

**ATTACHMENT B**

**TEXT AMENDMENTS TO THE HUMBOLDT BAY AREA PLAN  
(with Modifications Requested by the Coastal Commission)**

Samoa Town Master Plan  
Adopted Humboldt Bay Area Plan Text Revisions with  
Suggested Modifications Adopted by the Coastal Commission on March 9, 2016

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

**CHAPTER 1: OVERVIEW**

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**1.30 USE OF THIS DOCUMENT**

The California Coastal Act requires that all development within the Coastal Zone have a Coastal Development Permit in addition to any other permit required for development by a local or State agency. In most cases, the Coastal Development Permit is issued by Humboldt County. In some cases, specified types of development are exempt from the requirement for a Coastal Development Permit. **EXEMPT DEVELOPMENTS MUST STILL BE IN CONFORMANCE WITH THIS AREA PLAN AND APPLICABLE ZONING, AND ALL NECESSARY COUNTY PERMITS MUST BE SECURED.** In a few cases, the Coastal Development Permit must still be obtained from the California Coastal Commission. Chapter 2 of the Area Plan indicates which areas or types of development are under local jurisdiction and which require Commission approval.

While all development in the Coastal Zone must conform to this Area Plan, the zoning of a parcel sets more specific limits on allowable uses and densities. The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal

**EXHIBIT NO. 4**  
LCP-1-HUM-15-0004-1  
(Samoa Pacific Group)  
**Adopted Amendments and  
Suggested Modifications to  
the Humboldt Bay Area Plan**  
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parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25A and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged and resubdivided by parcel map into ~~one~~ two master parcels generally depicted on Exhibit 25A as ~~Master Parcel 2~~. The two resulting parcels will be shall comprise: 1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium (RM) Density area (Master Parcel 2); and 2) the remainder of the land owned by Samoa Pacific Group (Master Parcel 3); all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center. If all such property is not merged and resubdivided by parcel map into Master Parcels 2 and 3 generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and resubdivided by parcel map into Master Parcels 2 and 3 generally depicted on Exhibit 25A, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon both: (a) issuance of the coastal development permit for merger and resubdivision by parcel map consistent with the certified LCP and (b) recordation of a parcel map notice of merger consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. If the land use designations and zoning approved by the Commission with suggested modification in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective, the Principal Permitted Use of any area subject to the STMP-LUP shall be determined in accordance with the designated Land Uses and in the patterns and locations generally shown on the certified STMP Land Use Map. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

Anyone considering available uses of a property should first consult the Coastal Planning Ordinance and applicable zoning map, available at the office of the Humboldt County Planning Department. Where a conditional use (as indicated by the zoning), or a variance from specific zoning standards, or a zone change is necessary, in areas affected by the STMP-LUP overlay designation, such conditional use or variance may only be permitted if consistent with all policies of the STMP-LUP overlay designation. Plan designation for the property should ordinarily be determinable from the maps attached to the Area Plan. In cases where this determination is difficult, the official map may be consulted at the office of the Humboldt County Planning Department.

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

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**CHAPTER 3: HUMBOLDT BAY AREA DEVELOPMENT AND RESOURCE POLICIES**

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3.11 URBAN LIMIT No changes to these policies are proposed.

A. PLANNED USES

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

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3.60 AREA PLAN MAPS

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

A. HUMBOLDT BAY AREA PLAN LAND USE DESIGNATIONS

No changes to these designations are proposed.

|              |   |
|--------------|---|
| <b>URBAN</b> |   |
| ...          | ...   |
| STMP-LUP     | SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION |
| <b>RURAL</b> |   |
| ...          | ...   |
| STMP-LUP     | SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION |

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

A. The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) ~~owned by the Areatia Community Recycling Center (Master Parcel 1), are merged and resubdivided by parcel map into one two master parcels generally depicted on Exhibit 25A as Master Parcel 2.~~ **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.** If all such property is not merged and resubdivided by parcel map into Master Parcels 2 generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and resubdivided by parcel map into Master Parcels 2 generally depicted on Exhibit 25A, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon both: (a) issuance of the coastal development permit for the merger and resubdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger parcel map~~ parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. If the land use designations and zoning approved by the Commission with suggested modification in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective, the Principal Permitted Use of any area subject to the STMP-LUP shall be determined in accordance with the designated Land Uses and in the patterns and locations generally shown on the certified STMP Land Use Map. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

## **CHAPTER 4: STANDARDS FOR PLAN DESIGNATIONS**

### **4.10 INTRODUCTION**

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

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

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

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

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

The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) ~~owned by the Arcata Community Recycling Center (Master Parcel 1), are merged and resubdivided by parcel map into one two master parcels~~ generally depicted on Exhibit 25A ~~as Master Parcel 2.~~ **The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance**

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

If all such property is not merged and resubdivided by parcel map into Master Parcels 2 generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and resubdivided by parcel map into Master Parcels 2 and 3 2 generally depicted on Exhibit 25A, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon both: (a) issuance of the coastal development permit for the merger and resubdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger parcel map~~ parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. If the land use designations and zoning approved by the Commission with suggested modification in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective, the Principal Permitted Use of any area subject to the STMP-LUP shall be determined in accordance with the designated Land Uses and in the patterns and locations generally shown on the certified STMP Land Use Map. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

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

No changes to these designations are proposed.

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**STMP-LUP: SAMOA TOWN MASTER PLAN LAND USE DESIGNATION OVERLAY  
PURPOSE and GENERAL PROVISIONS:**

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

**Locating New Development; Community Infrastructure; Cumulative Impacts**

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

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

**STMP (New Development) Policy 1A (Phasing of Development) – Merger and Resubdivision by Parcel Map into Master Parcels.**

1. Preliminary Merger and Resubdivision by Parcel Map of the Samoa lands excluding the Samoa Processing Center (APN 401-031-67) into a maximum of one two parcels, ~~prior to Master Subdivision of that Master Parcel 3:~~
  - A. Prior to any other development, **except for (1) repairs or upgrades to the existing wastewater facilities to serve existing development in the town, and (2) cleanup of contaminated soil and groundwater,** the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit (CDP), to merge and resubdivide by parcel map the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25A, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the ~~Areata Community Recycling Center~~ (Master Parcel 1), into one two master parcels generally depicted on Exhibit 25A as ~~Master Parcel 2~~. **The two resulting parcels will be shall comprise: 1) Master Parcel 2: the combined Public Facilities area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density area (Master Parcel 2), and 2) and the remainder of the land owned by Samoa Pacific Group (Master Parcel 3): all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.** The lands comprising Master Parcel ~~2~~ 3 shall be held as one undivided parcel, regardless of the physical separation of the subject lands by the parcels containing New Navy Base Road, the railroad corridor owned by the North Coast Railroad Authority, or any other easement or interest that may affect the subject lands, and the recorded parcel maps deed describing Parcel 2 shall specify this condition.
  - B. Unless evidence that any needed approvals for establishing and/or maintaining railroad crossings necessary to serve Master Parcel 1 has been obtained and submitted with the Coastal Development Permit Application for the merger and resubdivision by parcel map, an easement in favor of Master Parcel 1, not less than 40 feet wide, for the purpose of ingress and egress without the need to cross at any point the railroad corridor parcel owned by the North Coast Railroad Authority (NCRA) or successor-in-interest, across the lands comprising Master Parcels 2 and 3, shall be granted by the owner of Master Parcels 2 and 3. The subject access easement shall be surveyed, mapped and recorded as a condition of the CDP authorizing the merger and resubdivision by parcel map of the subject lands, and shall be located within the alignment of the proposed Vance Road or other main through-



street alignment through Samoa, and shall not impair ordinary use of the subject street upon completion of the master subdivision for the overall town development. The easement across Master Parcels 2 and 3 for the benefit of Master Parcel 1 shall not be extinguished or otherwise restricted from use by Master Parcel 1 until or unless (1) the owner of Parcel 1 obtains a permit from the NCRA or its successor-in-interest and from the California Public Utilities Commission (CPUC) for more direct access to Master Parcel 1 from New Navy Base Road via the presently unpermitted railroad crossing or an alternative easement providing equivalent access across Master Parcels 2 and 3 is provided by the owners of Master Parcels 2 and 3.

- C. The merger and resubdivision by parcel map into Master Parcels 2 and 3 of all lands subject to the STMP-LUP, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) ~~owned by the Areatā Community Recycling Center~~ (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as Master Parcels 2 and 3 on Exhibit 25A shall encompass all such property regardless of the legality of any parcels or lots within the STMP-LUP overlay area, and regardless of whether Certificates of Compliance (conditional or unconditional) or other authorizations have been issued for any of these parcels or lots in the past, and shall fully expunge and extinguish all development rights that may have existed under any prior land division, lot line adjustment, or transmittal by whatever description may have been used. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent Master Parcel 2-as generally depicted on Exhibit 25A.
- D. The following information shall be included as filing requirements of the Coastal Development Permit Application for the merger and resubdivision by parcel map:
- (1) Evidence that the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 are being merged and resubdivided by parcel map, including, but not limited to, chain of title information, chain of lot creation information, Subdivision Map Act approvals, and Coastal Development Permit approvals.
  - (2) Evidence that all necessary authorizations from the North Coast Railroad Authority (NCRA) or its successor-in-interest, and authorization from the California Public Utilities Commission (CPUC) for ingress and egress across the railroad corridor traversing the lands subject to the STMP-LUP in all locations necessary to ensure a complete circulation and access plan for the Samoa lands, including the lands designated for Coastal Dependent Industrial Use and the lands containing the Samoa Cookhouse and totaling approximately five (5) acres shall be submitted as a filing

requirement of the Coastal Development Permit Application for the merger and resubdivision by parcel map.

- (3) Evidence that the land area needed for proposed wastewater treatment and discharge facilities, the town's corporate yard, and the town's water storage facilities needed to serve build-out of the STMP Overlay area can be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities under LCP Amendment HUM-MAJ-1-08 shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger. If the facilities needed to serve build-out of the STMP Overlay area cannot be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities, evidence that an amendment of the LCP to accommodate the larger area needed for the facilities has been obtained shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger and resubdivision by parcel map.

