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# W9d

**DATE:** August 24, 2018

**TO:** Coastal Commissioners and Interested Persons

**FROM:** Alison Dettmer, Deputy Director  
Robert S. Merrill, North Coast District Manager  
Melissa B. Kraemer, Supervising Analyst

**SUBJECT:** City of Trinidad Land Use Plan Amendment No. LCP-1-TRN-17-0072-1  
(CalFire Trinidad Fire Station Water Service Extension)  
For the Commission meeting of September 12, 2018

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## SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission, upon completion of a public hearing, **certify** the requested LUP amendment **with one suggested modification**.

The proposed Land Use Plan (LUP) amendment would amend the Public Services/Water Service section of the City of Trinidad's LUP to allow for an extension of water service outside of both the City limits and the designated service area located beyond the City limits. Water service would be extended to the California Department of Forestry and Fire Protection (CalFire) Trinidad Station located approximately one mile north of the City in unincorporated Humboldt County. The City's municipal water system, in addition to serving properties within its city limits, also provides limited service to some adjoining unincorporated County lands and tribal trust lands within the City's LUP-designated service area. Thus, the LUP includes policies addressing service outside the city limits. Notably, the service area boundaries were neither established nor limited in extent based on the capacity of the water system to serve all of the property within the service area. Buildout of all the properties within the service area would likely create more demand for water than can be supplied by the City's water system.

As proposed, the City's LUP amendment would only allow water service to be extended to the CalFire Trinidad Station if the service line extension (i) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use; (ii) will not remove capacity necessary to serve future development within the City; (iii) will not impair fire protection services in the City; (iv) is designed and conditioned in such a way that it will not service additional parcels and not be growth inducing; and (v) is found to be in conformance with the resource protection policies of the LUP.

The City has provided evidence that its water system has sufficient capacity to serve buildout within the City limits, the CalFire station and priority use commercial recreation lands within the City's entire LUP-designated service area. The CalFire station is an essential public service, and serving the CalFire station with domestic water service is consistent with the directive of section 30254 of the Coastal Act to prioritize services "to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses."

However, as proposed, the LUP amendment would allow for an extension of water service outside of both the City limits and the designated service area beyond the City limits. In addition, the City's municipal water facility can accommodate only a limited amount of new development, and the City has not yet established that it has sufficient capacity to serve the entirety of its designated service area. Moreover, the existing LUP prohibits extension of water service to the portion of the service area outside of the City until the City's water system has sufficient capacity. Thus, while the policy measures proposed by the City would (1) limit the connection to the CalFire station in a manner that would not induce growth in surrounding areas that is inconsistent with planned development under the City's certified LUP, and (2) include limitations on the size of the water line and restrictions on extending lateral connections to other lands, staff believes that the LUP amendment as submitted fails to prioritize water service to lands designated visitor-serving commercial recreation consistent with the Coastal Act.

Staff therefore recommends that the Commission, upon completion of a public hearing, certify the proposed LUP amendment with one suggested modification. The LUP amendment proposes to extend water service to the CalFire Trinidad Station located north of the City outside and immediately adjacent to the North Trinidad Service Area referenced in the LUP. The suggested modifications will ensure that extensions of water service to this portion of the service area north of the city and adjacent to the Fire Station: (1) prioritize services to visitor-serving commercial recreation lands; and (2) allow for extensions of water service to these priority uses as long as the extension would not remove capacity necessary to serve all existing and planned development within the City (consistent with existing policy 23a).

Commission staff has discussed the suggested modification with City planning staff, and the City has indicated its receptiveness to the suggested modifications. The Commission's procedures require that if the Commission wishes to certify an amendment with modifications, the Commission must first deny the amendment request as submitted, and then certify the amendment if modified as suggested incorporating the recommended changes. The appropriate motions and resolutions to adopt the staff recommendation are found on [page 4](#).

### **Deadline for Commission Action**

The City transmitted LUP Amendment Application No. LCP-1-TRN-17-0072-1 to the Commission on November 16, 2017. After additional information requested by Commission staff was received, the amendment proposal was determined to be complete on January 24, 2018. On April 11, 2018, the Commission granted a one-year extension of the 90-day time limit for Commission action from April 24, 2018 to April 24, 2019.

**Additional Information**

For further information, please contact Melissa Kraemer at the Commission’s North Coast District Office in Arcata at (707) 826-8950. Please mail correspondence to the Commission at the above address.

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**APPENDICES**

- [Appendix A – Relevant LUP policies](#)
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**EXHIBITS**

- [Exhibit 1 – Regional location map](#)
- [Exhibit 2 – Map of CalFire Station](#)
- [Exhibit 3 – City of Trinidad certified LUP map](#)
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- [Exhibit 5 – Map of existing City water service](#)
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- [Exhibit 7 – Proposed LUP amendment](#)
- [Exhibit 8 – GHD Memorandum regarding water service extension feasibility](#)
- [Exhibit 9 – Description of proposed water line extension project](#)

## **I. MOTION AND RESOLUTION**

### **A. DENIAL OF LUP AMENDMENT AS SUBMITTED**

#### **Motion A:**

*I move that the Commission certify Land Use Plan Amendment No. LCP-1-TRN-17-0072-1 as submitted by the City of Trinidad.*

Staff recommends a **NO** vote. Following the staff recommendation will result in rejection of the Land Use Plan Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

#### **Resolution A to deny certification of the land use plan amendment as submitted:**

*The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-TRN-17-0072-1 as submitted by the City of Trinidad and adopts the findings set forth below on the grounds that the land use plan as amended does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.*

### **B. CERTIFICATION OF LUP AMENDMENT WITH SUGGESTED MODIFICATIONS:**

#### **Motion B:**

*I move that the Commission certify Land Use Plan Amendment No. LCP-1-TRN-17-0072-1 for the City of Trinidad if it is modified as suggested in this staff recommendation.*

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

#### **Resolution B to certify the land use plan amendment with suggested modifications:**

*The Commission hereby certifies Land Use Plan Amendment No. LCP-1-TRN-17-0072-1 for the City of Trinidad if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment if modified.*

### C. SUGGESTED MODIFICATIONS

The attached [Exhibit 5](#) presents the complete section of the affected Land Use Plan policy, as proposed to be amended by the City. Shown below are the revised text deletions and additions proposed by the City in ~~single-strikeout~~ and single-underline, respectively. Text deletions and additions suggested by the Commission are formatted in ~~**bold-double-strikethrough**~~ and **double-underlined** text, respectively.

