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Addendum: Th11b

To: Commissioners and Interested Parties

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

Date: October 13, 2010

RE: Humboldt County LCP Amendment Request No. HUM-MAJ-01-08

I. Purpose of Addendum

This addendum supplements the staff report dated September 30, 2010 for Humboldt County LCP Amendment Request No. HUM-MAJ-01-08 concerning the Brownfield redevelopment (formerly referred to as the “Samoa Town Master Plan”) of an area located within approximately 220 overall acres of land situated on the North Spit of Humboldt Bay (known as the Samoa Peninsula), located between Humboldt Bay to the east, the Pacific Ocean to the west, the City of Arcata to the North, and the City of Eureka to the south, in unincorporated Humboldt County. The site is primarily accessed via U.S. Highway 101 and State Highway 255. This is a project-driven LCP amendment originally initiated by the County with redevelopment funds (for planning and permitting costs) in tandem with the landowner/developer Samoa Pacific Group LLC/Danco Development.

The purpose of the addendum is to:

- (Section II) Respond to comments and concerns received by staff prior to October 10, 2010 (any pertinent changes to the staff recommendation are noted along with the concern, but are edited below); and
- Attach correspondence received by the Commission since publication of the September 30, 2010 staff report; and
- Respond to correspondence received from October 10, 2010 through the publication of the addendum on October 13, 2010, to the extent possible while preparing for the Commission meeting (Attachment 1 – Correspondence Since October 10, 2010); and
- Make corrections and responsive modifications to the September 30, 2010 staff report recommendation, including to the recommended suggested modifications where staff has determined that these are indicated; and
- Provide the remaining findings that were not complete at the time of publication of the September 30, 2010 staff report (hazards and implementation program), as well as pertinent revised or additional suggested modifications, where necessary based on these

findings, and provide remaining exhibits that were not attached to the staff report at the time of original publication on September 30, 2010.

- Attach Ex Parte notices received from Commissioners through publication of the addendum.
- Attach Substantive File Documents List.

II. Comments and concerns received by staff prior to October 10, 2010;

Where a change in the suggested modifications is shown below, the change is hereby incorporated by reference into the Commission's findings and declarations as though part of the staff recommendation set forth in the staff report dated September 30, 2010:

Staff Note: Since the publication of the staff report on September 30, 2010, the Commission staff has met on request with Humboldt County staff and landowner/developer managing owner (Dan Johnson of Samoa Pacific Group LLC and Danco Development) and various members of the Samoa Pacific Group staff, as well as consulting experts for Samoa Pacific Group (wetlands, hazardous waste management). The meetings were held at the Humboldt County Community Development Department office in Eureka on Tuesday, October 5, 2010, Thursday, October 6, 2010, and Tuesday, October 12. To the extent that these meetings yield further insights or resolution of as-yet unresolved concerns raised by the County or the landowner/developer, these will be reported by staff in the staff presentation on October 14, 2010.

In addition, staff met on request with representatives of Humboldt Baykeeper and ORCA on Thursday, October 7, 2010 from 10:15 a.m. until 11:45 a.m.

The comments and concerns of these parties identified by staff in the meetings noted above are addressed below (County: Sub-section A; Samoa Pacific Group/Danco Development: Sub-section B; and Humboldt Baykeeper and/or ORCA: Sub-section C); all of the parties listed in this section indicated that they intend to submit further comments to the Commission in writing or in person, or both, prior to or at the Commission's October 15, 2010 scheduled hearing on LCP Amendment Request No. HUM-MAJ-01-08. (Additional correspondence received by staff prior to publication of this addendum will be attached, but will only be responded to within the addendum if staff resources allow time for such a written response.)

This addendum hereby incorporates into the staff recommendation for agenda item TH11b (Humboldt County LCP Amendment Request No. HUM-MAJ-01-08) and into the pertinent Coastal Commission findings otherwise set forth in the September 30, 2010 staff report, the following changes or additions to the findings that were not completed prior to the publication of the staff report dated September 30, 2010.

Changes to Findings: Ordinary font indicates text of additional findings (staff does not propose the deletion of any findings published in the September 30, 2010 staff report except as may be required in "corrections" Section III).

Changes to Suggested Modifications: Where additional or revised text is associated with the suggested modifications, double underline indicates text of existing suggested modification; additional recommended suggested modifications associated with this addendum are shown in bold double underline. Where an existing staff-recommended suggested modification set forth in

the September 30, 2010 staff report is changed by this addendum, bold strike-through denotes such text.

The text conventions shall be as follows:

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

A. Concerns expressed by County staff prior to October 10, 2010:

County Concern #1: Brownfield remediation records: local government retention requirement.

The County staff requested that staff delete the requirement that the County retain certain records pertaining to Brownfield remediation during future CDP application review and for public review access thereafter, as the County considers the requirement to be burdensome and beyond the scope of the County's statutory obligations and responsibilities. The County staff commented that the State's "Geotracker" on-line database should instead be relied upon exclusively as the repository of such records, for use by interested parties seeking such information in the future. The County staff also cited constraints on County file storage space and the burden the collection and storage of the subject information would place on the County's resources. A concern discussed in the meeting is that if the State decides to stop maintaining the Geotracker website in the future, there would be no retained hard copies of the records locally available; the SPG consultants confirmed that if the Geotracker website was taken down, there might be no readily accessible alternative public record kept at the state level. It is not known whether financial or other constraints might effect the Geotracker program. Nevertheless, whether Geotracker is retained in the future, or not, the County prefers not to retain the Brownfield remediation records within its public files in the manner that the suggested modifications recommended by staff presently require.

Response to County Concern #1:

The Commission has considered the County's objection and revised the subject provisions to instead require that the County obtain the subject records as required during future Coastal Development Permit review so that interested parties have access to the subject information during the public hearing "window" of local government decision, and that the County also forward copies of such records to the Commission whether or not there is an appeal of the County action to the Commission for placement with the Commission's LCP Amendment HUM-MAJ-01-08 records or with the pertinent post-certification notification records, if such records are associated with an appeal of the local action to the Commission. This combination will provide some insurance that local information is available to interested parties to the extent the Commission records remain on-site, and thereafter if archived, would remain reasonably

available on request and as a backup if the Geotracker site is discontinued in the future or does not include all of the pertinent documents. This option would alleviate the concerns expressed by the County while preserving for the public record potentially important information about the kinds and locations of contamination that have affected the subject lands and the associated land use decisions, where pertinent.

The Commission hereby revises the pertinent suggested modification set forth above as follows:

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

1) Prior to issuance of the coastal development permit, and prior to recordation of the final map for the merger and redivision of the STMP-LUP Overlay Area generally depicted on Exhibit 2A into the Master Area Parcels generally depicted on Exhibit 1A, the landowner shall provide copies to the County ~~for permanent inclusion in the public record prepared for the subject CDP,~~ of the complete records of all characterization, remedial action plans and implementing work plans, and other requirements of reviewing agencies including, as applicable, Humboldt County Environmental Health Department, State Regional Water Quality Control Board, State or Federal Environmental Protection Agency, State Department of Toxic Substances Control, or any other state or federal agency or local government department with review authority over the soil and groundwater contamination status and remediation of the Samoa Town lands establishing the Samoa Town Master Plan - Master Area Parcels and these records shall be retained by the County and available for public inspection **until the pertinent appeal period, if any, for the subject Coastal Development Permit has ended. Whether or not such records are related to an appeal to the Commission, the County staff may provide copies of the collected records required by Subsection (F) (1) and (F) (1) (a), (b), (c), and (d) below to the Coastal Commission's North Coast District Office.**

This requirement shall additionally apply in full to any future Coastal Development Permit or Coastal Development Permit Amendment associated with the subject STMP-LUP lands. The pertinent records **collected by the County and copied to the Commission after local permit approval to the Coastal Commission** shall include at a minimum the following:

a) the complete record of detection of contamination of soils, surface, or groundwater disclosed by the previous landowner(s) to the landowner/developer (Samoa Pacific Group) at the time of auction/purchase of the subject Samoa lands;

b) a complete record of all subsequent site investigations (whether of soils, ground or surface waters) undertaken to characterize the soil and groundwater contamination present, including maps of sampling locations, documentation of chain of custody, and associated laboratory test results, analyses, conclusions, and correspondence of the landowner/developer with applicable regulatory agencies with review authority over the soil and groundwater contamination status of the STMP lands;

c) a complete record of the approved Remedial Action plans and any amendments or revisions to the approved Remedial Action Plans authorized by the State of California Regional Water Quality Control Board (RWQCB);

d) a complete record of the approved Final Work Plans authorized by the RWQCB to implement the Remedial Action Plans, and any amendments or revisions to the approved Work Plans authorized by the RWQCB; all reports or records of testing or monitoring of ground or surface waters or soil and all remediation actions undertaken in reliance on the direction of the RWQCB or other agency with regulatory oversight of the subject lands whether through RWQCB processes listed herein or through any other authority; and evidence of the implementation status of any remedial measures required by the RWQCB.

County Concern #2: Lot legality review requirement:

The County requested that the lot legality review required prior to the effectiveness of the redesignations and rezonings certified by the Commission in its action on LCP Amendment HUM-MAJ-01-08 be clarified to apply only to those lands presently in the common ownership of the Samoa Pacific Group LLC.

Response to County Concern #2:

Although the suggested modifications allow the landowners to proceed with the LCPA without establishing the legality of the property affected by the LCPA if all such property is merged and redivided into the Master Parcels authorized by the Commission, it is still necessary to ensure that the entirety of the legal parcel(s) containing the property affected by the LCPA are merged and redivided before the land use designations and zoning proposed in LCP Amendment HUM-MAJ-01-08 take effect. See suggested STMP (New Development) Policy - Phasing 1A – set forth below for easy reader reference.

The lands in question are part of substantially larger holdings that were entirely in the ownership of Louisiana-Pacific Corporation as recently as 1989-90 according to the certified Humboldt County Beach and Dunes Management Plan (certified in 1993 as part of the Humboldt County LCP). Land transfers may have occurred prior to acquisition by Samoa Pacific Group LLC that involve portions of the lands affected by the LCPA and therefore analysis of only the lands presently subject to the common ownership of SPG may not ensure that the entirety of the legal parcel(s) containing the APNs affected by the LCPA is merged and redivided.

Therefore, the Commission continues to require that the entirety of the legal parcels containing the APNs affected by the LCPA are merged and redivided prior to the effectiveness of HUM-MAJ-01-08, but with two corrected phrases.

The Commission hereby revises Policy 1A as indicated below.

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

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

A. Prior to any other development, the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit (CDP), to merge and resubdivide into the Samoa Town Master

Plan Master Area Parcels shown on Exhibit 1A and listed in subparagraph C below the entirety of the legal parcel(s) containing APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 2A.

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

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

B. Concerns expressed by SPG Prior to October 10, 2010

SPG Concern #1: requirement for removal of invasive, non-native plant species:

The SPG managing owner/Danco Development CEO and consulting wetlands biology specialist indicated a concern that references to the obligation of removing invasive, non-native plant species within the Samoa lands appeared open-ended, possibly requiring decades, if not generations, to achieve.

Response to SPG Concern #1: There is an extensive presence of pampas grass within the town site. This is a particularly invasive and persistent species. The development of the town site will include extensive site disturbance, which substantially increases the potential to spread and germinate the seeds of non-native species that tend to vigorously out-compete native plants and to adversely affect wildlife habitat and native plant reserves and habitat areas. Since the site would be developed in managed phases subject to specific Coastal Development Permit review requirements, the opportunity to plan for the removal and control of ecologically important non-native species is significant.

The particulars of landscape/revegetation plans are typically tailored to the site characteristics and representative native plant species that are the focus of revegetation efforts. Most often, efforts to remove aggressive invasive species are focused heavily on the initial first-year effort

and in follow-up control of newly emergent individuals in the year or two thereafter, often in a particular season. If managed appropriately, such a plan can be extremely effective, and periodic removal for the remainder of the plan period helps to ensure that the native plants are well established and better able, therefore, to withstand colonization by non-native species as compared to the initial few years after disturbance, differential germination or colonization by more vigorous non-native weedy species, and the slow initial development that often characterizes new native plantings. Native plants tend to grow more slowly and to be out-competed by weedy exotic or particularly aggressive non-native species in early stages of comparative development and establishment, which is why control of exotics in the earliest stages leverages the most benefit. As such, and to provide additional clarity, the Commission adopts minor modifications to suggested modification that includes the policy of concern to the SPG representatives:

STMP (Wetlands/ESHA) Policy 9:

Prior to approval of a coastal development permit for any land division or other development of STMP-MAPs except (1) the rehabilitation or remodeling of the existing residences provided the RWQCB authorizes the continuing reliance of such residences on the existing waste disposal system; and (2) the cleanup of contaminated soil surrounding existing structures in the STMP-LUP area that is required by the RWQCB, a plan shall be prepared for the removal of invasive, non-native plant species of particular ecological concern (such as pampas grass) within the subject STMP-MAP. **To the extent that proposed development will require landscaping and/or erosion control, the plan may be combined with these requirements. In either case, the post-implementation period of monitoring and additional removal of non-native species shall generally be completed within a five-year period of time, or less depending on the biological objectives identified in the plan, commencing with initial removal of identified non-native plant species of ecological importance within the subject area, and with additional time if plan milestones are not achieved and additional removal is thus required.** The plan shall contain a timeline **not to exceed a maximum of ten (10) years, which shall include a five-year initial plan and followup remediation or adaptive management for up to five additional years based on the review of a qualified botanist, and the plan shall also include** performance milestones, monitoring, and reporting requirements. Compliance with the requirements of the plan shall be attached as a condition of approval of the subject coastal development permit, and the condition shall specify that the plan must be implemented within one year of approval of the coastal development permit.

SPG concern #2: Business Park structural and retail limitations.

SPG managing owner requested that staff eliminate the restrictions on retail use, including on regional retail use within the proposed Business Park, and allow a ground floor area of at least 25,000 square feet (30,000 sq. ft. in March 2010 comments).

Response to SPG concern #2:

The reasons for the limitations on regional retail have been discussed in substantial detail in the staff report. The area called out for Business Park use since 2002 was approved by the County in

2005 as a “General Industrial” type of use for the creation of a 2.5-acre parcel and construction of an approximately 40,000 sq. ft. warehouse-style recycling center/processing facility (the Samoa Processing Center opened in 2007). The facility does not reflect the “campus-like” landscaping and atmosphere illustrated in the Design Guidelines developed by the County and SPG—but is designed on an “industrial scale.” Existing traffic congestion affecting the main routes into the Samoa area are already causing deleterious affects to significant coastal access routes (U.S. Highway 101 and State Highway 255).

To achieve some flexibility in design elements and to accommodate the potential for light industrial manufacturing incubator use, the Commission finds it appropriate to include the option of constructing up to two structures within the business park that are a maximum of 20,000 square feet in total square footage, provided that the ground floor is no more than 10,000 square feet, and provided that these structures are also designed and located to provide vertical tsunami evacuation and shelter for the greater business park community (via outdoor access to the uppermost evacuation elevation that is accessible under any emergency condition or time of day in a manner accessible to business park occupants).

The Commission hereby revises STMP (Business Park) Policy 2 as follows:

Boxy, monolithic “industrial park” and warehouse-style development shall be avoided. Structures shall be no more than three (3) ordinary stories in height and shall be sited, designed, scaled and landscaped to blend compatibly with the community character of the existing town of Samoa. Individual structures shall be limited to a maximum of 10,000 square feet, **with the following exceptions: a maximum of two structures may be sized up to 20,000 square feet, however the first-floor area shall not exceed 10,000 square feet and the visible bulk of the structures shall be reduced by design features and landscaping elements, and the structures shall include upper elevation vertical tsunami evacuation and assembly areas for the benefit of the overall business park users. Access to the vertical evacuation elevation shall be made continuously available from outside accessways so that evacuees would not be locked out of the main building internal areas, and use of the vertical evacuation areas shall be included in annual tsunami evacuation drills within the business park area.** The business park shall be designed in manner that ties all development within the park together in an aesthetically compatible manner, with an emphasis on public greenways and common areas. Parking areas shall be located behind structures and screened with landscape plantings.

