION** of Amendment HUM-MAJ-01-08 to the County of Humboldt Land Use Plan (Humboldt Bay Area Plan) and adopts the findings set forth below on the grounds that the land use plan amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment as submitted.

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

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

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

#### STAFF RECOMMENDATION TO CERTIFY THE LAND USE PLAN (LUP) AMENDMENT IF MODIFIED:

**Humboldt County LCP Amendment No. HUM-MAJ-01-08 (Samoa)**

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

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

The Commission hereby **CERTIFIES** Amendment HUM-MAJ-01-08 to the County of Humboldt Land Use Plan (Humboldt Bay Area Plan) and adopts the findings set forth below on the grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternative have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

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

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

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

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

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

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

The Commission hereby **DENIES CERTIFICATION** of Amendment HUM-MAJ-01-08 to the County of Humboldt Implementation Program (Humboldt Coastal Zone Regulations) as submitted by the County of Humboldt and adopts the findings set forth below on the grounds that the implementation plan amendment as submitted does not conform with,

## Humboldt County LCP Amendment No. HUM-MAJ-01-08 (Samoa)

and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment as submitted would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

### **D. CERTIFICATION OF THE IMPLEMENTATION PROGRAM (IP) AMENDMENT WITH SUGGESTED MODIFICATIONS**

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

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

### **STAFF RECOMMENDATION FOR CERTIFICATION:**

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

### **RESOLUTION FOR CERTIFICATION WITH SUGGESTED MODIFICATIONS:**

The Commission hereby **CERTIFIES** Amendment HUM-MAJ-01-08 for the County of Humboldt Implementation Program (Humboldt Coastal Zone Regulations) if modified as suggested and adopts the findings set forth below on grounds that the implementation plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### **III. SUGGESTED MODIFICATIONS: LAND USE PLAN**

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

Text conventions:

- Language that the County proposes to add pursuant to the pending LCP amendment is shown in **bold single underline**;
- Language staff recommends that the Commission suggest be added is shown in **bold double underline**;
- Language staff recommends that the Commission suggest be deleted is shown in **~~bold strikethrough~~**.

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

## 1. **SUGGESTED MODIFICATION #1:**

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

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

**The STMP-LUP is a land use designation overlay that applies to the Town of Samoa, specifically the area bounded by L.P. Drive to the south, New Navy Base Road to the west, the Peninsula Elementary School property to the north, and the North Coast Railroad Authority railroad right-of-way to the east, and also including a 1.5-acre area west of New Navy Base Road designated with the Public Recreation land use designation, and the following areas east of the North Coast Railroad Authority railroad right-of-way (a) the site of the existing Samoa Post Office, (b) a 1.6-acre area proposed as a future treatment plant site and designated with the Public Facilities land use designation, (c) an approximately 5-acre area containing the site of the Samoa Cookhouse and designated with the Commercial Recreation land use designation, all generally shown in the area plan maps of Chapter 3.6 and in Appendix L of the Humboldt Bay Area Plan.**

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

## 2. **SUGGESTED MODIFICATION # 2:**

## Humboldt County LCP Amendment No. HUM-MAJ-01-08 (Samoa)

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

### **STANDARDS FOR PLAN DESIGNATIONS**

#### **4.10 INTRODUCTION**

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

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

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

Oil and gas pipelines and electrical transmission lines are allowed in all land use designations, in accordance with Sections 3.14B (5) and (6), in both urban and rural areas, by conditional use permit. Surface mining and solid waste disposal projects are allowed in certain land use designations according to the policies of Sections 3.14 B (9) and (10).

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

**The Area Plan Land Use Maps for the area in the vicinity of Samoa show a Samoa Town Master Plan Land Use Designation Overlay (STMP-LUP). The STMP-LUP overlay designation provides additional standards that apply to the designated area that are intended to provide for the comprehensive planning and orderly development of the community of Samoa. All uses and development policies for the principal land use designation shall apply 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.

### **3. SUGGESTED MODIFICATION #3**

Modify the proposed revised official full scale Area Plan Map for the Samoa Peninsula to show the STMP-LUP land use designation overlay over the area bounded by L.P. Drive to the south, New Navy Base Road to the west, the Peninsula Elementary School property to the north, and the North Coast Railroad Authority railroad right-of-way to the east, and also including a 1.5-acre area west of New Navy Base Road designated with the Public Recreation land use designation, and the following areas east of the North Coast Railroad Authority railroad right-of-way (a) the site of the existing Samoa Post Office, (b) a 1.6-acre area proposed as a future treatment plant site and designated with the Public Facilities land use designation, (c) an approximately 5-acre area containing the site of the Samoa Cookhouse and designated with the Commercial Recreation land use designation, all as generally shown in the area plan maps of Chapter 3.6 and in Appendix L of the Humboldt Bay Area Plan.

### **4. SUGGESTED MODIFICATION #4:**

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

### **5. SUGGESTED MODIFICATION #5:**

Add the following to the listings of “**HUMBOLDT BAY AREA PLAN LAND USE DESIGNATIONS**” on page 87 of Chapter 3 of the Humboldt Area Master Plan (language to be added is shown in bold double underline and language to be deleted is shown in bold strikethrough):

**HUMBOLDT BAY AREA PLAN LAND USE DESIGNATIONS**

## URBAN

- . . . . . - URBAN LIMIT LINE
- RL - RESIDENTIAL/LOW DENSITY
- RM - RESIDENTIAL/MEDIUM DENSITY
- RV - URBAN RESERVE
- CG - COMMERCIAL GENERAL
- RE - RESIDENTIAL ESTATES
- MG - RESOURCE DEPENDENT
- MC - INDUSTRIAL/COASTAL DEPENDENT
- MB** - **BUSINESS PARK**
- NR** - **NATURAL RESOURCES**
- CR** - **COMMERCIAL RECREATION**
- PR** - **PUBLIC RECREATION**
- PF** - **PUBLIC FACILITIES**
- STMP** - **SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION**

## RURAL

- AE - AGRICULTURE EXCLUSIVE/PRIME LANDS
- TC - TIMBER COMMERCIAL
- RR - RURAL RESIDENTIAL
- RX - RURAL EXURBAN
- PF - PUBLIC FACILITY
- PR - PUBLIC RECREATION
- NR - NATURAL RESOURCES
- CR - COMMERCIAL RECREATION
- MG - INDUSTRIAL/GENERAL
- MR - RESOURCE DEPENDENT
- MC - INDUSTRIAL/COASTAL DEPENDENT
- AG - AGRICULTURAL GENERAL
- STMP-LUP** - **SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION**

## 6. **SUGGESTED MODIFICATION #6:**

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

### **1.30 USE OF THIS DOCUMENT**

The California Coastal Act requires that all development within the Coastal Zone have a Coastal Development Permit in addition to any other permit required for development by a local or State agency. In most cases, the Coastal Development Permit is issued by Humboldt County. In some cases, specified types of development are exempt from the

requirement for a Coastal Development Permit. **EXEMPT DEVELOPMENTS MUST STILL BE IN CONFORMANCE WITH THIS AREA PLAN AND APPLICABLE ZONING, AND ALL NECESSARY COUNTY PERMITS MUST BE SECURED.** In a few cases, the Coastal Development Permit must still be obtained from the California Coastal Commission. Chapter 2 of the Area Plan indicates which areas or types of development are under local jurisdiction and which require Commission approval.

While all development in the Coastal Zone must conform to this Area Plan, the zoning of a parcel ~~immediately controls~~ sets more specific limits on allowable uses and densities. ~~The planning designations as presented in this Area Plan are a guide based on the overall concept of a particular area addressed. It indicates how the land should ideally be used. The zoning ordinance, on the other hand, legally dictates what uses can be made of the lands described. The two may not always be in total agreement but there should be reasonable compatibility between them. One method of assessing the degree of compatibility is through a matrix which compares the Plan designation to the Zoning Ordinance designation in a particular area.~~ Therefore, anyone considering available uses of a property should first consult the Coastal Planning Ordinance and applicable zoning map, available at the office of the Humboldt County Planning Department. ~~Where the proposed development should be applied for as indicated in the Coastal Zoning ordinance~~ **In some cases, the proposed development either fails to meet the zoning standards, or (as in the case of a public works extension) is not directly controlled by the zoning. In these cases, the Area Plan is the controlling document.** Where a conditional use (as indicated by the zoning), or a variance from specific zoning standards, or a zone change is necessary, such conditional use or variance may only be permitted if consistent with all policies of the STMP-LUP overlay designation. ~~policies and standards of the Area Plan as indicated in Chapter 3 provide guidance for such decisions.~~ Plan designation for the property should ordinarily be determinable from the maps attached to the Area Plan. In cases where this determination is difficult, the official map may be consulted at the office of the Humboldt County Planning Department.

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

## **7. SUGGESTED MODIFICATION #7:**

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

### **STMP-LUP: Samoa Town Master Plan Land Use Designation**

#### **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 development of the community 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 may 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:

1. Prior to any other development, the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit to merge into one undivided lot all individual lots or other land units of any description within the boundaries of the STMP-LUP except for the approximately 2.5-acre parcel containing the Arcata Recycling Community Recycling Center which may remain a separate lot (known as APN 401-031-64). The merger of all lands subject to the STMP-LUP area into one legal lot shall encompass all such property regardless of the legality of any parcels or lots within the STMP-LUP area and regardless of whether Certificates of Compliance (conditional or unconditional) have been issued for any of these parcels or lots in the past. The merger into one (1) legal parcel of the entire approximately 138.2-acre site shall fully expunge all development rights that may have existed under any prior land division. The merger of the property within the STMP-LUP area into one legal lot shall be recorded and the resultant undivided parcel shall be treated as one single legal lot, and shall be recorded as such and assigned an assessor's parcel number by the Humboldt County Assessor prior to the authorization of any further land division or development of land within the STMP boundaries.
2. After merger of all lands subject to the STMP-LUP into one legal lot and prior to any further development, including land divisions, the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit for a master subdivision of all lands within the boundaries of the STMP-LUP that would create all lots anticipated to be developed under the STMP-LUP. No portion of the lands covered by the STMP-LUP shall be left as a remainder parcel. To be approved, the master subdivision must be fully consistent with all policies of the STMP-LUP and all other applicable provisions of the certified LCP. The

application for the master subdivision shall include all information needed to evaluate the consistency of the master subdivision and the subsequent development that would be facilitated by the master subdivision for consistency with the STMP-LUP and all other applicable provisions of the certified LCP, including but not limited to:

- (a) final precise wetland delineations;
- (b) final botanical surveys that map the full extent of all environmentally sensitive habitat areas;
- (c) plans for the removal of populations of aggressive, non-native invasive plant species consistent with the requirements of STMP (Wetlands/ESHA) Policy 9;
- (d) building envelopes for each lot;
- (e) final remedial action plans for the cleanup of all contaminated soils, surface waters, and groundwaters on the site approved by the Regional Water Quality Control Board consistent with the requirements of STMP (New Development Policy 17);
- (f) preliminary grading plans;
- (g) plans for development of the new waste water treatment facilities with demonstration that the system will have sufficient capacity to serve buildout of the subdivision and has received approval from the Regional Water Quality Control Board consistent with the requirements of STMP (New Development Policy 11);
- (h) demonstration that sufficient potable and emergency control water supplies and facilities exist to serve buildout of the subdivision consistent with the requirements of STMP (New Development Policy 16);
- (i) a master pedestrian and bicycle circulation plan consistent with the requirements of STMP (Coastal Access) Policy 1;
- (j) plans for the installation of three bus stops to serve Samoa consistent with the requirements of STMP (Coastal Access) Policy 6;
- (k) a detailed coastal access vehicle parking analysis and plan consistent with the requirements of STMP (Coastal Access) Policy 7;
- (l) a plan for the placement of small community parks and other outdoor recreation areas consistent with the requirements of STMP (Wetlands/ESHA) Policy 3;
- (m) a plan for the on-going funding, maintenance, and management of Samoa Town infrastructure and public spaces consistent with the requirements of STMP (New Development) Policy 4;
- (n) evidence that all proposed parcels will be safe from flooding, erosion, and geologic hazards without the need to construct shoreline armoring devices consistent with the requirements of STMP (New Development) Policy 6 and STMP (Hazard Policy 2);
- (o) a tsunami safety plan consistent with the requirements of STMP (Hazard) Policy 4; and
- (p) evidence that lots to be created for new residential development can be feasibly developed in a manner that the finished floor elevation of

new residences can be constructed at an elevation of at least 32 feet above mean sea level consistent with the requirements of STMP (Hazard)Policy 5.

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

3. The coastal development permit for the master subdivision shall require that: (1) prior to issuance of the coastal development permit for the master subdivision and (2) prior to the recordation of the final map for the master subdivision (i.e. prior to the sale of any lots created by the subdivision of the lands subject to the STMP-LUP, the landowner/developer must demonstrate that: a) the cleanup plans approved by the RWQCB for the STMP-LUP area have been fully implemented and the requisite cleanup of soil and water (ground and surface) completed in a manner that is certified in writing by the RWQCB as “cleaned up to background,” b) the RWQCB has provided written evidence that the development proposed throughout the STMP-LUP area is certified by the RWQCB as suitable for the subject site without further remediation; and c) that the RWQCB further certifies that the STMP-LUP area, if developed as proposed and without further remediation, will not result in the off site migration of contaminants into surface or groundwater that may eventually reach Humboldt Bay or the Pacific Ocean.
  