1. **Suggested Modification 1**: Modify the City of Trinidad Land Use Plan as follows:

*PUBLIC SERVICES*

...

*Water Service*

*The City withdraws all municipal water entirely from Luffenholtz Creek. A large trunk line, located along Westhaven Drive, carries the water into the City. All development in the City is connected to the system. Because some of the residences along Westhaven Drive had inadequate wells, the City allowed them to connect to the system...*

...

*The relationship between the number of new services that can be connected and the capacity of the system is complex and can only be evaluated relative to specific hookup requests. Any proposals for significant increase in water usage should be viewed with caution...*

...

*Service Preference*

*The City chooses to allow connections on a selective basis with preference given first to users within city limits. The City desires to maintain and upgrade its water system as necessary to provide domestic water and fire flows for routine as well as peak demands. Major expansions of trunk lines should be carefully reviewed.*

...

23a. *Users within city limits should be given preference for service connections.*

...

24. *In the event of a proposal to expand the City water system, prospective customers shall provide by agreement with the City the necessary funds in whole or in part to defer the cost of system improvements. This policy shall be implemented by provisions of the City Water Ordinance.*

...

25. *The area to the east and the southeast of the city on either side of the freeway, where some properties are already connected to the system, should be included in the city service area to allow for additional connections as the system allows, **consistent with policies 23a and 27a.***

...

*In North Trinidad, the unincorporated area north of the City, several commercial developments, visitor accommodations and residences could benefit from connecting to the City water system. Visitor accommodations have not been able to meet the growing demand because of limited water supplies. If the water system is expanded and a trunk line extended to the north, this development constraint would be altered or removed.*

...

*Service Preference*

*The continuation, modernization and expansion of visitor services are important to the economy of the area. The City supports the preference of the residents of North Trinidad that the area west of Patrick's Point Drive north of Anderson Lane remain rural residential in character. Therefore, if water service is extended into North Trinidad it should be confined to: (1) the visitor service area east of Patrick's Point Drive; (2) the CAL FIRE Trinidad Fire Station located at 923 Patrick's Point Drive; and (3) the commercial area on the west side of Patrick's Point Drive south of Anderson Lane.*

**RECOMMENDED POLICIES:**

26. *The existing commercial area on the west side of Patrick's Point Drive south of Anderson Lane and the area on the east side of Patrick's Point Drive south of the Division of Forestry property should be included in the City service limits to allow for future consideration of water service, **consistent with policies 23a and 27a.***
- 26a. *Water service should not be provided within the North Trinidad service area until the City system has sufficient capacity **to serve all existing and planned development within the city limits consistent with Policy 23a.** The size of the trunk line into the North Trinidad service area should only be large enough to serve the projected needs of development in the **North Trinidad** service area.*
- 26b. Water service may be extended to the CAL FIRE Trinidad Fire Station located at 923 Patrick's Point Drive if the service line extension (i) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use; (ii) will not remove capacity necessary to serve future development within the City; (iii) will not impair fire protection services in the City; (iv) is designed and conditioned in such a way that it will not service additional parcels/be growth inducing; and (v) is found to be in conformance with the resource protection policies of this plan.

*The City must also consider the conditions under which it will provide water service to areas outside the City. Section 30254 of the Coastal Act states in part that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Most cities require that those wishing to connect to City services annex their property. Annexation of residential areas increases property tax revenue and State subventions (such as gas taxes)...*

...  
*Service Preference*

*Making annexation a prerequisite could limit interest in connecting to the City water system since the level of services provided by the City is, except for water, essentially the same as those available from the County at less cost. If the water system is expanded, ~~the following~~ policy 27 should be used to determine whether annexation should be a prerequisite to water service.*

**RECOMMENDED POLICIES:**

27. *Applications for water service for property outside of the city should be reviewed to determine whether annexation would be advantageous to the city. If there is reasonable doubt as to the economic advantages the hookup should be allowed without annexation so that the city can benefit from the added water revenue, provided that there is substantial compliance with all other policies in this plan and with the City Water Ordinance.*

**27a. Water service extensions shall not remove water system capacity needed to serve Coastal Act priority uses within the North Trinidad Service Area described in policy 26.**

## **II. PROCEDURAL ISSUES**

### **A. STANDARD OF REVIEW**

The standard of review for land use plans and their amendments is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512 (c):

*The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.*

## **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City of Trinidad Planning Commission held a public hearing on the proposed amendment on August 18, 2017, and the City Council held a public hearing on the proposed amendment on September 13, 2017. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

## **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, a local government's resolution for submittal to the Coastal Commission may specify that an LCP Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, the City's Resolution of Transmittal of the LCP amendment to the Commission for certification states that it will take effect immediately ([Exhibit 6](#)). Therefore, if the Commission certifies the LCP amendment as submitted, no further City action will be necessary. Should the Commission certify the LCP amendment subject to suggested modifications, final approval by the City Council and a determination by the Executive Director of compliance with Section 13544 of the Commission's regulations will be required in order for the amendment to take effect. Should the Commission deny the LCP Amendment as submitted without suggested modifications, no further action is required by either the Commission or the City, and the LCP amendment will not become effective.