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

E. The merger and resubdivision by parcel map into Master Parcels 2 and 3 of all lands affected by subject to the STMP-LUP, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) ~~owned by the Arcata Community Recycling Center~~ (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as ~~Master Parcel 2~~ on Exhibit 25A shall include conditions incorporating the following requirements:

- (1) Prior to issuance of the coastal development permit for the merger and resubdivision by parcel map Master Parcels ~~2~~ as generally depicted on Exhibit 25A and prior to recordation of the parcel map Notice of Merger for the merger into Master Parcel 2 as ~~generally depicted on Exhibit 25~~, the landowner shall provide copies to the County, of the complete records of all characterization, remedial action plans and implementing work plans, and other requirements of reviewing agencies including, as applicable, Humboldt County Environmental Health Department, State Regional Water Quality Control Board, State or Federal Environmental Protection Agency, State Department of Toxic Substances Control, or any other state or federal agency or local government department with review authority over the soil and groundwater contamination status and remediation of the Samoa Town lands establishing the Samoa Town Master Plan - Master Parcels and these records shall be retained by the County and available for public inspection until the pertinent appeal period, if any, for the subject Coastal Development Permit has ended. Whether or not an appeal to the Coastal Commission is filed, the County staff shall either permanently store as public records the collected records required herein, or shall provide the subject collected records to the Coastal Commission for retention. This requirement shall additionally apply in full to any future Coastal Development Permit or Coastal Development Permit Amendment associated with the subject STMP-LUP lands. The pertinent records collected and

stored by the County and transferred to the Coastal Commission shall include at a minimum the following:

- (a) the complete record of detection of contamination of soils, surface, or groundwater disclosed by the previous landowner(s) to the landowner/developer (Samoa Pacific Group) at the time of auction/purchase of the subject Samoa lands;
  - (b) a complete record of all subsequent site investigations (whether of soils, ground or surface waters) undertaken to characterize the soil and groundwater contamination present, including maps of sampling locations, documentation of chain of custody, and associated laboratory test results, analyses, conclusions, and correspondence of the landowner/developer with applicable regulatory agencies with review authority over the soil and groundwater contamination status of the STMP lands;
  - (c) a complete record of the approved Remedial Action plans and any amendments or revisions to the approved Remedial Action Plans authorized by the State of California Regional Water Quality Control Board (RWQCB);
  - (d) a complete record of the approved Final Work Plans authorized by the RWQCB to implement the Remedial Action Plans, and any amendments or revisions to the approved Work Plans authorized by the RWQCB; all reports or records of testing or monitoring of ground or surface waters or soil and all remediation actions undertaken in reliance on the direction of the RWQCB or other agency with regulatory oversight of the subject lands whether through RWQCB processes listed herein or through any other authority; and evidence of the implementation status of any remedial measures required by the RWQCB.
- (2) Prior to issuance of the coastal development permit for the merger and resubdivision by parcel map into Master Parcels 2 and prior to recordation of the parcel map Notice of Merger for the merger into Master Parcels 2, the landowner(s) of the Master Parcels 2 shall execute and record, free and clear of all prior liens and encumbrances, against the title of the subject parcels, and provide a copy of such recordation authenticated by the County Recorder for retention in the permanent Coastal Development Permit file, the following deed restrictions:
- (a) Deed restriction disclosing the nature and location of any contamination detected in soils or surface or groundwater within the subject lands, including a map of the contaminated locations, the identities of previous landowners and descriptions of activities that may have contributed to such contamination in the past, and a list of the documents on file with the Coastal Development Permit for the establishment of the Master Parcels pursuant to Subparagraph A(1) above; and
  - (b) Deed restriction disclosing all requirements of the RWQCB or other applicable authority (such as the County Department of Environmental Health or the State Department of Toxic Substances Control) concerning the underlying soil and groundwater contamination or other hazardous waste-related status of the subject lands,

including any requirements for cleanup, stabilization, management, monitoring, reporting, or other actions required by the pertinent authority; and

- (c) Deed restriction disclosing that any further division or other development of any of the STMP-LUP lands is subject to the requirements of the certified Humboldt County LCP, including, but not limited to the requirements of the STMP-LUP overlay designation; and
- (d) Deed restriction setting forth the following disclosures,
  - (1) Disclosure that the lands situated within the Master Parcels 2 are subject to extraordinary hazards posed by earthquake and tsunamis, and by future sea level rise, which may also increase the risks posed by coastal erosion, storm surge, and wave attack; and
  - (2) Disclosure that no shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within the STMP-LUP, and that the present landowners have taken future sea level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development of the STMP-LUP, and further, have acknowledged the possibility that no such protective structures would secure approval for construction.

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

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

1. After the merger and resubdivision by parcel map into Master Parcels 2 of all lands subject to the STMP-LUP excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as Master Parcel 2 on Exhibit 25A and prior to ~~the comprehensive division of all lands within Master Parcel 3~~ any other development of the lands within Master Parcels ~~2 and 3~~, **except for the development specified below, the landowner shall obtain a Subdivision Map Act approval and a Coastal Development Permit for the comprehensive division of all lands within Master Parcel 3. No other development of the lands within the Master Parcels except the following may occur: the landowner shall obtain a Subdivision Map Act approval and a Coastal Development Permit for the comprehensive division of all lands within Master Parcel 2.** (1) upgrades and improvement of the wastewater **collection, treatment and disposal facilities (WWTF), to include serve (a) affordable housing development on Master Parcel 2 that meets the definition of affordable for “Persons and families of low or moderate income” as defined in Health and Safety Code Section 50093, and (b) all existing residential and commercial**

development in the STMP area, including, but not limited to, associated with the sewer connection for the 25 existing residences currently served by the permitted leach field on Master Parcel 3 on the west side of New Navy Base Road adjacent to the beach parking area; and; (2) Vance Avenue improvements on Master Parcel 2, which may include bike lanes and concurrent installation of underground utility infrastructure such as electrical lines, wastewater collection and distribution lines, and water lines along Vance Avenue; (3) development associated with the abandonment and/or removal of existing wastewater treatment facilities on any of the master parcels; (4) the cleanup/remediation of contaminated soil and/or ground water on any of the master parcels; and (5) Multi-family “affordable” housing development on Master Parcel 2 that meets the definition of affordable for “Persons and families of low or moderate income” as defined in Health and Safety Code Section 50093. Separate coastal development permits may be approved/issued for (i) the merger and resubdivision by parcel map described in STMP (New Development) Policy 1A and for (ii) each of the ~~project~~ development phases listed above. No portion of the Master Parcels 2 shall be left as a remainder parcel.

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

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

- (1) Wetland Resources: Wetland delineations, including to-scale maps and supporting data prepared in accordance Wetland/ESHA Policy 10.
- (2) Non-wetland ESHA delineations, including to-scale maps and supporting data;
- (3) Site Plan including but not limited to the surveyed boundaries of the proposed lot lines, roads designated building envelopes, areas of special geologic or other hazard concern; wetlands and non-wetland environmentally sensitive habitat area locations and buffers thereof, recorded easements or proposed easements and/or deed restricted areas or areas imposing limitations on other development (trails, bikeways, natural resource protection areas, etc.);
- (4) Locations and limits of all public and private utility lines, hookups, facilities, or easements, whether for collection, storage, treatment or disposal of sewage, firefighting or potable water, as applicable;
- (5) Soil and Groundwater Contamination Analysis: Copies of Final Remedial Action Plans and Final Cleanup Work Plans (for implementation of remediation plans) for the cleanup of all contaminated soil and groundwater on the parcel required and approved

by the pertinent regulatory authority, such as State Regional Water Quality Control Board (RWQCB), State Department of Toxic Substances Control, State or Federal Environmental Protection Agency, or County Environmental Health Department;

- (6) Geologic Hazard Analysis: Geologic stability analysis and to-scale map, including a map at the Site Plan scale, of any areas of special geologic or other hazard concern, including differential boundaries of potential inundation due to tsunami arriving at highest high tide and wave height of ten, twenty, thirty, and forty feet in height; and including locations of areas subject to permanent storm surge or flooding hazard due to sea level rise mapped in increments of one, two, three, four, and five feet of future sea level rise. Areas that may be subject to “daylighting” of groundwater elevations due to sea level rise shall be mapped in similar increments. The analysis shall include evidence that the Site Plan has been evaluated and that all proposed parcels will be safe from flooding, erosion, and geologic hazards, including increasing hazards posed by future sea level rise. If any special structural designs are necessary to achieve safety under the conditions determined to be present at the subject locations, these shall be fully specified in the analysis. The hazards analyzed shall be based on the best available scientific data available at the time of the analysis, including at least 4.5 feet of future sea level rise (a minimum of 3 feet of sea level rise shall be added to the analysis of potential tsunami inundation). The analysis shall verify that all proposed development will be safe from the need to install future shoreline armoring taking into consideration the results of the future hazard analyses, and that the proposed lots and development of such lots would be consistent with the requirements of the Final Samoa Tsunami Safety Plan. The Hazard Analysis, Maps, and Plans shall be prepared by California-licensed professional engineers, including: Civil Engineer with substantial experience in coastal engineering and sea level rise planning and Engineering Geologist or the California-registered professional equivalent thereof with substantial experience in seismic risk analysis and the design of resilient structural foundations for hazard mitigation;
- (7) Waste Water ~~Treatment~~ Facilities: Final Plans for development of facilities for the collection, treatment, and disposal of sewage waste water from Master Parcel 2 development, in accordance with a phasing plan approved by the RWQCB to ~~include~~ **serve all existing residential and commercial development in the STMP area, including** the connection of 25 **existing** residences currently served by the permitted leach field on the west side of New Navy Base Road adjacent to the beach parking area. To the extent that the wastewater system is designed to be implemented in phases, a phasing plan **approved by the regional water board** shall be provided that addresses when the various components of the system will be constructed and operational relative to the phasing of buildout of all STMP lands. The final plans shall also address **abandonment and removal of old wastewater collection and treatment facilities in association with development of the new facilities covered by this CDP (i.e., the simultaneous abandonment and/or removal of the existing leach fields, cesspools, and other facilities that currently accept sewage from the existing developments. The submitted plans shall include evidence prepared by a California-licensed civil engineer of (a) total system capacity, including collection, treatment, and discharge capacity designed to serve maximum buildout of the STMP lands at maximum waste water flow**

rates and volumes during peak winter storm water runoff and winter high ground water conditions, (b) evidence that the consulting civil engineer has verified that the complete waste water collection, treatment, and discharge system will function effectively under site conditions consistent with at least ~~4.5~~5.3 feet of future sea level rise by 2100, (c) evidence that the design includes sufficient surge/backup/emergency capacity and containment and backup pumping capacity and emergency/alternative fuel systems sufficient to independently continue to provide waste water capture and treatment for the STMP-~~MAP~~ development for a minimum of 72 consecutive hours without discharge of effluent overflow directly or indirectly to the waters of Humboldt Bay or the Pacific Ocean if severed from outside water or power supplies; and (d) evidence that all components of the wastewater treatment and discharge system are proposed for installation within the STMP-~~LUP~~ lands designated and zoned Public Facilities and located generally west of New Navy Base Road and east of the railroad parcel traversing the STMP-~~LUP~~ lands (except for waste water collection facilities;

- (8) Plan for the on-going funding, maintenance, and management of the STMP's potable water delivery system, waste water processing system storm water facilities, public fire and life safety facilities and services, roads, public open spaces, common areas including streetscapes, parks and community gardens, bicycle/pedestrian pathways, and sensitive resource areas consistent with the requirements of STMP (New Development) Policy 4;
- (9) Evidence that all necessary authorizations from the North Coast Railroad Authority (NCRA) or its successor-in-interest, and authorization from the California Public Utilities Commission (CPUC) for ingress and egress across the railroad corridor traversing the lands subject to the STMP-LUP in all locations necessary to ensure a complete circulation and access plan for Master Parcel 2.
- (10) Plans for pedestrian and bicycle facilities/amenities along the improved portion of Vance Ave. covered by this CDP.
- (11) Public Transportation Auxiliary Facilities: Plans for the installation of one bus stop and associated amenities to serve the Samoa area, consistent with the requirements of STMP (Coastal Access) Policy 4.**

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

- (1) Wetland Resources: Wetland delineations, including to-scale maps and supporting data prepared in accordance Wetland/ESHA Policy 10.
- (2) Non-wetland ESHA delineations, including to-scale maps and supporting data;
- (3) Site Plan including but not limited to the surveyed boundaries of the proposed lot lines, roads designated building envelopes, areas of special geologic or other hazard concern; wetlands and non-wetland environmentally sensitive habitat area locations and buffers

thereof, recorded easements or proposed easements and/or deed restricted areas or areas imposing limitations on other development (trails, bikeways, natural resource protection areas, etc.);