SPG Concern #3: Bus stops in Samoa should not be required to have emergency call boxes or security lighting. SGP managing owner noted that this seems like a burdensome requirement because SPG partnership should not have to pay for the electricity and maintenance that providing these features would require.

Response to SPG Concern #3:

Considered in isolation this requirement may seem burdensome. The goal at the Samoa site is for the Redwood Transit Agency to include the town site in its bus transportation route. The route does not stop at Samoa now, and the Samoa Pacific Group and the County can (and likely will) request such service, but the RTA’s decision in response to the request is based on ridership

demand; the RTA is not obligated to add the town site to its route. The Samoa Town Master Plan as proposed by the County and the landowner/developer originally included three bus stops within the town, but the March 2010 comments of the County staff and the SPG included the proposal to reduce the bus stops to only two. Securing public transportation use in Samoa is considered highly important to reducing the traffic congestion posed by the 7,100+ traffic trips per day that SPG and the County estimate Samoa buildout will produce.

The Samoa EIR does not include cumulative traffic impact analysis with the Marina Center/Balloon Tract development (for which a preliminary coastal development permit associated with remediation of contamination approved by the City of Eureka is presently on appeal to the Coastal Commission). Each of these projects is quite large by rural Humboldt County standards. Therefore, the traffic congestion that the combination of projects will produce within critical coastal access routes (particularly Highway 101 which is the main route through the City of Eureka and is presently a constrained "safety corridor" from Eureka north to the City of Arcata) is significant. Caltrans has advised that congestion management may be the most significant traffic mitigation measure that remains (other than installing a roundabout near the Samoa site, which will not help the U.S. Highway 101 traffic congestion), as the other mitigation measures (such as one-directional turning only options at Highway 255 intersections with Highway 101) and remote operator-controlled management of key intersections during peak hours have already been implemented.

Taking into account the SPG representatives' assertion that the requirements for emergency call boxes and safety lighting in the two required Samoa bus stops will impose a significant financial and management burden on the SPG partnership, and the fact that the County supports the SPG objection to the requirement, the Commission deletes such requirement in favor of simpler requirements for two weather protected bus stops. Samoa is a very windy, high humidity, often very cool, and relatively high annual rainfall climate that calls for weather-sheltered bus stops at a minimum. The requirement that tsunami evacuation maps be posted in the bus stop shelters also remains in the revised suggested modification (see below) as coastal visitors or incidental commuters arriving by bus might not otherwise have access to this potentially life-saving information.

The Commission hereby includes the following changes to the pertinent suggested modification:

STMP (Coastal Access) Policy 4:

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

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

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

SPG Concern #4: Object to obligation to install trash receptacles and to empty and remove trash near Samoa Beach and the proposed Samoa Dunes Interpretive Area. The SPG managing owner objects to the requirement that the company maintain trash receptacles at the Interpretive Area (the County does not currently propose to accept this maintenance responsibility).

Response to SPG Concern #4:

The County is requiring the SPG to improve parking at the Samoa Beach turnout as part of the County's master environmental impact analysis documents. The Commission has considered the SPG objection, but notes that the Samoa project will add residential units of various descriptions as well as significant commercial and visitor serving uses, drawing residents, their guests, and coastal visitors to the area. Significant increased use of the beach and dunes areas, as well as the connecting trail that is required between the Samoa Cookhouse low cost visitor serving area and the public underground tunnel crossing of New Navy Base Road, will inevitably result as a consequence of the SPG's development proposals. All of the Samoa lands proposed for development share direct access to the undercrossing of New Navy Base Road and convenient access to the beach and dunes beyond that make use of the area for recreation likely. Thus, the SPG development traffic is likely to play a significant role in increased potential littering. It is also the case that the SPG development will be using the public trust lands seaward of the mean high tide line as part of the recreational features and attractions of the SPG development's proximity to this public resource. This is particularly true because the Humboldt County Beach and Dunes Management Plan certified by the Commission in 1993 as a part of the County's certified LCP allows the riding of Off Road Vehicles along the wave slope (public trust lands) that traverses the edge of the SGP lands located west of New Navy Base Road.

Thus, in order to mitigate for the increased intensity of use of the public coastal resources of the Samoa beach area, the Commission requires that the landowner/developer provide trash receptacles and trash removal at these minor designated locations. The suggested modifications have been drafted to specify that the owner/operator of (presently SPG's) Low Cost Visitor-Serving Accommodations associated with the Samoa Cookhouse parcel undertake this specific obligation, to provide at least an interim management structure regarding the trash management obligation. The resultant decrease in littering will also benefit the marine environment by keeping trash off the beaches and thus out of the ocean waters, and will reduce trash disposal within the Wildlife Corridor and ESHA areas of the STMP-LUP area connecting the town site and the public access tunnel at New Navy Base Road, and the Samoa Beach and Samoa Dunes Interpretive Area.

The Commission therefore retains that suggested modification containing STMP (Coastal Access) Policy 3 as set forth below for ease of reader reference:

STMP (Coastal Access) Policy 3:

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

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

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

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

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

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

SPG Concern #5 (Low Cost Visitor-Serving Accommodations/Hostel):

The concern expressed by SPG in this regard relates to the low cost visitor serving accommodations listed in STMP (Coastal Access) Policy 1.

Staff response to SPG Concern #5: The previous staff recommendation (December 22, 2009) included a requirement that the Samoa town site include construction of the 22 vacation units proposed by SPG in the withdrawn “Samoa Town Master Plan” within a specified timeframe, or pay the prescribed in-lieu fee of \$500,000 for equivalent amount of alternative coastal visitor serving accommodations to be constructed or otherwise provided elsewhere on the North Coast. The recommendation also included affirmative requirements for the construction of the previously proposed minimum of 8 RV camping sites, the second floor hotel or hostel on the second floor of the Samoa Cookhouse, etc.

The suggested modification does not indicate a requirement or preference for the Low Cost Visitor Serving Accommodations to be owned or otherwise managed by an “Eco-hostel” or any other particular group – but rather only that the specified accommodations be constructed and

opened to the public and maintained in good repair and condition and continuously available at affordable rates for the general public in the future.

However, the previously proposed 22 vacation units have been permanently deleted from the conceptual master plan since the publication of the last staff report (December 22, 2009). The landowner/developer indicated that the deletion was necessary to make the project feasible from a profit perspective, and proposed instead a dry tent-camping site on the dunes owned by SPG west of New Navy Base Road. Thereafter, though, rare plant habitat was identified by SPG's biological consultant in the tent camping area. In addition, since the publication of the September 30, 2010 staff report, it has become clear that 25 existing residences within the Samoa lands east of New Navy Base Road share a waste water disposal system that delivers secondary effluent to the same area west of New Navy Base Road that had been proposed by SPG for the tent camping site. In addition, an 8-unit RV parking area near the Samoa Cookhouse was under consideration for deletion by the landowner/developer in the months before preparation of the September 30, 2010 staff report.

Therefore, the Commission finds that the most effective way to ensure that the relatively intensive development of the Samoa lands for non-Coastal Act priority land uses (general commercial, business park, and residential for example) includes a reasonable amount of low cost visitor serving accommodations is to specify the basic amenities, and to include them in the area that the SPG already proposed generally for this type of use. The SPG project manager has indicated that the listed features could fit reasonably into the approximately 5-acre site associated with the Samoa Cookhouse area of the SPG property.

For these reasons, the Commission makes no changes to the existing suggested modification:

STMP (Coastal Access) Policy 1:

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

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

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

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

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

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

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

C. Concerns expressed by other interested parties prior to October 10, 2010

As noted above, Commission staff met with representatives of Humboldt Baykeeper and ORCA at the request of representatives of these organizations, on Thursday, October 7, 2010 from 10:20 – 11:30 a.m.

Concerns expressed by the Humboldt Baykeeper representatives included:

1. Concern that Commission staff findings regarding water quality improperly rely exclusively on deference to the review of Regional Water Quality Control Board.
2. Concern that Commission staff has failed to properly require installation of new waste water treatment facilities within the town site with respect to existing development, and that the waste water leachfield on the dunes west of New Navy Base Road is inappropriately located, has not been analyzed to determine whether groundwater or ocean contamination is occurring at this location, whereas other effluent disposal areas were identified and characterized in the other Samoa Pacific Group Brownfield evaluations. Concern that this leachfield was probably not analyzed by RWQCB prior to the original installation. Think that new Urban Limit Line calls for upgraded waste water treatment facilities and that waiting until new facilities are required for new development may result in long delays in transfer from the aging treatment facilities, likely contaminating groundwater, or sea water. Cite “Fairhaven Cottages” denial decision by County as evidence that similarly situated facilities on the Peninsula considered under modern standards

do not meet pertinent water quality protection requirements and that the County is inconsistently applying standards for waste water disposal to Samoa Peninsula lands with high permeability and high groundwater.

3. Concern that the Cookhouse property relies for some waste water treatment offsite on property owned by Humboldt Harbor District, should be relocated or upgraded to within the new proposed Urban Limit Line and onto SPG-owned lands.
4. Concern that there are known pre-historic cultural sites within the SPG-owned lands and that there should be requirements to identify and avoid those sites at the pre-subdivision stage, not later when individual lots are up for development; could be too late to properly identify and avoid at that stage. Appears that historic resources (existing “company town”, etc.) have been mostly adequately addressed in staff recommendation.
5. Concern that the alternative car/tent-camping site required within Samoa Cookhouse area will be situated in an area that the RWQCB indicates is contaminated area of the Brownfield and subject to deed restriction requirements.
6. Concern that if the County’s Beach & Dunes Management Plan (1993) is a certified portion of the County’s LCP, that consistency of the proposed LCPA with the Beach and Dunes Management Plan should be addressed. Concern that increased development of the Samoa lands will increase the unauthorized ORV and truck trespass into sensitive dune areas. Request placement of barriers to prevent this where there is strong physical evidence of such occurrences now.
7. Concern that the overall issue of the legality of the lots comprising the Samoa lands should be investigated and resolved prior to certification of the LCP amendment. Concern that the LCP amendment certification will render enforcement of underlying lot legality issues difficult. Requested clarification of land ownership changes and land transfers since publication of the Beach and Dunes Management Plan which shows many hundreds of acres of land including the subject lands as part of Louisiana-Pacific common ownership as recently as 1989-1990.
8. Concern that RWQCB staff originally compared the Samoa Brownfield to the Marina Center/Balloon Tract contamination area as an example of an area (the latter) that is underlain by clay layer and could potentially be capped to control some contaminants, while noting that Samoa site is underlain by former sand dunes, is permeable, has high groundwater close to the sea & Bay, and thus not similar in this way to the Marina Center site or suitable for a capping solution. Nevertheless the RWQCB appears now to endorse capping as an acceptable solution at Samoa. Why?

Commission responses:

Concern #1: The Commission does rely upon the determinations and supervision of cleanup by the RWQCB vis-à-vis resolution of the Brownfield remediation issues of the subject Samoa lands. Certain deed restriction requirements are included in the staff recommendation, and certain milestones of cleanup progress are required, but the actual requirements, standards, and final resolution of cleanup relies completely on the RWQCB determinations.

Response to Concerns #2, #3, and #5: It is true that the SPG lands are still being actively served by a secondary wastewater disposal field on the dunes west of New Navy Base Road (a small building is shown there that is a pump station, and the area is fenced off). The treatment facility disposes of the secondary effluent generated by approximately 25 existing houses in the

historic residential area of Samoa. The arsenic levels detected in the boring approximated normal background levels for the area. Testing for nitrites and nitrates, coliform, or e-coli bacteria that might be associated with waste water leachate was not conducted at that location. Staff does not know whether the RWQCB ever evaluated the system for underlying permits, as the houses served are very old, almost 100 years old, and the age of the leachfield is not known.

HUM-MAJ-01-08 as modified requires that the existing residences be transferred to any new waste water treatment facility that may be developed. However, the amendment as modified allows the houses to continue to be served by whatever existing waste water treatment facility exists presently unless ordered to the contrary by the RWQCB. It is true as pointed out by Humboldt Baykeeper that there is no requirement in the recommended suggested modifications for the new wastewater treatment plant to be built on a particular timeline, and if new development that requires the plant is not constructed, then the existing waste water facilities may potentially continue in use in perpetuity, including after the existing residences are parcelized and sold off as proposed in LCPA HUM-MAJ-01-08.

The Humboldt Baykeeper discussed concerns about the physical location of the leachfield, and potential problems with storm erosion. If the system should be breached by storm waves, emergency permits and additional Regional Water Quality Control Board approval would likely be required to address the situation at that time. The Commission has issued emergency and follow-up permits for effluent outfalls failures along the dunes west of New Navy Base Road several times during the past 15 years, including grading of 5 acres of dunes at one point. Thus, the dunes have been disturbed for effluent disposal facility upkeep requirements in the face of storm wave attack in nearby locations in the past and such situations could be similarly addressed in the future. Ultimately, the LCPA proposal is to transfer the residences to a new sewage treatment system, even though there is not a mandatory timeline for this transfer. There is the requirement, however, that the existing residences be transferred to any new system, and thus although the leachfield on the dunes was not specifically identified and evaluated in the County's LCPA, the leachfield would be retired at that time under the necessary permit approvals.

The representatives also expressed concern that SPG and the County proposed the use of the leachfield location for the tent camping site on the dunes without disclosing that an active leachfield was in use in approximately the same location without a timeline for abandonment and removal prior to tent camping use. The suggested modifications do not authorize the tent camping location because of potential adverse impacts to rare plant habitat in the area. The suggested modifications instead require the establishment of a Samoa Dunes Interpretive Area, for day use only, in the same location. Therefore, since the County will investigate the compatibility of the existing leachfield and the day use improvements in reviewing the necessary permits for the interpretive area, the Commission adopts no change to the suggested modifications.

Concern #4: Staff has consulted the underlying environmental impact reports prepared by the County with regard to pre-historic/archaeological sites that may exist within the subject Samoa lands. The County references five pre-historic cultural sites within the subject area, but these are not specifically identified spatially (this information is typically not revealed for the protection of

the resources) and the County has not included provisions to ensure that further land divisions or redivisions and development are undertaken in a manner that preserves these sites from future disturbance. Baykeeper and ORCA representatives requested that a new suggested modification be included that would require a further evaluation and delineation of sensitive cultural resource areas prior to resubdivision of the Samoa lands or other development thereafter, and that would specifically require that the sites be protected from development as part of the subdivision and other development coastal development permit review. The Commission agrees that this is a protective requirement that should be imposed pursuant to Coastal Act policy 30244.

Therefore, the Commission hereby adds the following additional suggested modification to the staff recommendation set forth in the staff report dated September 30, 2010:

STMP (Archaeological Resources) Policy 1:

Prior to the approval or issuance of the CDP for the division or other development of the Master Area parcels generally depicted on Exhibit 1A, a Phase II archaeological resources assessment of all known archaeological sites shall define the resultant boundaries of such sites if not formerly known, or if the boundaries of the sites are fully recognized, shall ensure that the former Wiyot village sites and all five of the sites noted previously by County studies or referenced in the County's environmental impact reports for the "Samoa Town Master Plan" are protected from further development and disturbance. Prior to undertaking any further division or other development, the landowner and County shall confer with designated Wiyot representatives to ensure that the cultural resources identified herein are protected in accordance with the Wiyot representative's recommendations. The Coastal Development Permit for any land division or other development that is undertaken on lands subject to the resultant restrictions shall be conditioned to ensure the continuing protection of the archaeological resources identified in accordance with these requirements.

Concern #6: The County's 1993 Beach and Dunes Management Plan is a certified portion of the County's LCP. There is authorized ORV riding on the wave slope portion of the Samoa lands west of New Navy Base Road, and the Beach and Dunes Management Plan shows two populations of rare plants within the area proposed for Business Park use by the County and Samoa Pacific Group. Studies undertaken by the County in preparation of the EIR documents for the LCP Amendment, including botanical surveys, however, have not shown rare plants in the areas shown in the Beach and Dunes Management Plan. Placement of boulders or other obstacles to limit unauthorized access to the dunes is an enforcement matter for Humboldt County or, if not an enforcement matter, an improvement that could be considered at the time the County processes the coastal development permit(s) that will be required for the necessary improvements of the parking area near Samoa Beach and the future Samoa Dunes Interpretive Area. The Commission makes no change or response to this comment.