## **III. FINDINGS FOR DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED AND APPROVAL IF MODIFIED AS SUGGESTED**

The Commission hereby finds and declares as follows:

### **A. ANALYSIS CRITERIA**

To approve the amendments to the City's Land Use Plan (LUP), the Commission must find the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. As submitted, the proposed City of Trinidad LUP amendment is not fully consistent with the policies of the Coastal Act, but if modified as suggested, will be consistent.

### **B. AMENDMENT DESCRIPTION**

The proposed City of Trinidad LUP amendment LCP-1-TRN-17-0072-1 involves a text change to the City's LUP Chapter III, Development Options and Preferences, Water Service, "Service Preference" related to water service extensions to areas outside of and north of the City. The amended portion of Chapter III is shown below, and the full text of Chapter III with the proposed amendment is shown in [Exhibit 7](#). The City's municipal water system, in addition to serving properties within its city limits, also provides limited service to some adjoining unincorporated County lands and tribal trust lands within the City's LUP-designated service area. Thus, LUP Chapter III includes policies addressing service outside the city limits. The proposed text changes would allow for an extension of water service from the City to the California



Department of Forestry and Fire Protection (CalFire) Trinidad Station located at 923 Patricks Point Drive (APN 515-241-011) approximately one mile north of the City ([Exhibits 1-2](#)). The subject site is an approximately 2-acre rural public facility property in unincorporated Humboldt County located outside of the City's designated service area boundary ([Exhibit 3-4](#)). Although located outside of the City's designated service area boundary as described in policies 25 and 26 of the LUP, the fire station property is located immediately adjacent to the service area. Humboldt County also has transmitted a related County LUP amendment to the Commission for certification to allow for the extension of water service outside of the designated service area boundary (which is coincident with the City's designated service area boundary).<sup>1</sup>

As proposed, the City's LUP amendment would only allow water service to be extended to the CalFire Trinidad Station if the service line extension (i) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use; (ii) will not remove capacity necessary to serve future development within the City; (iii) will not impair fire protection services in the City; (iv) is designed and conditioned in such a way that it will not service additional parcels and not be growth inducing; and (v) is found to be in conformance with the resource protection policies of the LUP.

Proposed deleted text is shown in ~~single-strikeout~~ font; new language appears in single-underlined text font:

*PUBLIC SERVICES*

...

*Water Service*

...

*Service Preference*

*The continuation, modernization and expansion of visitor services are important to the economy of the area. The City supports the preference of the residents of North Trinidad that the area west of Patrick's Point Drive north of Anderson Lane remain rural residential in character. Therefore, if water service is extended into North Trinidad it should be confined to: (1) the visitor service area east of Patrick's Point Drive; (2) the CAL FIRE Trinidad Fire Station located at 923 Patrick's Point Drive; and (3) the commercial area on the west side of Patrick's Point Drive south of Anderson Lane.*

*Recommended Policies*

26. *The existing commercial area on the west side of Patrick's Point Drive south of Anderson Lane and the area on the east side of Patrick's Point Drive south of the Division of Forestry property should be included in the City service limits to allow for future consideration of water service.*

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<sup>1</sup> See LCP Amendment Application No. LCP-1-HUM-17-0066-1 on the September 12, 2018 agenda (item [W9e](#)).

26a. *Water service should not be provided within the North Trinidad Service area until the City system has sufficient capacity. The size of the trunk line in to the North Trinidad service area should only be large enough to serve the projected needs of development in the service area.*

26b. Water service may be extended to the CAL FIRE Trinidad Fire Station located at 923 Patrick's Point Drive if the service line extension (i) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use; (ii) will not remove capacity necessary to serve future development within the City; (iii) will not impair fire protection services in the City; (iv) is designed and conditioned in such a way that it will not service additional parcels/be growth inducing; and (v) is found to be in conformance with the resource protection policies of this plan.

*The City must also consider the conditions under which it will provide water service to areas outside the City. Section 30254 of the Coastal Act states in part that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

...

## **C. BACKGROUND AND IMPETUS FOR LUP AMENDMENT**

The CalFire station, located approximately one mile north of the City on a 2-acre rural public facility property in unincorporated Humboldt County, is professionally staffed 24 hours per day year-round and serves the City and surrounding tribal and unincorporated County lands for medical, traffic accident, structural and wildland fire dispatches. Due to the proximity of the rural fire station to the City, CalFire's engine is usually on-scene faster than the Trinidad Volunteer Fire Department response. The station provides emergency services to the City and to the 60-acre Trinidad Rancheria properties adjacent to the City at no cost. Between 2011 and 2016, the CalFire Trinidad Station responded to the City a total of 227 times for a variety of call types. In addition, the station is contracted to serve as the primary fire department for Humboldt County Service Area 4 (over 375,000 acres) and on average responds to 240 calls per year in the region.<sup>2</sup>

CalFire has been located on the subject property at least since the 1970s, and its existing potable water is obtained through a collection and treatment system on Martin Creek north of the City. However, in the last decade, possibly due to upstream development, that source has become polluted and unreliable. CalFire attempted several solutions, including expansion of the collection cistern, improvements to the filtration system and even digging a new well. None of these actions worked, and the station has had to rely on trucked and bottled water for domestic use for the past several years.

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<sup>2</sup> According to information submitted to the City by CalFire in September of 2016.