- (4) Locations and limits of all public and private utility lines, hookups, facilities, or easements, whether for collection, storage, treatment or disposal of sewage, firefighting or potable water, as applicable;
- (5) Soil and Groundwater Contamination Analysis: Copies of Final Remedial Action Plans and Final Cleanup Work Plans (for implementation of remediation plans) for the cleanup of all contaminated soil and groundwater on the parcel required and approved by the pertinent regulatory authority, such as State Regional Water Quality Control Board (RWQCB), State Department of Toxic Substances Control, State or Federal Environmental Protection Agency, or County Environmental Health Department;
- (6) Landform Alteration Analysis: Preliminary grading plans including cross sections and daylight lines prepared by a California-licensed Professional Civil Engineer;
- (7) Geologic Hazard Analysis: Geologic stability analysis and to-scale map, including a map at the Site Plan scale, of any areas of special geologic or other hazard concern, including differential boundaries of potential inundation due to tsunami arriving at highest high tide and wave height of ten, twenty, thirty, and forty feet in height; and including locations of areas subject to permanent storm surge or flooding hazard due to sea level rise mapped in increments of one, two, three, four, and five feet of future sea level rise. Areas that may be subject to "daylighting" of groundwater elevations due to sea level rise shall be mapped in similar increments. The analysis shall include evidence that the Site Plan has been evaluated and that all proposed parcels will be safe from flooding, erosion, and geologic hazards, including increasing hazards posed by future sea level rise. If any special structural designs are necessary to achieve safety under the conditions determined to be present at the subject locations, these shall be fully specified in the analysis. The hazards analyzed shall be based on the best available scientific data available at the time of the analysis, including at least 4.5 feet of future sea level rise (a minimum of 3 feet of sea level rise shall be added to the analysis of potential tsunami inundation). The analysis shall verify that all proposed development will be safe from the need to install future shoreline armoring taking into consideration the results of the future hazard analyses, and that the proposed lots and development of such lots would be consistent with the requirements of the Final Samoa Tsunami Safety Plan. The Hazard Analysis, Maps, and Plans shall be prepared by California-licensed professional engineers, including: Civil Engineer with substantial experience in coastal engineering and sea level rise planning and Engineering Geologist or the California-registered professional equivalent thereof with substantial experience in seismic risk analysis and the design of resilient structural foundations for hazard mitigation;
- (8) Final Samoa Tsunami Safety Plan consistent with the requirements of STMP (Hazard) Policy 4;



(9) Waste Water ~~Treatment Facilities~~: Final Plans for development of facilities for the collection, treatment, and disposal of sewage waste water from Master Parcel 2 development, ~~in accordance with a phasing plan approved by the RWQCB to include including all existing residential and commercial development in the STMP area, including~~ the connection of 25 existing residences currently served by the permitted leach field on the west side of New Navy Base Road adjacent to the beach parking area. To the extent that the wastewater system is designed and approved by the RWQCB to be implemented in phases or as part of a staged upgrade of existing waste water collection, treatment, and disposal facilities, a phasing plan approved by the regional water board shall be provided that addresses when the various components of the system will be constructed and operational relative to the phasing of buildout of all STMP lands. The final plans shall also address abandonment and removal of old wastewater collection and treatment facilities in association with development of the new facilities covered by this CDP (i.e., the simultaneous abandonment and/or removal of the existing leach fields, cesspools, and other facilities that currently accept sewage from the existing developments. The submitted plans shall include evidence prepared by a California-licensed civil engineer of (a) total system capacity, including collection, treatment, and discharge capacity designed to serve maximum buildout of the STMP lands at maximum waste water flow rates and volumes during peak winter storm water runoff and winter high ground water conditions, (b) evidence that the consulting civil engineer has verified that the complete waste water collection, treatment, and discharge system will function effectively under site conditions consistent with at least 4.5-5.3 feet of future sea level rise by 2100, (c) evidence that the design includes sufficient surge/backup/emergency capacity and containment and backup pumping capacity and emergency/alternative fuel systems sufficient to independently continue to provide waste water capture and treatment for the STMP-~~MAP~~ development for a minimum of 72 consecutive hours without discharge of effluent overflow directly or indirectly to the waters of Humboldt Bay or the Pacific Ocean if severed from outside water or power supplies; and (d) evidence that all components of the wastewater treatment and discharge system are proposed for installation within the STMP-~~LUP~~ lands designated and zoned Public Facilities and located generally west of New Navy Base Road and east of the railroad parcel traversing the STMP-~~LUP~~ lands (except for waste water collection facilities;

(10) Water Supplies: Plans demonstrating that sufficient potable and emergency control water supplies and facilities will be supplied by the pertinent water services district to serve development covered by this CDP, consistent with the requirements of the STMP-LUP, and that the pertinent storage and delivery infrastructure and backup power supplies are located within the boundaries of the Master Parcels 2. The plan shall be prepared by a California licensed professional civil engineer and shall be reviewed by the County Office of Emergency Services, the Samoa Peninsula Fire Protection District, and the County Sheriff's office for comment prior to permit approval;

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

(12-11) Plan for the on-going funding, maintenance, and management of the STMP's potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, roads, public open spaces, common areas including streetscapes, parks and community gardens, bicycle/pedestrian pathways, and sensitive resource areas, consistent with the requirements of STMP (New Development) Policy 4;

(13-12) Evidence that all lots to be created for new residential development can be feasibly developed in a manner that the finished floor elevation of habitable space can be constructed at an elevation of at least 32 feet above mean sea level consistent with the requirements of STMP Hazard Policy 5; and

(14-13) Samoa Business Park and/or New Samoa Residential development: Visual analysis of the development covered by this CDP at maximum allowable height for structures while consistent with the requirement that residential development within the tsunami inundation area be limited to a minimum habitable floor elevation of 32 feet above mean sea level. Visual analysis shall include evidence that proposed development can be accommodated in a manner that does not adversely affect the historic community character of the existing Town of Samoa or public coastal views to and along the coast and Humboldt Bay.

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

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

- (1) Wetland Resources: Wetland delineations, including to-scale maps and supporting data prepared in accordance Wetland/ESHA Policy 10.
- (2) Botanical/Historic Landscape Resources: Seasonally-appropriate botanical surveys, including to-scale map and supporting data and analysis of historic landscape context;
- (3) Non-wetland ESHA delineations, including to-scale maps and supporting data;
- (4) Invasive Species: Non-native, invasive species surveys, to-scale maps; supporting data, and plans for control or removal of ecologically significant species within the pertinent area, such as pampas grass, non-native brambles for five (5) years after significant increments of site disturbance occur (i.e. may be phased plan for removal based on the

timeline of the development) and with additional time if plan milestones are not achieved and additional removal is thus required;

- (5) Site Plan including but not limited to the surveyed boundaries of the proposed lot lines, roads designated building envelopes, areas of special geologic or other hazard concern; wetlands and non-wetland environmentally sensitive habitat area locations and buffers thereof, recorded easements or proposed easements and/or deed restricted areas or areas imposing limitations on other development (trails, bikeways, natural resource protection areas, etc.);
- (6) Locations and limits of all public and private utility lines, hookups, facilities, or easements, whether for collection, storage, treatment or disposal of sewage, fire fighting or potable water, as applicable;
- (7) Soil and Groundwater Contamination Analysis: Copies of Final Remedial Action Plans and Final Cleanup Work Plans (for implementation of remediation plans) for the cleanup of all contaminated soil and groundwater on the parcel required and approved by the pertinent regulatory authority, such as State Regional Water Quality Control Board (RWQCB), State Department of Toxic Substances Control, State or Federal Environmental Protection Agency, or County Environmental Health Department;
- (8) Landform Alteration Analysis: Preliminary grading plans including cross sections and daylight lines prepared by a California-licensed Professional Civil Engineer;
- (9) Geologic Hazard Analysis: Geologic stability analysis and to-scale map, including a map at the Site Plan scale, of any areas of special geologic or other hazard concern, including differential boundaries of potential inundation due to tsunami arriving at highest high tide and wave height of ten, twenty, thirty, and forty feet in height; and including locations of areas subject to permanent storm surge or flooding hazard due to sea level rise mapped in increments of one, two, three, four, and five feet of future sea level rise. Areas that may be subject to "daylighting" of groundwater elevations due to sea level rise shall be mapped in similar increments. The analysis shall include evidence that the Site Plan has been evaluated and that all proposed parcels will be safe from flooding, erosion, and geologic hazards, including increasing hazards posed by future sea level rise. If any special structural designs are necessary to achieve safety under the conditions determined to be present at the subject locations, these shall be fully specified in the analysis. The hazards analyzed shall be based on the best available scientific data available at the time of the analysis, including at least 4.5 feet of future sea level rise (a minimum of 3 feet of sea level rise shall be added to the analysis of potential tsunami inundation). The analysis shall verify that all proposed development will be safe from the need to install future shoreline armoring taking into consideration the results of the future hazard analyses, and that the proposed lots and development of such lots would be consistent with the requirements of the Final Samoa Tsunami Safety Plan. The Hazard Analysis, Maps, and Plans shall be prepared by California-licensed professional engineers, including: Civil Engineer with substantial experience in coastal engineering and sea level rise planning and Engineering Geologist or the California-

registered professional equivalent thereof with substantial experience in seismic risk analysis and the design of resilient structural foundations for hazard mitigation;

- (10) Final Samoa Tsunami Safety Plan consistent with the requirements of STMP (Hazard) Policy 4;
- (11) Waste Water ~~Treatment Facilities~~: Final Plans for development of facilities for the collection, treatment, and disposal of sewage waste water from the entire development that would result from buildout of all STMP lands, including the Samoa Processing Plant on Master Parcel 1 and the lands zoned Coastal Dependent Industrial on the Master Parcels 2 that have been approved by the North Coast Regional Water Quality Control Board (RWQCB) and the County Environmental Health Department. To the extent that the wastewater system is designed and approved by the RWQCB to be implemented in phases or as part of a staged upgrade of existing waste water collection, treatment, and disposal facilities, a phasing plan approved by the regional water board shall be provided that addresses when the various components of the system will be constructed and operational relative to the phasing of buildout of all STMP lands. The final plans shall also address abandonment and removal of old wastewater collection and treatment facilities in association with development of the new facilities (such as but not limited to the abandonment of the waste disposal system on the dunes West of New Navy Base Road and of the grease trap and cesspool east of the Samoa Cookhouse). The submitted plans shall include evidence prepared by a California-licensed civil engineer of (a) total system capacity, including collection, treatment, and discharge capacity designed to serve maximum buildout of the STMP lands at maximum waste water flow rates and volumes during peak winter storm water runoff and winter high ground water conditions, (b) evidence that the consulting civil engineer has verified that the complete waste water collection, treatment, and discharge system will function effectively under site conditions consistent with at least 4.5-5.3 feet of future sea level rise by 2100, (c) evidence that the design includes sufficient surge/backup/emergency capacity and containment and backup pumping capacity and emergency/alternative fuel systems sufficient to independently continue to provide waste water capture and treatment for the STMP-~~MAP~~ development for a minimum of 72 consecutive hours without discharge of effluent overflow directly or indirectly to the waters of Humboldt Bay or the Pacific Ocean if severed from outside water or power supplies; and (d) evidence that all components of the wastewater treatment and discharge system are proposed for installation within the STMP-~~LUP~~ lands designated and zoned Public Facilities and located generally west of New Navy Base Road and east of the railroad parcel traversing the STMP-~~LUP~~ lands (except for waste water collection facilities);
- (12) Water Supplies: Plans demonstrating that sufficient potable and emergency control water supplies and facilities will be supplied by the pertinent water services district to serve buildout of all STMP lands, consistent with the requirements of the STMP-LUP, and that the pertinent storage and delivery infrastructure and backup power supplies are located within the boundaries of the Master Parcels 2. The plan shall be prepared by a California licensed professional civil engineer and shall be reviewed by the County