Concern #7: As noted above, although the suggested modifications allow the landowners to proceed with the LCPA without establishing the legality of the property affected by the LCPA if all such property is merged and redivided into the Master Parcels authorized by the Commission, it is still necessary to ensure that the entirety of the legal parcel(s) containing the property

affected by the LCPA are merged and redivided before the land use designations and zoning proposed in LCP Amendment HUM-MAJ-01-08 take effect. See suggested STMP (New Development) Policy - Phasing 1A – set forth below for easy reader reference.

The lands in question are part of substantially larger holdings that were entirely in the ownership of Louisiana-Pacific Corporation as recently as 1989-90 according to the certified Humboldt County Beach and Dunes Management Plan (certified in 1993 as part of the Humboldt County LCP). Land transfers may have occurred prior to acquisition by Samoa Pacific Group LLC that involve portions of the lands affected by the LCPA and therefore analysis of only the lands presently subject to the common ownership of SPG may not ensure that the entirety of the legal parcel(s) containing the APNs affected by the LCPA is merged and redivided.

Therefore, the Commission continues to require that the entirety of the legal parcels containing the APNs affected by the LCPA are merged and redivided prior to the effectiveness of HUM-MAJ-01-08, but with two corrected phrases.

Concern #8: It is true that Samoa Peninsula is primarily a narrow dune field expanse separating the Bay from the Pacific and soils tend to be highly permeable, with high groundwater. Whether clay lenses or other features exist on Peninsula lands is unknown to staff. The Commission relies on the determinations of the RWQCB with regard to the remediation requirements applicable to the Samoa lands.

III. Correspondence received October 10, 2010 through publication of this addendum on October 13, 2010:

- A. Humboldt County (if any)
- B. Samoa Pacific Group, LLC/Danco Development (Landowner/Developer) correspondence received October 11, 2010.
- C. Humboldt Baykeeper and/or ORCA (if any)
- D. Other Correspondence (if any)

IV. Additional findings and associated additional or revised suggested modifications

This addendum hereby incorporates into the staff recommendation for agenda item TH11b (Humboldt County LCP Amendment Request No. HUM-MAJ-01-08) and into the pertinent Coastal Commission findings otherwise set forth in the September 30, 2010 staff report, the following changes or additions (hazards, implementation program, visual) to the findings that were not completed prior to the publication of the staff report dated September 30, 2010. In addition, any pertinent changes listed in Section II of this addendum (such as changes to the suggested modifications) and the reasons discussed therein, are also incorporated by reference into the Commission findings set forth in the staff recommendation dated September 30, 2010.

Changes to Findings: Ordinary font indicates text of additional findings (staff does not propose the deletion of any findings published in the September 30, 2010 staff report except as may be required in “corrections” Section III).

Changes to Suggested Modifications: Where additional or revised text is associated with the suggested modifications, double underline indicates text of existing suggested modification; additional recommended suggested modifications associated with this addendum are shown in bold double underline. Where an existing staff-recommended suggested modification set forth in the September 30, 2010 staff report is changed by this addendum, bold strike-through denotes such text.

A. New (Additional) Exhibits (new exhibits attached to the September 30, 2010 staff report used the series convention of “Exhibit 1A, 2A, 3A, etc., and concluded in that report with Exhibit 13A, thus the additional exhibits included in this addendum commence with Exhibit 14A, 15A, etc.)

14A Samoa location map

15A Tsunami Hazard Evaluation – October 4, 2006

16A Tsunami Hazard Evaluation – Third Party Review

17A Tsunami Hazard Map – Humboldt Bay Area – Emergency Plans

18A Draft Tsunami Safety Plan

B. New (Additional) Findings:

F. HAZARDS

Pertinent Coastal Act Chapter 3 Policies

Section 30253 Minimization of adverse impacts, in pertinent part

New development shall do all of the following:

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

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

Section 30235 Construction altering natural shoreline, in pertinent part:

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

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

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

LCP Policies

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

New development shall:

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

Discussion

The Samoa Peninsula is located immediately east of the Pacific Ocean and west of Humboldt Bay. The Peninsula is approximately one mile wide at its widest point, and is about one-half mile wide in the vicinity of the subject project location (Exhibit 14A). Soils on the peninsula tend to be sandy and highly permeable, and the weakly consolidated soils associated with the dune field origin of much of the peninsula lands frequently co-occur with high groundwater conditions in many areas. Liquefaction risks are greater for structures located in such conditions. The relatively low topography of much of the peninsula combined with site-specific geologic conditions produce variability in degree of risk from one site to another; however the geologic and flood hazards potentially affecting lands on the Samoa Peninsula remains high. The landowner/developer Samoa Pacific Group LLC/Danco Development has submitted an evaluation of geologic feasibility of development of the subject Samoa lands indicating that the subject location may be feasibly developed with pertinent mitigation measures (Exhibit X).

The proximity of the Cascadia Subduction Zone less than 35 miles offshore from the Humboldt coast, and the “Triple Junction” where several plates meet offshore of northern California, ensures that the area is seismically active. These earthquakes have the potential to be much stronger than the worst earthquakes that the better known San Andreas Fault is capable of generating. Great earthquakes produced by the Cascadia Subduction Zone are estimated to range from 8.0 to 9.1 on the Richter scale.¹ The built environment of northern California has never been tested against an earthquake of that magnitude. The last great Cascadia earthquake is believed to have struck in January of 1700, before Northern California settlers had arrived, and to have measured 9.0 on the Richter scale.

¹ An earthquake’s magnitude is a measurement of energy released by an earthquake, as expressed on a logarithmic scale measuring the horizontal displacement caused by an earthquake and detected on a seismograph. A magnitude 6 earthquake, for example, produces ten times the amount of ground shaking as a magnitude 5 earthquake.

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

In any coastal setting similar to that of the Samoa Peninsula, storm wave attack and shoreline erosion also pose hazards, which may be exacerbated in the future as the effects of predicted sea level rise occur.

Some areas of coastal California are also subject to risks from wildfire; this is particularly true in central and southern California where highly flammable chaparral vegetation, ecologically adapted to fire cycles, carry flames rapidly down canyon slopes when the “Santa Ana” winds blow hot inland air toward the coast. Though frequently windy, coastal Humboldt County is cool and humid, has relatively high annual rainfall, and thus rarely experiences wildfire hazards. The Samoa Peninsula has no fire hazard rating.

Consistency Analysis

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

Earthquake & Tsunami Hazards

At the request of Commission staff in 2006, the landowner/developer of the Samoa lands evaluated tsunami hazards pertinent to the subject site. Samoa Pacific Group retained engineering geology consultant GeoEngineers to analyze tsunami vulnerability for the purposes of the Samoa Town Master Plan. A resultant report was published on October 4, 2006 (Exhibit 15A). The consulting geologists noted that the north coast of California is an area of high seismic activity with at least five distinct sources of earthquakes. The report identified earthquake sources that could affect the Samoa site:

1. Faults within the Gorda Plate

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

2. The Mendocino Transform Fault Zone

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

3. The San Andreas Transform Fault Zone

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

4. Faults within the North American Plate

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

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

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

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

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

Based on the literature review we have completed, it appears that the expected runup for a Magnitude 9 Cascadia event is approximately Elevation 31 feet msl, which is also the

mid-range for the range developed by PG&E. Some uncertainties exist based on world-wide trends and for local site conditions. Because of the presence of foredunes, some surface roughness creates friction. This friction will reduce turbulence and slow the tsunami surge. Therefore, a small amount of attenuation, on the order of about 0.95 might be expected within the majority in the Samoa Town Master Plan area. However, occupied structures should not be located any lower than the previously established 30 feet elevation.

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

MITIGATION MEASURES

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

Use Guidelines for Single-family Use

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

Use Guidelines for Multi-family Use

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

Use Guidelines for Public and Critical Facilities

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

MEASURES TO REDUCE TSUNAMI AMPLITUDE AND VELOCITY

Anecdotal evidence from recent tsunami events including the December 26, 2004 Indian Ocean Tsunami strongly indicates that natural features such as off shore reefs, dunes,

dense forested areas and wetlands help to reduce both velocity and inundation. In India, there were reports that dense stands of mangrove forests provided protection and helped to reduce velocity and run up elevations. Conversely, there were numerous reports, such as multiple communities in Sri Lanka, that compared the high damage levels experienced by in Sri Lanka, that compared the high damage levels experienced by communities where there had been destruction of dunes and off-shore reefs, with low (or even no) damage levels in communities where such features were present.

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

- *Dune Preservation*

No development is proposed west of New Navy Base Road.

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

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

- *Vegetation*

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

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

- *Wetlands*

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

Existing wetlands on the site will be expanded.

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

SAFETY

MEASURES TO REDUCE TSUNAMI AMPLITUDE AND VELOCITY

Anecdotal evidence from recent tsunami events including the December 26, 2004 Indian Ocean Tsunami strongly indicates that natural features such as off shore reefs, dunes,

dense forested areas and wetlands help to reduce both velocity and inundation. In India, there were reports that dense stands of mangrove forests provided protection and helped to reduce velocity and run up elevations. Conversely, there were numerous reports, such as multiple communities in Sri Lanka, that compared the high damage levels experienced by communities where there had been destruction of dunes and off-shore reefs, with low (or even no) damage levels in communities where such features were present.

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

- *Dune Preservation*

No development is proposed west of New Navy Base Road.

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

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

- *Vegetation*

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

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

- *Wetlands*

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

Existing wetlands on the site will be expanded.

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

Central location chosen for the Emergency Services Vehicle Storage Facility

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

Designated Shelters

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

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

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

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

Evacuation Routes

Strong ground motion from the earthquake essentially constitutes the warning from a CSZ earthquake. Based on this assumption the amount of time available for evacuation will be very short. An evacuation route plan will be prepared for the plan area which will include information on tsunami warning devices. The plan will be kept on file at the Samoa Peninsula Fire department (SPFD) in the Samoa Block Building. Key SPFD emergency services personnel shall be trained in tsunami evacuation procedures. For areas below 26-feet directional signage will be posted on designated paths that show non-vehicular evacuation routes to designated areas greater than Elevation 40 feet msl.

Safety Plan

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

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

After the publication of the GeoEngineers report (Exhibit 15A), the Commission staff requested and the County staff required the preparation of a third-party review of the tsunami hazard

analysis and recommendations. The resultant report, submitted to the Coastal Commission staff by County staff March 8, 2007 is attached as Exhibit 16A. In addition, a Tsunami Hazard Emergency Planning map of the Humboldt Bay area prepared by Humboldt State University is attached as Exhibit 17A and is intended for use as part of the emergency planning for the Samoa lands. In addition, the County's "Draft Tsunami Safety Plan" dated September, 2007 is attached as Exhibit 18A.

To better ensure that all of the pertinent recommendations of the tsunami hazard expert reviewers, and a plan for wider evacuation of the Samoa lands where emergency warning notice and time remaining before tsunami arrival allow for such evacuation to safer mainland areas, are incorporated into an adequate Final Tsunami Safety Plan by Humboldt County, distributed to fire and life safety and police emergency response sources, and that the pertinent standards to ensure tsunami safety planning are hereafter applied to the land divisions and development proposes for the lands subject to the STMP-LUP, the Commission staff revises STMP (Hazards) Policy 4 as set forth in the recommended suggested modifications within the staff report dated September 30, 2010 as follows:

STMP (Hazards) Policy 4:

Prior to the approval or issuance of a CDP for the division or other development of the STMP-MAPS depicted on Exhibit 1A, the landowner/developer shall demonstrate compliance with the Final Tsunami Safety Plan incorporating into the County's "Draft Tsunami Safety Plan for the Town of Samoa" dated September 2007 (attached to the October 13, 2010 Coastal Commission staff report addendum as Exhibit 19A) all of the recommended tsunami hazard mitigation, design, safety, and other pertinent recommendations, including recommendations for vertical or horizontal evacuation options throughout the lands subject to the STMP-LUP, as set forth in:

- a) the "Revised Tsunami Vulnerability Evaluation, Samoa Town Master Plan, Humboldt County, California" prepared by GeoEngineers, dated October 17, 2006 (attached to the October 13, 2010 Coastal Commission staff report addendum as Exhibit 16A); and**
- b) the additional recommendations set forth in the "Third Party Review" of the GeoEngineers October 17, 2006 document prepared for Humboldt County by Jose Borrero, Fredric Raichlen, Harry Yeh, copy submitted to Coastal Commission by Humboldt County March 8, 2007 (attached to the October 13, 2010 Coastal Commission staff report addendum as Exhibit 17A); and**
- c) the Final Plan the tsunami hazard map prepared for "Emergency Planning Purposes" by Humboldt State University for reference as an indicator of site areas and evacuation routes subject generally to tsunami hazard (attached to the October 13, 2010 Coastal Commission staff report addendum as Exhibit 18A); and d) the County shall include plans to orderly evacuate the maximum estimated number of occupants of STMP-LUP lands off the Samoa Peninsula in circumstances where advance warning of tsunami coming from distant sources allows time for such evacuation to safer mainland areas.**

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 of a plan showing consistency with all of the requirements of the Final tsunami safety plan required herein as a condition of approval for the required Coastal Development Permit for the subject development.~~ The County's Final Samoa tsunami safety plan shall be prepared in coordination with distributed by the County Planning Department to the Humboldt County Department of Emergency Services, Sheriff's Office, and City Police Department, and shall contain information guiding the emergency actions of these emergency responders in relaying the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experience seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation. The Final tsunami safety plan information shall be conspicuously posted or copies of the information provided to all occupants. No new residential land divisions of the lands subject to the STMP-MAPs shall be approved unless it can be demonstrated that timely evacuation to safe higher ground, as depicted on adopted tsunami hazard maps, can feasibly be achieved before the predicted time of arrival of tsunami inundation at the project site.

The Commission notes that the tsunami emergency planning map (Exhibit 18A) shows that the Samoa lands are in part subject to high velocity wave hazard, particularly in the southerly to middle portions of the site. The third party review (Exhibit 17A) recommended vertical evacuation sites for development in those areas where it cannot be established that horizontal evacuation to safe ground could be accomplished within 5 to 8 minutes. The STMP (Hazards) Policy 4 provision calls for the preparation of a Final Plan that will incorporate these requirements.

The staff report discusses the concerns that significant destination or regional retail within the Business Park would generate additional traffic in areas that will already face considerable additional congestion as the result of the subject project and other projects proposed within the general area. The focus of the discussion in those findings published has been the significant adverse effects such congestion would have upon the important regional coastal access and recreation route central to all North Coast coastal visitor transportation – U.S. Highway 101. Caltrans has already imposed “Safety Corridor” limitations and reduced speeds on Highway 101 between Eureka and Arcata and reports continuing safety problems due to congestion despite these measures.

The proposed LCPA also failed to evaluate the cumulative traffic impacts of the Samoa project combined with the Marina Center/Balloon Track project recently proposed within the City of Eureka, off Highway 101, nor did the Marina Center/Balloon Track project documents include an analysis of the cumulative impacts of that project combined with the Samoa project.

The transportation analysis consultants for the Samoa project have indicated that their traffic analysis for the Business Park component of the Samoa proposal included within that category, standardized numbers that incorporate a small percentage of retail use. The transportation

analysts evaluating the Samoa project concluded that at build out of all of the land uses proposed for the approximately 200-acre (overall acreage) site (including the 19-acre Business Park, hundreds of single family residential units, 44 multi-family residential units, revitalized downtown commercial, approximately 50 visitor serving “units” of various kinds, and other existing recreational facilities within the Samoa lands), approximately 7,000 net traffic trips per day would be generated. These trips would be distributed between Arcata and Eureka general destination directions (with somewhat more Eureka trips than Arcata trips). The Samoa traffic analysis data was gathered, according to the County, during the time after the closure of Montgomery Wards (off U.S. 101 near Eureka Bridges) but before the authorization for the Target that has since been constructed in the former Wards location.