4. All coastal development permits granted for development within the STMP-LUP, including the master subdivision and subsequent coastal development permits obtained for build-out of the subdivision shall authorize the physical development of the STMP-LUP area consistent with the following sequence:
  - a. Prior to issuance of the coastal development permit for the master subdivision and prior to undertaking any other physical development of the site:
    - (1) the cleanup plans approved by the RWQCB for all lands subject to the STMP-LUP must have been fully implemented and the requisite cleanup of soil and water (ground and surface) completed in a manner that is certified in writing by the RWQCB as “cleaned up to background;”
    - (2) the RWQCB must have provided written evidence that the types of development proposed throughout the STMP-LUP area are certified by the RWQCB as suitable for the subject site without further remediation; and
    - (3) the RWQCB must have certified that the

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

b. Cleanup of the existing structures and soils associated with historic Samoa shall be undertaken, in a manner that assures the structural stability and retention of original features, stabilization of such structures (such as ensuring that the structures are weather-tight), and the foundations of the structures reinforced or improved as necessary to ensure that the structures are safe from collapse due to earthquake, etc., to the degree that contemporary building codes would provide, prior to subdivision of the lands containing the existing structures or the sale of individual lots containing existing structures.

c. Development of the public access trail network required by STMP (Coastal Access) Policy 8 and improvement of the public access day use facility west of New Navy Base Road required by STMP (Coastal Access) Policy 13.

d. Development of Sewage Treatment Facilities.

e. Conversion of sewage treatment of all existing development to treatment under new sewage treatment facilities.

f. Development of all visitor serving facilities required by Policy STMP (Coastal Access) Policy 2 to the extent not offset by in lieu fee provisions of the policy.

g. Development of other residential, commercial, and industrial uses.

STMP (New Development) Policy 2:

The subdivision, lot merger, lot line adjustment, or any other form of land division or re-division 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 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 STMP Land Use Map; however, no minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit has been approved for the master subdivision of lands subject to the STMP-LUP. The coastal development permit for the master

subdivision of the lands subject to the STMP-LUP shall show the location and limits surveyed and authorized for all proposed legal lots, and each proposed lot shall additionally show the surveyed location and limits of the developable area (structural footprint) authorized within each proposed new lot.

STMP (New Development) Policy 4:

Prior to approval or issuance of a coastal development permit for the master subdivision of the lands subject to the STMP-LUP, 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, sensitive resource areas, the Samoa Dunes Day Use Area (including bathroom and parking facilities), and the Samoa RV/car camping spaces (including bathroom/shower and other facilities).

STMP (New Development) Policy 5:

The administrative rules, regulations, bylaws and/or operating requirements adopted by the public ownership and management entity, structure, district, or association, (whether there eventually exists one or more than one of these or whether management is shared with an outside entity with responsibilities for more than the STMP-LUP) provided for pursuant to STMP (New Development) Policy 4 shall be consistent and compliant with all provisions of the STMP-LUP and shall be in place and available for review as part of the coastal development permit application for the master or subsequent subdivision of STMP-LUP lands.

STMP (New Development) Policy 6:

Land divisions, including re-divisions and lot line adjustments, 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:

To minimize energy demands, development of lands subject to the STMP-LUP shall minimize vehicle miles traveled, and conserve energy to the maximum extent feasible. Examples of methods to address this requirement may include but are not limited to, the siting of development in a manner that will minimize traffic trips associated with such development, providing multi-modal transportation facilities within the STMP-LUP area, funding improvements of

multi-modal corridors connecting Eureka and Arcata to the STMP-LUP area, and incorporating emerging “sustainable design” or “green building” technologies and materials as these become available and continue to improve over the course of the future buildout of the STMP. The manner in which this requirement is implemented shall be described in the pertinent findings adopted by the decision-makers at the time of development approval and the selected methods of achieving compliance with this requirement shall be established in conditions of approval of the subject coastal development permit(s). Contemporary measures that may be considered at the discretion of the pertinent decision-makers include, for example, but are not limited to, seeking LEED Neighborhood Certification for the final master subdivision plan, and at least LEED Gold certification for individual structures, incorporating electric vehicle re-charging stations for plug-in hybrids, and/or alternative fueling stations as new technologies emerge, offering “car-banking” opportunities such as hourly, rather than daily, car rentals for STMP-LUP area employees and residents, and providing transportation demand management incentives to encourage commuter conservation responses, such as by offering flexible/alternative work schedules, telecommuting, and financial subsidies for the use of public transportation, etc. Other measures could include, for example, the optimal use of alternative energy systems and water conservation strategies in the design of the new STMP-LUP waste water treatment facility or other STMP-LUP development.

STMP (New Development) Policy 8:

New development authorized within the STMP-LUP and through the restoration of the existing structure and historic town site features shall incorporate the best available practices for the protection of coastal waters, in accordance with the standards outlined in STMP Special Area Combining Zone STMP (New Development) Standard 8. To achieve these standards, the applicant shall provide supplemental information as a filing requirement of any coastal development permit application for development within the area subject to the STMP-LUP, and the pertinent decision-makers shall adopt specific findings and attach conditions requiring the incorporation of, and compliance with, these water quality protection measures in approving coastal development permits for subdivision or further development of the lands subject to the STMP-LUP.

STMP (New Development) Policy 9:

The waste water treatment plant and associated filtration facilities proposed by the landowner/applicant to serve all development within the lands subject to the STMP-LUP shall be sited, designed, and approved by the Regional Water Quality Control Board (RWQCB) prior to any development of the STMP-LUP overlay area other than the subdivision of the STMP-LUP area, and shall be constructed, tested and ready for connection and service prior to construction of any new development proposed for the STMP-LUP area other than (1) the rehabilitation or remodeling of the existing residences; (2) the cleanup of contaminated soil surrounding existing structures in the STMP-LUP area that is required by the

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

STMP (New Development) Policy 10:

The proposed waste water treatment plant 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 other location or method of providing waste water treatment for the lands subject to the STMP-LUP shall be authorized without an amendment to the County's LCP certified by the Coastal Commission. No lands or development outside the STMP-LUP shall be served by 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 11:

Prior to approval or issuance of any coastal development permit for the master subdivision of lands subject to the STMP-LUP, the proposed waste water treatment plant and all associated waste water collection, transfer, and filtration facilities shall be demonstrated to have sufficient transportation, containment, and filtration field capacity to accept all effluent discharged by maximum potential build-out of the STMP-LUP at maximum waste water flow rates and volumes during peak winter storm water runoff and winter high ground water conditions, without exceeding the infiltration capacity of the filtration fields in a manner that would allow septic effluent to "daylight" in any area not specifically designed and approved as a treatment pond. The proposed waste water treatment plant shall include sufficient surge/backup/emergency capacity and containment and backup pumping capacity and emergency/alternative fuel systems sufficient to continue to provide waste water capture and treatment for the STMP-LUP 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. Prior to approval of a coastal development permit for the master subdivision of lands subject to the STMP-LUP, the landowner/developer shall submit a written evaluation prepared by a California-licensed professional civil engineer assuring compliance with these standards, and the California-licensed professional civil engineer shall review and stamp all final waste water treatment plant and filtration facility plans as conforming to these standards and to any additional requirements that may be imposed by the Regional Water Quality Control Board in approving plans for the waste water treatment facility.

STMP (New Development) Policy 12:

The existing residences shall be connected to the new waste water treatment plant within sixty (60) days after the new waste water treatment plant is placed in service. The existing septic system that presently serves the existing residences shall be removed or remediated in accordance with the requirements of the

Regional Water Quality Control Board (RWQCB), subject to a coastal development permit, within sixty (60) days after the existing residences are connected to the new waste water treatment plant. The existing residences may continue to rely on the existing septic disposal system until the new waste water treatment plant is constructed provided that the RWQCB does not place the existing waste water treatment plant under an order to the contrary.

STMP (New Development) Policy 13:

The Arcata Recycling Center shall be connected to the new waste water treatment plant within sixty (60) days after the new waste water treatment plant is placed in service. The existing septic system that presently serves the Arcata Recycling Center shall be removed or remediated in accordance with the requirements of the Regional Water Quality Control Board (RWQCB), subject to a coastal development permit, within sixty (60) days after the Arcata Recycling Center is connected to the new waste water treatment plant. The Arcata Recycling Center may continue to rely on the existing septic disposal system until the new waste water treatment plant is constructed provided that the RWQCB does not place the existing waste water treatment plant under an order to the contrary.

STMP (New Development) Policy 14:

The proposed waste water treatment plant and associated filtration field facilities and other disposal systems that may be associated with the plant shall be designed to function effectively and without adverse effects on the quality of ground or surface waters with a tolerance of at least 4.6 feet of sea level rise and a similar rise in groundwater elevations beneath the lands comprising the STMP-LUP areas that are proposed for the plant and associated collection and distribution pipeline systems (both under and above ground components). The final plans and designs for the waste water treatment facility and all associated components, including pipelines, shall be reviewed and stamped by the licensed civil engineer as compliant with these requirements, in addition to the requirements set forth in STMP (New Development) Policy 10.

STMP (New Development) Policy 15:

Prior to approval of a coastal development permit for the master subdivision of lands subject to the STMP-LUP, the landowner/developer shall demonstrate that sufficient potable and emergency control water supplies exist to serve and protect the subject development that would be undertaken at buildout of the proposed subdivision under routine and emergency conditions that could affect the STMP area. Adequacy of available water volume and pressure, and the adequacy of facilities for the storage, piping, and distribution of the supply, and of the presence of trained personnel, under routine and emergency conditions that can be reasonably anticipated to affect the STMP during the life of the development proposed, including a major local or regional earthquake of magnitude 8.0 to 9.0 on the Richter Scale, including a great earthquake along the

local area, of the Cascadia Subduction Zone, with or without an accompanying local tsunami, shall be considered in a responsive written evaluation prepared by a California licensed professional civil engineer with substantial hazard planning experience, and reviewed by the County Office of Emergency Services, the County Fire Department, and the County Sheriff's office prior to approval of the subject coastal development permit.

STMP (New Development) Policy 16:

For areas of the lands subject to continuing Regional Water Quality Control Board (RWQCB) oversight because of the presence of contaminated soil or water (ground or surface):

A. Prior to approval of a coastal development permit for the master subdivision of the lands subject to the STMP-LUP and prior to the recordation of the final map for the master subdivision (that is, prior to the sale of any lots created by the subdivision of the lands subject to the STMP-LUP), the landowner/developer must prepare a cleanup plan for the contaminated areas that has been reviewed and approved by the RWQCB; and

B. Prior to the approval or issuance of a coastal development permit for the master subdivision of the lands subject to the STMP-LUP, and after the merger of all lands subject to the STMP-LUP into one (1) legal parcel, the landowner/developer must demonstrate that all deed restrictions required by the RWQCB for lands subject to continuing contamination of soil or water (ground or surface) have been recorded against the single legal parcel comprising the STMP-LUP area; and

C. Prior to the issuance of the coastal development permit for the master subdivision and prior to the recordation of the final map for the master subdivision (that is, prior to the sale of any lots created by the subdivision of the lands subject to the STMP-LUP), the landowner/developer must demonstrate that: (1) the cleanup plans for the STMP-LUP area approved by the RWQCB have been fully implemented and the requisite cleanup of soil and water (ground and surface) completed in a manner that is certified in writing by the RWQCB as "cleaned up to background," (2) the RWQCB has provided written evidence that the development proposed throughout the STMP-LUP area are certified by the RWQCB as suitable for the STMP-LUP area without further remediation; and (3) the RWQCB further certifies that the STMP-LUP area if developed as proposed and without further remediation, will not result in the off site migration of contaminants into surface or groundwater that may eventually reach Humboldt Bay or the Pacific Ocean; and

D. Prior to approval or issuance of a coastal development permit for the master subdivision of lands subject to the STMP-LUP and after the merger of all lands subject to the STMP-LUP into one legal parcel, the approving authority shall require evidence that a deed restriction has been recorded against the legal title

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

STMP (New Development) Policy 17:

Clean up of contaminated soil and water (surface or ground) and structural surfaces or coatings, within the area subject to the STMP-LUP, particularly excavation of contaminated soils, or removal or treatment of remaining lead-contaminated paint on existing structures, shall be undertaken in a manner that ensures the protection and preservation of original woodwork, windows, and millwork, and that provides for continued stability of the foundations of such structures. Proposals for such remediation within the STMP-LUP shall clearly indicate the removal methods that will be used for the soil, groundwater, and the existing structures in the coastal development permit submitted to the pertinent 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 which will 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. A coastal development permits approved 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 the existing structures and if a soil removal is proposed—a section and plan prepared by the 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 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. In the event that a new foundation is recommended by the civil engineer, 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 through the construction of new foundations where such recommendation had 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.

