



COUNTY OF HUMBOLDT

For the meeting of: 12/10/2024

File #: 24-1613

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Loleta Community Services District Petition for Local Coastal Plan Amendment and Zone Reclassification to Change the Land Use and Zoning from Agriculture Exclusive (AE) to Public Facilities (PF) of Several Properties in the Loleta Area, to Allow Construction of a New Wastewater Treatment Facility Adjacent to Where the Existing Facility Currently Operates; Identified as APN's 309-191-012 & 309-211-006; PLN-2024-19034

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve the petition and adopt the attached resolution (Attachment 1) based on the findings included therein; and
2. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Core Services/Other

Strategic Plan Category: 9999 - Core Services/Other

DISCUSSION:

Executive Summary:

The Loleta Community Services District (LCSD) has submitted a petition requesting amendment of the Local Coastal Plan land use designation and zoning of a 55-acre parcel (APN 309-191-012). The district is planning to acquire a portion of the property to construct a new treatment facility and is seeking to change both the zoning and land use designation to Public Facilities (PF) to enable this type of land use. The property is in the Loleta area immediately north of a ½-acre parcel (APN 309-211-006) where the existing wastewater treatment facility (WWTF) is located. The district is also seeking to change the zoning designation of the ½-acre WWTF property from Agriculture Exclusive (AE) to Public Facilities (PF), to better match the parcels current land use and land use designation. The findings required to support approval of this petition can be made and staff recommends approval of this petition.

Location

Both properties are located on the west side of Eel River Drive in the Loleta area, near its intersection with Church Street.

CURRENT LAND USE & ZONING

General Plan land use designations:

Existing WWTF (APN 309-211-006) - Public Facilities (PF)

Proposed Acquisition (APN 309-191-012) - Agriculture Exclusive (AE)

Zoning:

Agriculture Exclusive - 60-acre min. parcel size with Combining Zones for Coastal Wetland Areas, Flood Hazard Areas, Streams and Riparian Corridor Protection, and Transitional Agricultural Lands (AE-60/W,F,R,T)

Petition

A Zone Reclassification and Local Coastal Plan Amendment Petition has been submitted by the Loleta Community Services District (LCSD) for a 55-acre parcel in the Loleta area (APN 309-191-012). The district is planning to acquire a 0.77-acre portion of the property through Lot Line Adjustment to construct a new treatment facility and is seeking to change both the zoning and land use designation from Agriculture Exclusive (AE) to Public Facilities (PF) to enable this type of land use. The change is only being requested for the 0.77-acre portion and the balance of the property is proposed to remain planned AE. The property is in the Loleta area immediately north of a ½-acre parcel (APN 309-211-006) where the existing wastewater treatment facility (WWTF) is located. The facility is owned and operated by the district and is now operating beyond its useful life and unable to consistently meet current water quality discharge requirements. To address this LCSD is seeking to construct a new treatment facility on approximately 0.77 acres of land which they plan to acquire through Lot Line Adjustment with a 55-acre neighboring parcel to the north (APN 309-191-012). The district is also seeking to change the zoning designation of the ½-acre WWTF property from Agriculture Exclusive (AE) to Public Facilities (PF), to better match the parcels current land use and land use designation. All the proposed amendments would require modification of the Eel River Area Plan (ERAP), the Local Coastal Plan for this portion of Humboldt's coastal zone.

Together with the zone reclassification the district is requesting that the Board authorize processing of an amendment to the Eel River Area Plan (ERAP), the Local Coastal Plan for this portion of Humboldt's coastal zone. For the 0.77 acres of land targeted for acquisition and development of the new WWTF, the petitioners are seeking to change both the zoning and General Plan land use designation from Agriculture Exclusive (AE) to Public Facilities (PF). For the ½-acre parcel where the existing WWTF operates, the petitioners are seeking to change the zoning to Public Facilities (PF) to better match the parcels current PF land use and land use designation already established for the property under the ERAP.

Prior Permitting and CEQA

In 2019 a Conditional Use Permit (PLN-2018-15014-CUP) was approved by the Zoning Administrator to allow upgrades to LCSD's existing WWTF as well as installation of a new pump station and force main pipe on nearby agricultural property to be leased by the district and used for discharge of treated effluent via land application. At that time, a consolidated Coastal Development Permit was also applied for through the California Coastal Commission.

Following approval, it was discovered that there was insufficient space on the existing WWTF property to implement the necessary upgrades. LCSD is the Lead Agency for CEQA review and has prepared and adopted an Initial Study and Mitigated Negative Declaration during consideration of the earlier project (State Clearinghouse #201708203). Addendums have also been prepared pursuant to CEQA, in conjunction with subsequent revisions and iterations to the project.

