



Reference: 019225.600

March 18, 2024

Trevor Estlow
Humboldt County Planning Division
3015 H Street
Eureka, CA 95501

Subject: Loleta Community Services District WWTF—Petition Findings for Local Coastal Plan Amendment

Dear Trevor Estlow:

Loleta Community Services District (LCSD) is in the process of designing and permitting upgrades to its wastewater treatment facility (WWTF) and proposes to expand the existing WWTF parcel (Assessor's parcel number [APN] 309-211-006) into an approximately 0.77-acre portion of an adjacent 55.47-acre parcel (APN 309-191-012) using a lot line adjustment (LLA; Appendix 1). Because the adjacent parcel has a general plan (Eel River Area Plan) land use designation of Agriculture Exclusive (AE) and is zoned AE-60/W,F,R,T, the County of Humboldt (County) and California Coastal Commission (CCC) have indicated that an amendment to the local coastal plan (LCP; Eel River Area Plan) and a zone reclassification is required. Also, the zoning of the existing WWTF parcel is AE-60/W,F,R,T which is inconsistent with the plan designation of Public Facilities (PF). That inconsistency is also proposed to be resolved concurrently. This letter is to provide the information requested by the County per your December 11, 2023 email, pursuant to an LCP amendment petition to the Humboldt County Board of Supervisors.

Section 312-50 of the Humboldt County Code specifies the findings that must be made in order to approve an amendment to the Zoning Regulations. The following required findings are discussed below.

1. *The proposed change is in the public interest.*

- The WWTF represents critical infrastructure/essential public services. However, the existing WWTF is well past its useful life and is unable to consistently meet current water quality discharge requirements.
- LCSD is accruing approximately \$100,000/year in fines from the State Water Resources Control Board (SWRCB) for ongoing discharge violations, which the new WWTF project will remedy.
- Alternatives considered and ruled out include constructing an ocean outfall, consolidating with another nearby community WWTF, expanding the WWTF into a different adjacent parcel, relocating the WWTF to elsewhere in Loleta, constructing a temporary WWTF within the proposed expansion area, phased partial construction, and various alternative types of treatment systems.



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- The existing parcel area is highly constrained, and if limited to the existing parcel footprint, the current WWTF would need to be completely demolished prior to constructing the new WWTF. However, the existing WWTF needs to remain fully operational until the new WWTF is complete and ready to enter service. Thus, additional area is necessary to construct the new WWTF.
- The minimum feasible area is being proposed for conversion.
- The WWTF expansion would locate the new WWTF on higher elevation land, which would increase the facility's resilience to sea level rise and flooding.
- The proposed WWTF expansion area was selected to avoid and minimize impacts to the 100-year floodplain, wetlands and waters, agricultural operations, and the County's right-of-way along Eel River Drive.
- Without the proposed expansion of the WWTF parcel, it may not be possible to rebuild the WWTF to meet Loleta's wastewater treatment needs.

2. *The proposed change is consistent with the 2017 General Plan and Coastal Plans.*

The zone reclassification for the existing WWTF site from AE to PF1 will make the parcel consistent with the underlying plan designation of the Eel River Area Plan, which is currently inconsistent. The change of both the zoning and plan designation of the proposed acquisition land would be planned and zoned similarly (public) to be consistent and avoid a mix-zoned or mix-planned situation. The property is not subject to the 2017 General Plan because it has not been adopted in the Coastal Zone.

3. *The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing elements.*

The proposed LCP amendment would not reduce the residential density for either the WWTF parcel (no residential development potential) or the AE parcel (limited residential development potential due to AE designation) in a way that would affect housing element compliance.

Title 14, Section 13551 of the Coastal Commission's Administrative Regulations, Public Resources Code, Section 30200, and Section 312-50.3.3 HCC requires proposed amendments to the Coastal Zoning Regulations to conform to the policies contained in Chapter 3 of the Coastal Act, which sets forth policies regarding the following issues:

4. *Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).*

Amending the LCP to allow the proposed WWTF expansion into land designated AE would not interfere with the public's right of access to the sea (Coastal Act Section 30211), as the coast is located approximately 4 miles west of the project. The LCP amendment is consistent with Coastal Act Section 30212 because the project site is not on the nearest public roadway to the shoreline/coast and adequate access to the coast exists closer to the coast. The LCP amendment



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is consistent with Coastal Act Section 30213 because lower cost visitor and recreational facilities are not located in the project vicinity; therefore, they will not be adversely affected. The LCP amendment is consistent with Coastal Act Section 30214 because the project will not affect public access.

5. *Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquaculture uses, and priority of development purposes).*

The LCP amendment is consistent with Coastal Act Section 30220 because the project location is not suited for water-oriented recreational activities. It is consistent with Coastal Act Section 30221 because the project is not on oceanfront land. It is consistent with Coastal Act Section 30222 because the project does not propose private development on private lands and is not on oceanfront land. It is consistent with Coastal Act Section 30223 because the location does not contain upland areas necessary to support coastal recreational uses. It is consistent with Coastal Act Section 30224 because the location does not support recreational boating.