Office of Emergency Services, the Samoa Peninsula Fire Protection District, and the County Sheriff's office for comment prior to permit approval;

- (13) Non-motorized Access: master pedestrian and bicycle circulation plan consistent with the requirements of STMP (Coastal Access) Policy 1;
- (14) Public Transportation Auxiliary Facilities: Plans for the installation of bus stops and associated amenities to serve the Samoa area, consistent with the requirements of STMP (Coastal Access) Policy 4 & 6;
- (15) Public Coastal Access Parking: Detailed coastal access vehicle parking analysis and plan providing sufficient parking to adequately serve the coastal visitor-serving uses;
- (16) Internal Recreation Support/Parks: Plan for the placement of small community parks and other outdoor recreation areas within the subject area, consistent with the requirements of STMP (Wetlands/ESHA) Policy 3;
- (17) Plan for the on-going funding, maintenance, and management of the STMP's potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, roads, public open spaces, common areas including streetscapes, parks and community gardens, bicycle/pedestrian pathways (including the pedestrian tunnel under New Navy Base Road), sensitive resource areas, the Samoa Dunes Day Use Area (including parking facilities), and the Samoa car camping spaces (including bathroom/shower and other facilities) consistent with the requirements of STMP (New Development) Policy 4;
- (18) Evidence that all lots to be created for new residential development can be feasibly developed in a manner that the finished floor elevation of habitable space can be constructed at an elevation of at least 32 feet above mean sea level consistent with the requirements of STMP Hazard Policy 5;
- (19) Samoa Business Park and/or New Samoa Residential subdivisions: Visual analysis of the subdivision as built-out at maximum allowable height for structures while consistent with the requirement that residential development within the tsunami inundation area be limited to a minimum habitable floor elevation of 32 feet above mean sea level. Visual analysis shall include evidence that proposed buildout of the pertinent subdivision can be accommodated in a manner that does not adversely affect the historic community character of the existing Town of Samoa or public coastal views to and along the coast and Humboldt Bay;
- (20) Evidence that all necessary authorizations from the North Coast Railroad Authority (NCRA) or its successor-in-interest, and authorization from the California Public Utilities Commission (CPUC) for ingress and egress across the railroad corridor traversing the lands subject to the STMP-LUP in all locations necessary to ensure a complete circulation and access plan for the Samoa lands, including the lands

designated for Coastal Dependent Industrial Use and the lands containing the Samoa Cookhouse and totaling approximately five (5) acres.

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

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2. Any development of any of the lands within the STMP overlay area ~~Master Parcels 2 and 3~~ depicted in Exhibit 25A, including the comprehensive division of ~~the~~ Master Parcels ~~2-3~~, shall be consistent with the following requirements:

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

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

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

B. Development requirements specific to the **multi-family housing any residential development on Master Parcel 2** include the following:

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

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

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

- (1) ~~A.~~ The recordation of final maps for the comprehensive division of Master Parcel ~~2~~ 3 may proceed in phases, provided that ~~a final map for the Public Facilities designated area is recorded first followed by~~ final maps for all of the existing developed residential areas and all of the existing developed commercial areas, including but not limited to the designated Commercial Recreation area containing the Samoa Cookhouse and the Commercial General area containing the “Samoa Block” ~~are recorded first.~~ Final maps for new residential areas (~~excluding Master Parcel 2~~) and the designated Business Park area shall only be recorded after final maps have been recorded for ~~the Public Facilities designated area;~~ all existing developed residential areas (~~with the exception noted above~~), and all existing developed commercial areas.
- (2) ~~B.~~ The coastal development permit shall require that prior to recordation of each final map for all or a portion of Master Parcel ~~3~~ 2:
- (a) ~~(1)~~ The landowner/developer must demonstrate that the work plans for cleanup of contamination approved by the RWQCB or other applicable authority for the STMP-LUP area have been fully implemented and the requisite cleanup of soil and water (ground and surface) completed, within the area covered by the final map; and
- (b) ~~(2)~~ The RWQCB has verified that the area covered by the final map has, at a minimum, been “cleaned up to background” and/or is suitable for the type of development proposed without further remediation; and
- (c) ~~(1)~~ That the RWQCB further verifies that the area covered by the final map, if developed as proposed and without further remediation, will not result in a threat to waters of the state.
- (3) ~~C.~~ The coastal development permit shall require that: (1) prior to recordation of each final map for all or a portion of Master Parcel ~~2~~ 3, and (2) prior to any future additional development of the parcel identified as Master Parcel 1 (~~presently containing the Areatā Community Recycling Center’s Samoa Processing Center~~, previously approved by Humboldt County, the landowner/developer must demonstrate that:
- (a) ~~(1)~~ All deed restrictions required by the RWQCB for lands subject to continuing contamination of soil or water (ground or surface) have been recorded against the parcels within the area covered by the final map; and



(b)(2) A deed restriction has been recorded against the legal title of the parcels within the area covered by the final map describing the kinds and location of contamination that has previously been associated with the subject lots, the remedial activities that have been undertaken, the results of final tests completed to verify the adequacy of cleanup (including copies of the pertinent laboratory reports), and the presence and location of any residual contamination that may be present in the soil or groundwater present on site; and

(c)(3) Prior to recordation of a final map where pertinent for subdivision of lands within Master Parcel 2 3, or prior to issuance of a coastal development permit for any development arising within lands originally identified as Master Parcel 1 or Master Parcels 2 and 3 shown on Exhibit 25A, a deed restriction has been recorded against the legal title of each parcel either previously existing or thereby established, and re-recorded as a condition of approval of any coastal development permit for future development of parcels within the area originally shown as Master Parcel 1 or Master Parcel 2 on Exhibit 25 of the Coastal Commission staff report dated February 24, 2011, and the subject "Assumption of Risk" deed restriction shall state the following:

**Assumption of Risk**

By acceptance, amendment or transfer of this permit or in performing due diligence evaluation of the subject property in support of a decision to purchase the subject site and any improvements of the subject property that is subject to this deed restriction, the landowner and future purchaser acknowledges and agrees (i) that the site may be subject to hazards from: earthquake, tsunami, fires triggered by such events, landslide, erosion, liquefaction, wave attack, storm surge and other sources of flooding, and future sea level rise, including the amplification of other hazards in response to sea level rise; (ii) to assume the risks to the applicant and/or future purchaser of the property that the subject site that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against Humboldt County and/or the Coastal Commission, and their officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless Humboldt County and/or the Coastal Commission, their officers, agents, and employees with respect to the approval by Humboldt County or the Coastal Commission of the project giving rise to the establishment or improvement of any lands located within the Samoa area subject to the STMP-LUP including or originating from the areas described as Master Parcel 1 or Master Parcel 2 in Exhibit 25 of the Coastal Commission staff report dated February 24, 2011, against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

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

~~(a)(1)~~ The coastal development permit for the comprehensive division of Master Parcel ~~2~~ 3 shall require that prior to the commencement of any development within any phase of development of the subdivision, including the recordation of final subdivision map for that phase but not including the development listed in subsection ~~(2)~~(b) below, the landowner/developer must demonstrate that all emergency control water supply facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service.

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

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

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

~~(a)(1)~~ The portions of the approved waste water treatment facilities and associated wastewater collection, treatment, and disposal facilities determined by the RWQCB to be necessary to serve all existing development within the existing residential and commercial areas of the STMP-LUP overlay area depicted on Exhibit 25A and determined by the County or the Commission on appeal to be consistent with LCP policies protecting ESHA, wetlands, and other coastal resources shall be constructed, tested and determined ready for connection and service prior to commencement of any new development including recordation of a final subdivision map for any portion of Master Parcel ~~2~~ 3 but not including the development listed in subsection ~~(4)~~(d) below.

~~(b)(2)~~ The coastal development permit for the comprehensive division of Master Parcel ~~2~~ 3 shall require that prior to the commencement of any development within any phase of development of the subdivision, including the recordation of final subdivision map for that phase but not including the development listed in subsection ~~(4)~~(d) below, the landowner/developer must demonstrate that the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service in accordance with any staged upgrade of facilities approved by the RWQCB and determined by the County or the Commission on appeal to be consistent with LCP policies protecting ESHA, wetlands, and other coastal resources.

~~(c)(3)~~ Existing structures shall be converted to service by the proposed new waste water treatment plant and the old (existing) waste water treatment facilities shall be

properly abandoned or replaced in the same location in accordance with pertinent regulations and necessary permits and with the approval of the RWQCB in accordance with the schedule set forth in any staged upgrade of wastewater facilities in the approved comprehensive wastewater facilities plan.

~~(d)~~(4) The following development may be performed prior to installation of the sewage treatment facilities: (1) installation of emergency control water supply facilities; (2) ~~recordation of a final subdivision map covering the Public Facilities designated area only;~~ (3) the remediation of contaminated soil and groundwater; and (4)(3) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.

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

~~(a)~~(1) The coastal development permit shall require that prior to the commencement of any new development within the new residential and business park areas (excluding Master Parcel 2), including the recordation of a final subdivision map for any phase of the subdivision covering these areas, but not including the development listed in subsection ~~(2)~~(b) below, the new emergency services vehicle storage building proposed by the landowner/developer (fire and life safety; earthquake and tsunami shelter, etc.) within downtown Samoa shall be installed and made available to serve the existing town of Samoa.

~~(b)~~(2) The following development may be performed prior to installation of the sewage treatment facilities: the remediation of contaminated soil and groundwater; and (4) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.

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

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

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

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

(c)(3) The public pedestrian path along the boundary between the designated Business Park area and the Natural Resource area along the west side of the STMP-LUP overlay area shall be surveyed, improved, and opened to the public pursuant to the requirements of the STMP-LUP prior to commencement of construction of any Business Park development. In addition, an improved interpretive pedestrian pathway connecting the Samoa Cookhouse Area to the undercrossing of New Navy Base Road, and the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road shall be completed and opened to the public. Furthermore, a mechanism for permanent funding of the long-term maintenance of the public amenities shall be identified and implemented prior to commencement of construction of any Business Park development.

(d)(4) Prior to the commencement of construction of any other Business Park development, the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road (shown on the map provided in Appendix L of the Humboldt Bay Area Plan) shall be completed and opened to the public.

(e)(5) Prior to the commencement of construction of any other Business Park development, the low-cost visitor serving accommodations required by STMP (Coastal Access) Policy 1 shall be constructed and opened to the public.

(8)H. Development of New Residential Areas

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

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

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

(c)(3) The public pedestrian path along the boundary between the designated new residential areas and the Natural Resource area along the west side of the STMP-LUP overlay area shall be surveyed, improved, and opened to the public pursuant to the requirements of the STMP-LUP prior to commencement of construction of any new residential area development. In addition, an improved interpretive pedestrian pathway connecting the Samoa Cookhouse Area to the undercrossing of New Navy Base Road, and the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road shall be completed and opened to the public. Furthermore, a mechanism for permanent funding of the long-term maintenance of the public amenities shall be identified and implemented prior to commencement of construction of any new residential area development.