Basis for Petition

Under the Coastal Zoning Regulations, Water and Wastewater Treatment plants are enumerated under the Extensive Impact Civic Use Type, which is conditionally permitted in several commercial and industrial zoning districts, as well as the Public Facility Zones (PF1 and PF2). However, Extensive Impact Civic Uses are not permitted within the AE zone, which is why the applicant's petition requests that the Board authorize initiating the process to change the zoning of both parcels to PF2 - Public Facilities (Rural).

Attachment 2 includes the petition submitted by the property owner and Attachment 3 includes a site plan and vicinity map showing the location of the existing WWTF and proposed future land acquisition and new treatment facility.

The decision to be made at this time is whether the Board will accept the proposed application for processing, review, and consideration. If accepted for processing, further review and more in-depth analysis will be performed by staff prior to next presenting the matter to the Board for consideration.

Requirements for Accepting the Petition to Amend the Local Coastal Plan:

To accept a petition for amendment of the General Plan Land Use Designation and Zoning of a property, the Board of Supervisors must be able to make one or more the following findings:

- A. Base information or physical conditions have changed; or
- B. Community values and assumptions have changed; or
- C. There is an error in the plan; or
- D. To maintain established uses otherwise consistent with a comprehensive view of the plan; or
- E. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan.

Discussion of Findings:

Potential for public benefit/consistency with Guiding Principles & applicable goals of the Plan

- E. The amendment is needed to allow replacement of an existing wastewater treatment facility that is now operating beyond its useful life and no longer capable of consistently meeting current water quality discharge requirements. Goals of the Plan include “Cooperating with service providers and promoting efficient use of roads, water, and sewer services...”. It is a substantial public benefit to develop appropriate public services and infrastructure to serve public health objectives and prevent contamination of nearby surface and groundwater sources.

Requirements for Accepting the Petition to Amend the Zoning Regulations:

To accept a petition for amendment of the Zoning Regulations, the Board of Supervisors must also be able to make all of the following findings:

- F. The amendment is in the public interest; and
- G. The amendment is consistent with the General Plan; and
- H. The amendment is in conformity with the policies of Chapter 3 of the Coastal Act; and
- I. The amendment does not reduce the residential development potential below the density targeted under the current Housing Element

Discussion of Findings:

Public Interest

- F. It is in the public interest to facilitate the development and enhancement of public services throughout the county. According to the applicant, the Loleta Community Services District is currently accruing approximately \$100,000/year in fines from the State Water Resources Control Board (SWRCB) for ongoing discharge violations, which the new WWTF project will remedy.

General Plan Consistency

- G. The proposed zoning amendments are being requested together with an amendment of the land use designation from the Local Coastal Plan, which will ensure consistency. Additionally, the request to change the zoning of the property where the existing treatment plant is located will improve consistency with the property’s current Public Facilities land use designation.

Conformity with Chapter 3 of the Coastal Act

- H. The draft resolution includes a detailed discussion of applicable Coastal Resources Planning & Management Policies from section 30200 of the Coastal Act, which are too extensive to summarize herein.

Protection of residential density applied under the Housing Element

- I. Neither of the two parcels are targeted for residential development at this time. APN 309-211-006 is planned for public facilities and is nearly fully developed with the existing Wastewater Treatment Facility. APN 309-191-012 is planned and zoned for agricultural uses and therefore is not targeted for residential density under the current housing element. The proposed improvements, retrofit, and relocation of the existing WWTF would help support existing and future residential development

in this area and is therefore otherwise supportive of housing element objectives.

Staff Recommendation: Accept Petition

For the reasons discussed above, the County Planning and Building Department believes there is sufficient evidence to enable the required findings to be made and recommends that the Board accept the petition request.

Not appropriate for next scheduled update:

Staff believe it is appropriate to accept the current petition request at this time and not delay further action on the matter. This is especially important given the ongoing potential threats to water quality and fines being accrued by the district for associated discharge violations.

SOURCE OF FUNDING:

Applicant fees

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved in the processing of the application.

OTHER AGENCY INVOLVEMENT:

The project was referred to County Counsel, which has not expressed concern with the proposed petition. Should a petition be accepted, responsible and trustee state and local agencies will be involved in the referral process of the Reclassification, including Native American Consultation pursuant to SB 18 and AB 52, and as part of the environmental review for the project.

ALTERNATIVES TO STAFF RECOMMENDATION:

Alternative: Deny Petition

If the Board wishes to deny the local coastal plan amendment and zone reclassification petition it is recommended that any motion to do so include reasons why one or more of the required findings cannot be made. Staff believe the required findings can be made so do not recommend further consideration of this alternative.

ATTACHMENTS:

- Attachment 1: Draft Resolution - Approving the Zone Reclassification Petition
- Attachment 2: Petition for General Plan Amendment and Zone Reclassification
- Attachment 3: Vicinity Map & Site Plan
- Attachment 4: Zoning, and General Plan Maps
- Attachment 5: Zoning Consistency Matrix

PREVIOUS ACTION/REFERRAL:

Meeting of: N/A
File No.: N/A