In 2009, CalFire applied to the Humboldt Local Agency Formation Commission (LAFCo) for a water service extension from the City of Trinidad municipal water system. LAFCo is the agency responsible for determining changes in jurisdictional boundaries of local agencies, including cities and Service Districts. In support of the LAFCo application, CalFire commissioned a feasibility study for the water service extension, which found that the fire station's estimated peak demand of up to 2,000 gallons per day for domestic water usage is less than 2% of the City's available capacity and that the City has available water supply to provide the fire station with potable water. Because CalFire is a public agency that performs an essential public safety purpose, and because its current water situation is a public health and safety issue, LAFCo approved an exception for the water service extension to a property outside of the City's service area boundary. Generally, out-of-area service extensions require City annexation.<sup>3</sup> LAFCo approved a 1.5-inch water line. LAFCo's approval was conditioned upon CalFire negotiating an agreement with the City, assuming all financial responsibility and completing all the required environmental and permit compliance.

Although the City's proposed LUP amendment does not prescribe a specific route for the future development of the service line extension, conceptual plans submitted with the LUP amendment application show the route extending along the Patricks Point Drive road right-of-way to the CalFire parcel from a connection point within the city limits near the Highway 101 overpass. Application information indicates the line would be installed using horizontal directional drilling under paved areas of the roadway and the mowed roadway shoulder, which would avoid direct impacts to roadside vegetation and coastal resources.

#### **D. EXPANDED PUBLIC WORKS FACILITIES & PROTECTION OF PRIORITY USES**

Coastal Act section 30213 states in part:

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

Coastal Act section 30222 states:

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

Coastal Act section 30250(a) states in part:

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

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<sup>3</sup> Cortese-Knox-Hertzberg Act sec. 56133

Coastal Act section 30254 states in part:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

In addition, the certified LUP includes the following text, in part, related to the water system:

*PUBLIC SERVICES*

...

*Water Service*

*The City withdraws all municipal water entirely from Luffenholtz Creek. A large trunk line, located along Westhaven Drive, carries the water into the City. All development in the City is connected to the system. Because some of the residences along Westhaven Drive had inadequate wells, the City allowed them to connect to the system.*

*Prior to improvements in 1987, the Trinidad water system had a storage capacity of 150,000 gallons in a single storage tank. Average monthly raw water production in 1985 was 2,279,000 gallons, with higher demands in the summer months and lower demands during the winter. The total City population in 1985 was 430. At that time, the water system served 268 connections; 176 were within the city limits and 92 were outside the City.*

*Following system improvements in 1987 under the California Safe Drinking Water Bond Law Program of 1984, the City water system was upgraded in terms of pumping, treatment and storage capacities. With the addition of a second storage tank, storage capacity is currently 300,000 gallons. Production capacity at the pumping station is 150,000 gallons per day, averaged. Maximum "peak period" capacity is 288,000 gallons per day or 200 gallons per minute.*

*Capacity of the City water system to adequately serve the existing and projected needs of the community has historically been a concern of the City. With the improved system, the City now has the ability to adequately serve existing users.*

Moreover, the certified LUP includes several policies related to water service ([Appendix A](#)).

### **Summary of applicable policies**

The Coastal Act prioritizes certain land uses over other competing uses. Priority uses under the Coastal Act include lower-cost visitor-serving facilities (section 30213), recreational facilities (sections 30213, 30220, 30221, 30222, 30223, 30234 and 30254), coastal-dependent uses (sections 30222, 30222.5 and 30254) and agriculture (sections 30212, 30222, 30241 and 30242). In addition, in cases where existing or planned public works facilities can accommodate only a limited amount of new development, Coastal Act section 30254 prioritizes “*services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses.*” Coastal Act section 30254 also directs in part that (1) public works facilities shall be designed and limited to accommodate development and uses permitted consistent with the Coastal Act, and (2) expansion of public works facilities shall not induce new development inconsistent with the Coastal Act. Essentially, the Coastal Act discourages “leapfrog” development (section 30250(a)) and prioritizes certain uses over other competing uses, especially in cases where service capacity is limited.

### **Background on City’s water system and water service within the designated service area**

The City of Trinidad maintains a public water system and provides water service to residents and businesses within the City and to some tribal and unincorporated County lands within a designated service area that extends north, east and south of the City ([Exhibit 5](#)). The service area boundaries were neither established nor limited in extent based on the capacity of the water system to serve all of the property within the service area. Buildout of all the properties within the service area would likely create more demand for water than can be supplied by the City’s water system.

As summarized in the above LUP text, water supply has historically been a concern for the City and for residents and property owners of unincorporated lands outside the City in the Trinidad region. The City’s water system, originally constructed in the 1960s, consists of an infiltration gallery located 10 feet below Luffenholtz Creek connected to a wet well. The City’s water supply and storage infrastructure is located on disjunct City-annexed lands over a mile southeast of the City limits surrounded almost entirely by privately owned industrial timberlands.<sup>4</sup> In 1987 the City updated its LUP to reflect major upgrades that recently had been completed for its water system, including doubling the system’s storage capacity. In addition, in 2014 the City added new water pumps, filtration system, chlorine contract system, and upgrades to the backwash system. The City’s well pumps currently can deliver 175 gallons per minute individually, and with one pump running the City can produce 252,000 gallons per day (gpd). With these upgrades, the City’s water supply now is adequate to serve both existing and future water service users within the City as well as existing users within the portion of the designated service area outside the City.