(d)(4) Prior to the commencement of construction of any new residential area development, the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road (shown on the map provided in Appendix L of the Humboldt Bay Area Plan) shall be completed and opened to the public.

(e)(5) Prior to the commencement of construction of any new residential area development, the low-cost visitor serving accommodations required by STMP (Coastal Access) Policy 1 shall be constructed and opened to the public.

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

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

**STMP (New Development) Policy 3:**

The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the ~~Areata Community Recycling Center~~ (Master Parcel 1), are merged and resubdivided by parcel map into ~~one~~ two master parcels generally depicted on Exhibit 25A. ~~as Master Parcel 2. The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center.~~ If all such property is not merged and resubdivided by parcel map into Master Parcels 2 and 3 ~~2~~ generally depicted on Exhibit 25A, the entirety of the area generally depicted on Exhibit 25A and described as the Samoa Town Master Plan Land Use Plan (“STMP-LUP”) Overlay Area will

remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and resubdivided by parcel map into Master Parcels 2 2 and 3 generally depicted on Exhibit 25A, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon both: (a) issuance of the coastal development permit for the merger and resubdivision by parcel map consistent with the certified LCP and (b) recordation of a ~~notice of merger~~ parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. If the land use designations and zoning approved by the Commission with suggested modification in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective, the Principal Permitted Use of any area subject to the STMP-LUP shall be determined in accordance with the designated Land Uses and in the patterns and locations generally shown on the certified STMP Land Use Map. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

#### **STMP (New Development) Policy 4:**

- A. Prior to approval or issuance of a coastal development permit for WWTF improvements, Vance Avenue improvements, and multi-family housing development or any residential other development within Master Parcel 2, the landowner/developer shall demonstrate the existence of a mechanism, organized under public ownership and management, for the on-going funding and maintenance of the STMP's potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, public open spaces, common areas including streetscapes, parks and community gardens, and bicycle/pedestrian pathways, except where the County of Humboldt provides evidence that the County will accept the title to and management obligations for any of these.
- B. Prior to approval or issuance of a coastal development permit for the comprehensive division of Master Parcel 2 3 or any other development within Master Parcel 2 3, the landowner/developer shall demonstrate the existence of a mechanism, organized under public ownership and management, for the on-going funding and maintenance of the STMP's potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, public open spaces, common areas including streetscapes, parks and community gardens, bicycle/pedestrian pathways (including the pedestrian tunnel under New Navy Base Road), sensitive resource areas, the Samoa Dunes Day Use Area (including parking facilities), and the Samoa car camping spaces (including bathroom/shower and other facilities), except where the County of Humboldt provides evidence that the County will accept the title to and management obligations for any of these.

#### **STMP (New Development) Policy 5:**

The administrative rules, regulations, bylaws and/or operating requirements adopted by the service providers funding, monitoring, and managing the services provided for pursuant to STMP (New Development) Policy 4 shall be consistent and compliant with all provisions of the STMP-LUP and certified LCP and shall be in place prior to issuance of the coastal development permit for the comprehensive division of Master Parcel 2 3 or any other development within Master Parcel 2 3. construction on the Master Parcels; except for issuance of a CDP for development associated with soil/water contamination remediation.

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

Land divisions, including re-divisions and lot line adjustments of any land subject to the STMP-LUP, shall be permitted only if all resulting parcels can be demonstrated to be buildable and protective of all coastal resources, and safe from flooding, erosion, and geologic hazards, including the effects of at least 4.6 feet of sea level rise, without the future construction of shoreline armoring devices, and that the development proposed on the resultant lots can be constructed consistent with all pertinent policies of the certified LCP.

**STMP (New Development) Policy 7:** No changes to this policy are proposed.

- A. To minimize energy demands, which are associated with structural and transportation energy use, development of lands subject to the STMP-LUP shall minimize vehicle miles traveled, and conserve energy by means such as, but not limited to, the following:
1. Siting development in a manner that will minimize traffic trips;
  2. Prohibiting retail sales establishments designed to attract more than an incidental percentage of customers from offsite areas; 3. Incorporating the “smart growth” development concepts that combine interdependent uses that potentially reduce offsite traffic trips, including adequate grocery and convenience stores in the revitalized downtown area to supply resident and visitor needs with fewer offsite trips;
  4. Providing well designed and appropriately located bus stops along Vance Avenue;
  5. Providing amenities for the convenience and safety of pedestrians and bicyclists to encourage the use of non-motorized and/or public transportation, including a well-designed network of bicycle paths, safe sidewalks, and separate footpaths that link various areas within Samoa and to the nearby beach and natural resource area interpretive trails;
  6. Incorporating energy efficient building technologies;
  7. Requiring development to meet high standards regarding the energy efficiency of proposed structures; heating, ventilation, and air conditioning systems (HVAC); hot water heaters, appliances; insulation; windows; doors; and lighting such as the standards of established voluntary programs such as Energy Star, LEED, or Build It Green;

8. Requiring development to incorporate alternative sources of energy such as photovoltaics, solar water heaters, passive solar design, wind generators, heat pumps, geothermal, or biomass;
  9. Requiring development to use structural orientation (heat gain from southern exposure) and vegetation patterns to reduce winter heating needs (such as planting deciduous trees near southern exposures to maximize the winter sun);
  10. Requiring development to include energy meters that provide real-time information to users regarding energy consumption;
  11. Requiring development to use recycled building materials;
  12. Requiring development to use building materials that minimize energy consumption during the manufacture and shipment of the materials;
  13. Requiring development to use construction techniques that minimize energy consumption;
  14. Incorporating structural amenities within non-residential development to encourage the use of non-motorized or public transportation by employees (such as sheltered bicycle storage, bicycle lockers, restrooms with showers/personal lockers, etc.);
  15. Encouraging employer incentives such as paid bus passes, etc., to encourage employee use of public transportation;
  16. Prohibiting restrictions such as covenants or development standards that prevent energy conserving measures such as the use of outdoor clotheslines.
- B. Coastal Development Permits authorized for development of lands subject to the STMP-LUP shall include specific findings concerning the extent of the subject project's incorporation of measures to reduce vehicle miles traveled and to minimize the use of energy.

**STMP (New Development) Policy 8:**

Development authorized within the STMP-LUP overlay area generally depicted on Exhibit 25A shall incorporate the best available practices for the protection of coastal waters, in accordance with the standards outlined in STMP Special Area Combining Zone. To achieve these standards, the applicant shall provide supplemental information as a filing requirement of any coastal development permit application for development within the area subject to the STMP-LUP, and the pertinent decision-makers shall adopt specific findings and attach conditions requiring the incorporation of, and compliance with, these water quality protection measures in approving coastal development permits for division or further development of the lands subject to the STMP-LUP.

**STMP (New Development) Policy 9:** No changes to this policy are proposed.



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

**STMP (New Development) Policy 10:**

The existing residences on Master Parcel 3 shall be connected to the new or upgraded waste water treatment facilities on Master Parcel 2 within 180 days after such facilities are constructed and placed in service. Existing septic system(s) shall be removed or remediated in accordance with RWQCB requirements, and otherwise properly abandoned, subject to any necessary coastal development permit, within 180 days of connection of the subject residences to the new or upgraded waste water treatment facilities.

**STMP (New Development) Policy 11:**

Coastal Development Permits granted to the ~~Areata Community~~ Recycling Center ~~Regional Processing Facility on Master Parcel 1~~ (Samoa Processing Center) or other ownership interest utilizing the subject facility) for new development shall require that the facility be connected to the new or upgraded waste water treatment facilities within 180 days after the new or upgraded waste water treatment plant on Master Parcel 2 is placed in service and a wastewater collection line is installed within Vance Avenue or in another location adjacent to the ~~ACRC recycling~~ facility. The existing septic system that presently serves the ~~ACRC recycling~~ facility site shall be removed or remediated and properly abandoned in accordance with RWQCB requirements, subject to any necessary coastal development permit, within 180 days after connection to the new waste water treatment plant.

**Preservation and Enhancement of Community Character and Visual Resources**

**STMP (Community Character/Visual) Policy 1:**

Development shall preserve and protect the unique community character of the historic development within the STMP Overlay Area generally depicted in Exhibit 25A by protecting and restoring existing town site structures and by requiring that new construction within the greater Samoa town area extends and enhances the historic community character. The existing town site architectural features and character shall guide the overall design of new development within the STMP Overlay Area. The long-term preservation of the existing structures shall be prioritized, including the preservation of features such as mature landscaping and specimen trees that provide historic context and contribute to the community character. All new development within any part of the lands subject to the STMP-LUP, including any signage or lighting, shall not interfere with the special character of the existing historic neighborhoods and public views available from public vantage points and from special community gathering places such as the Women's Club.

**STMP (Community Character/Visual) Policy 2:** No changes to this policy are proposed.

The Design Guidelines for Old Samoa dated March 4, 2007 are hereby incorporated as standards for development within the STMP-LUP overlay designation and are attached as an Appendix to the certified LCP and any changes or revisions to the Design Guideline shall require an amendment of the LCP. Where a conflict arises between the policies of the STMP-LUP overlay designation and the policies of the Design Guidelines, the policies of the STMP-LUP overlay designation shall take precedence.

**STMP (Community Character/Visual) Policy 3:** No changes to this policy are proposed.

Energy Efficiency and Conservation: Changes to the existing structures located on lands subject to the STMP-LUP within the historic Samoa “company town” site that may improve energy conservation shall be consistent with the STMP Design Guidelines and shall not disrupt, replace, or distract from the existing historic period details. New structures, however, may utilize alternative construction materials that have the appearance of the original materials, thus achieving aesthetic consistency with the existing structures while increasing energy efficiency.

**STMP (Community Character/Visual) Policy 4:** No changes to this policy are proposed.

The demolition or relocation of, any structure that is at least fifty (50) years old and located on lands subject to the STMP-LUP Samoa shall not be considered a principal permitted use and shall require a coastal development permit that is subject to at least one noticed public hearing and is appealable to the Coastal Commission pursuant to Section 30603 of the Coastal Act. No permit to demolish or relocate any structure contributing to the community character and historic context of Samoa shall be approved unless compelling evidence exists that the structure cannot feasibly be restored in place.

**STMP (Community Character/Visual) Policy 5:** No changes to this policy are proposed.

Development on lands subject to the STMP-LUP, including lighting and signage, shall be designed and constructed in a manner that: (a) protects distant night skyline views from distant vantage points toward the Pacific Ocean and Humboldt Bay; (b) protects public views of the existing town site from public vantage points such as New Navy Base Road, the public beaches west of New Navy Base Road, and from the public trail that is required between the Samoa Cookhouse property and the underground tunnel crossing of New Navy Base Road, and (c) protects coastal views from the town site, such as the panoramic views of Humboldt Bay and the Pacific Ocean available from the Women’s Club and other higher elevation locations. A visual impact analysis shall be submitted with coastal development permit applications for all proposed development on lands subject to the STMP-LUP that utilizes the installation of story poles and other means of assessing the impact of the proposed structures.