The transportation analysis for the Marina Center/Balloon Track project was reported in the Draft EIR released in 2008, and prepared under the supervision of City of Eureka staff. That EIR concluded that the Marina Center project (proposed on a site of approximately 50 acres overall) would include about 300,000 square feet of various kinds of retail space and that the retail component would generate approximately 3,500 net traffic trips daily. The EIR also stated that approximately 54 multi-family units would be included in the project, and assigned an additional approximately 7,000 net traffic trips to the non-retail component of the project. The combined net traffic total for the Marina Center/Balloon Track project was therefore: About 11,000 net traffic trips for 54 acres of development (total acreage, including open spaces, etc.).

The Samoa project Master EIR for the approximately 200 acres of site (including open spaces, etc.) calculated about 7,100 net traffic trips for that development. The Business Park itself, however, at approximately 19 acres already contains one approximately 40,000 square foot structure that the County proposes to redesignate from General Industrial to Business Park (leaving the structure a legal, non-conforming use within the new Business Park area). The Business Park land use allows for retail use as a use with a Conditional Use Permit (General Industrial, the existing land use and zoning of the 19-acre area, does not allow any retail use, even with a CUP). The standards for lot coverage of Business Park allows for about 50% coverage. In the most general (non-technical) terms possible, if the 19 acres could be converted to approximately 400,000 square feet of ground level structural space, and since the existing Business Park use allows structures to be multiple stories and up to 50 feet in height, potentially the ground floor square footage could be quadrupled: affording approximately 1,600,000 square feet of structural coverage.

This suggests that the traffic analysis prepared for the Samoa project within the existing series of environmental documents prepared by the County is very conservative. In addition, the Samoa lands are served by traffic traveling over U.S. Highway 101, but as Exhibits 14A and 17A show, the traffic must go via Highway 255 over the very narrow and aging Samoa Bridges (discussed in detail in the September 30, 2010 staff report), which cannot be widened according to Caltrans, or via Highway 255 on to Arcata on the west side of Humboldt Bay. Upon nearing the Samoa site, traffic must funnel into the site via New Navy Base Road and surface streets. The Samoa lands are, in a landscape context, more or less a large “cul-de-sac.”

This configuration has significant consequences when considered in light of tsunami hazard and the attraction of significant retail shoppers into a high tsunami hazard area with limited emergency evacuation options. The traffic routes into the Samoa lands have not been evaluated for large-scale evacuation of Samoa land occupants under approaching tsunami conditions generated at a distance and with sufficient warning time to leave the peninsula. The result could be traffic gridlock stranding drivers in extremely high tsunami hazard areas (see Exhibit 17A, which shows that portions of the State Highway 255 route are within the highest tsunami hazard areas of the map). The annual tsunami evacuation drills to higher ground that residents of NOAA-certified tsunami-ready residential Samoa undergoes would not be information and experience common to occasional retail shoppers visiting the site. The Business Park is located in an open wave hazard area, and the tsunami safety expert consultants evaluating the site have recommended vertical evacuation areas and horizontal evacuation areas not more than ten minutes average walk, and preferably only a 5-minute walk (a Cascadia-Subduction Zone locally-generated tsunami wave could arrive at the Samoa lands within as little as 5 minutes).

The California Highway Patrol also commented on the Samoa traffic implications – even at the relatively minimal estimate of about 7,000 net daily trips (compared with 11,000 net daily trips that the Marina Center/Balloon Track acknowledged for that much smaller project). Adding to the concern that significant retail use within the proposed Business Park could unnecessarily increase traffic congestion and compound emergency evacuation concerns that already exist, the CHP wrote to Humboldt County planning staff in a letter dated March 30, 2007 prepared by S.W. Pudinski, Captain, Commander, Humboldt Area:

“ ... The Humboldt Area Office of the California Highway Patrol (CHP) received the “Recirculation Draft 2 Master Environmental Impact Report” for the proposed Samoa Town Master Plan State Clearing House (SCH) #20030502054. The CHP is the primary agency that provides traffic law enforcement, safety, and traffic management in unincorporated areas of California. The Humboldt Area is responsible for these functions in the proposed development and will be affected by the implementation of the project, if the following is not addressed. We offer the following comments.”

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

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

“3. The proposed Samoa Town Master Plan contains estimates of 308 new residential units in addition to 99 existing structures, the construction of an RV park and

approximately 56 acres dedicated for industrial and commercial build out. Considering projected increases in vehicular traffic, population, service traffic and average trip calculations, the ability of this office to provide quality service to Humboldt County residents will be substantially impacted. The Humboldt CHP Area will be responding to and investigating traffic collisions, stolen vehicles, and a variety of other California Vehicle Code and Penal Code violations. In addition, this office will respond to assist the Humboldt County Sheriff's Department on calls within or surrounding the project. With the construction of this project, the Humboldt Area will experience a significant increase in demands for services from our already limited resources.

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

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

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

The Commission notes that the CHP comments were prepared and submitted to the County at least a year before the Marina Center/Balloon Track EIR was released (2007 – 2008, respectively), the latter project potentially adding another 11,000 traffic trips per day to the Highway 101 corridor (though not all trips would overlap Samoa trips), and likely exacerbating the concerns expressed by the CHP in the letter excerpted above. In addition to the significant adverse effects that such traffic could have on the primary coastal access and recreation route along the North Coast (U.S. Highway 101), there are localized problems such as the ability to safely develop and if necessary evacuate, occupants of development, within the Samoa lands.

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

New development shall do all of the following:

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

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

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

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

The Commission finds that unless retail use within the proposed Business Park is limited in the manner set forth in the suggested modifications, excess, and avoidable additional traffic would be generated by retail shoppers and employees driving into Samoa from outer areas.

The Commission notes that the additional traffic of retail uses would not only significantly and adversely affect key coastal access routes, but would bring substantial populations of shoppers to the businesses located in the highest tsunami risk locations within the southerly Samoa site lands. Therefore, measures to limit traffic that would be generated by retail are prudent and necessary to secure consistency of the Samoa proposal with the requirements of Coastal Act Section 30253.

For all of these reasons, the Commission continues to find the limitations included within the Business Park policies and provisions necessary to reduce traffic associated with the overall Samoa development that will be implemented upon certification of the County's proposed LCP amendment.

Sea Level Rise

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

variation and to provide for some degree of uncertainty in the form of a safety factor. This rate of rise is then further adjusted upward or downward as needed depending upon other factors, such as localized subsidence or tectonic uplift.

Most climate models now project that the historic trends for sea level rise, or even a 50% increase over historic trends, will be at the very low end of possible future sea level rise by 2100. Satellite observations of global sea level have shown sea level changes since 1993 to be almost twice as large as the changes observed by tide gauge records over the past century. Recent observations from the polar regions show rapid loss of some large ice sheets and increases in the discharge of glacial melt. The 2007 Fourth Assessment Report by the Intergovernmental Panel on Climate Change (IPCC)² notes that sea level could rise by 7 to 23 inches from 1990 to 2100, provided there is no accelerated loss of ice from Greenland and West Antarctica. Sea level rise could be even higher if there is a rapid loss of ice in these two key regions.

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

Several recent studies have projected future sea level to rise as much as 4.6 feet from 1990 to 2100. For example, in California, the Independent Science Board (ISB) for the Delta Vision Plan has used the Rahmstorf Report projections in recommending that for projects in the San Francisco Delta, a rise of 0.8 to 1.3 feet by 2050 and 1.7 to 4.6 feet by 2100 be used for planning purposes. This report also recommends that major projects use the higher values to be conservative, and that some projects might even consider sea level projections beyond the year 2100 time period. The ISB also recommends "developing a system that can not only withstand a design sea level rise, but also minimizes damages and loss of life for low-probability events or

² The IPCC is a scientific intergovernmental body established by the World Meteorological Organization (WMO) and the United Nations Environmental Programme to provide the decisionmakers and others interested in climate change with an objective source of information about climate change; <http://www.ipcc.ch/ipccreports/assessments-reports.htm> 5 Independent Science Board, 2007. Sea Level Rise and Delta Planning, Letter Report from Jeffrey Mount to Michael Healey, September 6, 2007, CALFED Bay-Delta Program: http://deltavision.ca.gov/BlueRibbonTaskForce/Sept2007/Handouts/Item_9.pdf

unforeseen circumstances that exceed design standards. Finally the board recommends the specific incorporation of the potential for higher-than-expected sea level rise rates into long term infrastructure planning and design.”

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

On November 14, 2008, Governor Schwarzenegger issued Executive Order S-13-08, directing various state agencies to undertake various studies and assessments toward developing strategies and promulgating development review guidelines for addressing the effects of sea level rise and other climate change impacts along the California coastline.³ Consistent with the executive order, the governing board of the Coastal Conservancy adopted interim sea level rise rates: (a) 16 inches (40 cm) by 2050; and (b) 55 inches (140 cm) by 2100 for use in reviewing the vulnerability of projects it funds. These rates are based on the PEIR climate scenarios. If adopted, these criteria would be utilized until the study being conducted by the National Academy of Sciences regarding sea level rise, requested by a consortium of state resource and coastal management agencies pursuant to the executive order, is completed.

Concurrently, in the Netherlands, where flooding and rising sea level have been national concerns for many years, the Dutch Cabinet-appointed Deltacommissie has recommended that all flood protection projects consider a regional sea level rise (including local subsidence) of 2.1 to 4.2 ft by 2100 and of 6.6 to 13 ft. by 2200. Again, the Rahmstorf Report was used by the Delta Committee as a basis in developing their findings and recommendations. Given the general convergence of agreement over the observed and measured geodetic changes world wide in ocean elevations over the last several decades, most of the scientific community has ceased debating the question of whether sea level will rise several feet higher than it is today, but is instead only questioning the time period over which this rise will occur. However, as the conditions causing sea level rise continue to change rapidly, prognostications of sea level rise are similarly in flux. As a result of this dynamism, anticipated amounts and rates of sea level rise used in project reviews today may be either lower or higher than those that will be utilized ten years from now. This degree of uncertainty will continue until sufficient feedback data inputs are obtained to allow for a clear trend to be discerned from what is now only a complex and highly variable set of model outputs. Accordingly, in the interest of moving forward from the debate over specific rates and amounts of rise to a point where the effects of sea level rise greater than those previously assumed in the past may be considered, one approach is to undertake a sensitivity analysis on the development project and site to ascertain the point when significant changes to project stability would result based on a series of sea level rise rates. The analysis

³ Office of the Governor of the State of California, 2008. Executive Order S-13-08; <http://gov.ca.gov/index.php?/print-version/executive-order/11036/>

would be structured to use a variety of sea level rise projections, ranging from the relatively gradual rates of rise indicated by the IPCC and Rahmstorf models, to scenarios involving far more rapid rates of sea level rise based upon accelerated glacial and polar sea and shelf inputs.

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

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

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

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

requiring that the effects of sea level rise be quantitatively considered in geologic and other engineering technical evaluations of new development.

If modified as suggested above, the proposed amendment could be found consistent with Coastal Act policies concerning the avoidance and minimization of geologic and flooding hazards.

The Commission finds that as modified, the proposed LUP as amended is consistent with Coastal Act Section 30253.

Hazards associated with land uses

Samoa Brownfield

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

The RWQCB has made certain determinations concerning the extent of active cleanup or passive land use restriction (“institutional controls”) deemed appropriate for the various areas characterized by the developer/landowner. Documents describing the responses required by the RWQCB staff through final approvals in this regard are provided in Exhibit 9A of the staff report dated September 30, 2010, a summary of the Brownfield review undertaken to date. In sum, the Commission requires that the County and the developer/landowner demonstrate that the proposed land uses in the requested LCP amendment be feasible with regard to the cleanup requirements that have been imposed. Three areas of the site require active cleanup measures to satisfy RWQCB requirements for the proposed re-use of the subject areas of the site.

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

Conclusion

For all of these reasons the Commission finds that the 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 master planning in the face of natural hazards associated with the Samoa site. The County’s submittal, therefore, if modified in the manner suggested, would be consistent with the requirements of Sections 30232 and 30253 of the Coastal Act and with the pertinent policies of Humboldt County’s certified Humboldt Bay Area Plan.

G. IMPLEMENTATION

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

One additional suggested modification is deemed necessary to fully implement the hazard policies set forth in the suggested modifications. This modification is consistent with the Commission's similar requirement for hazard policy implementation in the Crescent City LCP update (October 2010) and the Del Norte County LCP update (September 2009).

The additional provision, which shall be incorporated into the STMP requirements is set forth as follows and hereby incorporated into the suggested modifications: XXXX BOB: may need Jim to email the complete text which is only excerpted below as it won't lift from the document on line. I'm working on it.

STMP (Hazards) Requirements Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required pursuant to the policies for the STMP-LUP lands, or other pertinent policies and provisions of the certified LCP, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or in proximity to hazardous areas:

A. General. The development meets all pertinent development standards established within the STMP-LUP policies.

B. Development or uses in to geologic or flooding hazard areas. The development or use has been designed and sited to:

1. Minimize risks to life and property;

2. 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. Commercial, business park, or industrial development involving the use, storage, or transport of hazardous materials. The development or use has been designed and sited such that protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided and that effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

D. Development in areas subject to natural or man-made hazards shall only be authorized subject to the following conditions:

1. Geologic hazard areas.

a. All recommendations of the consulting Certified Engineering Geologist, Geotechnical Engineer, and registered engineer(s) and/or the department staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans must be reviewed and approved for compliance with geologic recommendations by the consulting registered engineer(s) and the department staff; and

b. Final plans approved by the consulting professionals and the department staff shall be in substantial conformance with the plans approved by the final City decision making body relative to construction, grading, sewage disposal and drainage. Any substantial changes in the proposed development approved by the City which may be required by the project consultants or department staff shall require an amendment to the permit or a new coastal development permit.

E. Shoreline sites.

1. The development is sited such that it will remain safe from coastal erosion and slope instability for the full span of its economic life (usually 100 years);

2. The erosion control plan is implemented as part of the approved development;

3. Provisions are included in the authorization should beach, dune, or other shoreline retreat occur at locations or rates other than anticipated, the permittee is required to seek a permit amendment for relocation of the structure or to authorize other stabilizing actions if the area of instability encroaches within ten feet of the structure; and

4. Rights to future construction of a sea wall, cliff retaining wall, or other protective devices that would substantially alter natural landforms along the shoreline are waived by recorded deed restriction.

F. Floodplains and other flood-prone sites.

1. The development has been conditioned to meet all requirements of the flood damage prevention requirements within the STMP-LUP policies; and

2. Maintenance projects involving the removal of materials from erosion control and flood control facilities constructed on watercourses are required, where feasible, to be placed at appropriate points on the shoreline such that the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters are not impeded, and the continued delivery of these sediments to the littoral zone is facilitated. Such placement shall be done in accordance with feasible mitigation measures to minimize adverse environmental effects, taking into consideration physical and chemical properties of the removed materials, the method of placement, time of year of placement, and sensitivity of the placement area and receiving waters.

G. New permanent residential development created through land divisions located within mapped or modeled tsunami hazard areas.