The City’s designated water service area includes (1) lands within the city limits; (2) lands adjacent to the city limits in the unincorporated County within the County’s LUP designated Urban Limit Line (ULL); (3) tribal trust lands of the Trinidad Rancheria east of the City boundary; and (4) unincorporated rural County lands outside of the County LUP designated urban limit line that

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<sup>4</sup> The City’s water plant property was annexed into the City in 1987 under LCP Amendment 1-87. As shown in [Exhibit 5](#), an 8- to 10-inch main trunk line extends from the water plant to the City along the Westhaven Drive alignment.

extend approximately one mile north of and over a mile southeast of the City to the property where the City’s public works water system is located ([Exhibits 3-5](#)).

As summarized in Table 1 below and shown in [Exhibits 4-5](#), there currently are approximately 250 water hook-ups within the City and approximately 73 additional service connections that the City may provide in the future to users within the City limits under buildout of the City as planned for under the certified LCP. In addition to water service connections within the City limits, the City currently provides water service to the Trinidad Rancheria reservation lands and off-reservation trust lands located east of the City (these tribal lands total approximately 60 acres). In addition, the service area includes a total of over 175 existing and potential service connections to unincorporated lands north, east and southeast of the City (LUP policies 25 and 26). Lands within the portion of the service area outside the City that are designated ULL are planned for residential (RE) or general commercial (CG) uses under the Humboldt County certified LCP. Most of the other lands in the portion of the service area outside the City beyond the ULL are 2 to 5 acres in size and are planned for Rural Residential (RR) uses under the County’s LCP. However, there are eight lots (ranging in size from about a half-acre to 11 acres) within the portion of the designated service area north of the City (described in policy 26) that are planned for priority visitor-serving Commercial Recreation (CR) uses under the County LCP.

**Table 1.** Summary of Trinidad’s municipal water system service connections within and outside the City.

	<b>Approx. Number of Users:<sup>5</sup></b>	
	Currently Connected to City Water System	Not Yet Connected to City Water System
<b>LUP-designated service area lands:</b>		
<b>Within the City limits</b>	<b>252</b>	<b>73<sup>6</sup></b>
Portion of the designated service area outside City limits:	<b>89<sup>7</sup></b>	<b>86</b>
▪ Within designated Urban Limit Line area:	16 (RE) 0 (CG)	7 (CG) 7 (RE)
▪ Outside designated ULL area:	37 (RR) All tribal lands <sup>8</sup>	8 (CR)* 64 (RR)

\* CR lands support visitor serving priority uses under the Coastal Act.

<sup>5</sup> Users listed by land use type for lands outside of the City, including distinction of tribal lands. RE=Residential Estates (“Urban Reserve”); RR=Rural Residential; CG=Commercial General; CR=Commercial Recreation. The latter is the only land use in the service area outside the City that supports priority uses under the Coastal Act.

<sup>6</sup> Represents potential full buildout of all incorporated City lands, which includes lands designated Urban Residential, Suburban Residential and Planned Development under the City’s certified LCP.

<sup>7</sup> The total of 89 metered connections includes 36 connections on Trinidad Rancheria reservation lands and off-reservation trust lands (see below footnote 8). In addition, there are approximately a dozen additional metered connections outside the City limits within the portion of the designated service area that extends outside the coastal zone east of the City to adjacent unincorporated County lands.

<sup>8</sup> Tribal lands include the Trinidad Rancheria reservation lands and off-reservation trust lands within the City’s designated service area. According to the City, there currently are 36 water meter connections on the Rancheria lands, mostly for single family residences, but also for a restaurant, casino and tribal offices.

The City's certified LUP currently allows for water service hook-ups to lands within its service area described above "*on a selective basis with preference given first to users within the city limits...*" The City established service to most of the existing users within its service area prior to 1985. Consistent with policy 27, the City did not require annexation of water-served properties outside of the City limits. To date, the City has not extended water service to any of the lands within the portion of the designated service area north of the City (see [Exhibit 5](#) for a map of the portion of the City's existing service area in unincorporated County lands). The developed lands within the portion of the designated service area outside the City that do not currently receive water from the City, including two developed RV parks on CR lands north of the City, obtain water from on-site wells and/or diversionary sources. The City's water service policies are included in [Appendix A](#).

The City currently is in the process of developing a comprehensive update to its LCP. The LCP update will be informed in part by a comprehensive water supply assessment of the Luffenholtz Creek watershed.<sup>9</sup> The assessment will help the City determine whether it may be possible to provide water service to additional properties within the designated service area north, east and south of the City. According to the City, there are several developed and undeveloped properties within the portion of the designated service area outside the City with inadequate water supply that have expressed interest in obtaining water from the City.

#### **Proposed extension of water service to the CalFire fire station**

As previously discussed, the CalFire Trinidad Station is located one mile north of the City limits outside and immediately adjacent to the northern boundary of the North Trinidad Service Area referred to in LUP policies 26 and 26a. Under the LUP amendment as proposed, the City will not be changing the boundary of the North Trinidad Service Area to include the CalFire property within the service area boundary. Nor will the CalFire property be annexed by the City, as referenced in LUP policy 27 above. Instead, an exception would be added (new policy 26b) to allow for an extension of service outside of both the City and the designated service area to the CalFire Trinidad Station provided that the service line extension: (i) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use; (ii) will not remove capacity necessary to serve future development within the City; (iii) will not impair fire protection services in the City; (iv) is designed and conditioned in such a way that it will not service additional parcels/be growth inducing; and (v) is found to be in conformance with the resource protection policies of the LUP.

#### **Water demand and available capacity**

As noted above, buildout of all the properties within the service area would likely create more demand for water than can be supplied by the City's municipal water system. However, the water system produces more water than is currently needed to serve existing users. The demand for water from the CalFire station and customers from different portions of the City's service area are discussed below.

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<sup>9</sup> The Commission awarded approximately \$50,000 to the City under its Round 4 LCP Grant Program to complete the water supply assessment (see <https://documents.coastal.ca.gov/assets/lcp/grants/round-4-apps-16-17/Trinidad.pdf>).