#### Preservation and Enhancement of Community Character

##### STMP (Community Character) Policy 1:

The development and future management of the subject lands shall proceed in a manner that preserves and protects the unique community character of the historic coastal village of Samoa by protecting and restoring existing town site structures and by providing for new construction that extends and enhances the historic town character, including features that provide historic context and contribute to the unique community character and coastal village charm of Samoa. The existing town site architectural features and scale shall serve as the overarching design template for the location, intensity, design, scale, landscaping, signage, and aesthetics of all new development within the lands subject to the STMP-LUP. The long-term preservation of the existing structures associated with the historic Samoa working coastal town site shall be prioritized, including the preservation of features such as mature landscaping and specimen trees that provide historic context and contribute to the unique community character of the working coastal village. The existing town site architectural features, scale, and materials shall serve as the overarching design template for preservation of existing and authorization of new development within the lands comprising the STMP-LUP.

##### STMP (Community Character) Policy 2:

The Design Guidelines for Old Samoa and New Samoa, Parts I and II, dated March 4, 2007 and February, 2007, respectively, are hereby certified as standards for development within the STMP-LUP overlay designation and any changes or revisions to the Guidelines inconsistent with the policies or development

standards contained in the STMP overlay designation shall require an amendment of the LCP.

STMP (Community Character) Policy 3:

No changes to the existing structures associated with the historic town site shall be made to achieve energy conservation design options appropriate for new development within the Samoa Town Master Plan if the changes would disrupt, replace, or distract from the existing historic period details, such as original wood-framed windows and hand-turned wooden decorative details evident in many of the existing structures. New structures may utilize alternative construction materials that have the appearance of the original materials, thus achieving aesthetic consistency with the existing structures, but with substantial improvements in energy efficiency.

STMP (Community Character) Policy 4:

The demolition of any existing structure within the lands subject to the STMP-LUP that is at least fifty (50) years old and is associated with the historic Samoa Company Town, shall not be considered a principal permitted use and shall thus require a coastal development permit that is subject to at least one noticed public hearing and is appealable to the Board of Supervisors and/or the Coastal Commission pursuant to Section 30603 of the Coastal Act.

(STMP(Community Character) Policy 5:

Development within the STMP-LUP boundaries shall protect the unique community character of the historic Samoa “company town” by providing for the preservation of the existing structures located within the STMP-LUP boundaries, and by ensuring that new development within the STMP-LUP is compatible with the period architecture, scale, and village layout that characterizes the existing town structures. Further, development within the STMP-LUP boundaries shall protect public views of the historic town site as well as views from the town site, and from new development within the lands subject to the STMP-LUP, toward Humboldt Bay and the Pacific Ocean, and of the STMP-LUP lands as viewed from Humboldt Bay and from the Pacific Ocean and the beaches and dunes west of New Navy Base Road. The community character of the Samoa site shall be protected through the imposition of aesthetically compatible standards established in the Design Guidelines. Restoration of existing structures shall retain any millwork, windows, doors, or an other existing exterior material, or if any of these are found to be damaged beyond repair, the feature or material shall be replaced with a replication made from the same material and the replacement shall be installed in such a manner that the exterior appearance of the building is not changed. All exterior remodeling of the existing structures, including but not limited to painting and roofing and the construction of new accessory structures on sites where the existing structures are located shall be installed in such a manner that the exterior appearance of the building is not changed . All exterior

remodeling or construction of any additional structures, including but not limited to painting and roofing, shall require review by the Design Review Committee and a coastal development permit subject to at least one noticed public hearing. All coastal development permit applications for exterior remodeling of structures within the historic neighborhoods subject to the STMP-LUP 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. The permit shall be conditioned to require timely post-remodeling submittal of evidence prepared by an architect of the same qualifications as set forth herein, confirming that the final remodeling has been conducted in accordance with the recommendations of the subject architect, including photographs to be retained by the County in the public record, and as required by the conditions attached to the subject coastal development permit.

STMP (Community Character) Policy 6: Land divisions, including redivisions and lot line adjustments shall be permitted only if all resulting parcels can be demonstrated to be buildable and protective of all coastal resources including the community character of historic Samoa.

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

STMP (Wetlands/ESHA) Policy 1:

The pattern, design and location of development within the STMP-LUP shall provide maximum protection, restoration and enhancement of existing environmentally sensitive habitat areas such as wetlands, dunes, forests, coastal scrub, and rare plant habitat, including the habitat of plants that are locally rare. The STMP shall be implemented in a manner that provides: (1) a substantial undisturbed physical corridor connection among these sensitive resource areas; (2) a minimum ESHA buffer area that shall generally be a minimum of at least one hundred (100) feet from nearby development; (3) preservation of opportunities for dispersal of species including through the preservation of individual plants of rare populations as well as through the preservation of the seed banks of rare plants that may persist in a dormant state in soils where such plants have been identified episodically in the past; (4) conservation of water filtering functions provided by areas of undisturbed vegetation; and (5) conservation and protection of corridors in order to facilitate wildlife movement through and along the lands subject to the STMP-LUP as development of the STMP proceeds.

STMP (Wetlands/ESHA) Policy 2:

Wetlands, and non-wetland ESHA located in the Corridor Area shown on Exhibit 16 shall be undisturbed by development, and only authorized activities necessary to (1) maintain the protected area(s) free of invasive non-native plant species and/or (2) restore and enhance previously disturbed areas of wetlands and other sensitive habitat, and/or (3) repair and maintain existing underground utilities shall be allowed within the Corridor Area identified in Exhibit 16.

STMP (Wetlands/ESHA) Policy 3:

Disturbance of wetlands, or non-wetland ESHA shall be minimized by measures including the placement of convenient small community parks with outdoor active recreation, community gardening, and group picnic facilities throughout the areas subject to the STMP-LUP, including the residential areas, so that protected resource areas do not become *de facto* active recreation spaces to the detriment of the protected sensitive areas, including habitat buffers.

STMP (Wetlands/ESHA) Policy 4:

Development within the Corridor Area identified in Exhibit 16, other than habitat restoration, repair and maintenance of existing underground utilities and other development authorized expressly by the STMP-LUP policies, is prohibited.

STMP (Wetlands/ESH) Policy 5:

A. All other wetlands, and non-wetland ESHA located outside of the Corridor Area identified in Exhibit 16 (and where no raptor nesting habitat has been identified) shall require a 100-foot setback/buffer, unless it can be demonstrated that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from significant disruption caused by the proposed development. The buffer area shall in no event be less than fifty (50) feet. The determination that a reduced buffer is adequate shall be based on biological assessments undertaken pursuant to the preparation of a biological report as required by STMP (Wetland/ESHA) Policy 11 and STMP (Wetland/ESHA) Standard 1 and using the following criteria:

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

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

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

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

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

6. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.

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

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

- The perimeter of the sand dune/permanently established terrestrial vegetation interface for dune-related ESH.
- The upland edge of a wetland.
- The outer edge of the canopy of coastal sage scrub or forests plus such additional area as may be necessary to account for underground root zone areas. All root zones shall be protected as part of the associated ESH.
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys and the likely area containing the dormant seed banks of rare plant species.
- The outer edge of any habitat 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.) pertinent to the lands subject to the STMP-LUP 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 funded by the landowner/developer but contracting directly with the County, without review oversight of the resultant biological analysis by the landowner/developer except after release as a public document. The reviewing biologist shall assess the pertinent buffer and resources in cooperation with the biologists of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the Coastal Commission. The County's determination shall be based upon specific findings adopted by the pertinent decision-makers to support the science-based determination of the adequacy of the proposed reduced buffer to protect the identified resource. A determination that a reduced buffer meets the criteria and is appropriate must be analyzed in accordance with the provisions of a biological report prepared pursuant to STMP (Wetlands/ESHA) Policy 11, and the applicable provisions of the implementation ordinances and in no case may the proposed buffer be reduced to less than fifty (50) feet in width.

STMP (Wetlands/ESHA) Policy 6:

Bicycle and pedestrian corridors shall be located outside the Corridor Area identified on Exhibit 16, except for a minimum area that may be necessary to connect the pedestrian tunnel under New Navy Base Road. Development outside the Corridor Area shall be separated from the Corridor Area by a fence that is a maximum of four (4) feet in height, and attractively designed with wooden post caps extending above the level of a four-foot-high upper wooden rail and faced with black vinyl-coated barrier mesh with grid openings not less than six (6) inches by six (6) inches in size to prevent dogs from entering the protected area while providing safe permeability for wildlife. The protected Corridor Area shall be posted "no trespassing" and shall be restricted from entry. Interpretive signs explaining the sensitivity of the habitat and the protective purpose of the reserved area shall be installed to educate and inform corridor visitors. No safety lighting that illuminates beyond the footprint of the pathways shall be installed, and any lighting shall be placed at a maximum height of four feet above ground level and shall be low wattage, shielded, and downward-directed in design.

STMP (Wetlands/ESHA) Policy 7:

All existing fencing within the STMP area that is not consistent with the standard set forth in STMP (Wetland/ESHA) Policy 6 and that is located where it could present a barrier to wildlife movement, including through the Corridor Area shown in Exhibit 16, shall be deemed legal, non-conforming if originally installed in accordance with issued permits or other valid approvals. However, all new or replacement fencing shall be sited, designed, and constructed only if consistent with the requirements of STMP (Wetlands/ESHA) Policy 6. All replacement or new proposed fencing within the STMP area shall also be designed to avoid

interference with safe wildlife use of the Corridor Area shown in Exhibit 16 and pose no hazard to wildlife.

STMP (Wetlands/ESHA) Policy 8:

The use of Motorized Off-road Recreational Vehicles or Motorized All-terrain Vehicles, (sometimes referred to as ORVs or ATVs) shall be prohibited on the lands subject to the STMP-LUP including within the connecting tunnel between the STMP-LUP area and the dunes and beaches west of New Navy Base Road.

STMP (Wetlands/ESHA) Policy 9:

Prior to approval of a coastal development permit for any land division or other development of lands subject to the STMP-LUP, a plan shall be prepared, including a timeline and performance milestones, monitoring, and reporting requirements, for the purpose of removing populations of aggressive, non-native invasive plant species of particular ecological concern (such as pampas grass) that have become established within and adjacent to the STMP-LUP. Compliance with the requirements of the plan shall be attached as a condition of approval of the subject coastal development permit, and the condition shall specify that the plan shall be implemented within one year of approval of the coastal development permit.

STMP (Wetlands/ESHA) Policy 10:

The identification and location of wetlands within the lands subject to the STMP-LUP shall be determined as follows:

A. 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.

B. For purposes of this section and the application of the provisions of the STMP-LUP, the upland limit of a wetland, which constitutes the outer boundary of the area delineated as wetland, shall be defined as:

- 1). The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
- 2). The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or

3). 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.

C. Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in section 13577(b) of the California Code of Regulations. 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.

D. Wetland delineations shall be prepared by a biologist approved by the County with demonstrated education, training, and experience necessary to prepare these delineations in a professional and competent manner, without conflict of interest.

E. Wetland delineations should be recent, but in no case older than five (5) years old. The wetland delineation method should follow the guidance contained in the Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region, Army Corps of Engineers, April 2008 (Wetlands Regulatory Assistance Program ERDC/EL TR-08-13

STMP (Wetlands/ESHA) Policy 11:

Environmentally Sensitive Habitat Areas (ESHA) shall be defined as any area in which plant or animal life or their habitats are either rare, including locally rare, or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The determination of whether ESHA is present shall require a complete coastal development permit application for any land division or other development on lands subject to the STMP-LUP that shall include a detailed, complete biological resources report prepared by a biologist determined qualified by the Reviewing Authority based on the biologist's demonstrated education, training, and experience to prepare the biological report in a professional and competent manner, without conflict of interest. The data concerning surveys of ESHA should be recent, but in no case shall be older than five (5) years. The biological report required by STMP (Wetlands/ESHA) Policy 11 shall include the information set forth in STMP (Wetlands/ESHA) Standard 1.

STMP (Wetland/ESHA) Policy 12:

Development, including any division of lands subject to the STMP-LUP and its resultant creation of lots, shall not be authorized if the implementation of such development would: (1) re-contour lands or otherwise interrupt drainage patterns or groundwater resources in a manner that would alter the hydrology sustaining wetlands or non-wetland ESHA, (2) flood these resources to the extent that a change in the composition of species found within the wetland or non-wetland ESHA would be likely to occur; or (3) change the wetland or other sensitive habitat area in a manner that impairs or reduces its habitat value or water filtering function.

STMP (Wetland/ESHA) Policy 13:

No herbicides or rodenticides shall be used within: (1) the Corridor Area identified on Exhibit 16; (2) within wetlands, non-wetland ESHA, or the buffers thereof; or (3) in areas where the effects of such use could adversely affect the sensitive species or habitats on or near the lands subject to the STMP-LUP. The use and disposal of any herbicides for invasive species removal shall follow the written directions of the manufacturer, shall comply with all conditions imposed by the County, and shall be accomplished in a manner that will fully 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.

STMP (Wetlands/ESHA) Policy 14: A landscaping plan shall be submitted for approval prior to issuance of a coastal development permit for any development located within the lands subject to the STMP-LUP. Landscaping with exotic plants shall be limited to outdoor living space immediately adjacent to the proposed development. 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.) pose a threat to indigenous plant communities and shall not be planted anywhere within the lands subject to the STMP-LUP. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or listed as a “noxious weed” by the governments of the State of California or the United States shall be approved as part of any proposed landscaping.

STMP (Wetlands/ESHA) Policy 15:

Land divisions, including redivisions and lot line adjustments, shall be permitted only if all resulting parcels can be demonstrated to be buildable and protective of all coastal resources, including providing sufficient open space area and all other wetland and wetland buffers, and all non-wetland ESHA and non-wetland ESHA buffer areas required by the STMP (wetland/ESHA) policies.