**STMP (Community Character/Visual) Policy 6:** No changes to this policy are proposed.

- A. Remodeling and restoration of historic “Company Town” structures and structures contributing to the character of old town Samoa, and construction of additional structures proposed for lots containing such structures shall require a coastal development permit and review by the Samoa Design Review Committee, and at least one public hearing, and shall be subject to the following additional requirements:
1. Restoration of existing structures that are at least fifty (50) years old , except for the Fireman’s Hall and garages, shall retain any viable millwork, windows, doors, or other existing exterior material, or if any of these are found to be damaged beyond repair, the feature or material shall be replaced with similar material consistent with the Design Guidelines and installed in such a manner to maintain a comparable exterior building appearance.
  2. Exterior remodeling of the existing structures, including but not limited to painting and roofing and the construction of new accessory structures shall be installed in a manner that maintains the exterior appearance of the original building and is consistent with the Design Guidelines.
  3. New accessory structures proposed for lots subject to these provisions shall only be approved if designed and located in a manner that harmonizes with and preserves the period character and street views of the primary structure.
- B. All coastal development permit applications for exterior remodeling of structures within the historic Samoa neighborhoods shall provide in support of such an application a report prepared by a California state licensed architect with at least five (5) years of historic preservation experience or the equivalent experience that includes the results of a survey of the subject structure undertaken not less than three (3) months prior to submittal of such application, with recommendations for ensuring the proposed remodeling be consistent with the preservation of the historic architectural elements of the subject structure consistent with the Design Guidelines for Old Town Samoa.
- C. A coastal development permit approved for exterior remodeling of structures within the historic Samoa neighborhoods shall be conditioned to require timely post-remodeling submittal of evidence prepared by an architect of the same qualifications as set forth in Subparagraph B above, confirming that the final remodeling has been conducted in accordance with the recommendations of the subject architect, including photographs to be retained by the County in the public record, and as required by the conditions attached to the subject coastal development permit.

**STMP (Community Character/Visual) Policy 7:** No changes to this policy are proposed.

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

**STMP (Community Character/Visual) Policy 8:** No changes to this policy are proposed.

All exterior lights of all development on lands subject to the STMP-LUP, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

**STMP (Community Character/Visual) Policy 9:** No changes to this policy are proposed.

Architectural or advertising/marketing signage shall be of modest scale and designed in a manner that is aesthetically compatible with the historic Samoa character and reviewed and approved by the Design Committee. Illuminated outdoor advertising shall be restricted to a single sign per commercial establishment affixed to the structure on the first floor level only, and not extending above or beyond the structure's profile (including porches), and not more than three feet wide by three feet in height. Non-illuminated coastal access signage, including resource interpretation displays and modest educational/protective signage shall be permitted at Samoa Beach.

**STMP (Community Character/Visual) Policy 10:** No changes to this policy are proposed.

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

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

**STMP (Wetlands/ESHA) Policy 1:**

Development within the STMP-LUP shall provide maximum protection, restoration and enhancement of existing ~~e~~Environmentally s~~s~~Sensitive h~~H~~Habitat a~~A~~reas (ESHA) such as wetlands, dunes, forests, coastal scrub, and rare plant habitat, including the habitat of plants that are locally rare. The STMP shall be implemented in a manner that provides: (1) a substantial undisturbed natural resource corridor along the east side of New Navy Base Road and the northern portion of the subject site ~~as shown~~ as NR, Natural Resources, in Exhibit 4 the certified STMP-LUP map that connects sensitive resource areas and facilitates wildlife movement; (2) an ESHA buffer area that shall generally be a minimum of at least one hundred (100) feet from nearby development (included in "NR" area shown in ~~Exhibit 24~~ Exhibit 4 the certified STMP-LUP map); (3) preservation of opportunities for dispersal of species through the preservation of individual plants and seed banks of rare populations; and (4) conservation of water filtering functions in vegetated areas.

**STMP (Wetlands/ESHA) Policy 2:**

~~The areas of the STMP-LUP lands certified STMP-LUP map designated as NR, Natural Resources, Environmentally Sensitive Habitat Areas in the maps attached to the Memorandum contained in Exhibit 3, including the~~ include both ESHA and ESHA areas identified as buffers, shall be designated and zoned Natural Resources. Development within the areas designated Natural Resources is prohibited except for the removal of invasive non-native plant species and the following activities if authorized by a coastal development permit: (1) restoration and enhancement of previously disturbed areas of wetlands and other sensitive habitat; (2) repair and maintenance of existing underground utilities within the existing footprint, provided that restoration of the disturbed areas is implemented in accordance with an approved coastal development permit; (3) installation of public trails in accordance with the provisions of STMP (Wetlands/ESHA) Policy 6; (4) planned roadway and shoulder improvements and maintenance within the Vance Avenue right of way on Master Parcel 2, at the easterly limit of the smaller circular dune hollow ESHA buffer area, designated Natural Resources; and ~~or~~ (5) tsunami refuge areas within buffer portions of the area designated Natural Resources but outside of identified ESHA areas.

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

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

**STMP (Wetlands/ESHA) Policy 4:**

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

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

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

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

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

- B. A determination to utilize a buffer area of less than the minimum width shall be made by a qualified biologist contracting directly with the County, in consultation with biologists of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the Coastal Commission. The County’s determination shall be based upon specific findings as to the adequacy of the proposed reduced buffer to protect the identified resource.

**STMP (Wetlands/ESHA) Policy 6:**

Paved bicycle/pedestrian paths shall be located outside of the STMP-LUP lands designated and zoned Natural Resources except (1) within the outermost twenty (20) feet of the buffer portion of the designated and zoned Natural Resources areas ~~pursuant to Exhibit 3~~, and (2) one designated footpath through the forested area on the northern end of the Samoa lands designed to connect the area between the future Vance Road/Samoa Cookhouse area and the undercrossing of New Navy Base Road and tsunami evacuation routes. Tsunami evacuation route signs and interpretive signs explaining the sensitivity of the habitat and the protective purpose of the reserved area may also be installed along the trail route. No lighting shall be installed within the bicycle/pedestrian paths or the forest trail, and no lighting installed in adjacent developed areas shall directly illuminate the Natural Resource area.

**STMP (Wetlands/ESHA) Policy 7:** No changes to this policy are proposed.

All new or replacement fencing within the lands subject to the STMP-LUP shall require a coastal development permit based on findings that the location and design of such fencing is safely permeable for wildlife.

**STMP (Wetlands/ESHA) Policy 8:** No changes to this policy are proposed.

The use of Motorized Off-road Recreational Vehicles (ORVs) or Motorized All-terrain Vehicles (ATVs) not licensed for street use shall be prohibited on the lands subject to the STMP-LUP except in the limited areas and under the limited circumstances allowed by the certified Humboldt County LCP.

**STMP (Wetlands/ESHA) Policy 9:**

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

groundwater, a plan shall be prepared for the removal of invasive, non-native plant species of particular ecological concern (such as pampas grass) within Master Parcel 2. The plan shall specify that the post-implementation period of monitoring and additional removal of non-native species required by the plan shall generally be completed within a five-year period of time, or less depending on the biological objectives identified in the plan, with the pertinent period of time to commence with the initial removal of identified non-native plant species of ecological importance within the subject area, and with additional time added only if plan milestones are not achieved and additional removal is thus required. The plan shall contain a timeline not to exceed a maximum of ten (10) years, which shall include a five-year initial plan and follow up remediation or adaptive management for up to five additional years based on the review of a qualified botanist. The plan shall also include performance milestones, monitoring, and reporting requirements. Compliance with the requirements of the plan applicable to Master Parcel 2 shall be attached as a condition of approval of the subject coastal development permit for Master Parcel 2 development.

- B. Prior to approval of a coastal development permit for the comprehensive division of Master Parcel 2 3 or any other development except for the cleanup of contaminated soil and groundwater in the STMP-LUP area, a plan shall be prepared for the removal of invasive, non-native plant species of particular ecological concern (such as pampas grass) within Master Parcel 2 3. The plan shall specify that the post-implementation period of monitoring and additional removal of non-native species required by the plan shall generally be completed within a five-year period of time, or less depending on the biological objectives identified in the plan, with the pertinent period of time to commence with the initial removal of identified non-native plant species of ecological importance within the subject area, and with additional time added only if plan milestones are not achieved and additional removal is thus required. The plan shall contain a timeline not to exceed a maximum of ten (10) years, which shall include a five-year initial plan and follow up remediation or adaptive management for up to five additional years based on the review of a qualified botanist. The plan shall also include performance milestones, monitoring, and reporting requirements. Compliance with the requirements of the plan shall be attached as a condition of approval of the subject coastal development permit for the comprehensive division of Master Parcel 2 3 and the condition shall require that prior to recordation of each final map for all or a portion of the subdivision Master Parcel 2 3, the landowner/developer must demonstrate that the initial removal of invasive, non-native plant species of particular ecological concern has been completed within the area covered by the final map.

#### **STMP (Wetlands/ESHA) Policy 10:**

Wetlands shall be identified and delineated as follows:

- A. Delineation of wetlands shall rely on the wetland definition in Section 13577 of the Coastal Commission regulations set forth in pertinent part below. The field methods used in the wetland delineation shall be those contained in the Army Corps of Engineers Wetland Delineation Manual as modified by the ~~Interim~~ Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region dated



April 2008 May 2010, or other Corps of Engineers delineation guidance that is in effect at the time of action. Section 13577 states in pertinent part:

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

- (A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
  - (B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
  - (C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
- B. Wetland delineations shall be conducted according to the California Code of Regulations, Section 13577(b) definitions of wetland boundaries. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum: (1) a map at a scale of 1:2,400 or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points; and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.
- C. Wetland delineations shall be prepared by a qualified biologist approved by the County.
- D. Wetland delineations should not be greater than five (5) years old at the time of development approval in reliance on the information provided by the delineation(s). If substantial time passes between application submittal for a coastal development permit and approval, such that a delineation becomes outdated, a supplemental delineation prepared in accordance with the same standards set forth herein, shall be prepared and submitted for consideration.

**STMP (Wetlands/ESHA) Policy 11:** No changes to this policy are proposed.

Environmentally Sensitive Habitat Areas (ESHA) shall be defined as any area in which plant or animal life or their habitats are either rare, including locally rare, or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by

human activities and developments. The determination of whether ESHA is present shall be required before a coastal development permit application for any land division or other development on lands subject to the STMP-LUP is considered complete. The determination shall include a detailed, complete biological resources report prepared by a qualified biologist approved by the County. The data concerning surveys of ESHA shall not be greater than five (5) years old at the time of pertinent development authorization.

**STMP (Wetland/ESHA) Policy 12:** No changes to this policy are proposed.

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

**STMP (Wetland/ESHA) Policy 13:** No changes to this policy are proposed.

No herbicides or rodenticides shall be used within STMP-LUP lands designated Natural Resources or Public Facilities, or within other areas containing wetland or ESHA habitat or the buffers thereof. The use and disposal of any herbicides for invasive species removal shall follow manufacturer specifications, comply with imposed conditions, and protect adjacent native vegetation and coastal water quality. Rodenticides containing any anticoagulant compounds, including, but not limited to, bromadiolone or diphacinone shall not be used anywhere within the lands subject to the STMP-LUP. Development approvals for lands subject to the STMP-LUP shall attach conditions specifying these requirements.