Demand and capacity to serve existing City users and the CalFire station: In 2017, a consulting firm contracted by CalFire in support of the subject LUP amendment application examined water demands and availability, including an assessment of the maximum production capacity, the maximum raw water available for extraction under the City's existing water rights assuming drought conditions, and peak daily demand by the City's water users (for the years 2013-2016). The memorandum ([Exhibit 8](#)) concludes that the City's municipal water system currently has ample water availability beyond the supply needed to serve the existing demand of users within the City limits (128,900 gpd beyond the 123,100 gpd needed to serve existing demand).<sup>10</sup> The memorandum also calculates that the fire station's estimated average demand during periods of high facility use (i.e., peak staffing levels using peak water levels during dry summer months) represents less than 2% of the City's available system capacity, suggesting that the City's municipal water system would have the capacity to provide potable water to both existing users within the City limits and the fire station, without taking into account the demand for water from potential users within the portion of the City's service area outside the City.

Demand and capacity to serve buildout of all City lands: In addition, the City evaluated the potential future development of existing vacant lots within the City limits that may be permitted consistent with the maximum densities allowed under the certified LCP. The evaluation shows that with build-out of the remaining vacant and developable Urban Residential, Suburban Residential, and Planned Development (which includes both commercial and residential as allowed uses) lots in the City (which equates to 73 total lots),<sup>11</sup> and considering average peak annual and peak daily water use that would be consumed by the development of those lots in the future (based on average peak water usage data of existing user accounts in 2017), the City's available water supply capacity would be reduced from 128,900 gpd to 113,813 gpd during the peak month of July (113,813 gpd represents 45% of the City's current maximum production capacity). The peak daily demand from the CalFire station is less than 2% of that available capacity. Thus, without taking into account the demand for water from potential users within the portion of the designated service area outside the City, the City would have ample water supply capacity (over 50% of its production capacity) to serve build-out of all City lands, even with the service extension to the CalFire station as proposed.

Demand and capacity to serve priority use lands: The City's proposed LUP amendment application also includes an evaluation of the water demand of priority use lands in the area, which demonstrates that the City's water system has sufficient capacity to serve (a) buildout of all lands within the City limits, (b) the CalFire station and (c) all priority use lands within and around the City without taking into account the demand for water from other potential users within the portion of the City's service area outside the City.

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<sup>10</sup> Demand calculation based on total amount supplied per day on average over a four-year period (2013-2016), 68,400 gallons per day, times a peaking factor of 1.8, which accounts for the possibility of all users consuming peak water usage (e.g., showers, laundry, etc.) at the same time.

<sup>11</sup> There are no agriculture, industrial, or coastal-dependent industrial lands in the City and no undeveloped commercial or visitor-serving lands in the City. Therefore, the build-out analysis focused only on residential lands (Urban Residential, Suburban Residential, and Planned Development).



Although all priority use lands within the City (which include commercial and visitor-serving lands) already are served with City water, and there are no agriculture, industrial or coastal-dependent industrial lands in or around the City,<sup>12</sup> there are undeveloped priority-use lands within the portion of the service area north of the City that are planned for visitor-serving (CR) uses under the County LCP and which may in the future be in need of water service in order to be developed for visitor-serving uses (see policy 26). The City examined the potential water demand of these designated visitor-serving CR uses along with the Commercial General (CG) lands, because policy 26 indicates that these commercial areas are included within the boundaries of the City service area “*to allow for future consideration of water service.*”

Assuming a commercial water demand involving: (a) development of RV parks on each of the eight CR lots outside of and north of the City within the service area (except for the one lot that is developed with a single family residence, and based on water usage data from the existing RV park within the City), (b) demand for each of the seven CG lots outside the City within the ULL that is equivalent to the average consumption of water by the commercial lots within the City, an additional 17,269 gpd of daily water usage may be needed to adequately serve these CR and CG lots in the North Trinidad Service Area in the future. Accounting for this additional future demand for visitor-serving and urban commercial uses with a water service extension to this portion of the service area as contemplated in the City’s existing certified LUP, as well as buildout of lands within the City limits, the City’s water system still would have ample water supply capacity (38% of its production capacity) to serve these lands even with the service extension to the CalFire station as proposed. However, this projection does not take into account the demand for water from all potential residential users within the portion of the City’s service area to the south and east of the City. As noted above, the City will be performing a comprehensive water supply assessment of its water source (Luffenholtz Creek) as part of its current LCP update to determine how much additional water could be provided to additional properties within the portion of the City’s service area outside of the City.

#### **Prioritization of service consistent with section 30254**

In addition to allowing public works facilities to expand only if they have been designed and limited to accommodate development or uses that can be permitted consistent with the provisions the Coastal Act, section 30254 further directs that in cases of limited public services availability, priority should be given to certain classes of development and uses over other forms of development, specifically “*coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses*” (emphasis added).

The CalFire Trinidad Station performs an essential public service. As previously discussed, the station is professionally staffed 24 hours per day year-round and serves the City and surrounding tribal and unincorporated County areas for medical, traffic accident, structural and wildland fire dispatches. Due to the proximity of the fire station to the City, CalFire’s engine is usually on-scene faster than the Trinidad Volunteer Fire Department response. The station provides

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<sup>12</sup> The City is approximately 75% built-out, with 73 potentially developable lots within the City limits currently undeveloped (not yet served with City water).

emergency services to the City and to the Trinidad Rancheria properties at no cost. Between 2011 and 2016, the CalFire Trinidad Station responded to the City a total of 227 times for a variety of call types. In addition, the station is contracted to serve as the primary fire department for Humboldt County Service Area 4 (over 375,000 acres) and on average responds to 240 calls per year in the region. No other alternatives have been identified for providing water to the CalFire station.<sup>13</sup> Therefore, the Commission finds that the CalFire station is an essential public service for which water service shall not be precluded by other development.