1. Have floor elevations one-foot above the height of tsunami runup originating from the maximum credible near-source seismic event on the Cascadia Subduction Zone, as depicted on the latest government-prepared tsunami hazard maps or local modeling, taking into consideration local uplift and

- subsidence, and a three-foot rise in sea level over a 100 year period. As of 2010 this total has been determined to be 32 feet above mean sea level; however, development review undertaken significantly later than 2010 shall incorporate the most recent credible scientific evidence in calculating the pertinent height necessary to achieve this standard of safety, which in no case shall be less than 32 feet above mean sea level; and**
- 2. The building has been designed to withstand the hydrodynamic, hydrostatic, and buoyancy forces associated with wave strike and back-flow, including the effects on foundation scour, without experiencing catastrophic failure.**

The Commission finds that, as modified, the Implementation Plan proposed by Humboldt County will conform with and be sufficiently specific to adequately implement the policies of the Land Use Plan as modified.

a. Revised (corrected) Suggested Modifications:

The recommended suggested modifications set forth in the staff report dated September 30, 2010 are hereby revised and corrected as follows, and no change to the findings is required:

1. Eliminate the phrase “*or other land units of any description within the boundaries of the STMP-LUP area*” from the end of New Development Policy 1A on page 37 of 136.
2. Eliminate the phrase “*,however the eight (8) STMP MAPs may include more than one land use within the subject MAP boundaries*” from the end of New Development Policy 3 on page 48 of 136.
3. Revise New Development Policy 1A subsection C, by replacing the phrase “*are legal parcels*” with the phrase “*are being merged and redivided*”



ATTACHMENT 1
APPLICATION NO.
HUM-MAJ-1-08 – HUMBOLDT
COUNTY LCP AMENDMENT
(SAMOA TOWN PLAN)
CORRESPONDENCE SINCE
OCTOBER 10, 2010

RECEIVED

OCT 12 2010

CALIFORNIA
COASTAL COMMISSION

October 11, 2010

Bob Merrill, District Manager
California Coastal Commission
North Coast District
710 E Street, Suite 200
Eureka, CA 95501

Re: Humboldt County LCP Amendment No. HUM-MAJ-01-08 (Samoa), Agenda Item
Th11b

Mr. Merrill:

On behalf of the board and staff I submit the following comments regarding Agenda Item Th11b, Humboldt County LCP Amendment No. HUM-MAJ-01-08 (Samoa) for the Samoa Town Plan. Humboldt Baykeeper respectfully requests that this agenda item be postponed so that the public and the Commission may have an adequate opportunity to review all materials being used for the proposed LCP Amendment. As of the writing of this comment letter, all necessary materials have not been made available to either the Commission or the public.

Humboldt Baykeeper appreciates local Coastal Commission staff's efforts at presenting a feasible opportunity to address the LCP Amendment and the potential impacts on resources protected by the California Coastal Act, especially considering the volume and complexity of materials available for this process.

We do not believe that sufficient information or time has been allowed to either the Commission or the public to adequately analyze the proposed major amendment's compliance with Coastal Act objectives, and this matter should be postponed by the Commission. The Staff Report states that "This staff report does not contain the complete findings for approval of the LCP amendment.... 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." Staff Report at 5. Presumably either as part of these findings, or as additional attachments/comments, there



are a large number of pages being presented by the ultimate project proponent to be part of the record, materials that would more appropriately be presented to and reviewed by County staff as part of the LCP Amendment itself, or at least by local Coastal Commission staff more than 2 days before the item being decided on by the Commission.

A final action is not required on this Amendment until March of next year. Staff Report at 25. Postponement would allow both the Commission and the public a more adequate time for review and meaningful participation in the process.

Of particular concern regarding the lack of adequate time for review is that the process could result in the boundary line for Coastal Commission Appeal jurisdiction being changed so that the majority of the project area will no longer fall within that area. Should Vance Road end up being a public road any future project within that area, excepting in specific situations, will no longer be subject to Coastal Commission oversight. See California Public Resources Code section 30603. This issue is not addressed in either the Staff Report or the materials submitted by Humboldt County relating to this Amendment.

The Coastal Commission process functions as a functional equivalent to the Environmental Impact Report process for purposes of CEQA compliance. The project here is concerning for two reasons. First is the fact that the public has not been able to adequately review the potential impacts of the project, as the project now before the Coastal Commission is not the one for which environmental review was completed (notwithstanding the fact that all information has not even been presented to the public yet). The incomplete Staff Report is the first and only time that all information regarding this proposed LCP Amendment has been presented to either the public or the Commission. Second, the impacts of the project themselves have not been completely analyzed by anyone, including the Coastal Commission, such as the potential for development to result in extensive traffic impacts.

In addition to the general concerns regarding lack of proper process are specific concerns, including wastewater issues, access issues, potential traffic issues, and handling of contaminated areas within the project site. Although the decision now before the Commission is for the Amendment of the County's LCP alone, and is not for specific Coastal Development Permits, the specific issues relate to overarching concerns that need to be addressed, especially in light of the potential for the majority of the project to end up outside of the Commission's oversight in the future.

At this time, the method for dealing with wastewater has not been disclosed to the public. Should all future development within the project area be handled by a wastewater treatment system there is a serious concern of unanalyzed growth-inducing impacts. If the project is not served by a wastewater treatment facility, or if existing development within the project area be segmented from the entirety of the project and sold to individual landowners, there is the possibility that existing sites will continue to use existing, and potentially failing, septic systems. If the proposed project does not include some sort of a schedule of development requiring

provision of necessary infrastructure at the outset, there is a real potential that it could be deferred indefinitely.

Contaminated soils and groundwater are of particular concern on the Samoa Peninsula due to the areas geology. Unlike other areas that may have a more dense substrate, such as clay, much of the Peninsula consists of highly permeable materials, such as sand. Without having any idea as to what remediation will be occurring it is impossible to know what potential impacts might occur to sensitive coastal resources. For example, the "soccer field" area is known to be contaminated with various substances such as arsenic. Instead of requiring complete remediation it is stated that the area will have limited remediation and then be covered with clean fill soil. *See* Staff Report at 19. This plan does not even include provisions for impermeable barriers or ongoing monitoring to ensure that contaminants are not migrating. The Staff report states that "Final evidence of approval by the RWQCB (for final cleanup plans for certain areas of the project site) will be available within a month" (Staff Report at 11; *see also* Staff Report at 18), but they are not yet available for the Commission, Staff, nor the public to review.

Underlying these concerns is whether the project will be developed on legal parcels. Although the Commission staff has presented what appears to be a viable answer to the potential problem, it is unclear whether the solution presented complies with other necessary requirements for merger and subdivision. *See* Staff Report at 17-18. Although it logically appears that merging the subject parcels and then re-subdividing them into "Master" parcels would eliminate the possibility that there are fragments and outstanding legal issues with them, it is unclear whether this approach would meet the requirements of the Subdivision Map Act.

The Staff's suggested solution also presents the possibility that some lands will be developed for certain uses while other areas are left to be dealt with at later dates, such as areas that will not generate revenue but will instead merely represent costs, such as remediation of contaminated areas. Without having a comprehensive and legally binding plan for development, residential areas in proximity to a contaminated area could be developed and result in an inability to access the contaminated areas.

Humboldt Baykeeper strongly supports the cleanup and reuse of former industrial properties within Humboldt County and around Humboldt Bay. Our support, however, is based upon complete adherence to all applicable laws, including the Coastal Act. We do not believe that adequate time or information has been presented to either the public or the Commission for the appropriate and required review to have occurred here and respectfully request that the Commission postpone a decision on the LCP Amendment before them until all necessary and required materials are available for appropriate review.

_____/s/_____
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Proposed Modifications to CC Staff Report Summary and Findings

Response to 9-30-10 Coastal Commission Staff Report SUMMARY (pages 10-23)

NOTE: The Staff Report Summary (pages 10-23) contains outdated project information which does not accurately reflect the current project. A number of these issues are summarized below.

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V. SUMMARY

- The County Redevelopment Agency EIR referred to on pg. 10 does not accurately reflect current STMP project. Therefore, the reference is out of context and should be removed. (pg 10)
- Currently approximately 90% of the existing residential houses in Samoa are rented and approximately 10% are unoccupied and require additional maintenance. (pg 11)
- The ACRC facility is not part of the project and the existing General Industrial designation will remain. (pg 11-12)
- The referenced North Coast Journal article is gossip, not fact, and therefore not appropriate for submittal on the proposed project. If ACRC removal from project is supported it is also irrelevant. (pg 12)
- See STMP MEIR, not the County's Redevelopment Plan PEIR. The business park in Samoa is not expected to produce significant retail jobs. (pg 12)
- In general, all reference to master area parcel should be removed (pg 14). Instead of Master Area Parcel the Samoa Pacific Group proposes the following:

The STMP-LUP Overlay purpose is to provide for the processing and approval of development within the Town of Samoa. The STMP-LUP land use overlay provides additional processing and approval standards and guidance for a Phased Subdivision, including Tentative and Final Map(s), within the designated area. The STMP-LUP overlay is intended to implement development within the Samoa community. Prior to Phased Subdivision approval, the owner retains entitlement to two existing legal parcels (the parcel referred to in Instruments 2001-24110-6 and 2008-16893-9), but must merge any other remaining legal parcel entitlements. Subsequently, lands within the STMP-LUP may be subdivided through recordation of final maps consistent with the Subdivision Map Act and STMP-LUP. See proposed Phasing Plan Map for details.

- The Master Area Parcels discussion is no longer applicable. (pg 17-18)
- Final RWQCB approval of the remedial action plans has been given, applicable deed restrictions are complete. (pg 18)
- The soccer field is proposed to be designated Public Facility, the site contamination will be remediated and it will remain an open space/ park area. (page 19)

- A traffic analysis was completed for the proposed project; the results of the relevant traffic study should be acknowledged. (page 19)
- It is not feasible to limit potential retail uses in the business park to uses that would only serve the business park itself. (page 20)

VIII. SUGGESTED MODIFICATIONS: LAND USE PLAN

(STARTS ON STAFF REPORT PAGE 28 OF 136)

Coastal Commission recommended language is shown in double underline (9-30-10 Staff Report)

Samoa Pacific Group recommended language is shown in single underline

All proposed changes (~~strikeout~~ and additions) are highlighted.

- Bullets justify language change.

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

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

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

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

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

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

Add the following language to Section 4.10, "Introduction" of Chapter 4 of the Humboldt Bay Area:

- Accept suggested changes as written in 4.10 Introduction paragraphs 1-3 (pg 30).
- Restore the following language because it applies to HBAP areas other than STMP area.

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

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

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

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP. Replace the above paragraph (paragraph 3 page 31) with the following language:

The STMP-LUP Overlay purpose is to provide for the processing and approval of development within the Town of Samoa. The STMP-LUP land use overlay provides additional processing and approval standards and guidance for a Phased Subdivision, including Tentative and Final Map(s), within the designated area. The STMP-LUP overlay is intended to implement development within the Samoa community. Prior to Phased Subdivision approval, the owner retains entitlement to two existing legal parcels (the parcel referred to in Instruments 2001-24110-6 and 2008-16893-9), but must merge any other remaining legal parcel entitlements.

Suggested Modification #3 (Modify Proposed New Full-Scale LUP Map for Samoa to include STMP-LUP Overlay):

- Accept map revision to revise the Area Plan Map for the Samoa Peninsula to show the STMP-LUP land use designation overlay.

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Suggested Modification #4 (Modify Existing Small Scale LUP Map to Reflect Changes to Full Scale LUP Map):

- Accept map revision. Replace Area Plan Map on pg. 90 of HBAP to show STMP-LUP. Add a HBAP map that shows all of the land use designations and the Urban Limit Line for the Samoa Town Master Plan area.

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

- Accept as written. Add MB, NR, CR, PR, PF, & STMP-LUP to HBAP Chapter 3 pg. 78.

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Suggested Modification #6 (Adding Descriptions of New LUP Designations Proposed within Urban Area of Town of Samoa to Existing LUP Chapter Describing Urban LUP Designations):

MB: BUSINESS PARK

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

- The above edits were made to be consistent with the County's existing Business Park Designation.

PRINCIPAL USE: Mixed business development that includes compatible administrative, business, and professional offices and research and development, light industrial, light manufacturing, and warehousing, storage and distribution, small-scale retail sales and service enterprises occupying up to 10,000 square feet. The maximum size of any single structure within the business park, not including the ACRC Facility, shall be limited to 40,000 square feet. A limited amount of accessory warehouse and storage facilities not greater than 10,000 sq. ft. in size per structure may be included

if subservient in size and location to the primary facility within the Coastal Business Park and leased or owned by the same entity as the primary facility;

CONDITIONAL USES: Retail sales, retail service uses occupying greater than 10,000 square feet and visitor serving uses up to 40% of the total square footage within the business park is permitted. Light industrial, small scale retail sales and service enterprises occupying less than 10,000 square feet, maximum, primarily for the support of other Coastal Business Park uses or when incidental to and supportive of the principal use, and designed in a manner that is visually and proportionally subservient to the scale and composition of the primary use. Retail enterprises that would attract a majority of customers from outside of the Coastal Business Park shall not be permitted.

- Incorporated reference to STMP Design Review Guidelines, remove other references to visual elements of development. The traffic study analyzed that the Business Park could be developed with up to 40% Retail uses.

NR: NATURAL RESOURCES (URBAN)

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

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

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

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Suggested Modification #7 (Clarify Role of Coastal Zoning Code in Implementing Land Use Plan in Existing Introductory Section of Land Use Plan):

Strike the suggested changes and add the following after the last paragraph of Section 1.30:

“HBAP Chapter 4 details the phasing, development policies, and administrative procedures for Coastal Development Permits in the Samoa Town Master Plan area.”

- Remove all language related to merger and redivision into Master Area Parcels (this is the same language as suggested modification #2). STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.
- Modify as above because Section 1.30 applies to the entire HBAP, not just the STMP-LUP. Also, this Suggested Modification restates the same language as Suggested Modification #2 which is proposed to be removed (see above).

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Suggested Modification #8 (Modify Existing LUP Section Regarding the Urban Limit Line to Include Description of LUP Classifications Included within Urban Limit Line in Samoa):
Add the following text under Humboldt Area Plan Section 3.11 URBAN LIMIT LINE, A.
Planned Use: at the end of the section:

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

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

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

PURPOSE and GENERAL PROVISIONS:

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

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

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

STMP (New Development) Policy 1A (Phasing of Development - Phased Subdivision) Establishment of Samoa Town Master Plan - Master Area Parcels or STMP MAPs):

I. Establishment of Samoa Town Master Plan - Master Area Parcels or STMP MAPs): Phased Subdivision

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

B. The merger and redivision..... Strike suggested language and replace with the following:

B. Prior to Phased Subdivision approval, the owner retains entitlement to two existing legal parcels (the parcels referred to in Instruments 2001-24110-6 and 2008-16893-9), but must merge any other remaining legal parcel entitlements. Subsequently, lands within the STMP-LUP may be subdivided through recordation of final maps consistent with the Subdivision Map Act and STMP-LUP. The merger and subsequent re- subdivision of all lands subject to the STMP-LUP area shall encompass all such property within the STMP-LUP unless otherwise noted.

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

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.

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

E. The Samoa Town Master Plan - Master Area Parcels are listed below and are generally shown on Exhibit 1A..... Strike all suggested language and add the following.

The STMP Phasing Plan is listed below and generally shown on the attached Phasing Plan Map.

Phase 1 Existing Town - Central

Phase 2 Existing Town - Fenwick Street Area

Phase 3 Existing Town - Western

Phase 4 Existing Town - Samoa Cookhouse, Sewage Treatment, and Commercial Areas; and the Coastal Dependant Industrial use south of the RR.

Phase 5 New Residential Along Vance Avenue and Workforce Housing

Phase 6 Business Park

Phase 7 New Single Family Residential

Phase 8 New Single Family Residential

Phase 9 New Single Family Residential

Phase 10 New Single Family Residential

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.

F. The coastal development permit for the Phased Subdivision approval merger and redivision of all lands within the STMP-LUP area generally depicted on Exhibit 1A into the Samoa Town Master Plan Master Area Parcels generally depicted in Exhibit 1A shall include conditions which specify how clean-up activities will be accomplished and link remediation measures to a specific phase: incorporating the following requirements:

1) Prior to issuance of the coastal development permit, and prior to recordation of the final map for the merger and redivision a specific phase of the STMP-LUP Overlay Area generally depicted on Exhibit 2A into the Master Area Parcels generally depicted on Exhibit 1A, the landowner shall provide copies ensure that records are uploaded to the State Water Resources Control Board's GeoTracker website to the County for permanent inclusion in the public record prepared for the subject CDP, the complete Records will include of all characterization, remedial action plans and implementing work plans, and other requirements of reviewing agencies including, as applicable, Humboldt County Environmental Health Department, State Regional Water Quality Control Board, State or Federal Environmental Protection Agency, State Department of Toxic Substances Control, or any other state or federal agency or local government department with review authority over the soil and groundwater contamination status and remediation of the Samoa Town lands establishing the Samoa Town Master Plan Master Area Parcels and these records shall be retained by the County State Water Resources Control Board and available for public inspection.