**STMP (Wetlands/ESHA) Policy 14:**

Landscaping with exotic plants shall be limited to outdoor landscaped areas immediately adjacent to the proposed development. **All new landscaping within the lands subject to the STMP-LUP shall follow the California Native Plant Society (CNPS) "Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation" (<http://www.cnps.org/cnps/archive/landscaping.pdf>).** The planting of invasive non-native plants including but not limited to pampas grass (*Cortaderia* sp.), acacia (*Acacia* sp.), broom (*Genista* sp.), English ivy (*Hedera helix*), and iceplant (*Carpobrotus* sp., *Mesembryanthemum* sp.) shall specifically be prohibited. No plant species listed as problematic and/or invasive **and/or as a "noxious weed" by the California Native Plant Society, the California Invasive Plant Council, the State of California, or the U.S. federal government or listed as a "noxious weed"** shall be used in any proposed landscaping within the lands subject to the STMP-LUP. **To minimize the need for irrigation, all new landscaping shall consist primarily of native, regionally appropriate, drought-tolerant plants. New development projects that include landscape areas of 500 square feet or more shall include appropriate water conservation measures related to efficient irrigation systems and on-site stormwater capture.** Development approvals for lands subject to the STMP-LUP shall attach conditions specifying **this these** requirements.

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

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

### Coastal Access and Recreation

**STMP (Coastal Access) Policy 1:**

A. The lands included within the approximately five (5)-acre area containing the Samoa Cookhouse on Master Parcel 3 shall be constructed or remodeled in accordance with an approved coastal development permit, and shall be reserved for Low Cost Visitor Serving Accommodations (LCVSA), shall not incorporate or be converted to other uses, and shall include the specific amenities listed below, or the equivalent thereof that includes a total of 55 LCVSA units, and the LCVSAs shall be made continuously available to the public at low cost rates:

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

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

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

- C. The LCVSA facilities shall be connected to the public undercrossing of New Navy Base Road and the dunes and beaches beyond via a public, pedestrian-only path through the lands designated Natural Resources that is constructed in accordance with STMP (Wetlands/ESHA) Policy 6 STMP (Coastal Access Policy 3), and an approved coastal development permit. In addition, paved streets leading through Samoa development to the New Navy Base Road undercrossing shall be open to the public and shall not be gated. The pedestrian pathway specified above shall be permanently maintained and a coastal development permit shall be obtained for any proposed modification of the pathway.
- D. The LCVSA owner/manager shall prepare and make continuously available to coastal visitors at no cost, brochures highlighting the habitats and species found along the Natural Resource Corridor pathway and in the beach and dune habitats west of New Navy Base Road. The brochures shall explain the importance of protecting and preserving the resources, and shall provide earthquake and tsunami safety information including Samoa tsunami evacuation routes and assembly areas. Tsunami evacuation routes and assembly areas shall also be prominently posted for the benefit of coastal visitors.
- E. The LCVSA owner/manager shall be responsible for daily litter cleanup and the collection and disposal of trash from the LCVSA facilities, from the Samoa Dunes Interpretive Area and associated parking facilities, and shall periodically collect litter from the connecting trail between these, until or unless the County accepts such responsibilities.
- F. The County shall ensure that permit conditions for the pertinent STMP development incorporate the conditions necessary to secure the obligations set forth in this policy.

**STMP (Coastal Access) Policy 2:**

- A. All approved pedestrian and bicycle paths, corridors, trails and tsunami evacuation routes within the lands subject to the STMP-LUP shall be open to the public at all times. These routes shall not be blocked, gated, obscured, or otherwise barricaded at any time except as may be necessary for initial construction and for occasional short-term maintenance. Pedestrian and bicycle facilities along Vance Avenue shall be installed concurrently with other roadway improvements and shall be open for public use prior to occupancy of any residential development on Master Parcel 2. All other approved public park and open space and pedestrian/bikeway paths and related amenities shall be completed and the facilities opened to the public prior to the commencement of development within either the Business Park area or the new residential areas on Master Parcel 3 (excluding Master Parcel 2, with the following exception: pedestrian and bicycle facilities along Vance Avenue shall be installed concurrently with other roadway improvements and shall be open for public use prior to occupancy of the multi-family housing on Master Parcel 2.)
- B. Prior to the issuance of the coastal development permit for the comprehensive division of Master Parcel ~~2~~ 3, the location of pedestrian and bicycle routes subject to this policy shall be surveyed and mapped and a deed restriction protecting the routes against conversion to another use shall be recorded. In addition, prior to the issuance of the coastal development permit for the comprehensive division of Master Parcel ~~2~~ 3, a dedication or offer of dedication

in perpetuity of a public access easement to a public agency or qualified non-profit organization shall be recorded for all existing or proposed pedestrian or bicycle routes, including routes prescribed elsewhere in these policies for coastal access and recreational purposes. The dedication or offer of dedication shall not contain a "sunset" provision and shall remain valid in perpetuity until or unless accepted by a qualified party.

- C. A map of the subject bicycle and pedestrian pathway/trail system shall be developed and posted at publicly visible central locations within the STMP-LUP area, including at the main entrance to the Samoa Cookhouse area.

### **STMP (Coastal Access) Policy 3:**

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

- A. The approximately 1.5-acre site west of New Navy Base Road and identified on Exhibit 24 shall be designated as the Samoa Dunes Interpretive Area, shall be available for day use only, and shall include the following features: (1) Permanent interpretive displays explaining the ecology of the sensitive habitat surrounding of the site with the content approved by a qualified biologist and the design and location approved by the County; (2) symbolic cord-and-post fencing marking the boundaries of the interpretive area; (3) Picnic tables and benches sufficiently sized and located to accommodate school field trips in designated areas reserved for such use; and (4) covered trash collection receptacles impervious to wildlife and routinely serviced to maintain the Interpretive Area free of trash. All of the public access facilities specified above shall be permanently maintained and a coastal development permit shall be obtained for any proposed change of use or demolition of these facilities.
- B. A public pedestrian path constructed in accordance with STMP (Wetlands/ESHA) Policy 6 shall be installed to connect the Samoa Cookhouse area and the Samoa Dunes Interpretive Area via the tunnel under New Navy Base Road and shall be bordered by cord-and-post symbolic fencing throughout its length. The fencing shall be designed to prevent habitat disturbance caused by the use of unauthorized informal routes.
- C. The Samoa Dunes Interpretive Area including the public parking area and connector trails shall be maintained by the landowner/manager of the Samoa Low Cost Visitor Accommodations area until or unless the County or a community services district or other public managing agency created pursuant to STMP (New Development) Policy 4 accepts such responsibility.
- D. Access to the Samoa Dunes Interpretive Area shall be free of charge.

### **STMP (Coastal Access) Policy 4:**

- A. At least two (2) bus stops shall be constructed within the Town of Samoa in accordance with the following requirements:
- 1) The bus stop locations must allow the Humboldt Transit Authority (or successor provider of public transportation services) buses sufficient area to enter, pull over completely out of adjacent through-traffic, and exit the turnout in accordance with physical limits and safety requirement. The necessary turnout area shall be approximately 100 feet in length and proportioned to allow for maneuvering of a 40-ft-long, 102-inch wide bus. Evidence that final designs for the bus stops have been reviewed and approved by the Humboldt Transit Authority shall be required prior to approval of a coastal development permit for the comprehensive division of Master Parcel 2; and
  - 2) The bus stop waiting areas shall be covered and weather-sheltered, well lighted for personal security, and furnished with maintained trash receptacles that are wildlife impermeable.
- B. A minimum of one of the bus stops required herein and associated amenities to serve the Samoa area shall be installed on Master Parcel 2 concurrent with the development of the Vance Avenue improvements on Master Parcel 2 and prior to occupancy of any residential development on Master Parcel 2. The other bus stops required herein shall be installed prior to commencement of construction of development within the new residential and business park areas.
- C. In accepting Commission certification of LCP Amendment Request HUM-MAJ-01-08, the County agrees to request that Humboldt Transit Authority add regularly scheduled bus service of the STMP-LUP lands upon approval of coastal development permits for development within the business park and new residential areas.

#### **STMP (Coastal Access) Policy 5:**

The restored historic downtown Samoa on Master Parcel 3 shall include at least one small retail grocery or convenience market that supplies commonly used daily provisions for residents and coastal visitors, thus reducing out-of-Samoa area convenience shopping-related vehicle trips. Such facilities should be scaled to serve Samoa shopping demand and shall not be designed in a manner that attracts more than incidental numbers of traffic trips from retail customers outside of the Samoa area. The landowner/developer shall be required as a condition of the comprehensive division of Master Parcel 2-3 to (1) construct the building to house the grocery/convenience store prior to the recordation of final subdivision maps for any of the new residential areas, and (2) make the commercial building available for lease at market rates a grocery/convenience store business until at least five years after build-out of 75% of the new residential areas. If at the end of this period no prospective grocery/convenience store business has leased the building for this purpose, the building may be leased or sold for another commercial use. Visitor-serving establishments located in the restored historic downtown Samoa area may include modestly-scaled restaurants, galleries, and other small-scale tourist and neighborhood oriented shops and services, provided adequate parking and other support services are included in the subject development.

## Business Park Development (STMP-MAP-2)

### STMP (Business Park) Policy 1: No changes to this policy are proposed.

- A. The economic vitality of the STMP-LUP shall be enhanced through a compatibly designed business park that conveys a sense of visual continuity with the modest coastal “company town” aesthetic of historic Samoa structures. The primary purpose of the business park shall be the incubation of new, small businesses in Humboldt County, and secondarily, and an on-site source of potential employment for Samoa residents.
- B. Retail sales within the Business Park, subject to a conditional use permit, shall be limited to sales and service enterprises occupying less than 10,000 square feet, maximum, primarily for the support of other Coastal Business Park uses or when incidental to and supportive of the principal use, and designed in a manner that is visually and proportionally subservient to the scale and composition of the primary use. Retail enterprises that would attract a majority of customers from outside of the Coastal Business Park shall not be permitted. However, businesses located within the Business Park may include a minor amount of retail sales incidental to the primary business enterprise, and restricted to products manufactured or produced on site.
- C. No activities that produce significant noise, night lighting of substantial outdoor areas, or detectable odors, or pose a significant danger to health, safety or property shall be allowed within the business park, nor shall the use or storage of chemicals or materials, including biological materials, that may pose a significant risk of fire or explosion, or pose a biohazard risk to other business park occupants, be allowed.

### STMP (Business Park) Policy 2: No changes to this policy are proposed.

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

Park shall be sized, designed, located, and landscaped in a manner that provides a visual buffer for the benefit of the new residential areas proposed north of the business park and for the downtown area, and ensures that the Business Park blends visually with the character of the town of Samoa.

**STMP (Business Park) Policy 3: Business Park Structural Restrictions:** No changes to this policy are proposed.

- A. The final plans and designs for all structures within the business park shall incorporate the following requirements unless a suitable vertical evacuation structure designed to withstand earthquake and tsunami risk posed by a Cascadia Subduction Zone earthquake and regional tsunami is provided within the distance that can be covered by a five-minute walk for the average person:
- 1) the uppermost accessible floor or roof of the subject structure shall be at an elevation not lower than the tsunami inundation elevation calculated for the subject area plus three additional feet to account for future sea level rise;
  - 2) access to the uppermost accessible floor or roof of the subject structure shall be continuously accessible to occupants of the building (i.e., interior stairwells shall not be locked) without resort to elevators;
  - 3) the uppermost accessible floor or roof shall be large enough to shelter the maximum number of people that would be present within the subject building at any time;
  - 4) tsunami escape routes such as stairwells shall be prominently posted and routes shall not be blocked, used for storage, lined with unsecured shelving or other furniture that may shift or fall during an earthquake or otherwise block the route, or used for electrical, gas or other building services that may pose a hazard within the escape route;
  - 5) the uppermost floor or roof designated for potential shelter shall have features that allow occupants to escape to the outside of the building directly from that elevation if lower elevations are blocked by flooding or damage;
  - 6) no lockable entrances to stairwells or other escape routes from inside the structure shall be included in the plans or otherwise authorized.
- B. The plans and designs, including final plans, shall be stamped by a California-licensed professional civil engineer and shall include the most earthquake and tsunami-resilient building designs feasible, including measures that may exceed the minimum requirements of the applicable building code.