As proposed, the City will add an LUP policy and related text to provide for extending service to an individual user (CalFire) located outside of both the city limits and the City's designated service area boundary. CalFire is an essential public service facility, service will be limited to domestic indoor use and the station will continue to use its existing non-potable water source for irrigation, fire suppression and truck maintenance. Furthermore, the LUP amendment as proposed requires that the extension (1) be sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use, and (2) be designed and conditioned in such a way that it will not service additional parcels or be growth inducing. As new development that would not be exempt, the new service line will require CDP authorization. As the service line would originate within City boundaries and extend outside both the City and the designated service area to the CalFire station in the unincorporated County area, development of the service line extension will require CDPs from both the City and the County. The City would review the portion of the line within the City's CDP jurisdiction for conformance with the LUP as amended, including the proposed new policy 26b and its requirements that: (a) the diameter of the proposed water line be limited to the minimum size necessary to serve the CalFire station, and (b) development on other lots be prohibited from hooking up to the line. LAFCo's approval of the water service extension requires a maximum 1.5-inch water line, which is consistent with the sizing of the line determined to be needed to serve the station for domestic use in a feasibility assessment completed in support of this LUP amendment.

**Amendment as proposed does not ensure water available for land designated for priority uses adjacent to the CalFire Fire Station**

Even though the City has provided evidence demonstrating that its water system is sufficient to serve (a) buildout within the City, (b) all priority use lands within the City's entire designated water service area, and (c) the CalFire station, an essential public service facility, the LCP amendment as submitted fails to ensure that sufficient water supply capacity from the City's water system will be available to serve visitor-serving priority use lands located within the designated service area and immediately adjacent to the fire station, inconsistent with Coastal Act sections 30213, 30222 and 30254, as discussed below.

Policy 23a of the City's existing certified LUP gives users within the city limits preference for water service connections over other lands within the designated service area. Furthermore, policy 26a prohibits extension of City water service to the designated North Trinidad Service area, including the unincorporated priority-use CR lands in the County, until the City system has sufficient capacity. Policy 25 permits additional connections to the County residential lands

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<sup>13</sup> As discussed above, CalFire attempted several solutions to its water supply problems, including expansion of the collection cistern, improvements to the filtration system and even digging a new well. None of these actions worked, and the station has had to rely on trucked and bottled water for domestic use for the past several years.

within the portion of the designated service area to the east and southeast of the City “*as the system allows.*” As discussed above and summarized in Table 1, the existing serviced areas include over 60 lots east and south of the City boundary planned for rural residential uses under the County’s LCP. Pending completion of the comprehensive water supply assessment of the Luffenholtz Creek watershed that currently is in process, it is unknown whether the City’s municipal water system has sufficient capacity to extend water service in the future to all residential, commercial and visitor-serving properties within the portion of the designated service area in unincorporated areas north, east and south of the City.

Although the policy measures proposed by the City would limit the connection to the CalFire station in a manner that would not induce growth in surrounding areas and includes measures to limit the size of the water line and restrictions on extending lateral connections to other lands, the LUP amendment as submitted fails to prioritize water service to priority use development if there is not sufficient water to serve all lands within the service area. The LUP as proposed to be amended does not ensure that visitor-serving priority use lands within the designated service area are protected (as directed by Coastal Act section 30213) and prioritized over private residential or general commercial development (as required by Coastal Act sections 30222 and 30254). While all priority use lands within the City limits, including commercial and visitor-serving lands, already are served with City water (there are no undeveloped visitor-serving lands in the City),<sup>14</sup> and there are no agriculture, industrial, or coastal-dependent industrial lands within or around the City, the LUP amendment as submitted includes no policy requirements directing the City to ensure that sufficient water supply capacity is available for the visitor-serving CR lots within the North Trinidad Service Area. In fact, those lands designated visitor-serving cannot be developed unless and until the City has sufficient capacity to serve all existing and planned development within the service area, both inside and outside of the City. Therefore, it is necessary to modify policies 25 and 26a to prioritize the visitor-serving lands to instead allow them to be developed if the City has sufficient capacity to serve all existing and planned development within the City. It is also necessary to add Policy 27a to ensure that connections granted for residential uses within the North Trinidad Service Area do not use up all available water capacity before lands planned for visitor serving under the County’s certified LUP can be developed.

Therefore the Commission finds that because (a) the City is proposing to allow for extension of water service beyond both the limits of the City and the designated service area around the City, (b) the City’s public water works facility can accommodate only a limited amount of new development, (c) the City has not yet established that it has sufficient public water works capacity to serve the entirety of its LUP-designated service area (pending completion of the comprehensive water supply assessment previously discussed), and (d) the existing LUP prohibits extension of water service to designated service areas outside of the City until the City’s public works water system has sufficient capacity, the LUP amendment as proposed fails to prioritize services to priority use development, including visitor-serving lands within the City’s designated service area, over non-priority (in this case residential) use types, inconsistent with Coastal Act sections 30213, 30222 and 30254. To ensure the LUP as amended is consistent with these policies, the

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<sup>14</sup> In addition to providing water service to all lands within the City that are designated and zoned for visitor-serving and commercial uses, the City also currently provides water service to several dozen residential vacation rental properties within the City.

Commission recommends Suggested Modification 1, below (text deletions and additions proposed by the County are shown in ~~single-strikeout~~ and single-underline, respectively; text deletions and additions suggested by the Commission are formatted in ~~bold-double strikethrough~~ and **bold double-underlined** text, respectively):

1. **Suggested Modification 1:** Modify the City of Trinidad Land Use Plan Water Service text and policies as follows:

23a. *Users within city limits should be given preference for service connections.*

...