STMP (Coastal Access) Policy 1:

Prior to approval of a coastal development permit for the master subdivision of the lands subject to the STMP-LUP, a master pedestrian and bicycle circulation plan shall be prepared that includes a complete publicly available network of corridors connecting the land uses established in the STMP Land Use Map, coastal visitor amenities, and the underground passageway from the STMP area to the west side of New Navy Base Road. The pedestrian and bicycle corridors shall also be designed to link the STMP neighborhoods, school, parks and community garden areas in a manner that affords safe passageways separated to the maximum extent feasible from motorized vehicle traffic. The plan shall include locations and designs for pullouts and benches within the bicycle/pedestrian pathways adjacent to natural areas to provide opportunities for passive recreational enjoyment (such as bird watching, photography, drawing & painting) of the protected resource areas. Where such facilities are provided, occasional “bulb outs” of the bike/pedestrian pathway not exceeding an additional fifty square feet of area may be authorized consistent with the limitations of the STMP (Wetlands/ESHA) policies.

STMP (Coastal Access) Policy 2:

A. After merger of all lands subject to the STMP-LUP area into a single legal parcel and prior to issuance of any coastal development permit for the master subdivision of land division of the STMP-LUP, the landowner/developer shall obtain the necessary permits and approvals for, and offer to dedicate for public use, the following low-cost visitor serving accommodations that have been proposed by the landowner/developer:

- 1) A minimum of twenty-two (22) units of lower cost self-contained vacation rentals on the 2.3 acres of land designated and zoned commercial recreation north of Vance Avenue and the Samoa Park at the northern end of the STMP-LUP area; and
- 2) A 40-room “boutique hotel” or hostel of similar capacity, including same-floor bathrooms with bathing facilities (some rooms may share bathrooms); and
- 3) At least eight (8) Recreational Vehicle (RV) Parking Spaces with complete utility service hookups in addition to a bathroom facility with hot showers, sized sufficiently to accommodate a full-sized Recreational Vehicles (spaces should be at least 65 feet in length) and one additional vehicle per space, and the spaces will also be available for coastal visitors with smaller vehicles or tents, or pickups with campershells or other similar combinations, within an area not less than 1.1 acres in size near the northern boundary of the Samoa Cookhouse and the indoor soccer arena proposed by the landowner/developer, in the area designated for commercial recreation. The RV area shall include at a minimum: a) an administrative/guest registration site selling sundry items and located within a convenient distance of the RV park, b) a

picnic/barbeque area with a play structure for children, c) a small grassy exercise area fenced safely for guests' dogs to exercise, and d) separate men's and women's bathroom facilities with hot showers. The RV park site shall be prominently posted with maps of the nearest tsunami evacuation routes, and maps of public pathways from the RV Park to the beach and dune areas, as well as to the existing tunnel for access under New Navy Base Road. These maps shall be prominently posted in the RV Area and copies shall be provided at registration. Site guests shall be limited to continuous stays of not more than three (3) weeks.

B. If approval and dedication for public use of any of either item A1 or A2 listed above will not be accomplished within the prescribed time, the landowner/developer shall alternatively pay within the prescribed time an in-lieu fee equal to the cost to construct whichever portion of the above-identified low-cost visitor serving accommodations that are proposed by the landowner/developer which is not constructed. Such in-lieu fees shall be utilized to provide equivalent low cost visitor serving accommodations such as for the provision of regional low cost visitor serving accommodations at the Redwood National Park Hostel. The fee(s) shall be paid into a fund established and administered by the California Coastal Conservancy subject to a Memorandum of Understanding executed by the Executive Director of the California Coastal Conservancy, the Executive Director of the Coastal Commission, the Director of the National Park Service, and the authorized representative of Hostelling International USA, a non-profit foundation, or other management entity contracted with the National Park Service for the management of the Redwood National Park Hostel. Funds for the provision of low cost visitor serving accommodations, should in-lieu fees become necessary due to non-performance by the landowner/developer of the requirement of approval and dedication for public use of any of the first two low-cost visitor serving accommodations listed above, may be specifically applied to the critical safety and Americans with Disability Act upgrades necessary to bring the Redwood National Park Hostel up to current safety and public access standards so that it can re-open to the maximum benefit of all populations of coastal visitors.

C. Item A3 of the list above cannot be satisfied by in-lieu fee mitigation and can only be provided as described in the designated area of the STMP-LUP, to ensure that at least a minimum amount of low-cost visitor-serving accommodations are provided within the STMP-LUP area.

D. No construction of any new residential or business park structures within the lands subject to the STMP-LUP shall commence until the requirements for the provision of low-cost visitor-serving accommodations listed in (1) Subparagraph A, items 1 and 2, or as alternatively satisfied with regard to items 1 and/or item 2 only pursuant to Subparagraph B; and (2) Subparagraph A, item 3, have been constructed and opened to the public.

STMP (Coastal Access) Policy 3:

The development of the STMP shall be implemented in a manner that limits the adverse impacts of motorized vehicle traffic on the key public coastal access corridor of Highways 101. All businesses occupying the business park structures, the commercial downtown establishments, and the commercial recreation areas shall be required to participate in transportation demand management programs designed to reduce traffic associated with such development. Such programs may include, but need not be limited to, incentive programs that offer employees flexible schedules, car pooling with preferential assigned parking for carpool vehicles, financial incentives to encourage the use of public transportation or other non-motorized transportation (walking, biking), and may also include, if feasible, a car-banking system that offers participants (and may include STMP residents as well as STMP businesses) the opportunity to rent cars for hourly rather than daily use. New development parking areas shall include electric vehicle charging/parking spaces.

STMP (Coastal Access) Policy 4:

New STMP commercial, recreational, and business park development shall incorporate measures to encourage bicycle commuting, including the provision of convenient and secure bicycle lockers, and employee shower and locker facilities shared amongst buildings in conveniently located areas.

STMP (Coastal Access) Policy 5:

The restored historic downtown Samoa may include retail uses that would be appropriate for visitor-serving commercial development and for the support of the proposed residential community with particular attention to including sufficient support services to reduce routine driving by STMP area residents (such as through the provision of a local post office, a grocery with fresh milk and produce, restaurant services, a public library outlet, safe walking/biking routes to school, stores and services, and recreational facilities, etc.).

STMP (Coastal Access) Policy 6:

Attractively designed bus stops of adequate size, with enclosed shelters against wind and rain, emergency call boxes, security lighting, tsunami evacuation maps, and covered trash receptacles, shall be constructed at three locations along Vance Avenue, including 1) a location near the entrance to the Samoa Cookhouse, 2) a location in the center of the downtown commercial district, and 3) a location within the center of the proposed business park. The bus stops shall be installed prior to commencement of construction of any new residential or business park structures. The bus stops shall incorporate any design elements deemed necessary by the Humboldt Transit Authority (HTA) as a condition of providing transit service. Transit service shall be implemented on or before construction of twenty-five (25) percent of the new residences proposed pursuant to the subdivision of the STMP-LUP lands or on or before completion of fifty (50) percent of the total ground elevation square footage allowed for the Business

Park buildout, whichever milestone is reached first. Requested service schedules shall be coordinated with the HTA to provide service distributed amongst the Samoa bus stops in the manner that most efficiently serves the STMP population and encourages public transportation ridership.

STMP (Coastal Access) Policy 7:

Prior to approval of a coastal development permit for any master subdivision of land subject to the STMP-LUP, a detailed public coastal access vehicle parking analysis and plan shall be prepared for each land use proposed within the STMP area. Compliance with the provisions of the parking plan shall be recorded as a condition of approval of the coastal development permit for the STMP master subdivision. The parking plan shall demonstrate that sufficient public coastal access vehicle parking will be provided and signed to ensure that adequate parking facilities are available and protected for this use within the areas of the STMP providing visitor serving commercial or recreational services, and at the coastal dune day use site west of New Navy Base Road. The plan shall also provide that coastal access parking spaces shall be reserved for such use through metering or other devices that prevent coastal access parking from being converted to use for general commercial and residential parking overflow. The parking plan shall provide uniquely numbered parking space inventories and provisions for County staff to verify the continued provision of the required, numbered parking spaces on at least an annual basis. The County staff shall retain on file for public inspection the results of the annual STMP public coastal access parking compliance surveys. Parking spaces designated for public coastal access parking shall not be converted to any other kind of parking use without a certified amendment of the LCP.

STMP (Coastal Access) Policy 8:

The coastal development permit for the master subdivision of the STMP-LUP shall require the implementation of a plan for the provision of a complete network of public bicycle and pedestrian pathways and associated facilities linking all development areas, and the public day use site west of New Navy Base Road, and connecting the STMP-LUP area to external pathways offsite that offer complete multi-modal public coastal access connections to Arcata and Eureka, and beyond. The bicycle and pedestrian pathways and the required adjacent fencing shall be installed prior to commencement of construction of any new residential or business park structures within the STMP-LUP area. The plan shall also provide for a bicycle locker facility and a bathroom facility at the public coastal visitor day use site (proposed by the landowner/developer as a public tent camping site on 1.5 acres at this location) site shown west of New Navy Base Road in the STMP-LUP. Provisions to ensure the timely design and construction of the amenities provided for in the plan shall be established within the pertinent conditions of approval of the coastal development permit for the STMP-LUP master subdivision. The plan shall include the kinds, locations, and content of adequate coastal access signage to and along the subject routes.

**STMP(Coastal Access) Policy 9:**

**No gates or other physical or psychological barriers shall be installed in any location on the lands subject to the STMP-LUP that would create the affect of regulating access in a manner that creates or suggests a “gated community,” whether proposed under the management of a community services entity or as a privately constructed feature. No obstacles, barriers, or other structures shall be permitted on any street, whether public or private, anywhere within the lands subject to the STMP-LUP where such structures have the potential to limit, deter, or prevent public access to the shoreline, inland pedestrian and bicycle trails, or to the connecting points of public roads with these routes and coastal access resources, or where such structures could create an obstacle to expeditious evacuation of residents and visitors under tsunami hazard/warning conditions anywhere within the Lands subject to the STMP-LUP.**

**STMP (Coastal Access) Policy 10:**

**The coastal development permit for the master subdivision of the STMP-LUP shall require the implementation of a plan for maintenance and management of the pedestrian tunnel under New Navy Base Road. The coastal development permit shall require that in the event the tunnel becomes impassable for any reason, including dune erosion, sea level rise, earth movement, flooding, etc., despite implementation of the maintenance and management plan, the permittee shall submit a complete application for an amendment to the coastal development permit to provide a new design and location for safe public coastal access between the lands of the STMP-LUP and the coastal area west of New Navy Base Road. The new accessway must be constructed by the permittee within the same general area as the tunnel and must connect to the pedestrian and bicycle trails and roads and public transportation facilities located within the STMP-LUP area.**

**STMP (Coastal Access) Policy 11:**

**A dedication or offer of dedication of a public access easement, and a deed restriction protecting the subject area against conversion to any other use, shall be recorded for all lands containing existing or proposed bicycle and pedestrian paths and roadways, including in locations established in the coastal development permit approved for the master subdivision of the lands subject to the STMP-LUP, and provided for in the pedestrian/bicycle circulation plan required pursuant to STMP (Coastal Access) Policy 1, above, linking public coastal access within and adjacent to the STMP-LUP lands. The dedication or offer of dedication and deed restriction shall be recorded against the merged single legal parcel comprising the STMP-LUP area after the merger of all lands subject to the STMP-LUP and prior to any division of the merged single legal parcel. A map of the subject bicycle and pedestrian pathway/trail system shall be developed and posted at public locations within the STMP-LUP area. No**

interference with access to the tunnel crossing of New Navy Base Road or use of other areas where prescriptive rights may exist shall be authorized before construction of the trail amenities are completed.

STMP (Coastal Access) Policy 12:

The public parks, open space, and public trail/bike path network shall be offered for dedication and/or conveyed by the landowner/developer to the appropriate public agency or non-profit entity. The dedication or offer of dedication shall be recorded against the merged single legal parcel comprising the STMP-LUP area after the merger of the STMP-LUP area and prior to any division of the merged single legal parcel. All approved public park, open space and public pedestrian/bikeway trail network improvements and all amenities, including protective wetland/ESHA fencing installed or provided in accordance with other STMP-LUP Policies set forth herein, shall be constructed by the landowner/developer and shall include all such public parks, open spaces, public trails and associated improvements and amenities described or shown in the conceptual Samoa Town Master Plan prepared by the Samoa Pacific Group, dated September 24, 2007 and/or as otherwise required, established or set forth in accordance with the policies of the STMP-LUP. All approved public park and open space and pedestrian/bikeway paths and related amenities shall be completed and the facilities opened to the public prior to the commencement of construction of either the Business Park development or new residential structures.