6. *Marine Resources (including protecting biological productivity, preventing hazardous waste spills, diking, filling, dredging, fishing, revetements and breakwaters, and water supply and flood control).*

The LCP amendment is consistent with Coastal Act Sections 30230 through 30236 because the location does not contain marine resources, the biological productivity of coastal waters will be protected, commercial fishing and recreational boating will not be affected, the natural shoreline will not be altered, and substantial alteration of a river or stream will not occur.

7. *Land Resources (including protection of environmentally sensitive habitats, agricultural lands, timberlands, and archaeological or paleontological resources).*

The LCP amendment is consistent with Coastal Act Section 30240 because environmentally sensitive habitat areas will be protected. It is consistent with Coastal Act Section 30241 because:

- the approximately 0.77-acre expansion area that represents conversion of agricultural lands is 0.00026% of Humboldt County's 295,000 acres of grazing land (Humboldt County General Plan) and 1.4% of the approximately 55.47-acre AE-zoned parcel;
- the project area does not bisect the agricultural parcel or limit access to any part of the agricultural acreage;
- the conversion will not impact current grazing operations or decrease the number of cattle on the agricultural parcel;
- the project site is located along the boundary between urban and rural areas;
- the WWTF expansion would locate the new WWTF on higher elevation land, which would increase the facility's resilience to sea level rise and flooding;
- the WWTF expansion will add a partial buffer between the urban area east of Eel River Drive and the currently permitted land application of treated wastewater to agricultural lands west of Eel River Drive;
- the project is for a Civic use type rather than Residential, Commercial, or Industrial; and



- the approximately 0.77-acre expansion area that represents conversion of agricultural lands is located in the southeast most corner of the approximately 55.47-acre AE-zoned parcel.

NRCS has mapped this area as Weott, 0-2% slopes (map unit 110) as well as Hookton-Table Bluff complex, 2-9% slopes (map unit 230). Upon field investigation in February 2024, it was determined that the entire 0.77-acre expansion area is located on an area in which the topography rises and consists entirely of Hookton-Table Bluff complex, 2-9% slopes (Map Unit 230). NRCS has designated Map Unit 230, Hookton-Table Bluff complex, 2-9% slopes as Farmland of Statewide Importance. Map Unit 230 is ranked lower in importance than the Weott, 0-2% slopes (Map Unit 110), which is designated as Prime Farmland if Irrigated and Drained. The Storie Index Rating for the project area was 3 out of 6, "Fair," which is defined as "generally of fair quality with less wide range of suitability than grades 1 and 2"; the WWTF expansion would not impair air or water quality, or impact the viability of adjacent agricultural lands. The proposed LLA does not involve a subdivision of Prime Farmland lands.

8. *Development (including placing new development within or close to existing developed areas, protection of scenic resources, maintenance of public access by encouraging public transit, providing for recreational opportunities within new development, protection of public safety, expansion of public works facilities and priority of coastal dependent developments).*

The LCP amendment is consistent with Coastal Act Section 30250 because the project is for a Civic use type rather than Residential, Commercial, or Industrial. It is consistent with Coastal Act Section 30252 because the project does not affect public access to the coast. It is consistent with Coastal Act Section 30253 because the proposed WWTF expansion would minimize adverse impacts, such as those associated with geologic, flood, fire hazard, and energy consumption. It is consistent with Coastal Act Section 30254 because the project involves expansion of a public works facility designed and limited to accommodate the community's needs.

9. *Industrial Development (including location or expansion of coastal-dependent industrial facilities, use and design of tanker facilities, oil and gas development, refineries or petrochemical facilities, thermal electric generating plants, offshore oil transportation and refining).*

The LCP amendment is consistent with Coastal Act Sections 30260 through 30265 because the project is not an industrial development, such as an oil and gas facility or a petrochemical refinery.



Please call me at 707-441-8855 if you have any questions.

Sincerely,

SHN



Stein Coriell, AICP
Senior Planner

SC:ame

Appendix: 1. Figure 1—LCSD WWTF Proposed Land Acquisition

c. w/App.: Manuel Fonseca, LCSD








**Figure 1—LCSD
WWTF Proposed
Land Acquisition**

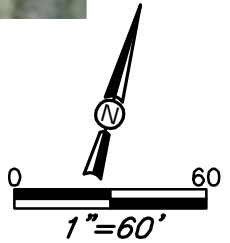
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LEGEND

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USACE WETLANDS
- 
PARCEL BOUNDARIES
- 
100-YEAR FLOOD ZONE (APPROXIMATE)
- 
COASTAL WETLANDS
- 
COUNTY RIGHT OF WAY



Loleta Community Services District
 Loleta WWTF Improvements
 Loleta, California

LCSD WWTF Proposed
 Land Acquisition
 SHN 019225

October 2023

019225-PROP-LAND-ACQSTN

Figure 1