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

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.

- Edits above are made to reflect the recommended repository location for the publicly available documents.
- Edits above are made to correctly state environmental media that are impacted and monitored.

a) the complete record of detection of contamination of soils, surface, or groundwater disclosed by the previous landowner(s) to the landowner/ developer (Samoa Pacific Group) at the time of auction/purchase of the subject Samoa lands;

b) a complete record of all subsequent site investigations (whether of soils, ground or surface waters) undertaken to characterize the soil and groundwater contamination present, including maps of sampling locations, documentation of chain of custody, and associated laboratory test results, analyses, conclusions, and correspondence of the landowner/developer with applicable regulatory agencies with review authority over the soil and groundwater contamination status of the STMP lands;

c) a complete record of the approved Remedial Action plans and any amendments or revisions to the approved Remedial Action Plans authorized by the State of California Regional Water Quality Control Board (RWQCB);

d) a complete record of the approved Final Work Plans authorized by the RWQCB to implement the Remedial Action Plans, and any amendments or revisions to the approved Work Plans authorized by the RWQCB; all reports or records of testing or monitoring of groundwater, or surface waters or soil and all remediation actions undertaken in reliance on the direction of the RWQCB or other agency with regulatory oversight of the subject lands whether through RWQCB processes listed herein or through any other authority; and evidence of the implementation status of any remedial measures required by the RWQCB.

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

a) Deed restrictions that have been recorded disclosing the nature and location of any soil and groundwater contamination detected in soils or surface or groundwater within the STMP-LUP lands overall, shall be noted and illustrated on the development plan for the subdivision and disclosed in a public report approved by the California Department of Real Estate, including a map of the contaminated locations, and for each of the parcels STMP MAPs where such contamination exists (including in soil, surface water or ground water), within the MAP, or an adjacent MAP, a map showing the specific locations of such contamination and the identity of previous landowners and activities that may have contributed to such contamination in the past, and a reference to list of the documents available for public review at the State Water Resources Control Board's GeoTracker website on file with the Coastal Development Permit for the establishment of the Phased Subdivision MAP pursuant to Subparagraph D (2) above; and

- Edits above are made to reflect the recommended repository location for the publicly available documents.
- Edits above are made to correctly state environmental media that are impacted.

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

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

- Edits above are made to remove language that has already been and because deed restrictions are not necessary to say that the lands are subject to STMP-LUP zoning.

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

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

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.

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~~A. A complete application for a coastal development permit for the phased subdivision the further division of the STMP MAPs or other development within each STMP-MAP lands shall at a~~

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

- (1) Wetland Resources: Wetland delineation, including to-scale map and supporting data prepared in accordance Wetland/ ESHA Policy 10.
- (2) Botanical Resources: Seasonally-appropriate botanical surveys, including to-scale map and supporting data;
- (3) Non-wetland ESHA delineations, including to-scale map and supporting data;
- (4) Invasive Species: Non-native, invasive species surveys, to scale map; supporting data and Plan for control or removal of these species within the pertinent area;
- (5) Site Plan including but not limited to the surveyed boundaries of: the proposed lot lines, designated building envelopes, areas of special geologic or other hazard concern; wetlands and non-wetland environmentally sensitive habitat area locations and buffers thereof, recorded easements or proposed easements and/or deed restricted areas or areas imposing limitations on other development (trails, bikeways, natural resource protection areas, etc.);
- (6) Locations and limits of all public and private utility lines, hookups, and easements;
- (7) Soil and Groundwater Contamination Analysis: Final Remedial Action Plans, and Cleanup Work Plans, and reports on the (implementation of the remediation work plans) for the cleanup of all contaminated soil and groundwater, in the areas required by the RWQCB, on the parcel approved by the pertinent regulatory authority, such as State Regional Water Quality Control Board (RWQCB), State Department of Toxic Substances Control, State or Federal Environmental Protection Agency, or County Environmental Health Department;
- (8) Landform Alteration Analysis: Preliminary grading plans including cross sections and daylight lines prepared by a California-licensed Professional Civil Engineer;
- (9) Geologic Hazard Analysis: Geologic stability analysis and to-scale map, including a map at the Site Plan scale, of any areas of special geologic or other hazard concern, including differential boundaries of potential inundation due to tsunami arriving at highest high tide and wave height of ten, twenty, thirty, and forty feet in height; and including locations of areas subject to permanent storm surge or flooding hazard due to sea level rise mapped in increments of one, two, three, four, and five feet of future sea level rise. Areas that may be subject to "daylighting" of groundwater elevations due to sea level rise shall be mapped in similar increments. The analysis shall include evidence that the Site Plan has been evaluated and that all proposed parcels will be safe from flooding, erosion, and geologic hazards, including increasing hazards posed by future sea level rise. If any special structural designs are necessary

to achieve safety under the conditions determined to be present at the subject locations, these shall be fully specified in the analysis. The hazards analyzed shall be based on the best available scientific data available at the time of the analysis, including at least 4.5 feet of future sea level rise (a minimum of 3 feet of sea level rise shall be added to the analysis of potential tsunami inundation). The analysis shall verify that all proposed development will be safe from the need to install future shoreline armoring taking into consideration the results of the future hazard analyses, and that the proposed lots and development of such lots would be consistent with the requirements of the Final Samoa Tsunami Safety Plan. The Hazard Analysis, Maps, and Plans shall be prepared by California-licensed professional engineer or geologist, including Civil Engineer with substantial experience in coastal engineering and sea level rise planning and Engineering Geologist or the California-registered professional equivalent thereof with substantial experience in seismic risk analysis and the design of resilient structural foundations for hazard mitigation;

(10) Final Samoa Tsunami Safety Plan consistent with the requirements of STMP (Hazard) Policy 4;

(11) Waste Water Treatment: For the wastewater treatment areas, STMP MAP 3 and 4, include Plans for development of the a waste water treatment facility including evidence prepared by a California-licensed civil engineer of total system capacity, including secondary discharge fields, to serve buildout of the STMP lands, and evidence that the consulting civil engineer has verified that the waste disposal system will function effectively under site conditions consistent with at least 4.5 feet of future sea level rise. For all other STMP lands STMP MAP parcels 1, 2, 5, 7, and 8, include evidence that the new waste water treatment plant and waste disposal system designed to serve the parcel proposed for subdivision has been approved by the RWQCB and the County Environmental Health Department;

(12) Water Supplies: demonstration that sufficient potable and emergency control water supplies and facilities will be supplied by the pertinent water services district to serve buildout of the subdivision, consistent with the requirements of the STMP-LUP;

(13) Non-motorized Access: ~~master~~ Demonstrate pedestrian and bicycle circulation plan consistent with the requirements of STMP (Coastal Access) Policy 1;

(14) Public Transportation Auxiliary Facilities: Plans for the installation of bus stops to serve Samoa consistent with the requirements of STMP (Coastal Access) Policy 6, with implementation of construction appropriate for the STMP MAP under consideration;

(15) Public Coastal Access Parking: Detailed coastal access vehicle parking analysis and plan providing Plans for sufficient parking to adequately serve the coastal visitor-serving uses consistent with STMP (Coastal Access) Policy 3;

(16) Internal Recreation Support/ Parks: Plan for the placement of small community parks and other outdoor recreation areas within the subject area, consistent with the requirements of STMP (Wetlands/ ESHA) Policy 3;

(17) Plan for the on-going funding, maintenance, and management of Samoa Town infrastructure, natural areas and public amenities consistent with the requirements of STMP (New Development) Policy 4;

(18) Evidence that all lots to be created for new permanent residential development can be feasibly developed in a manner that the finished floor elevation of habitable space can be constructed at an elevation of at least 32 feet above mean sea level consistent with the requirements of STMP Hazard Policy 5;

(19) Samoa Business Park and/or New Samoa Residential subdivisions: Visual analysis of the subdivision as built out at maximum allowable height for structures while consistent with the requirement that residential development within the tsunami inundation area be limited to a minimum habitable floor elevation of 32 feet above mean sea level. A Visual analysis shall be performed that includes evidence that proposed buildout of the pertinent subdivision can be accommodated in conformance with all the adopted Design Guidelines for Samoa Town. # manner that does not adversely affect the historic community character of the existing Town of Samoa or public coastal views to and along the coast and Humboldt Bay;

- Development within the STMP-LUP will provide protection and preservation of ESHA's. The removal of invasive species would be encouraged; however it is not part of the project.
- Edits above are made to correctly state the current status of the approved remedial process.
- Geologic hazards analysis will be consistent with the requirements of the Final Samoa Tsunami Safety Plan, which details applicable tsunami safety requirements and analysis.
- Visual analysis will be consistent with the adopted Design Review Guidelines, which detail the required design standards and required design review approval.
- (6) is removed because new utility lines will be put in and will be required as a condition of approval by the County.
- (8) daylight lines are included in cross sections
- (9) The Final Tsunami Safety Plan was prepared to analyze potential risks from tsunamis.

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

- There is already an established process for this, (i.e. any substantial change to a TM requires further review).

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

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

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

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

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

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.
- The Phased Tentative Map approval will specify how all clean-up activities will be accomplished and link remediation measures to a specific phase.
- Edits above are made to correctly state the meaning of the "no further action" letters that RWQCB will generate for specific areas of the site as they are remediated. Based on discussions with Kasey Ashley of the RWQCB, the RWQCB does not provide certifications as do other agencies.

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

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

(2) a deed restriction has been recorded against the legal title of the single merged legal parcel describing the kinds and location of contamination that has previously been associated with the subject lot, the remedial activities that have been undertaken, the results of final tests completed to verify the adequacy of cleanup (including copies of the pertinent laboratory reports), and the presence and location of any residual contamination that may be present in the soil or groundwater (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;

- Edits above are made to reflect the language in the deed restrictions that are already approved and are awaiting RWQCB signatures.

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

D. The new emergency services vehicle storage building equipment and facilities (fire and life safety; earthquake and tsunami shelter, etc.) at STMP MAP-9 shall be installed and made available to serve the existing town of Samoa prior to recordation of the final map for Phase 5 the commencement of construction of any other new development within the STMP lands, other than as provided for in Subparagraph 2(B) above. Existing structures shall be converted to service by the proposed new waste water treatment plant within six (6) months after the new system becomes operational and the old (existing) waste water treatment facilities shall be properly abandoned in accordance with pertinent regulations and necessary permits within one (1) year after the new waste water treatment plant becomes operational.

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E. Wastewater Treatment Facilities:

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

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

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

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

4) The approved waste water treatment facilities and associated wastewater disposal facilities proposed to serve all development within the STMP-LUP overlay area depicted on Exhibit 2A shall be constructed, tested and determined ready for connection and service prior to construction of any new development proposed for the STMP-LUP overlay area depicted on Exhibit 2A other than (1) the rehabilitation or remodeling of the existing residences provided the RWQCB authorizes the continuing reliance of such residences on the existing waste disposal system; (2) the

cleanup of contaminated soil surrounding existing structures in the STMP-LUP area that is required by the RWQCB; and (3) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies; and (4) the development of visitor serving uses around the Samoa Cookhouse, provided the RWQCB authorizes the reliance of such residences on the existing waste disposal system. No development that is not already occupied and reliant on the existing waste water treatment facilities shall be added to the existing system.

- The proposed phasing would develop the visitor serving uses prior to completion of the upgraded WWTF, therefore these facilities would be connected to the existing system, provided approval by the RWQCB.

F. STMP MAP 2 (The Business Park) may be further developed at any time after issuance of the coastal development permit for the master subdivision approval of STMP MAP 2 in accordance with the applicable policies and provisions of the STMP-LUP and provided that adequate waste water treatment facilities to serve the development approved by the RWQCB; and the new emergency services vehicle storage building equipment and facilities of STMP MAP 9 are is constructed, and operational prior to the commencement of construction of the STMP MAP 2 development and the County has verified with pertinent public emergency responders that sufficient emergency fire suppression water supplies and pressure exist to protect the resultant development; however The following additional requirements shall apply:

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

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.

2) The public pedestrian path along the boundary of the deed-restricted natural habitat/wildlife and open space corridor within the Business Park STMP MAP 2 shall be surveyed, improved, and

opened to the public pursuant to the requirements of the STMP-LUP. In addition, an improved interpretive pedestrian pathway connecting the Samoa Cookhouse Area to the undercrossing of New Navy Base Road, and the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road shall be completed and opened to the public. Furthermore, a mechanism for permanent funding of the long-term maintenance of the public amenities shall be identified and implemented prior to commencement of construction of any other Business Park STMP MAP 2 development.

3. Prior to the commencement of construction of any other STMP MAP 2 (Business Park) or STMP MAP 5 and 6 (New Samoa Residential) development, the low-cost visitor serving accommodations area (LCVSA) planned for STMP MAP 13 Historic Samoa Visitor

Accommodations Area A (the Samoa Cookhouse area) and STMP MAP 14 (Historic Samoa Visitor Accommodations Area B) shall be remediated to the extent required by the RWQCB, and the features described in STMP (Coastal Access) Policies regarding LCVSA, dunes interpretation pathway connecting shall be constructed and opened to the public.

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

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

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.

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

3. Prior to the commencement of construction of any other STMP MAP 2 (Business Park) or STMP MAP 5 or 6 (New Samoa Residential) development (Phases 5-10) the following requirements shall be satisfied:

a) the low-cost visitor serving accommodations area (LCVSA) planned for the STMP MAP 13 (Samoa Cookhouse Area) and STMP MAP 14 shall be remediated to the extent required by the RWQCB for the proposed reuse of the subject area;

b) at least half of the 45 total LCVS units, which may include but are not limited to a hostel, small cabins, and car/ tent camping spaces and 22 room hostel on the second floor of the Samoa Cookhouse, 20 detached small housekeeping cabins, and 15 car/tent camping spaces including amenities such as, bathroom/shower facilities, picnic and play areas, and fenced pet exercise areas required as amenities for the occupants of the cabins and camping spaces, shall be constructed and opened to the public;

c) the interpretive pedestrian pathway connecting the visitor-serving accommodations near the Samoa Cookhouse Area to the undercrossing of New Navy Base Road through the Natural Resource Corridor, and interpretive signage, shall be completed and opened to the public;

d) the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road (shown on the map recorded on August 1, 2011 of the Humboldt Bay, 2011) shall be completed and opened to the public.

- Low cost visitor serving uses will be developed, however the specific number of each type is not known at this time.

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

Brochures or a kiosk highlighting the habitats and species found along the STMP coastal habitat pathways and the dune interpretive area, explaining the importance of protecting and preserving the resources, explaining earthquake and tsunami safety information, and showing tsunami evacuation areas and routes within the STMP lands shall be continuously available at the LCVSA facilities and tsunami evacuation routes shall be prominently posted for the benefit of coastal visitors.

4. Prior to the commencement of construction of any other New Residential Phases 7, 8, 9, or 10 STMP MAP 2 or STMP MAP 5 and 6 development, the remediation of soil and groundwater contamination of STMP MAP 15 (the Soccer Field Cleanup Area) shall be completed to the extent determined necessary by the RWOCB or other regulatory agency with jurisdiction over the cleanup to stabilize the site, and to prevent long-term migration of contaminants off site through surface runoff or groundwater movement. The permittee shall provide evidence that this the STMP MAP 15 area has been adequately remediated in accordance with the pertinent RWOCB or other applicable regulatory standards and that the site is suitable for reuse revegetation as part of the Natural Resource Corridor. Following completion of the remediation activities no contaminated soil or water shall be allowed to remain on the surface of this area, the STMP MAP 15 area at any time.

- Edits above are made to allow staging and loading of impacted soils and groundwater during the remedial activity.

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

- Edits above are made to allow for phased contamination remediation of the existing town.