STMP (Coastal Access) Policy 13:

The Samoa Dunes tent camping site proposed by the landowner/developer west of New Navy Base Road shall be used exclusively for day use and habitat protection purposes (no camping). The day use facilities shall include interpretive displays pertaining to the ecology of the sensitive dune habitat of the site, an assembly area of picnic tables and benches, adequate covered trash collection receptacles impervious to wildlife, a public restroom, and improved parking adjacent to New Navy Base Road that includes school bus parking and American-with-Disability-Act-compliant parking in addition to a minimum of twelve (12) roadside parking spaces reserved for public coastal access parking. An approved public coastal access sign shall be posted in a visible location for drivers on New Navy Base Road indicating the public parking area and beach trail. The public areas including parking areas shall be enclosed by symbolic fencing (post and cord) to prevent trampling of sensitive habitat. Trails leading to, and taking off from the day use site shall be lined with symbolic fencing and signage restricting encroachment into sensitive dune habitat areas. The landowner/developer shall provide and maintain the day-use amenities, including the public restroom and the improved parking facilities, which shall be constructed by the landowner/developer and opened to the public prior to the commencement of construction of business park, commercial, or new residential development other than the rehabilitation of the existing residences. The

landowner/developer shall provide funding to the management entity identified for maintenance of the common areas of the STMP-LUP sufficient to endow and otherwise fund the provision of upkeep services for the day use area and associated facilities, which shall be cleaned and trash removed daily, and the facilities shall be kept continuously in good working repair through consistent preventative maintenance. The day use area, which shall have a focus on ecological education in support of dune habitat enjoyment and preservation, shall be made available available to visitors free of charge.

STMP (Coastal Access) Policy 14:

The eight (8) recreational vehicle/car-camping spaces, picnic and bathroom/shower facility located on approximately 1.1 acres immediately north of and near the Samoa Cookhouse and the proposed Indoor Soccer Arena, shall be provided for a daily use fee that is not more than the annual cost of maintaining the service hookups, trash collection, bathroom/shower facility, and landscaping, of the subject area only, and an additional amount solely for administrative fees that may be necessary to manage the site, distributed amongst the annual number of daily use fees collections. Campers shall be allowed to have pets provided pets are leashed when outside of the owners' vehicles (except when using the dog run) and do not pose a hazard to other guests or pets. A fenced pet lawn area shall be provided and maintained in good condition and a "mutt mit" dispenser for cleanup of dog wastes shall be provided along with enclosed waste receptacles. The parking sites shall have full RV hookups including water, electricity and waste water, and potable water and electric vehicle charging stations shall also be available for non-RV vehicles utilizing the site. The day use fee shall be set annually subject to review and audit by the County with records of use/fee collection and expenses used to calculate the annual day use fee permanently maintained and made freely available for public inspection. If over-collection of fees occurs one year, the excess funds shall be applied to subsidize the fees for day use the following year, unless special maintenance expenses to keep the RV in good working order are required. The eight-space site shall accommodate visitors for not more than three (3) continuous weeks at a time. This development of low-cost visitor serving accommodations may not be offset by an in-lieu fee. These facilities shall be constructed consistent with the provisions of the STMP-LUP and available for public use prior to commencement of construction of the new residential and business park structures. No construction of new residential or business park development may commence within the lands subject to the STMP-LUP until or unless the subject RV/car camping facility is publicly available and open for use. This facility shall be made continuously available to coastal visitors at a low cost rate of accommodation as a permanent condition of approval of the master subdivision of the STMP-LUP lands.

**STMP (Coastal Access) Policy 15:**

**Land divisions, including resubdivisions and lot line adjustments, shall be permitted only if all resulting parcels can be demonstrated to be buildable and protective of all coastal resources and consistent with the provision of all coastal access facilities required by the STMP (Coastal Access) policies.**

**Business Park Development**

**STMP (Business Park) Policy 1:**

**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 historic working coastal village character of existing structures, and is designed with architectural features mirroring those of the existing structures. The primary purpose of the business park shall be the incubation of new, small businesses in Humboldt County, to provide employment for many of the occupants of the existing and planned housing that would be located within the STMP-LUP, and to support the development of coastal dependent industrial uses adjacent to the STMP-LUP and Humboldt Bay. In addition, the business park shall only incorporate retail sales as a minor component of the overall business park development and in a manner that does not increase incoming traffic for “destination” retail sales to the extent that would cause significant adverse impacts to the primary coastal accessways of Highways 101 and 255. Appropriate retail sales within the Business Park, in addition to being minor in scale and in overall proportion to the Business Park, would generally include business services or a café/deli scaled to match the demands of other Business Park occupants. High energy and water using development such as the indoor cultivation of plants shall not be a permitted use within the Business Park.**

**STMP (Business Park) Policy 2:**

**Business Park Structural Restrictions: The appearance of boxy, monolithic “industrial park”-style development that typifies industrial parks and warehouse-scale development commonly located within large-scale “destination” retail shopping shall be avoided. Structures shall be no more than three (3) stories in height and shall be designed, sited, and landscaped to provide a continuity of community character with the historic Samoa coastal working village aesthetic.**

**STMP (Business Park) Policy 3:**

**Business Park Structural Restrictions:**

**A. Any structure authorized as a Principal Permitted Use shall be limited to a maximum ground floor footprint of 2,500 square feet as measured around the ground floor outer perimeter of the structure’s foundation and subject to review by the Design Review Committee or pertinent decision-makers that the structure**

is sited, designed, and landscaped to ensure compatibility with the historic Samoa coastal working village aesthetic.

B. A maximum of two separate structures may be authorized within the Business Park (excluding the existing structures of the Arcata Recycling Center which shall not be expanded beyond the structural footprint of the facility in existence as of January 1, 2010) that may be up to 10,000 square feet in size on the ground floor, as measured along the ground floor outer perimeter of the subject structure's foundation, subject to a Conditional Use Permit and findings showing the specific methods of ensuring the compatibility of the design, location, and scale of the structure with the historic Samoa coastal working village aesthetic. Provisions to reduce the apparent mass of the structures through design, site placement and orientation, landscaping, and other features shall be required to render such structures compatible with the historic Samoa coastal working village aesthetic. The Conditional Use Permit shall require specific findings that the Design Review Committee or pertinent decision-makers have determined that these requirements have been met. Conditions shall be attached to the pertinent permits, including the coastal development permit, to ensure that the constructed product complies with the design, location, scale, and other amenities proposed by the landowner/developer and/or considered or otherwise required by the decision-makers in authorizing the development.

STMP (Business Park) Policy 4:

Not more than one of the maximum total of two possible new structures greater than 2,500 square feet authorized pursuant to STMP (Business Park) Policy 3 shall be authorized for retail use. Retail use of this structure shall only be authorized if findings are made that the specific retail use would substantially serve the residential development of the STMP, as well as the occupants of other land uses within the STMP, and will thus reduce offsite traffic trips accordingly (such as through the authorization of a grocery component offering fresh milk, meat, eggs and produce, etc., and/or a café/deli that reduces the number of traffic trips outside of the STMP generated by STMP-LUP area employees and residents). All retail uses within the Business Park, combined, shall be restricted to a maximum of ten (10) percent of the total square footage of final Business Park buildout, including all occupied floors. Minor retail development authorized within other structures located within the Business Park shall be primarily for the service of the other Business Park development (for example, providing services such as copy, printing and shipping support, incidental business supply sales, small café/deli outlets, etc.) A Conditional Use Permit shall be required for the approval of all retail uses within the STMP Business Park and findings must be made by the pertinent decision maker at the time of such coastal development permit and conditional use permit approval that the traffic generated by the proposed retail use shall be minimized through the implementation of all feasible mitigation measures and that the net increase in traffic will not result in traffic patterns that exceed the existing level of service for any intersection of Highway 101 through the City of Eureka as developed in the traffic baseline studies

documented in the County's certified Master Environmental Impact Report for the Samoa Town Master Plan LCP amendment in 2008, or additional studies that may be necessary to investigate traffic impacts in the Highway 101 corridor at mid-day on weekdays and on weekend peak use periods.

**STMP (Business Park) Policy 5:**

**Business Park Structural Restrictions: All structure proposed within the tsunami runup elevation applicable to the STMP-LUP area shall incorporate the following features, which shall be designed by a California-licensed registered professional civil engineer with experience designing earthquake and tsunami-resilient structures, and who shall affix his/her professional engineering stamp to the final project plans and designs as evidence that his/her recommendations have been included, as a condition of approval for a coastal development permit approved for any structure so located:**

- 1) unless a suitable area with an elevation above the calculated tsunami inundation elevation is available within a five (5)- minute walk from the subject structure, the uppermost occupied floor elevation of any structure located within the STMP Business Park shall: (a) be at an elevation above the tsunami inundation elevation calculated for the subject area; (b) shall be continuously accessible to and large enough to shelter the maximum number of people that would be present within the subject building at any time,**
- 2) tsunami hazard warnings and directions to tsunami safety shall be prominently posted;**
- 3) clear, unlocked, and otherwise unimpeded access to the upper elevations shall be continuously available to all building occupants on all floors without resort to elevators; and**
- 4) the uppermost floor designated for potential shelter shall have features that allow occupants to escape to the outside of the building directly from that elevation if flooding conditions block access to lower elevations; and**
- 5) no lockable entrances to stairwells or other escape routes from inside the structure shall be included in the plans or authorized.**

**The plans and designs for the subject construction shall be stamped by the pertinent California-licensed professional civil engineer and shall include specific consideration of the most earthquake and tsunami-resilient building design, and escape route location and design within the building, and unless other options are demonstrated as structurally superior, the escape access shall be via a common stairwell on a reinforced outside structural wall of each business park structure, with access to the stairwell continuously available and clearly posted as a tsunami emergency escape and shelter route at each entrance and in other locations that would direct visitors to the appropriate routes.**

**STMP (Business Park) Policy 6:**

**Business Park Structural Restrictions: The Business Park shall have sidewalks and entrances, lighting features, streetscapes, outdoor gathering areas for**

employees, and scattered, small scale parking areas tucked behind the business park structures to the maximum extent feasible, that are designed and landscaped to evoke the historic character and charm of the historic Samoa working coastal village aesthetic. Business Park development shall incorporate all Design Guideline elements necessary to ensure that the aesthetic affect of the finished development is consistent with and enhances the unique community character of the existing historic Samoa working coastal village. The overall design goal shall be to develop a sense of compatibility and shared community design aesthetic based on the existing structures associated with the historic town site, and echoed in the connecting design requirements imposed on the revitalized downtown, the business park, the commercial recreation areas, and the new residential development. The development of the Samoa Town Master Plan shall in this manner be based on, and permanently preserve and enhance, the historic community character established by Samoa's more than 100-year-history as a working coastal lumber company town.

STMP (Business Park) Policy 7:

The Arcata Recycling Center and the subject lands comprising an approximately 2.5-acre site within the STMP-LUP area designated generally for Business Park development, shall not be converted to any other use than the present recycling center facility, nor shall any other structures be placed within the subject parcel or the parcel further divided, unless all such development is consistent with all applicable provisions of the certified LCP. The Arcata Recycling Center shall not be converted to retail use. The Arcata Recycling Center shall cease utilizing the existing septic disposal system and instead utilize the new wastewater treatment facility that will serve all development on lands subject to the STMP-LUP lands as soon as the new facility is available for use.

STMP (Business Park) Policy 8:

Land divisions, 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.

Hazards

STMP (Hazard) Policy 1:

Prior to approval of any land division or any other development of the lands subject to the STMP-LUP, a site-specific geologic study and review of proposed siting and development plans shall be prepared and accompanied by the written determination of a California licensed professional civil engineer or California licensed professional engineering geologist stating specifically that if the proposed development is constructed in accordance with the expert's recommendations, the development will be safe from hazards posed by landslide,

slope failure, shaking or other ground movement and associated conditions (such as liquefaction) or other failure, including flooding, that may be caused by natural hazards. The pertinent decision-makers shall require as a condition of the coastal development permit for such development that the pertinent licensed expert review the final plans and designs for the subject development and affix the appropriate engineering stamp thereby assuring that the reviewed plans and designs fully incorporate the licensed expert's recommendations.

STMP (Hazard) Policy 2:

The best available and most recent scientific information with respect to the effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all requisite geologic, geo-technical, hydrologic, and engineering investigations. Development at nearshore sites shall analyze potential coastal hazards from erosion, flooding, wave attack, scour and other conditions, for a range of potential sea level rise scenarios, from three to six feet per century. The analysis shall also consider localized uplift or subsidence, local topography, bathymetry, and geologic conditions. A similar sensitivity analysis shall be performed for all critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.6 feet per century. These hazard analyses shall be used to identify current and future site hazards, to help guide site design, development location, and hazard mitigation requirements, and to identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes, development projects shall assume a minimum sea level rise of three (3) feet per century and critical infrastructure development shall assume 4.6 feet per century; greater sea level rise rates shall be used if development is expected to have a 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 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 4.6 feet of sea level rise

per century when considering such analysis, and the plans for such facilities shall be reviewed and stamped as conforming to this standard by a California licensed professional civil engineer or a California licensed professional engineering geologist.

STMP (Hazards) Policy 4:

All new development entailing the construction of structures intended for human occupancy, situated within historic, modeled, or mapped tsunami inundation hazard areas, shall be required to prepare and secure approval of a tsunami safety plan. The safety plan shall be prepared in coordination with the Humboldt County Department of Emergency Services, Sheriff's Office, and City Police Department, and shall contain information relaying the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experience seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation. The safety plan information shall be conspicuously posted or copies of the information provided to all occupants. No new residential land divisions shall be approved unless it be demonstrated that timely evacuation to safe higher ground, as depicted on adopted tsunami hazard maps, can feasibly be achieved before the predicted time of arrival of tsunami inundation at the project site.