25. *The area to the east and the southeast of the city on either side of the freeway, where some properties are already connected to the system, should be included in the city service area to allow for additional connections as the system allows, **consistent with policies 23a and 27a.***

...

26. *The existing commercial area on the west side of Patrick's Point Drive south of Anderson Lane and the area on the east side of Patrick's Point Drive south of the Division of Forestry property should be included in the City service limits to allow for future consideration of water service, **consistent with policies 23a and 27a.***

26a. *Water service should not be provided within the North Trinidad service area until the City system has sufficient capacity **to serve all existing and planned development within the city limits consistent with Policy 23a.** The size of the trunk line into the North Trinidad service area should only be large enough to serve the projected needs of development in the **North Trinidad** service area.*

26b. Water service may be extended to the CAL FIRE Trinidad Fire Station located at 923 Patrick's Point Drive if the service line extension (i) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use; (ii) will not remove capacity necessary to serve future development within the City; (iii) will not impair fire protection services in the City; (iv) is designed and conditioned in such a way that it will not service additional parcels/be growth inducing; and (v) is found to be in conformance with the resource protection policies of this plan.

*The City must also consider the conditions under which it will provide water service to areas outside the City. Section 30254 of the Coastal Act states in part that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Most cities require that those wishing to connect to City services annex their property. Annexation of residential areas increases property tax revenue and State subventions (such as gas taxes)...*

...

*Service Preference*

*Making annexation a prerequisite could limit interest in connecting to the City water system since the level of services provided by the City is, except for water, essentially the same as those available from the County at less cost. If the water system is expanded, ~~the following~~ policy 27 should be used to determine whether annexation should be a prerequisite to water service.*

**RECOMMENDED POLICIES:**

27. *Applications for water service for property outside of the city should be reviewed to determine whether annexation would be advantageous to the city. If there is reasonable doubt as to the economic advantages the hookup should be allowed without annexation so that the city can benefit from the added water revenue, provided that there is substantial compliance with all other policies in this plan and with the City Water Ordinance.*

**27a. Water service extensions shall not remove water system capacity needed to serve Coastal Act priority uses within the North Trinidad Service Area described in policy 26.**

With the above-suggested modifications to policies 25-27a, the proposed LUP amendment allows for extensions of water service outside of the city limits consistent with the Coastal Act by: (1) prioritizing services to visitor-serving commercial recreation lands if there is not sufficient water to serve all lands within the service area the portion of the service area located outside of the City; and (2) requiring that any such service extensions not remove capacity necessary to serve all existing and planned development within the city limits (consistent with policy 23a). Therefore, the Commission finds the amendment as modified is consistent with sections 30254, 30213, 30222 and 30250(a) of the Coastal Act with respect to directives to (1) prioritize essential public services and visitor-serving land uses over other types of development where public works facilities can accommodate only a limited amount of new development; (2) protect lands designated for visitor-serving uses; and (3) concentrate development in areas with adequate public services where it will not have significant adverse effects on coastal resources.

**E. CONSISTENCY WITH COASTAL RESOURCES PROTECTION POLICIES**

Coastal Act section 30233 states in part as follows:

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

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

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

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

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

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

*(6) Restoration purposes.*

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

...

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

[...]

Coastal Act section 30240 states as follows:

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

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

Coastal Act section 30244 states as follows:

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

The City has provided evidence that the project can be undertaken consistent with the coastal resource protection policies of the Coastal Act, including protection of wetlands, ESHA, and archaeological resources. The service line extension is anticipated to be installed along Patricks Point Drive. CalFire's consulting engineer has determined that the water line extension along the

roadway area can be installed using horizontal direction drilling within previously disturbed areas comprised of paved roadway and mowed roadway shoulder where impacts to coastal resources would be minimized ([Exhibit 9](#)). Some trenching and ground disturbance may be required for approximately 600 linear feet of line installation outside of the City, on the CalFire property itself, within existing lawn and non-sensitive upland areas. Thus, development of the water service line that would be facilitated by the LUP amendment can be designed to avoid wetlands, ESHA, and all known archaeological resources, consistent with sections 30233, 30240, and 30244 of the Coastal Act, respectively.

The proposed LUP amendment only allows extension of the water service line to the CalFire Station if it is found to be in conformance with the resource protection policies of the certified LUP (policy 26b(v)). As noted above, the new service line would require CDP authorization. The City would review the portion of the line within the City's CDP jurisdiction for conformance with new policy 26b(v) and all the existing resource protection policies and other policies of the certified LUP (see [Appendix A](#)). The application for the service line extension could propose or be conditioned by the City to require the use of directional drilling as is currently contemplated as well as incorporate other best management practices and conditions to avoid impacts to coastal resources.

Therefore, the Commission finds that the LUP amendment as submitted is consistent with the resource protection policies of the LUP and the Coastal Act, including, but not limited to, sections 30233, 30240 and 30244.

#### **IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Thus, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. Instead, the CEQA responsibilities are assigned to the Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

The City's LCP Amendment consists of a Land Use Plan (LUP) amendment only. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as it is set forth in full. As discussed herein, the LUP amendment as originally

submitted cannot be found to be consistent with the Coastal Act. The Commission, therefore, has suggested modifications to bring the LUP into full conformance with the Coastal Act. As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

The Commission finds that the LCP Amendment, as modified, will not result in significant unmitigated adverse environmental impacts under the meaning of CEQA. Further, future individual projects would require CDPs, issued by the both the City and County. Throughout the Coastal Zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].