STMP (New Development) Policy 2:

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

STMP (New Development) Policy 3:

The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective upon adoption by the County Board of Supervisors. The 78 separate lots would be merged into two parcels prior to Board Approval, unless and until the entirety of the legal parcel(s) containing APN 401 031 38, APN 401 031 46, APN 401 031 55, APN 401 031 059, APN 401 031 65, APN 401 031 67, and APN 401 031 44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan ("STMP LUP") Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP LUP. If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP LUP, no remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A straddles the STMP LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A. If the land use designations and zoning approved by the Commission with suggested modification in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective, the Principal Permitted Use of any area subject to the STMP-LUP shall be determined in accordance with the designated Land Uses and in the patterns and locations generally shown on the certified STMP Land Use Map, however the eight (8) STMP MAPs may include more than one land use within the subject MAP boundaries. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the further subdivision of the pertinent STMP-MAP has been approved.

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.

STMP (New Development) Policy 4:

Prior to final map approval or issuance of a coastal development permit for the division of any of the STMP MAPs or any other development within any STMP MAP lands, 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 LAFCo approved service provider(s) for potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, public open spaces, common areas including streetscapes, parks and community gardens, bicycle/ pedestrian pathways (including the pedestrian tunnel under New Navy Base Road), sensitive resource areas, the Samoa Dunes Day Use Area (including parking facilities), and the Samoa car camping spaces (including bathroom/shower and other facilities), except where the County of Humboldt provides evidence that the County will accept the title to and management obligations for any of these,

- LAFCo is responsible for approving appropriate service providers.

STMP (New Development) Policy 5:

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

STMP (New Development) Policy 6:

Land divisions, including re-divisions and lot line adjustments of any land subject to the STMP-LUP, shall be permitted only if all resulting parcels can be demonstrated to be buildable and protective of all coastal resources, and safe from flooding, erosion, and geologic hazards, including the effects of at least 4.63 feet of sea level rise, without the future construction of shoreline armoring devices, and that the development proposed on the, resultant lots can be constructed consistent with all pertinent policies of the certified LCP.

STMP (New Development) Policy 7:

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

I. Siting development in a manner that will minimize traffic trips;

2. Prohibiting retail sales establishments designed to attract more than an incidental percentage of customers from offsite areas;

3. Incorporating the "smart growth" development concepts that combine interdependent uses that potentially reduce offsite traffic trips, including adequate grocery and convenience stores in the revitalized downtown area to supply resident and visitor needs with fewer offsite trips;

4. Providing well designed and appropriately located bus stops along Vance Avenue;

5. Providing amenities for the convenience and safety of pedestrians and bicyclists to encourage the use of non-motorized and/or public transportation, including a well-designed network of bicycle paths, safe sidewalks, and separate footpaths that link various areas within Samoa and to the nearby beach and natural resource area interpretive trails;

6. Incorporating energy efficient building technologies;

7. Requiring development to meet high standards regarding the energy efficiency of proposed structures; heating, ventilation, and air conditioning systems (HVAC); hot water heaters; appliances; insulation; windows; doors; and lighting such as the standards of established voluntary programs such as Energy Star, LEED, or Build It Green;

8. Requiring development to incorporate alternative sources of energy such as photovoltaics, solar water heaters, passive solar design, wind generators, heat pumps, geothermal, or biomass;

9. Requiring development to use structural orientation (heat gain from southern exposure) and vegetation patterns to reduce winter heating needs (such as planting deciduous trees near southern exposures to maximize the winter sun);

10. Requiring development to include energy meters that provide real-time information to users regarding energy consumption;

11. Requiring development to use recycled building materials;

12. Requiring development to use building materials that minimize energy consumption during the manufacture and shipment of the materials;

13. Requiring development to use construction techniques that minimize energy consumption;

14. Incorporating structural amenities within non-residential development to encourage the use of non-motorized or public transportation by employees (such as sheltered bicycle storage, bicycle lockers, restrooms with showers/personal lockers, etc.);

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

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

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

- Level of detail above is not necessary, there are existing energy conservation building standards that will be complied with.

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STMP (New Development) Policy 8:

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

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

facilities shall be added to the existing system.

- The above paragraph is removed because it is already stated in Policy 1B.E.4.

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STMP (New Development) Policy 9:

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

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STMP (New Development) Policy 10:

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

- The existing residences are already hooked up to the existing waste treatment system, which will be upgraded in accordance with RWQCB requirements.

STMP (New Development) Policy 11:

The Arcata Community Recycling Center Regional Processing Facility (ACRC Facility) shall be connected to the new waste water treatment facilities within ninety (90) days after the installation of the wastewater collection line in Vance Avenue adjacent to the ACRC facility, new waste water treatment plant is placed in service. The existing septic system that presently serves the ACRC Facility shall be removed or remediated and properly abandoned in accordance with RWQCB

requirements, subject to any necessary coastal development permit, within ninety (90) days after connection to the new waste water treatment plant.

- The ACRC will be connected to the new WWTF when the collection line is available in Vance Avenue; this line may not be in place and ready to operate when the treatment facility is placed in service for other phases of the project.

STMP (New Development) Policy 12:

A. Prior to approval of a coastal development permit for the ~~further subdivision or other~~

development of lands subject to the STMP MAPs LUP except (1) the rehabilitation or remodeling of the existing residences provided the RWQCB authorizes the continuing reliance of such residences on the existing waste disposal system; of (2) the cleanup of contaminated soil surrounding existing structures in the STMP-LUP area that is required by the RWQCB;

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

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

- Already stated in STMP (New Development) Policy 1.B.1.A

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

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

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

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

STMP (New Development) Policy 13:

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

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Preservation and Enhancement of Community Character

STMP (Community Character) Policy 1:

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

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, (STMP Design Guidelines) are hereby incorporated as standards for development within the STMP-LUP overlay designation and any changes or revisions to the Guidelines shall require an amendment of the LCP Planning Commission Approval and shall be attached as Appendices to the certified LCP (but may be published under separate cover and made available at the Planning Department on request).

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STMP (Community Character) Policy 3:

Energy Efficiency and Conservation: Changes to the existing structures located on lands subject to the STMP-LUP within the historic Samoa "company town" site that may improve energy conservation shall be consistent with the STMP Design Guidelines not disrupt, replace, or distract from the existing

historic period details. New structures, however, may utilize alternative construction materials that have the appearance of the original materials, thus achieving aesthetic consistency with the existing structures while increasing energy efficiency.

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STMP (Community Character) Policy 4:

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

STMP(Community Character) Policy 5:

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

STMP (Community Character) Policy 6:

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

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

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

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

B. All coastal development permit applications for exterior remodeling of structures within the historic Samoa neighborhoods shall be provide in support of such an application a

report prepared by a California state licensed architect with at least five (5) years of historic preservation experience or the equivalent experience that includes the results of a survey of the subject structure undertaken not less than three (3) months prior to submittal of such application, with recommendations for ensuring the proposed remodeling be consistent with the preservation of the historic architectural elements of the subject structure consistent with the Design Guidelines.

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

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STMP (Community Character) Policy 7:

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

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

STMP (Wetlands/ESHA) Policy 1:

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

STMP (Wetlands/ESHA) Policy 2:

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

STMP (Wetlands/ESHA) Policy 3:

Development within the lands subject to the STMP-LUP shall provide adequate neighborhood parks that include active recreation and play areas and picnic facilities to minimize the unauthorized recreational use of the Natural Resource Corridor Area and other sensitive habitat areas and buffers.

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STMP (Wetlands/ESHA) Policy 4:

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

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

- All language that refers to biological “functional relationships” will be removed because functional relationships are (1) complex to assess; (2) there are no Coastal Act guidelines for determining or assessing such a relationship; and (3) the analysis would be qualitative at best and would not be quantifiable.

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/or animals will not be disturbed significantly by the permitted development. Such a determination shall take into account subsections (3) and (4) below and consultations with biologists of the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Coastal Commission or others with similar expertise:

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

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

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

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

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

- The natural topography would be included in the ESHA buffer areas as required by Policy 4.A above.

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8. Required buffer areas shall be measured from the following points, and shall include historic locations (as mapped by GPS/GIS, standard survey, or orthorectified aerial photos) 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 native vegetation interface for dune-related ESHA.
- The upland edge of a wetland.
- The outer edge of the canopy of coastal sage scrub or forests plus such additional area as may be necessary to account for underground root zone areas.
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys, and the likely area containing the dormant seed banks of rare plant species.
- The outer edge of any habitat associated with use by mobile or difficult to survey sensitive species (such as ground nesting habitat or rare insects, seasonal upland refuges of certain special status amphibians, etc.) based on the best available data.
- Where established "protocols" exist for the survey of a particular species or habitat, the preparing biologist shall undertake the survey and subsequent analysis in accordance with the requirements of the protocol and shall be trained and credentialed by the pertinent agency to undertake the subject protocol survey.

- "Historic locations" is too broad and should be limited to the mapping methods listed above.

B. A determination to utilize a buffer area of less than the minimum width shall be made by a qualified biologist contracting directly with the County. The reviewing biologist shall assess the pertinent buffer and resources in cooperation with the biologists of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the Coastal Commission. The County's determination shall be based

upon specific findings as to the adequacy of the proposed reduced buffer to protect the identified resource.

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STMP (Wetlands/ESHA) Policy 6:

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

STMP (Wetlands/ESHA) Policy 7:

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

STMP (Wetlands/ESHA) Policy 8:

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

- ATV's and ORV's would be dangerous in the tunnel.

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STMP (Wetlands/ESHA) Policy 9:

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

- There is no plan for removal of invasive species.

STMP (Wetlands/ESHA) Policy 10:

Wetlands shall be identified and delineated as follows:

A. Delineation of wetlands shall rely on the wetland definition in Section 13577 of the Coastal Commission regulations set forth in pertinent part below, which requires demonstration of one wetland parameter. The field methods used in the wetland delineation shall be those contained in the Army Corps of Engineers Wetland Delineation Manual as modified by the ~~Interim~~ Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0 dated May 2010/April 2008. Section 13577 states in pertinent part:

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

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

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

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

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

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

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

STMP (Wetlands/ESHA) Policy 11:

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

STMP (Wetland/ESHA) Policy 12:

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

STMP (Wetland/ESHA) Policy 13:

No herbicides or rodenticides shall be used within: (1) the Wildlife Corridor; (2) within wetlands, non-wetland ESHA, or the buffers thereof; or (3) in areas where the effects of such use could adversely affect the sensitive species or habitats on or near the lands subject to the STMP-LUP. The use and disposal of any herbicides for invasive species removal shall follow manufacturer specifications, comply with imposed conditions, and protect adjacent native vegetation and coastal water quality. Rodenticides containing any anticoagulant compounds, including, but not limited to, bromadiolone or diphacinone shall not be used. Development approvals for lands subject to the STMP-LUP shall attach conditions specifying this requirement.

STMP (Wetlands/ESHA) Policy 14:

Landscaping with exotic plants shall be limited to outdoor landscaped areas immediately adjacent to the proposed development. The planting of invasive non-native plants including but not limited to pampas grass (*Cortaderia* sp.) acacia (*Acacia* sp.), broom (*Genista* sp.), English ivy (*Hedera helix*), and iceplant (*Carpobrotus* sp. *Mesembryanthemum* sp.) shall specifically be prohibited. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or listed as a

"noxious weed" shall be used in any proposed landscaping within the lands subject to the STMP-LUP. Development approvals for lands subject to the STMP-LUP shall attach conditions specifying this requirement.

STMP (Wetlands/ESHA) Policy 15:

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

Coastal Access and Recreation

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STMP (Coastal Access) Policy 1:

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

A. 45 total LCVS units, which may include but are not limited to a hostel, small cabins, and car/ tent camping spaces. ~~A hostel with at least 20 guest rooms and common hallway bathrooms on the second floor of the Samoa Cookhouse;~~

A. ~~20 detached small housekeeping cabins;~~

A. ~~15 car/tent camping spaces with tables and benches. Grills. Covered trash receptacles and potable water outlets at each site;~~

4) ~~Amenities such as bathroom/shower facilities, picnic and play areas, and fenced pet exercise areas for use by the cabin and campsite occupants;~~

5) ~~adequate internal circulation routes and parking for coastal visitors and their guests, as well as day-use visitors, restaurant patrons, and adequate space and turnaround capacity for bus arrivals.~~

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

C. The LCVSA facilities shall be connected to the public undercrossing of New Navy Base Road and the dunes and beaches beyond via a public, pedestrian-only path through ~~STMP MAP 13~~ Natural Resources Area. ~~At~~ In addition, paved streets leading through Samoa development to the New Navy Base Road undercrossing shall be open to the public and shall not be gated.

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

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

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

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STMP (Coastal Access) Policy 2:

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

B. Prior to the recordation of the final map creating the STMP MAPs identified in Exhibit 1A, The location of pedestrian and bicycle routes subject to this policy shall be surveyed and mapped and a deed restriction protecting against conversion to another use shall be recorded. In addition, a dedication or offer of dedication in perpetuity of a public access easement to a public agency or qualified non-profit organization shall be recorded for all existing or proposed pedestrian or bicycle routes, including routes prescribed elsewhere in these policies for coastal access and recreational purposes. The dedication or offer of dedication shall not contain a "sunset" provision and shall remain valid in perpetuity until or unless accepted by a qualified party.

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

STMP (Coastal Access) Policy 3:

Prior to construction of the Business Park or new residential development other than the renovation of existing structures (See phasing plan for additional phasing information):

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

- A school bus turnaround would require at least a 90 foot turning radius, and is not required by the County.

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

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

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

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

STMP (Coastal Access) Policy 4:

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

from traffic shall be installed to connect the Samoa Cookhouse visitor serving area with the downtown bus stop.

- Typical bus stops in the region do not have emergency call boxes or security lighting.

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

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

STMP (Coastal Access) Policy 5:

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

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Business Park Development (STMP-MAP 2)

STMP (Business Park) Policy 1:

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

B. Retail sales within the Business Park, subject to a conditional use permit, shall be limited to may include sales and service enterprises occupying less than 40,000 40,000 square feet, maximum, primarily for the support of other Coastal Business Park uses or when incidental to and supportive of the principal use, and designed in a manner that is visually and proportionally subservient to the scale and composition of the primary use. Retail enterprises that would attract a majority of customers from outside of the Coastal Business Park shall not be permitted. Enterprises reliant on exceptionally high energy and water use, such as indoor plant cultivation, shall not be permitted within the Business Park.

C. No activities that produce significant noise, night lighting of substantial outdoor areas, or detectable odors, or pose a significant danger to health, safety or property shall be

allowed within the business park, nor shall the use or storage of chemicals or materials, including biological materials, that may pose a significant risk of fire or explosion, or pose a biohazard risk to other business park occupants, be allowed.

- See Business Park definition and allowable uses.

STMP (Business Park) Policy 2:

Boxy, monolithic "industrial park" and warehouse style development shall be avoided. Structures shall be no more than fifty (50) feet three (3) ordinary stories in height and shall be sited, designed, scaled and landscaped consistent with STMP Design Guidelines to blend compatibly with the community character of the existing town of Samoa. Individual structures shall be limited to a maximum of 10,000 square feet. The business park shall be designed in manner that ties all development within the park together in an aesthetically compatible manner, with an emphasis on public greenways and common areas. Parking areas shall be located behind structures and screened with landscape plantings.

- See Business Park definition and allowable uses, fifty feet in height is consistent with County Business Park standards.

STMP (Business Park) Policy 3:

Business Park Structural Restrictions:

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

1) the uppermost accessible floor of the subject structure shall be at an elevation not lower than the tsunami inundation elevation calculated for the subject area plus three additional feet to account for future sea level rise;

2) access to the uppermost accessible floor of the subject structure shall be continuously accessible to occupants of the building (i.e., interior stairwells shall not be locked) without resort to elevators;

3) the uppermost accessible floor shall be large enough to shelter the maximum number of people that would be present within the subject building at any time;

4) tsunami escape routes such as stairwells shall be prominently posted and routes shall not be blocked, used for storage, lined with unsecured shelving or other furniture that may shift or fall during an earthquake or otherwise block the route, or used for electrical, gas or other building services that may pose a hazard within the escape route;

5) the uppermost floor designated for potential shelter shall have features that allow occupants to escape to the outside of the building directly from that elevation if lower elevations are blocked by flooding or damage;

6) no lockable entrances to stairwells or other escape routes from inside the structure shall be included in the plans or otherwise authorized.