STMP (Hazards) Policy 5:

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

STMP (Hazard) Policy 6:

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

- (1) Disclosure that the lands situated within the STMP-LUP are subject to extraordinary hazards posed by earthquake and tsunamis, and by future sea level rise, which may also increase the risks posed by coastal erosion, storm surge, and wave attack; and
- (2) Disclosure of the existence of an approved final Tsunami Safety Plan pertinent to the subject property, including the date of the plan and how a copy may be obtained; and
- (3) Disclosure that no shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within the STMP-LUP against future hazards that may arise due to the coastal setting of the STMP and the prospect of increased sea level rise in the future, and that the present landowners have taken future sea level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development of the STMP-LUP, and further, have acknowledged the possibility that no such protective structures would secure approval for construction.

8. MODIFICATION #8:

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

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

3.17.B.3 Tsunamis

3. Tsunamis—New development below the level of the 100 year tsunami run-up elevation described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26) shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, and pipelines, and dredge spoils disposal. **New subdivisions or**

development projects which could result in ~~three~~ one or more additional dwelling units within a potential tsunami run-up area shall require submission of a tsunami vulnerability report which provides a site-specific prediction of tsunami-run-up elevation resultant from a local cascadia subduction zone major earthquake. Such developments shall be subject to the following standards or requirements:

1. New residential development shall not have habitable living space below the predicted tsunami run-up elevation calculated at maximum tide plus a minimum of three (3) feet to account for future sea level rise plus one foot of freeboard space.
2. New residential development shall be required to meet the requirements of a Tsunami Safety Plan (TSP) based on the Tsunami-Ready Guidelines of NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, October 6, 2004, Appendix D.
3. The Approving Authority shall only authorize residential development proposed on existing legal lots in areas located within a tsunami run-up inundation area if the pertinent decision-makers adopt specific findings at the time of approval of such development stating that the guidelines set forth in the Tsunami-Ready Guidelines of the NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, dated October 6, 2004, Appendix D, have been reviewed and have been fully met or implemented as applied to the specific location of the proposed development.
4. The County shall only authorize residential development proposed on an existing legal lot located within a tsunami run-up inundation area if a Tsunami Safety Plan (TSP) for the subject site has been prepared by a California licensed professional civil engineer with substantial coastal hazard analysis experience specifically including evaluating tsunami hazards stating that if the reviewing engineer's recommendations are met, the site will be safe for the subject development from catastrophic failure or inundation caused by a local great Cascadia Subduction Zone earthquake event and accompanying tsunami. The final plans and designs shall be reviewed and stamped by the reviewing California licensed professional engineer to confirm that all pertinent recommendations set forth in the subject final TSP have been incorporated into the final plans and designs.
5. The County shall attach the pertinent NWS Instruction 10-1802, dated October 6, 2004, to the Humboldt Bay Area Plan as an Appendix.

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

## 9. MODIFICATION #9: Map Changes

The maps included by Humboldt County in the certification submittal request for HUM-MAJ-08-01 shall incorporate the general changes required to the Urban Limit Line (such that it matches the Corridor Area limit, except where the ULL extends into the interior of

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the lands subject to the STMP-LUP), and the Samoa Town Master Plan Zoning and Land Use Plan Maps listed here, and shown and described in Exhibit 16:

Samoa Town Master Plan Land Use Plan Map:

Revise the illustrated extent of the footprint of development of Business Park (MB), Public Facilities (PF), Residential Low Density (RL), and Residential Medium Density (RM) and any other land uses affected by the changes shown in Exhibit 16, and extend the footprint of Natural Resources (NR) to approximate the changes shown in Exhibit 16.

Samoa Town Master Plan Zoning Plan Map:

Revise the illustrated extent of the footprint of development of the zoning that implements the STMP-LUP in the same manner as listed above, pursuant to the changes shown in Exhibit 16.

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

Revise the proposed Land Use Map to incorporate the Corridor Area shown in Exhibit 16 and revise the pertinent adjacent boundaries of the Natural Resources, Business Park, Single Family Residential, and Commercial Recreation Boundaries accordingly.

Urban Limit Line:

Revise the illustrated extent of the proposed new Urban Limit Line to reflect the changes to the Land Use and Zoning Plan Maps with respect to the location of the line in relation to the Corridor Area described in the suggested modifications to limit or buffer the development adjacent to these resources as shown in Exhibit 16.

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

**1. Suggested Implementation Program Modification #1:**

The County’s proposed ordinances to amend the certified Implementation Program (Coastal Zoning Regulations) include establishment of a Design Review Committee and associated requirements, as described in the County’s proposed LCP Amendment Request HUM-MAJ-01-08 pursuant to Ordinance No. 2425 Attachment C3-Exhibit C3-1, amending Section 1. Section 313-19.1, Chapter 3, Division 1, to Title III of the Humboldt County Code having to do with Design Review of lands subject to the “D” designation (as is the Samoa Town Master Plan) on the County’s certified coastal zoning maps. The text proposed by the County and shown in Exhibit 2 attached to this staff report

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references, but does not attach certain Design Guidelines referenced only as “Exhibit D”. This modification (Suggested STMP Implementation Plan Modification #X) requires the County to attach the referenced Design Guidelines for Old Samoa (existing structures within the Samoa Town Master Plan area) and New Samoa (new development within the Samoa Town Master Plan area) as an Appendix to the County’s certified Coastal Zoning Ordinance (a copy of the Guidelines provided by Humboldt County staff is attached to this staff report as Exhibit 4). As such, if the Guidelines are changed in the future, an amendment of the certified LCP would be required to incorporate such changes.

### **2. Suggested Implementation Program Modification #2:**

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

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

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

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

#### **313-15.1 PURPOSE**

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

#### **313-15.2 APPLICABILITY**

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

**3. Suggested Implementation Program Modification #3:**

Modify the table in Section 313-15.3 entitled, "Special Area Combining Zones and Respective Designations" to include a new Samoa Town Master Plan (STMP) Special Area Combining Zone.

**4. Suggested Implementation Program Modification #4:**

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

**313-34.5 STMP: SAMOA TOWN PLAN STANDARDS**

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

**Applicability: These regulations shall apply to the Town of Samoa, specifically the area bounded by L.P. Drive to the south, New Navy Base Road to the west, the Peninsula Elementary School property to the north, and the North Coast Railroad Authority railroad right-of-way to the east, and also including a 1.5-acre area west of New Navy Base Road designated with the Public Recreation land use designation, and the following areas east of the North Coast Railroad Authority railroad right-of-way (a) the site of the existing Samoa Post Office, (b) a 1.6-acre area proposed as a future treatment plant site and designated with the Public Facilities land use designation, (c) an approximately 5-acre area containing the site of the Samoa Cookhouse and designated with the Commercial Recreation land use designation. The area of applicability is coincident with area covered by Samoa Town Master Plan-LUP land use designation overlay of the Humboldt Bay Area Plan.**

**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.**

**Coastal development permit approvals for development within the lands subject to the STMP shall only be authorized if the following requirements are met, in addition to any other applicable requirements of the certified Local Coastal Program. Development within the STMP may only be**

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

STMP (New Development) Standard 1:

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

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

- (1) During construction, development shall minimize site runoff and erosion through the use of temporary BMPs (including, but not limited to, soil stabilization measures), and shall eliminate the discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, asphalt and cement compounds, and debris), to the extent feasible.
- (2) Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.
- (3) Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which is important for preventing erosion and sedimentation.
- (4) Development shall implement soil stabilization BMPs, including but not limited to re-vegetation, on graded or disturbed areas as soon as feasible.
- (5) Grading operations shall not be conducted during the rainy season (from October 1 to April 15), except in response to emergencies, unless the County determines that soil conditions at the project site are suitable, the likelihood of significant precipitation is low during the period of extension, (not to exceed one week at a time), and

adequate erosion and sedimentation control measures will be in place during all grading operations.

- (6) The construction pollution control plan shall be submitted with the final construction drawings. The plan shall include, at a minimum, a narrative report describing all temporary polluted runoff, sedimentation, and erosion control measures to be implemented during construction, including:
- (a) Controls to be implemented on the amount and timing of grading.
  - (b) BMPs to be implemented for staging, storage, and disposal of excavated materials.
  - (c) Design specifications for structural treatment control BMPs, such as sedimentation basins.
  - (d) Re-vegetation or landscaping plans for graded or disturbed areas.
  - (e) Other soil stabilization BMPs to be implemented.
  - (f) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction.
  - (g) Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (including but not limited to paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff.
  - (h) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials.
  - (i) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation.
  - (j) A site plan showing the location of all temporary erosion control measures.
  - (k) A schedule for installation and removal of the temporary erosion control measures.

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

- (1) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources.
- (2) Permanent erosion control measures shall be installed, as may be needed, depending upon the intensity of development proposed and the sensitivity of receiving waters.
- (3) Runoff from the project shall not increase sedimentation in receiving waters.

- (4) On-site filtering, grease, and/or sediment trapping systems shall be installed, as needed, to capture any pollutants contained in the runoff.
- (5) Permanent runoff/drainage control improvements, such as subsurface drainage interception, energy dissipaters, recovery/reuse cisterns, detention/retention impoundments, etc. shall be installed, as needed, at the point of discharge.
- (6) In the application and initial planning process, the applicant shall submit a preliminary post-construction stormwater plan, and prior to issuance of a building permit the applicant shall submit a final post-construction stormwater plan for approval by the County. The plan shall include, at a minimum, the following components:
  - (a) Proposed site design and source control BMPs that will be implemented to minimize post-construction polluted runoff.
  - (b) Proposed drainage improvements (including locations of infiltration basins, and diversions/ conveyances for upstream runoff).
  - (c) Measures to maximize on-site retention and infiltration (including directing rooftop runoff to permeable areas rather than to driveways).
  - (d) Measures to maximize, to the extent practicable, the percentage of permeable surfaces, and to limit the percentage of directly connected impervious areas, to increase infiltration of runoff.
  - (e) Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.
  - (f) A site plan showing the location of all permanent erosion control measures.
  - (g) A schedule for installation and maintenance of the permanent erosion control measures.
  - (h) A schedule for installation and maintenance of the sediment and debris filtration, grease and/or sediment trap, etc., as warranted for the type of development and site.
  - (i) A site plan showing finished grades in one-foot contour intervals and associated drainage improvements.

C. Site design using low impact development techniques. The post-construction stormwater plan shall demonstrate the preferential consideration of low impact development (LID) techniques in order to minimize stormwater quality and quantity impacts from development. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation. LID techniques to consider include, but are not limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

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

(a) Water quality and hydrology plan. The applicant for a development of water quality concern shall be required to submit a water quality & hydrology plan (WQHP), prepared by a California licensed civil engineer or landscape architect, which supplements the post-construction stormwater plan. The WQHP shall include calculations, per County standards, that estimate increases in pollutant loads and changes in stormwater runoff hydrology (i.e., volume and flow rate) resulting from the proposed development, and shall specify the BMPs that will be implemented to minimize post-

construction water quality and hydrologic impacts. The WQHP shall also include operation and maintenance plans for post-construction treatment control BMPs. In the application and initial planning process, the applicant shall be required to submit for approval a preliminary WQHP, and prior to issuance of a building permit the applicant shall submit a final WQHP for approval by the County Engineer.

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

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

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

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

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

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

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

- (1) All development shall incorporate effective site design and long-term post-construction source control BMPs, as necessary to minimize adverse impacts to water quality and coastal waters resulting from the development, to the maximum extent practicable. BMPs that protect post-construction water quality and minimize increases in runoff volume and rate shall be incorporated as necessary in the project design of developments in the following order of priority:

- i. Site design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.
- ii. Source control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
- iii. Treatment control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters.

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

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

2. In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement provided by the County upon the request of the landowner/developer, the

following supplemental findings, based on factual evidence, shall be made for new development or uses that may significantly and adversely affect the quality of coastal waters:

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

STMP (Wetlands/ESH) Standard 1:

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

a. A study identifying biological resources existing on the site, and the historical extent of the resources as identified in previous reports, surveys, delineations, maps, or publications, disclosing the history, ecology and habitat requirements of the relevant resources, such as plants and wildlife, in sufficient detail to permit a review of functional relationships, their potential for restoration, the potential location of dormant seedbanks of rare (particularly annual) plants, habitat (including non-native species such as individual trees or groves that provide habitat architecture and other resources for birds or other species, or wetlands that may be used by amphibians during specific lifecycle stages) that may be used during specific lifecycle stages or seasonally by migratory species for roosting, breeding or feeding during specific seasonal windows, and present and potential adverse physical and biological impacts on the identified biological resources or on the associated ecosystem, either individually or cumulatively;

b. An identification of “fully protected” species and/or “species of special concern,” and an identification of any other species of rarity, including plants designated “List 1B” or “List 2” by the California Native Plant Society, that are present or have the potential to occur on the project site;

c. Photographs of the site labeled with orientation noted on pertinent maps;

d. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;

e. A site map depicting the location of biological resources, both current and historical. The resources shall be shown within the context of a topographic based map that shall be at a scale sufficiently large to permit clear and accurate depiction of the extent of sensitive resources identified through appropriate field investigations and where pertinent, protocol surveys for sensitive species, vegetation associations and soil types in relation to any and all proposed development (minimum 1:2,400) and other information, such as the locations of specific trees, habitat boundaries, etc. discussed in the text of the subject biological report. Contour intervals shall be five feet, and the map should contain

a north arrow, graphic bar scale, and a citation for the source of the base map (including the date).