**STMP (Business Park) Policy 4:** No changes to this policy are proposed.



A landscaped buffer or its successor use shall be designed to screen the Samoa Processing Center or its successors use from the business park and from other public coastal viewing locations, and to minimize the odor, noise, light and other impacts that may be generated by the industrial use.

**STMP (Business Park) Policy 5:** No changes to this policy are proposed.

Land divisions of lands subject to the STMP-LUP, including redivisions and lot line adjustments shall be permitted only if all resulting parcels can be demonstrated to be buildable and consistent with the requirements of the STMP (Business Park) policies (excluding the initial merger and resubdivision by parcel map that would result in Master Parcels 2 and 3).

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

To the extent feasible based on future locations of authorized railroad parcel crossings, access to the Business Park and adjacent lands designated Public Facilities shall be primarily via New Navy Base Road so that service and delivery truck traffic associated with these areas is not ordinarily routed through downtown Samoa.

## Hazards

### STMP (Hazard) Policy 1:

Prior to approval of ~~a the~~ coastal development permit for ~~development on~~ the comprehensive division of ~~Master Parcels 2 and 3 or any other~~ development of the lands subject to the STMP-LUP (other than a CDP for (1) the preliminary merger and resubdivision by Parcel Map of the Samoa Lands required by STMP (New Development) Policy 1A, and (2) the cleanup of soil and/or water contamination on any of the master parcels), a site-specific geologic study and review of proposed lot lines and development plans shall be prepared by and accompanied by the written determination of a California licensed professional civil engineer or California licensed professional engineering geologist stating specifically that the proposed lots would support a buildable site for the proposed development, and that a structure so located, if constructed in accordance with the expert's recommendations, will be safe from hazards posed by landslide, slope failure, or liquefaction, and safe from catastrophic failure in the event of the maximum credible earthquake or tsunami. The pertinent decision-makers shall require as a condition of the coastal development permit for such development that the pertinent licensed expert review the final plans and designs and affix the appropriate engineering stamp thereby assuring that the plans and designs fully incorporate the licensed expert's recommendations.

### STMP (Hazard) Policy 2:

The best available and most recent scientific information with respect to the effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all geologic, geo-technical, hydrologic, and engineering investigations prepared in support of coastal development applications for development of the lands subject to the STMP-LUP. Development

at nearshore sites shall analyze potential coastal hazards from erosion, flooding, wave attack, scour and other conditions, for a range of potential sea level rise scenarios, ~~from three to six feet per century consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document.~~ The analysis shall also consider localized uplift or subsidence, local topography, bathymetry, and geologic conditions. A similar sensitivity analysis shall be performed for all critical facilities, energy production and distribution infrastructure, and other development projects of major community significance ~~using a minimum rise rate of 4.5 feet per century.~~ These hazard analyses shall be used to identify current and future site hazards, to help guide site design, development location, and hazard mitigation requirements, and to identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes, development projects shall assume a minimum sea level rise of ~~three (3) 3.2 feet per century by 2100~~ and significant or critical infrastructure development of community-wide significance, such as sewage waste treatment facilities or emergency response facilities, shall assume a minimum of ~~4.5 5.3 feet per century by 2100, consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document;~~ greater sea level rise rates shall be used if development is expected to have an exceptionally long economic life, if the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level.

#### **STMP (Hazards) Policy 3:**

New development associated with the provision of critical or significant community support functions (such as waste water treatment, provision of potable or fire-fighting water, or fire and life safety command and equipment centers) or that may be converted into critical community shelter facilities in an emergency, or structures that house vulnerable populations that cannot be readily evacuated, including hospitals, schools, and care facilities for the elderly and/or disabled, shall be designed and located in a manner that will be free of the risk of catastrophic failure associated with earthquake or tsunami hazard, taking into account a minimum of ~~4.5 5.3 feet of sea level rise per century by 2100 consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document.~~ The final approved plans for such facilities shall be reviewed and stamped as conforming to this standard by a California licensed professional civil engineer or a California licensed professional engineering geologist.

#### **STMP (Hazards) Policy 4:**

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

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

- a) the “Revised Tsunami Vulnerability Evaluation, Samoa Town Master Plan, Humboldt County, California” prepared by GeoEngineers, dated October 17, 2006 (see ~~Exhibit 18~~ Appendix M); and
- b) the additional recommendations set forth in the “Third Party Review” of the GeoEngineers October 17, 2006 document prepared for Humboldt County by Jose Borrero, Fredric Raichlen, Harry Yeh, copy submitted to Coastal Commission by Humboldt County March 8, 2007 (see ~~Exhibit 17~~ Appendix M); and
- c) the Final Plan for the tsunami hazard map prepared for “Emergency Planning Purposes” by Humboldt State University for reference as an indicator of site areas and evacuation routes subject generally to tsunami hazard (~~Exhibit 16~~ Appendix M); and
- d) a plan for distant-source tsunami events prepared by the landowner/developer and approved by the County for the orderly evacuation from the Samoa Peninsula of the maximum estimated number of occupants and visitors of STMP-LUP lands at full buildout of the development approved in the master subdivision of Parcel ~~2~~ 3 in response to warnings of tsunami hazard with time to evacuate to safer mainland areas. The plans shall take into consideration total peninsula traffic evacuation capacity.

All new development, shall be required to prepare and secure approval of a plan showing consistency with all of the requirements of the Final tsunami safety plan required herein as a condition of approval for the required Coastal Development Permit for the subject development. The County’s Final Samoa tsunami safety plan shall be distributed by the County Planning Department to the Humboldt County Department of Emergency Services, Sheriff’s Office, and the Eureka office of NOAA’s National Weather Service ~~City Police Department~~, and shall contain information guiding the emergency actions of these emergency responders in relaying the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experience seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation. The Final tsunami safety plan information shall be conspicuously posted or copies of the information provided to all occupants.

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

#### **STMP (Hazards) Policy 5:**

New residential development within lands subject to the STMP-LUP shall be sited and designed in a manner that places the lowest habitable floor at an elevation not lower than thirty-two (32) feet above mean sea level. Additionally, all such structures containing permanent residential units shall be designed to withstand the hydrostatic and hydrodynamic loads and effects of buoyancy associated with inundation by storm surge and tsunami waves up to and including the maximum

credible tsunami runup without experiencing a catastrophic structural failure. For tsunami-resilient design purposes, a minimum sea level rise rate of ~~3~~ 3.2 feet ~~per century by 2100~~ shall be used when combined with a maximum credible tsunami condition. For purposes of administering this policy, “permanent residential units” comprise residential units intended for occupancy as the principal domicile of their owners, and do not include timeshare condominiums, visitor-serving overnight facilities, or other transient accommodations.

#### STMP (Hazard) Policy 6:

Prior to any conveyance of title to lands and prior to the issuance of a coastal development permit for any development within the lands subject to the STMP-LUP, including either new development or improvement of existing structures, evidence shall be submitted for the review and approval of the reviewing authority that a Deed Restriction has been recorded against the legal title of such lands, and against title of lands containing the subject development, setting forth the following disclosures,

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

~~Prior to filing as complete a CDP application for the comprehensive division of Master Parcel 2 or other development of lands subject to the STMP LUP, a Phase II archaeological resources assessment of all known archaeological sites shall be submitted that defines the resultant boundaries of such sites if not formerly known, or if the boundaries of the sites are fully recognized, shall ensure that the former Wiyot village sites and all five of the sites noted previously by County studies or referenced in the County's environmental impact reports for the "Samoa Town Master Plan" are protected from further development and disturbance. Prior to approval of the CDP for the comprehensive division of Master Parcel 2 or other development of lands subject to the STMP LUP, the landowner and County shall confer with designated Wiyot representatives to ensure that the cultural resources identified herein are protected in accordance with the Wiyot representative's recommendations. The CDP shall be conditioned to ensure the continuing protection of the archaeological resources identified in accordance with these requirements.~~

## Archaeological Resources

### STMP (Archaeological Resources) Policy 1:

Prior to ~~the approval or issuance of the filing as complete a~~ CDP application for ~~the division or other any~~ development of the ~~Master Area parcels generally depicted on Exhibit 25A~~ lands subject to the STMP-LUP, a Phase II archaeological resources assessment of all known archaeological sites shall be submitted that defines the resultant boundaries of such sites if not formerly known, or if the boundaries of the sites are fully recognized, shall ensure that the former Wiyot village sites and all five of the sites noted previously by County studies or referenced in the County's environmental impact reports for the "Samoa Town Master Plan" are protected from further development and disturbance. Prior to approval of a CDP for any development of the lands subject to the STMP-LUP ~~undertaking any further division or other development~~, the landowner and County shall confer with designated Wiyot representatives to ensure that the cultural resources identified herein are protected in accordance with the Wiyot representative's recommendations. The Coastal Development Permit for any land division or other development that is undertaken on lands subject to the resultant restrictions shall be conditioned to ensure the continuing protection of the archaeological resources identified in accordance with these requirements.

### STMP Master Parcel 1 (APN 401-031-67, Samoa Processing Center) Policy 1:

The Coastal Development Permit for any future development of APN 401-031-67, Samoa Processing Center, generally depicted on Exhibit 25A as Master Area Parcel 1 shall include conditions incorporating the following requirements:

- A) Deed restriction disclosing that any further division or other development of Master Parcel 1 is subject to the requirements of the certified Humboldt County LCP, including, but not limited to the requirements of the STMP-LUP overlay designation; and
- B) Deed restriction setting forth the following disclosures,
  - (1) Disclosure that the lands situated within Master Parcel 1 are subject to extraordinary hazards posed by earthquake and tsunamis, and by future sea level rise, which may also increase the risks posed by coastal erosion, storm surge, and wave attack; and
  - (2) Disclosure that no shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within Master Parcel 1 against future hazards that may arise due to the coastal setting of the Samoa lands, and the prospect of increased sea level rise in the future, and that the present landowners have taken future sea level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development of

the STMP-LUP, and further, have acknowledged the possibility that no such protective structures would secure approval for construction.

**STMP (Coastal Permit Appeal Jurisdiction) Policy 1:**

Notwithstanding any other local ordinances including, but not limited to, provisions of the County’s uncertified subdivision ordinance requiring that roads within subdivisions be offered for dedication to the County, the roads developed within the STMP Overlay area depicted on Exhibit 25A shall not be accepted by the County and thereafter publicly maintained in order to ensure that, in addition to any other independent basis for appeal to the Commission, future development within the STMP overlay area will remain appealable to the Commission pursuant to Section 30603(a)(1) of the Coastal Act and 14CCR 13577(i) defining the first public road paralleling the sea.

**CHAPTER 5: DEFINITIONS**

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“SAMOA TOWN MASTER PLAN LAND USE DESIGNATION OVERLAY (STMP-LUP)” – The Samoa Town Master Plan Land Use Designation Overlay (abbreviated as “STMP-LUP”) governs how development of the lands comprising the Town of Samoa will be authorized. The STMP-LUP overlay area comprises the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 25A.

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