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

- The adopted Tsunami Safety Plan includes the above requirements.

STMP (Business Park) Policy 4:

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

STMP (Business Park) Policy 5:

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

STMP (Business Park) Policy 6:

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

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Hazards

STMP (Hazard) Policy 1:

Prior to approval of any further land division or any other development of the lands subject to the STMP-LUP, a site-specific geologic study and review of proposed lot lines and development plans shall be prepared and accompanied by the written determination of a California licensed professional civil engineer or California licensed professional engineering geologist stating specifically that the proposed lots would support a buildable site for the proposed development. Structures shall be designed to most recent UBC standards and the Tsunami Safety Plan requirements, and that a structure so located if constructed in accordance with the expert's recommendations, will be safe from hazards posed by landslide, slope failure, shaking or other ground movement and associated conditions (such as liquefaction) or other failure, including flooding, that may be caused by natural hazards

including the maximum credible earthquake and tsunami. The pertinent decision makers shall require as a condition of the coastal development permit for such development that the pertinent licensed expert review the final plans and designs for the further land divisions (where applicable) and the subject individual development (where applicable) and affix the appropriate engineering stamp thereby assuring that the reviewed plans and designs fully incorporate the licensed expert's recommendations.

- The applicable standards of practice will be complied with.

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, an engineering investigations. Development at nearshore sites shall analyze potential coastal hazards from erosion, Flooding, Wave attack, Scour and other conditions. For a range of potential sea level rise scenarios, From three to six feet per century. The analysis shall also consider localized uplift or subsidence, Local topography, Bathymetry, And geologic conditions. A similar sensitivity analysis shall be performed for all critical facilities, Energy production and distribution infrastructure, And other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazard analyses shall be used to identify current and future site hazards, To help guide site design, Development location, And hazard mitigation requirements, And to identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes, Development projects shall assume a minimum sea level rise of three (3) feet per century and significant or critical infrastructure development of community-wide significance shall assume 4.5 feet per century; greater sea level rise rates shall be used if development is expected to have an exceptionally long economic life. If the proposed development has few options for adaptation to sea level higher than the design minimum, Or if the best available scientific information at the time of review supports a higher design level, Design habitable structures at elevations consistent with the UBC and the Tsunami Vulnerability Report

- The project does not contain nearshore sites.

STMP (Hazards) Policy 3:

New development associated with the provision of critical or significant community support functions (such as waste water treatment, provision of potable or fire fighting water, or fire and life safety command and equipment centers) or that may be converted into critical community shelter facilities in an emergency, or structures that house vulnerable populations that cannot be readily evacuated, including hospitals, schools, and care facilities for the elderly and/or disabled, shall be designed and located in a manner that will be free of the risk of catastrophic failure

associated with earthquake or tsunami hazard, taking into account a minimum of 4.5 feet of sea level rise per century, and the plans for such facilities shall be reviewed and stamped as conforming to this standard by a California licensed professional civil engineer or a California licensed professional engineering geologist.

STMP (Hazards) Policy 4:

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

STMP (Hazards) Policy 5:

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

STMP (Hazard) Policy 6:

Prior to any conveyance of title to lands and prior to the occupancy of any development within the lands subject to the STMP-LUP, including either new development or existing structures that have been cleared of lead contamination through approved remediation activities, the reviewing authority shall require the submittal of evidence that a Deed

Restriction has been recorded against the legal title of such lands, and against title of lands containing the subject development, setting forth the following disclosures.

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

8. MODIFICATION #8:

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

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

3.17.B.3 Tsunamis

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

1. New residential development shall not have habitable living space below the predicted tsunami run-up elevation calculated at maximum tide plus a minimum of three (3) feet to account for future sea level rise plus one foot of freeboard space.

2. New residential development shall be required to meet the requirements of a Tsunami Safety Plan (TSP) based on the Tsunami-Ready Guidelines of NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, October 6, 2004, Appendix D.

3. The Approving Authority shall only authorize residential development proposed on legal lots in areas located within a tsunami run-up inundation area if the pertinent decision-makers adopt specific findings at the time of approval of such development stating that the guidelines set forth in the Tsunami-Ready Guidelines of the NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, dated October 6, 2004, Appendix D, have been reviewed and have been fully met or implemented as applied to the specific location of the proposed development.

4. The County shall only authorize residential development proposed on a legal lot located within a tsunami run-up inundation area if a Tsunami Safety Plan (TSP) for the subject site has been prepared by a California licensed professional civil engineer with substantial coastal hazard analysis experience specifically including evaluating tsunami hazards stating that if the reviewing engineer's recommendations are met, the site will be safe for the subject development from catastrophic failure or inundation caused by a local great Cascadia Subduction Zone earthquake event and accompanying tsunami. The final plans and designs shall be reviewed and stamped by the reviewing California licensed professional engineer to confirm that all pertinent recommendations set forth in the subject final TSP have been incorporated into the final plans and designs.
(The Appendix D document is attached to this staff report as Exhibit 5, for reference.)

9. MODIFICATION #9: Map Changes

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

Samoa Land Use Plan Map:

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

- See revised Land Use and Phasing Map submitted by Samoa Pacific Group.

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

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

- The existing building would become useless if the designation was retained as coastal dependant Industry.

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

- The above recommendation seems to be referring to the area proposed for storage, however it is important to provide storage for residents, therefore this area should remain General Commercial.

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

- This area should remain public facility due existing waste treatment infrastructure.

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

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

Prior to Phased Subdivision approval, the owner retains entitlement to two existing legal parcels (the parcels referred to in Instruments 2001-24110-6 and 2008-16893-9), but must merge any other remaining legal parcel entitlements. Subsequently, lands within the STMP-LUP may be subdivided through recordation of final maps consistent with the Subdivision Map Act and STMP-

LUP. The merger and subsequent re- subdivision of all lands subject to the STMP-LUP area shall encompass all such property within the STMP-LUP unless otherwise noted.

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.

10. MODIFICATION #10:

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

11. MODIFICATION #11:

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

- It is not clear what references the above recommendation is referring to. Density is defined by the land use designation of a site.

2. Suggested Implementation Program Modification #2:

EXCERPT

STARTS ON STAFF REPORT PAGE 70 OF 136

ISSUES / REVISIONS HIGHLIGHTED

Modify Section 313-15.2 of the Humboldt County Zoning Regulations as follows: (Coastal Commission Suggested Modification language is shown in double underline. Samoa Pacific Group proposed added language shown in single underline and Suggested Modification language to be deleted is shown in ~~strikethrough~~:

- Bullets justify language change.

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

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

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

313-15.1 PURPOSE

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

313-15.2 APPLICABILITY

The Special Area Combining Zone Regulations shall apply when any of the special area combining zones are combined with a principal zone by the County Board of Supervisors. When more than one regulation is applicable to the same subject matter within a zone, the most restrictive regulation is applicable except in the case of conflicts between the regulations of the Samoa Town Master Plan (STMP) Special Area Combining Zone and other regulations of the zoning ordinance. Where a conflict arises between the regulations of the STMP Combining Zone and any other regulation of the zoning ordinance, the regulations of the STMP Combining Zone shall take precedence. The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM MAJ 01 08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401 031 38, APN 401 031 46, APN 401 031 55, APN 401 031 059, APN 401 031 65, APN 401 031 67, and APN 401 031 44, generally depicted on Exhibit 2A and described as the Samoa Town Master Plan Land Use Plan ("STMPLUP") Overlay Area, are merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP LUP.

If all such property is not merged and redivided into the authorized Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the property will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP-LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCP A HUMMAJ 01-08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP-LUP. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A straddles the STMP-LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP. Replace the above paragraph with the following language:

The STMP-LUP Overlay purpose is to provide for the processing and approval of development within the Town of Samoa. The STMP-LUP land use overlay provides additional processing and approval standards and guidance for a Phased Subdivision, including Tentative and Final Map(s), within the designated area. The STMP-LUP overlay is intended to implement development within the Samoa community. Prior to Phased Subdivision approval, the owner retains entitlement to two existing legal parcels (the parcel referred to in Instruments 2001-24110-6 and 2008-16893-9), but must merge any other remaining legal parcel entitlements. Subsequently, lands within the STMP-LUP may be subdivided through recordation of final maps consistent with the Subdivision Map Act and STMP-LUP.

3. Suggested Implementation Program Modification #3:

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

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

General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and redivided into the Master Area Parcels generally depicted on Exhibit 1A consistent with all other applicable provisions of the STMP LUP, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM MAJ 01 08 shall become effective upon recordation of the Final Map for the Master Area Parcels consistent with all other applicable provisions of the STMP LUP. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 2A straddles the STMP LUP boundaries generally depicted on Exhibit 2A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and redivision and become part of the immediately adjacent MAP generally depicted on Exhibit 1A.

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP. Replace the above paragraph with the following language:

The STMP-LUP Overlay purpose is to provide for the processing and approval of development within the Town of Samoa. The STMP-LUP land use overlay provides additional processing and approval standards and guidance for a Phased Subdivision, including Tentative and Final Map(s), within the designated area. The STMP-LUP overlay is intended to implement development within the Samoa community. Prior to Phased Subdivision approval, the owner retains entitlement to two existing legal parcels (the parcel referred to in Instruments 2001-24110-6 and 2008-16893-9), but must merge any other remaining legal parcel entitlements. Subsequently, lands within the STMP-LUP may be subdivided through recordation of final maps consistent with the Subdivision Map Act and STMP-LUP.

4. Suggested Implementation Program Modification #4:

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

313-34.5 STMP: SAMOA TOWN PLAN STANDARDS

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

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

Modifications Imposed by the STMP Regulations: These regulations shall be in addition to regulations imposed by the primary zone, development regulations, and other coastal resource

special area regulations. Where a conflict arises between the regulations of the STMP Combining Zone and any other regulation of the zoning ordinance, the regulations of the STMP Combining Zone shall take precedence.

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

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP. Replace the above paragraph with the following language:

The STMP-LUP Overlay purpose is to provide for the processing and approval of development within the Town of Samoa. The STMP-LUP land use overlay provides additional processing and approval standards and guidance for a Phased Subdivision, including Tentative and Final Map(s), within the designated area. The STMP-LUP overlay is intended to implement development within the Samoa community. Prior to Phased Subdivision approval, the owner retains entitlement to two existing legal parcels (the parcel referred to in Instruments 2001-24110-6 and 2008-16893-9), but must merge any other remaining legal parcel entitlements. Subsequently, lands within the STMP-LUP may be subdivided through recordation of final maps consistent with the Subdivision Map Act and STMP-LUP.

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

following numbered regulations and provisions and all other applicable requirements of the certified LCP.

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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 rooftops), 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 onsite 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~~ 10,000 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 stream bank erosion, downstream flooding, or other adverse habitat impacts, hydrologic control measures (e.g. stormwater infiltration, detention, harvest and re-use, and landscape evapotranspiration) shall be implemented in order to ensure that the pre- and post-project runoff hydrographs match within 10% for a two year return frequency storm.

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

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

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

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

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

(e) Measures to infiltrate or treat runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the site, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, structural treatment control BMPs including biofilters, grassy swales, onsite de-silting basins, detention ponds, or dry wells.

(f) A description of how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs.

(g) Appropriate structural post-construction Treatment Control BMPs selected to remove the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process.

(h) A long-term plan and schedule for the monitoring and maintenance of all structural Treatment Control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

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

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

i. Site design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.

ii. Source control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals, 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.

iii. Treatment control BMPs: Systems designed to remove pollutants from stormwater by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical

process. Examples are vegetated swales, detention basins, and storm drain inlet filters.

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

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

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

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

STMP (New Development) Standard 2:

A. Remediation of lead contamination, including contaminated soils or residual lead paint on structural surfaces, and/or reinforcement/replacement of the foundations of aging structures associated with the "company town" of Samoa shall be undertaken with special care to preserve the structural integrity and authentic period details (such as original woodwork, windows, and millwork) of the structures, in accordance with the STMP Design Guidelines and the following additional requirements:

1. Proposals for lead contamination remediation shall clearly indicate the removal methods that will be used for the soil, groundwater, and the existing structures in the coastal development permit application submitted to the reviewing authority for each project. In addition, such proposals shall include a Standard Operating Procedure for safe

implementation of removal methods that will be used on or near the existing structures, and the Standard Operating Procedure shall be incorporated into each applicable removal contract and which shall clearly state the manner in which release of contaminants to the environment will be prevented;

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

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

- There are existing standards of practice and California State building standards which will be followed for structural review and it is not necessary to state them here.

STMP (New Development) Standard 2:

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

STMP (Wetlands/ESHA) Standard 1:

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

a. A study identifying biological resources existing on the site, and the historical extent of the resources as identified in previous reports, surveys (as mapped by GPS/GIS, standard survey or orthorectified aerial photos), 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/ESHA) Policy 5 where an ESHA 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 special status 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 native terrestrial vegetation interface for dune-related ESHA,
- The upland edge of a wetland,
- The outer edge of the canopy of coastal sage scrub or forests plus such additional area as may be necessary to account for underground root zone areas. All root zones shall be protected as part of the associated ESHA,
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys and the likely area containing the dormant seed banks of rare plant species,
- The outer edge of any habitat used by mobile or difficult to survey sensitive species (such as ground nesting habitat or rare insects, seasonal upland refuges of certain special status amphibians, etc.) within or adjacent to the lands subject to the STMP-LUP based on the best available data,
- Where established public agency "protocols" exist for the survey of a particular species or habitat, the preparing biologist shall undertake the survey and subsequent analysis in accordance with the requirements of the protocol and shall be trained and credentialed by the pertinent agency to undertake the subject protocol survey,

The above edits are made for the following reasons:

- All language that refers to biological "functional relationships" will be removed because functional relationships are (1) complex to assess; (2) there are no Coastal

Act guidelines for determining or assessing such a relationship; and (3) the analysis would be qualitative at best (would not be quantifiable).

- The natural topography would be included in the ESHA buffer areas.

STMP (Hazards) Standard 1:

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

5. Suggested Implementation Program Modification #5: Map Changes

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

Add the following statement to the Samoa Zoning Map:

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

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

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

The STMP-LUP Overlay purpose is to provide for the processing and approval of development within the Town of Samoa. The STMP-LUP land use overlay provides additional processing and approval standards and guidance for a Phased Subdivision, including Tentative and Final Map(s), within the designated area. The STMP-LUP overlay is intended to implement development within the Samoa community. Prior to Phased Subdivision approval, the owner retains entitlement to two existing legal parcels (the parcel referred to in Instruments 2001-24110-6 and 2008-16893-9), but must merge any other remaining legal parcel entitlements. Subsequently, lands within the STMP-LUP may be subdivided through recordation of final maps consistent with the Subdivision Map Act and STMP-LUP.

Revise the illustrated extent of the footprint of the proposed zoning districts in the same manner as listed in the suggested modification for revising the footprint of the proposed land use classification areas in the Samoa Land Use Plan (LUP Suggested Modification No.9).
Revise the proposed zoning map to incorporate the Natural Resource Corridor Area, shown in Exhibit 16.

- Remove all language related to merger and redivision into Master Area Parcels. STMP-LUP development will be completed through a Phased Subdivision; each phase will require recordation of a final map consistent with the Subdivision Map Act and STMP-LUP.

6. Suggested Implementation Program Modification #6

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

- It is not clear what references the above recommendation is referring to. Density is defined by the land use designation of a site.

Project Phasing and Land Use Plan

Samoa Town Master Plan

Samoa, Humboldt County, California

Legend

- RL Residential Low Density (51.86 ac.)
- RM Residential Medium Density (3.4 ac.)
- CR Commercial Recreation (7.45 ac.)
- PF Public Facilities (5.57 ac.)
- CG Commercial General (4.57 ac.)
- MB Business Park (15.66 ac.)
- NR Natural Resources (40.18 ac.)
- PR Public Recreation (5.2 ac.)
- 2 Project Phasing
- 100' Wildlife Corridor and ESHA Setback

NOTE:
1.5 ACRES OF NATURAL RESOURCES TOTAL IS FROM VISITOR USE AREA LOCATED OUTSIDE OF PROJECT AREA