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

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

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

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

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

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

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

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

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

6. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.

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

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

- The perimeter of the sand dune/permanently established terrestrial vegetation interface for dune-related ESH.
- The upland edge of a wetland.
- The outer edge of the canopy of coastal sage scrub or forests plus such additional area as may be necessary to account for underground root zone areas. All root zones shall be protected as part of the associated ESH.
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys and the likely area containing the dormant seed banks of rare plant species.
- The outer edge of any habitat 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.) pertinent to the lands subject to the STMP-LUP 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.

5. Suggested Implementation Program Modification #5

Create the remainder of new Section 313-34.5 of the zoning regulations “STMP: Samoa Town Plan Standards,” by including all portions of Suggested Land Use Plan Modification #7 starting after the PURPOSE AND GENERAL PROVISIONS section starting with “Locating New Development; Community Infrastructure; Cumulative Impacts,” with minor formatting changes, including (a) changing the references to “STMP-LUP overlay” to “STMP combining zone,” (b) change each subheading to refer to a “Standard” rather than a “Policy,” and (c) renumber the Policy/Standard numbers to be sequential and consistent with the numbering for the first part of Section 313-34.5

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### **6. Suggested Implementation Program Modification 5:**

Delete the proposed rezoning from Natural Resources to Public Facilities of the approximately 1.5 acres west of New Navy Base Road (retain the Natural Resources coastal zoning as well as the existing B, W combining zones that also apply to these lands.

### **7. Suggested Implementation Program Modification 6:**

Revise the proposed Coastal Zoning Maps to incorporate the Corridor Area shown in Exhibit 16 and revise the pertinent adjacent boundaries of the Natural Resources, Business Park, Single Family Residential, Public Facilities, and Commercial Recreation Boundaries accordingly.

## **V. FINDINGS FOR APPROVAL OF LAND USE PLAN AMENDMENT IF MODIFIED AS SUGGESTED**

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

### **A. AMENDMENT DESCRIPTION**

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

1. Amend the Land Use Plan to add the following as Urban Land Use Designations: Business Park (MB), and Natural Resources (NR); and
2. Amend the Land Use Plan (Humboldt Bay Area Plan) to re-designate the affected lands as shown on the Samoa Town Master Plan Land Use Plan Map; and
3. Amend the Land Use Plan (Humboldt Bay Area Plan) to include the Samoa Town Master Plan area within the urban portion of the Urban Limit Line; and
4. Amend the Land Use Plan (Humboldt Bay Area Plan) to add policies that would impose certain restrictions on subdivisions or development projects which could result in

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three or more additional dwelling units within an area subject to potential tsunami run-up conditions;

5. Amend the Implementation Plan (Humboldt County Coastal Zoning Regulations) to re-zone the affected lands as shown on the Samoa Town Master Plan map, establishing overall zoning boundary lines through the map adoption method (not parcel-specific), to include areas zoned for Residential Single Family (RS), Residential Multi-Family (RM), Commercial General (CG), Commercial Recreation (CR), Natural Resources (NR), Public Recreation (PR), and Public Facilities (PF). Various “combining zones” (which function similarly to zoning district overlays) are also proposed. As proposed by the County, the specific new lot line boundaries would not be determined by the adoption and certification of the map, but would be identified by future subdivision;

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

## **B. BACKGROUND**

Humboldt County’s LCP Amendment Request No. HUM-MAJ-01-08 includes land use and zoning changes proposed for General Industrial lands totaling about 138 acres in size to other uses in the Samoa area, and including a small amount of adjacent lands presently designated Coastal Dependent Industrial and Natural Resources, located along the north spit of the Samoa Peninsula, situated between the cities of Eureka and Arcata, Humboldt Bay and the Pacific Ocean, in unincorporated Humboldt County.

The land use plan and coastal zoning changes proposed by the County and the landowner/developer would replace approximately 130 acres of General Industrial lands with a variety of other land uses, including single family and multi-family residential, business park, general commercial, commercial recreation, public facilities, public recreation and natural resources.

The proposed amendment could facilitate the subdivision and development of the subject lands in a manner that the County and the landowner/developer have most recently described as including (the Samoa Town Master Plan is only conceptual) the following:

- Clean up lead contamination, restore/refurbish, parcelize, and sell as individual residences-- 99 existing cottages that are part of the historic mill town
- Construct new on-site waste water treatment facility and accessory structures, and filtration fields
- 300 new single family residences
- 40 apartment units
- 19-acre business park

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- 20,000-sq.-ft. indoor soccer arena
- Refurbish and retain existing gymnasium, park, and existing structures converted to museum.
- Refurbish historic Victorian mansion, Samoa Cookhouse, the post office and other existing structures and renew and construct additional downtown commercial area
- Construct a mini-storage unit
- Second floor boutique hotel over the Samoa Cookhouse (more recently described as a possible hostel) with 30 room
- Provide 8-unit Recreational Vehicle (RV) park with amenities and hookups adjacent to the Samoa Cookhouse
- Construct 22 vacation condominiums
- Provide a tent-camping site west of New Navy Base Road
- Construct fire and life safety equipment and services structures
- Design and install interconnected bicycle and pedestrian pathways to connect all areas of the subject lands, and other public amenities

The County's proposed LCP amendment also contains text amendments to the certified LUP that apply to all coastal lands within the area of the Humboldt Bay Area Plan that lay within areas subject to potential tidal inundation by tsunami. The proposed policy text would limit some land divisions that, if implemented, would increase the potential amount of new development that would be located in coastal areas subject to inundation by tsunami. The tsunami provisions reference to certain guidelines published by the National Weather Service as an appendix to another NWS document, but do not attach the referenced material for certification. (Exhibit 5 contains the referenced NWS guidelines).

The limited text amendments in the LCP amendment submittal also include provisions to add requirements to the certified Coastal Zoning Regulations to establish a Design Review Committee for advisory review of Samoa development proposals that would affect historic community character, based on referenced "Design Guidelines" that the County provided as part of the amendment submittal package. The County staff clarified in December 16, 2009 on request that the Design Guidelines in the submittal are advisory, are not submitted as part of the request for certification review by the Commission, and thus are, as submitted, without legal force or effect.

The proposed LCP amendment therefore contains policies and provisions that reference two distinctive outside sources of information that were not submitted to the Commission for its review of content and of potential future revisions that may occur, or to establish the status of the external document as a legal standard of review for future County approvals of coastal development permits (only the certified provisions of the LCP provide this standard – see Section I (F) (Standard of Review) above.

### **Small lots of uncertain legality**

Section I contains a detailed description of new information concerning the potential existence of numerous small lots associated with a map created in 1892 by local

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investors interested in developing a “Coney Island West” called “Samoa.” 2,000 tiny lots for future resort development were envisioned, but the development scheme never materialized and the area developed as an industrial site and timber mill town that was transferred from one corporate owner to another for most of its history (including corporate giants such as Georgia Pacific and Louisiana Pacific). 79 small lots were issued Unconditional Certificates of Compliance by Humboldt County staff on December 5, 2000 (Exhibit 15). The subject lands were sold by Simpson Samoa at public auction later that month, and Samoa Pacific Group LLC was the successful bidder, closing escrow in early 2001.

The County has been unable to provide either the basis for issuance of the certificates or evidence that the issuance of the certificates was publicly noticed in any way. The history of the map (a map that does not meet the pertinent tests of the Subdivision Map Act for a recognized division of land) and the history of corporate transfer of lands combine to suggest that some or perhaps all of the 79 lots may not be legal lots, or may not be entitled to consideration as a separate economic unit. Samoa Pacific Group LLC submitted a package of colored maps that are attached as Attachment 1, and a schematic representation of some small lots is shown in that packet (Sheet F). This illustration differs from maps of the small lots that were provided to Commission staff or referenced by the County staff previously, and is not considered by the Commission to constitute evidence of the legality or location of any of the illustrated lots. Commission staff has not independently investigated the legality of any of the referenced lots sufficiently to verify the legality of the lots, or otherwise, which would require a substantial investment of time (for the landowner/developer as well). The County staff acknowledges that neither a chain-of-lot-creation nor a chain-of-title-transfer investigation or report has been prepared for the certificate lots. These documents would likely be necessary to undertake an adequate investigation of the legality of the certificate lots.

The uncertainty of the legality of the lots is resolved by requiring the merger of all lands subject to the LCP amendment into one single undivided legal lot and subsequently allowing the land to be divided thereafter in accordance with an approved master subdivision and coastal development permit.

### **County’s revision of the pending amendment**

The pending LCP amendment continues to be referred to as the “Samoa Town Master Plan” although the amendment was originally based on a “master plan” that proved to be somewhat illusory, as discussed in detail in Section I. During staff review of the submittal, the County verified on request that the master plan elements shown on the proposed LUP and zoning maps were included only as an illustration of a way that the town might be redeveloped—not a Specific Plan. Subsequently, the County reinforced this approach by revising the pending LCP amendment (October 27, 2009, Exhibit 2) to remove the “master plan” elements and to substitute new Land Use Plan and Coastal Zoning maps. The new maps that are now included in the amendment submittal show only a mosaic of proposed new land uses to replace the mostly-Industrial land use presently certified for most of the area of the affected Samoa lands.

### **Need for Suggested Modifications**

Although the Board of Supervisors addressed the problem posed by the conceptual “master plan,” the submittal still lacked an evaluation of whether the intensity and location of development would be supported by the size, legality and configuration of lots subject to the LCP amendment and the existence and location of coastal resources on those lots. The LCP amendment submittal lacked accompanying text that would provide the policies and provisions to implement the development of the Samoa lands as a cohesive community. The County staff had asserted before submitting the amendment that such policies and provisions were unnecessary because a Master EIR had been prepared for the Samoa Town Master Plan. However, the MEIR is not proposed for certification and was not prepared in a manner that suits it for this purpose in any case.

To resolve the above-identified omissions in the County’s submittal, the Commission has adopted suggested modifications. If accepted by the County, the suggested modifications provide the necessary development standards and planning framework consistent with the requirements of Chapter 3 of the Coastal Act.

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

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

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

The RWQCB has explained that the recordation of such deed restrictions generally means that the landowner/developer need not take any further action at the present time; however, if there is a change in land use or development, or activities are proposed that would disturb the soils of the site, then the landowner/developer at that time must contact the RWQCB for a determination of how to proceed (at that time, RWQCB requirements could include additional testing of soils and/or water at the site,

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and, based on the results, the RWQCB could potentially require remediation of the contamination prior to implementing the proposed land use change or development). In addition, pumping of groundwater is restricted in the affected areas that are subject to the deed restrictions.

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

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

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

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

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

The general advice of state and federal agency staff contacted by the Commission staff, and the advice of the Commission's water quality staff, has been that it is important to ensure that the necessary cleanup activities are concluded before the Samoa lands are subdivided, while control of cleanup plans and the ability to implement a comprehensive approach to cleanup is possible. Both agencies indicated that the sole-owner cleanup approach provides multiple benefits for human health and for the environment and is generally the most environmentally protective way to proceed.

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

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

The County proposes to extend the Urban Limit Line to encircle the subject Samoa lands. Section 30250 of Chapter 3 of the Coastal Act requires that sufficient infrastructure be available to support such development. The subject site is located on a peninsula of land that is less than a mile wide. Surface waters drain from the site toward the Pacific Ocean and Humboldt Bay, and groundwater beneath the site is shallow (approximately four feet below the lower surface elevations on site) and trends toward Humboldt Bay according to the staff of the RWQCB. Inadequate waste water treatment facilities, whether the facilities are inadequate due to deterioration of aging

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equipment, obsolete design, or limited capacity may contaminate coastal waters and degrade sensitive habitat if effluent is not properly managed.

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

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

As noted above, the uncertainty of the legality of the lots is resolved by requiring the merger of all lands subject to the LCP amendment into one single undivided legal lot and subsequently allowing the land to be divided thereafter in accordance with an approved master subdivision and coastal development permit. The County staff and the landowner/developer agreed to this resolution, which has been incorporated into the suggested modifications attached thereto.

The findings set below are intended to anchor the suggested modifications within the context of the requirements of the pertinent standards of the Coastal Act. The most important concept set forth within the modifications is the framing of a Samoa Town Master Plan Land Use Designation Overlay (referenced as "STMP-LUP" and shown on maps or referenced in pertinent text as STMP-LUP) and the implementing component for the overlay, the Samoa Town Master Plan Special Area Combining Zone (referenced as "STMP" and shown on maps or referenced in pertinent text as STMP) which functions in the same manner that a zoning district overlay would (combining zones and zoning overlays are similar planning tools). Within these, the policies and provisions are established that will ensure that the comprehensive planning, subdivision, and future development of the Samoa lands is undertaken in a manner consistent with the requirements of the Coastal Act.

### **C. SETTING**

The town of Samoa and the subject lands affected by the County's pending LCP Amendment request No. HUM-MAJ-01-08 are located in unincorporated Humboldt

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County, on the north spit of the Samoa Peninsula which is the narrow (approximately one mile wide) sand spit north of the Humboldt Bay entrance between the Pacific Ocean and Humboldt Bay (see Exhibit 1). Although rural and relatively undeveloped in the wake of the collapse of the former industrial timber milling industry that once covered the site, the location is close to Eureka (approximately 3 miles south) and Arcata (approximately 12 miles north) via Highway 255 and Highway 101.

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

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

The Samoa lands are a brownfield, and numerous areas of the site contain contaminated soil and/or groundwater that is subject to the cleanup requirements of the Regional Water Quality Control Board. The existing structures have been tested and shown to contain lead based paint, and the soils surrounding the structures also contain very high concentrations of lead that has weathered into the soils from existing and previously existing structures, including fences that were treated with older lead paint formulations that contained significant amounts of lead. See particularly Exhibits 10 and 11.

Samoa is physically marked by numerous flat stretches where dune fields were graded starting in the late 1800s to make way for timber milling operations and for the storage of stacks of timber. This pattern is clearly visible in the aerial photographs of the Coastal Records Project: <http://www.californiacoastline.org/cgi-bin/image.cgi?image=200901329&mode=sequential&flags=0&year=2009>  
Site elevations vary considerably, from a low of about 10 feet above sea level to over 60 feet above sea level at the northern end of the site.

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

Samoa offers expansive coastal views toward the inland side and Humboldt Bay, and particularly from elevated areas of the site toward the westerly dunes and beaches and the Pacific Ocean. Views toward the south have long been interrupted by the existing industrial pulp mill, but the mill stands abandoned and plans are in progress for its removal.

### **D. NEW DEVELOPMENT: Locating New Development, Public Services, Community Character, Phasing and Cumulative Impacts**

#### **Coastal Act Policies**

**Section 30250 (Locating New Development)** of the Coastal Act states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels...

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

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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

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New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

### **Section 30254 Public works facilities**

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

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

The majority of the area proposed for new development would be developed for non-Coastal Act priority uses, and although the initial versions of the Samoa Town Master Plan (conceptual) contained substantial visitor-serving amenities and accommodations, these previously proposed amenities have been replaced by single family residential development in some cases. In other cases, the lower-cost visitor serving overnight

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accommodations that are still conceptually proposed face challenges, including feasibility concerns, due to unresolved costs – and potential adverse impacts on coastal resources --- that are associated with brownfield cleanup obligations that will be necessary to complete before these facilities could be constructed.

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

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

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

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

The County and the landowner/developer have requested, and the RWQCB has approved, the use of "institutional controls" as an interim measure for eight (8) locations within the subject Samoa lands that have been shown to have soil and water

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contamination that exceeds the levels that the RWQCB considers to be the threshold for certifying the closure of the affected areas.

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

The RWQCB has explained that the recordation of such deed restrictions generally means that the landowner/developer need not take any further action at the present time; however, if there is a change in land use or development, or activities are proposed that would disturb the soils of the site, then the landowner/developer at that time must contact the RWQCB for a determination of how to proceed (at that time, RWQCB requirements could include additional testing of soils and/or water at the site, and, based on the results, the RWQCB could potentially require remediation of the contamination prior to implementing the proposed land use change or development). In addition, pumping of groundwater is restricted in the affected areas that are subject to the deed restrictions.

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

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

The RWQCB staff has also identified three areas of the site that are contaminated to such an extent that the RWQCB requires active cleanup. These areas include: (1) the

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

The RWQCB staff and the staff of the federal Environmental Protection Agency (the EPA provided grant money for the testing/characterization of the Samoa Brownfield to facilitate the future redevelopment of the site) have stated that cleanup of contaminated areas at Samoa will be best accomplished if undertaken while only one landowner is involved. In addition, both the RWQCB and the EPA staff have noted that cleanup activities may raise complicated concerns, such as whether methods of cleanup undertaken might exacerbate the release of additional contaminants into the environment. For example, cleanup of lead from existing houses and soils – even with protective measures in place -- could release lead-contaminated dusts and vapors during the process. Since the structures of concern are mostly residences, human health risks could arise that would be difficult to resolve if the 99 cottages have been subdivided into individual lots and sold to numerous new owners. And, new homeowners may differ in their financial means to pursue the necessary cleanup process, and in their willingness to endure the neighborhood disruption of piecemeal cleaning efforts. Potential conflict could prevent the completion of the RWQCB’s cleanup requirements, and even if individual homeowners decided to bear the risk of living with the lead contamination as-is, the slow release of lead contamination into the environment, and ultimately into coastal waters, would continue according to the RWQCB staff if the lead contamination is allowed to remain in place.

The general advice of state and federal agency staff contacted by the Commission staff, and the advice of the Commission’s water quality staff, has been that it is important to ensure that the necessary cleanup activities are concluded before the Samoa lands are subdivided, while control of cleanup plans and the ability to implement a comprehensive approach to cleanup is possible. Both agencies indicated that the sole-owner cleanup approach provides multiple benefits for human health and for the environment and is generally the most environmentally protective way to proceed.

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

The County, the landowner/developer, the staff of the County Environmental Health Department, and the staff of the RWQCB all agree that a new waste water treatment facility must be designed and constructed on the subject site before new development

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

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

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

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

The Commission finds that to ensure that new development is located in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act, it is necessary for the LCP to designate the appropriate location, and development standards applicable to each kind of proposed development. Such designations must also take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality. As

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such, the Commission finds that the subject suggested modifications set forth above are necessary to ensure that the County's certified LCP contains the clear and comprehensive planning framework necessary to provide, in particular, for the master planning for the lands of the Samoa area. The Commission hereby notes that the certification of the Land Use Plan and Zoning maps proposed by the County and as revised in accordance with the subject suggested modifications, and including the certification of the Samoa Town Master Plan Land Use Designation Overlay and the Samoa Town Master Plan Coastal Zoning Overlay does not constitute a finding that the parcels shown on any of the subject maps, exhibits, or attachments hereto are indicative of lot legality. To the contrary, the Commission finds that substantial concerns exist about the legality of the small lots subject to Unconditional Certificates of Compliance as discussed herein.

The Commission finds therefore that the proposed LUP amendments as submitted are inconsistent with and inadequate to carry out the pertinent requirements of Sections 30250, 30251, 30252, and 30253 of the Coastal Act unless modified as suggested above.

### **E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS, WETLANDS, WATER QUALITY**

#### **Coastal Act Policies**

##### **Section 30210 Access; recreational opportunities; posting**

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

(bold emphasis added)

##### **Section 30230 Marine resources; maintenance**

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

##### **Section 30231 Biological productivity; water quality**

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

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

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

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

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

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

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

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

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

(6) Restoration purposes.

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

### **Section 30234.5 Economic, commercial, and recreational importance of fishing**

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

### **Section 30240 Environmentally sensitive habitat areas; adjacent developments**

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

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

### **Section 30252 Maintenance and enhancement of public access**

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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.**

(bold emphasis added)

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

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

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

The site contains a mosaic of sensitive habitat areas, including remnant dune habitat, dune hollow (and other) wetlands, coastal scrub and forests, and rare plant populations. The site also provides habitat for a variety of seasonal and year-round wildlife, and

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contains corridors that connect important habitat areas and allow for wildlife movement through the site. The variety of habitats and the continuous spatial connections between habitats found on and near the site contributes to a complexity of habitat niches that is often associated with an increased richness of species that are present.

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

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

The Commission further finds that the County and the landowner/developer have submitted biological survey data for the area west of New Navy Base Road that shows that ESHA exists within the boundaries of the area proposed for redesignation from Natural Resources to Public Recreation. The area remaining after ESHA and necessary buffers for sensitive habitat is taken into consideration is too small to provide the tent camping area that is conceptually proposed for that location. The Commission finds it necessary to delete this change, but to allow for a day use assembly area that would be suitable for environmental interpretation activities and would contain pertinent amenities and habitat protection features (such as symbolic post-and-rope fencing) at that location, and improved parking at the parking site adjacent to New Navy Base Road, including improvements to include school bus and Americans With Disability Act-compliant parking.

The Commission also finds that the County and the landowner/developer propose substantially intensified development of the subject lands if the land use changes shown on the proposed LUP map for the Samoa lands are implemented. The single family residential and multi-unit residential areas in particular do not contain small neighborhood recreational parks and community garden facilities that would compensate for the small (or non-existing) open spaces that accompany small lot or apartment-style development. If adequate parks and recreation spaces are not provided (and studies show that these must typically be within two blocks or less if the facilities are to be convenient enough to attract neighbors without requiring driving, and

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this is particularly true families with small children), it is likely that the sensitive resources such as those protected by the Corridor Area (Exhibit 16) will become *de facto* recreation areas for residents and their guests, to the detriment of the sensitive habitat areas disturbed by such unauthorized use.

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

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

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

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

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Other wetlands and non-wetland ESHA within the areas of the STMP-LUP are also subject to protective provisions set forth in the STMP-LUP suggested modifications, but the manner in which these areas would be protected (the location and extent of needed buffers, for example) would be considered on a case-by-case basis, in light of more current biological data, and in accordance with the methods for delineation and evaluation set forth in the suggested modifications. The Corridor Area described above is established based on the based biological data available presently because the guiding principle for describing the corridor is the interconnection of otherwise fragmented habitats and their buffer areas (which are typically only 50 feet for non-wetland ESHA in the Corridor Area) recognizing that some areas that are not described specifically as ESHA or buffer will also be included to establish connections and wildlife passage areas, thus making the “whole” of the Corridor Area sufficient to describe the location and extent of the Corridor Area and to thus also direct the necessary revisions of the County’s LUP and Coastal Zoning Maps to incorporate the Corridor Area.

For all of these reasons the Commission finds that the subject suggested modifications set forth above are necessary to ensure that the County’s certified LCP contains the clear and comprehensive planning framework necessary to provide for the master planning for the lands of the Samoa area in a manner consistent with the Chapter 3 policies of the Coastal Act that are protective of sensitive resources.

The Commission finds therefore that the proposed LUP amendments as submitted are inconsistent with and inadequate to carry out the pertinent requirements of Sections 30210, 30230, 30231, 30233, 30234.5, 30240, 30251, and 30252 of the Coastal Act unless modified as suggested above.

## **F. PUBLIC COASTAL ACCESS AND RECREATION;**

### **Coastal Act Policies**

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

#### **Section 30210 Access; recreational opportunities; posting**

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

#### **Section 30211 Development not to interfere with access**

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

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### **Section 30212 New development projects**

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

### **Section 30212.5 Public facilities; distribution**

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

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

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

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

### **Section 30214 Implementation of public access policies; legislative intent**

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

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- 4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

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

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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 30220 Protection of certain water-oriented activities**

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

### **Section 30221 Oceanfront land; protection for recreational use and development**

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

### **Section 30222 Private lands; priority of development purposes**

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

### **Section 30223 Upland areas**

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

### **Section 30250 Location; existing developed area**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

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

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

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### **Section 30252 Maintenance and enhancement of public access**

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

### **Section 30253 Minimization of adverse impacts**

New development shall: (in pertinent part only):

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

The land use plan component of Humboldt County's LCP Amendment Request No. HUM-MAJ-01-08 presently consists mainly of a land use plan map that is labeled "Samoa Town Master Plan" but is not a master plan in the conventional sense: Instead, the LUP map (like the accompanying new zoning map in the amendment) shows only the general outlines of proposed new land uses that could be implemented on the site in the future, once the County and the landowner/developer have (1) conducted the necessary biological and geohazard analyses; (2) conducted the necessary cleanup of the site; and (3) demonstrated the approvability of a subdivision and redevelopment plan as part of the coastal development permit application process.

The County and the landowner/developer originally indicated that extensive public coastal access and recreation amenities of the site would be included in the plan for redevelopment of Samoa, as noted in the "MASTER PLAN FOR THE TOWN OF SAMOA, Humboldt County, California" prepared for Samoa Pacific Group, LLC by RNL Design, The PLANNING Studio of Kevin Young, dated July 2002. The proposed plan for such amenities has changed substantially during the following years, and most recently included only the substantially reduced proposal for potential future amenities shown in the LUP and zoning maps (now revised) pertaining to the County's pending LCP amendment request (the previous maps are shown in Exhibit 3).

## **F. HAZARDS**

### **Coastal Act Policies**

#### **Section 30253 Minimization of adverse impacts, in pertinent part**

New development shall do all of the following:

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- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

### **Section 30235 Construction altering natural shoreline, in pertinent part:**

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

## **VI. FINDINGS FOR APPROVAL OF IMPLEMENTATION PLAN AMENDMENT IF MODIFIED AS SUGGESTED**

The Commission finds it necessary to suggest modifications to the proposed Implementation Plan amendment to ensure that the Implementation Plan as amended will conform with and adequately carry out the Land Use Plan as amended. Suggested Modifications for this purpose are set forth above.

## **VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the LCP or LCPA does conform with the provisions of CEQA including the requirement in CEQA section 21080.5(d)(2)(A) that the LCPA will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (14 C.C.R. §§ 13542(a), 13540(f), and 13555(b)).

The County of Humboldt's LCPA consists of a Land Use Plan amendment and an Implementation Plan Amendment. The Land Use Plan amendment as originally submitted raises a number of concerns regarding the Chapter 3 policies of the Coastal Act and thus cannot be found to be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The Commission, therefore, has suggested

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modifications to bring the Land Use Plan amendment into full conformance with the requirements of the Coastal Act. As modified, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

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

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