

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings for the Meeting of December 3, 2024**

RESOLUTION NO. 24 –

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT APPROVING
THE COASTAL PLAN AMENDMENT AND ZONE RECLASSIFICATION PETITION; APN 309-191-012
& 309-211-006; CASE NUMBER PLN-2024-19034**

WHEREAS, The Loleta Community Services District (LCSD) has submitted a petition requesting amendment of the Local Coastal Plan Land Use Designation and Zoning of several parcels in the Loleta area; and

WHEREAS, Section 65358 of the State Government Code allows the Board of Supervisors to amend the General Plan up to four times in any calendar year;

WHEREAS, Section 3.4 of Humboldt County General Plan specifies that a petition for amendment of this Plan may be accepted for processing upon the Board of Supervisors making one or more of 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.

WHEREAS, Section 312-50.6 of Humboldt County Code specifies that petitions for amendment of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan Amendment; and

WHEREAS, Section 312-50.4 Humboldt County Code allows a property owner to petition the Board of Supervisors to initiate a zone reclassification; and

WHEREAS, Section 312-50.5.2 Humboldt County Code requires that the petition demonstrate that the change will be in the public interest, consistent with the General Plan, and in conformity with the policies of Chapter 3 of the Coastal Act; and

WHEREAS, the property owner has submitted an application requesting a Coastal Plan amendment and zone reclassification for properties as identified in Project Case Number PLN-2024-19034; and

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WHEREAS, Planning and Building Department, Planning Division, staff have received information and evidence from the applicant in support of the project and the required findings, and the evidence received within the planning files is sufficient to support the findings required to amend the General Plan designation of the property to enable future development of a new Wastewater Treatment Facility (WWTF); and

WHEREAS, Section 312-50.2 of the Humboldt County Code allows the Board of Supervisors to initiate, grant, deny, or modify proposed amendments to Zoning Regulations; and

WHEREAS, approval of the petition for zone reclassification and general plan amendment is not a project as defined in Section 21065 of the Public Resources Code and is not subject to CEQA.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Humboldt County Board of Supervisors that the following findings are hereby made; and

**FINDINGS FOR APPROVING THE
COASTAL PLAN AMENDMENT & ZONE RECLASSIFICATION PETITION**

GENERAL PLAN AMENDMENT FINDINGS

- 1. FINDING:** Petition Description: The Loleta Community Services District (LCSD) has submitted a petition requesting amendment of the Local Coastal Plan Land Use Designation and Zoning of several parcels in the Loleta area. One parcel (APN 309-211-006) is approximately ½-acre in size and hosts the existing Wastewater Treatment Facility (WWTF) owned and operated by the LCSD. The other parcel lies immediately to the north and is approximately 55 acres in size. The District is planning to acquire 0.77 acres of that property to construct a new treatment facility and are seeking to change both the zoning and General Plan land use designation to Public Facilities (PF) to enable this type of land use.

- EVIDENCE:** a) Application PLN-2024-19034 on file with the planning and Building Department.

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- 2. FINDING:** The General Plan Amendment petition is consistent with one or more of the General Plan’s required findings and criteria for amendments:
- 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.

The Applicant submitted a letter (Attachment 3) requesting the Coastal Plan Amendment and Zone Reclassification. The following information supports the findings above.

- EVIDENCE:**
- a) 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. 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.
 - b) E - The proposed amendment is consistent with the Guiding Principles and applicable goals of the Plan which include *“Cooperat(ing) with service providers and promot(ing) efficient use of roads, water, and sewer services...”*. It is in the public interest to facilitate the development and enhancement of public services throughout the county.
 - c) E- 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.

ZONE RECLASSIFICATION FINDINGS

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Public Interest Finding

3. FINDING: There is factual evidence that the petition for the coastal plan amendment and zone reclassification is in the public interest.

- EVIDENCE:**
- a) 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. 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.
 - b) The proposed amendment is consistent with the Guiding Principles and applicable goals of the Plan which include *“Cooperat(ing) with service providers and promot(ing) efficient use of roads, water, and sewer services...”*. It is in the public interest to facilitate the development and enhancement of public services throughout the county.
 - c) 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

4. FINDING: The petition for an amendment of the County’s zoning maps is consistent with the General Plan.

- EVIDENCE:**
- a) The proposed amendment is consistent with the Guiding Principles and applicable goals of the Plan which include *“Cooperat(ing) with service providers and promot(ing) efficient use of roads, water, and sewer services...”*. It is in the public interest to facilitate the development and enhancement of public services throughout the county.
 - b) Alternatives considered and ruled out include constructing an ocean outfall, consolidating with another nearby community WWTF, expanding the WWTF into a different adjacent parcel, relocating the WWTF to elsewhere in Loleta, constructing a temporary WWTF within the proposed

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expansion area, phased partial construction, and various alternative types of treatment systems.

- c) The existing parcel area is highly constrained, and if limited to the existing parcel footprint, the current WWTF would need to be completely demolished prior to constructing the new WWTF. However, the existing WWTF needs to remain fully operational until the new WWTF is complete and ready to enter service. Thus, additional area is necessary to construct the new WWTF.
- d) The minimum feasible area is being proposed for conversion.
- e) The WWTF expansion would locate the new WWTF on higher elevation land, which would increase the facility's resilience to sea level rise and flooding.
- f) The proposed WWTF expansion area was selected to avoid and minimize impacts to the 100-year floodplain, wetlands and waters, agricultural operations, and the County's right-of-way along Eel River Drive.

Coastal Resources Planning & Management Policies - Coastal Act §30200

5. FINDING: The Local Coastal Plan Amendment conforms with policies contained in Chapter 3 (Article 2 – Public Access) of the Coastal Act intended to protect and promote public access.

EVIDENCE: a) Amending the LCP to allow the proposed WWTF expansion into land designated AE would not interfere with the public's right of access to the sea (Coastal Act Section 30211), as the coast is located approximately 4 miles west of the project. The LCP amendment is consistent with Coastal Act Section 30212 because the project site is not on the nearest public roadway to the shoreline/coast and adequate access to the coast exists closer to the coast. The LCP amendment is consistent with Coastal Act Section 30213 because lower cost visitor and recreational facilities are not located in the project vicinity; therefore, they will not be adversely affected. The LCP amendment is consistent with Coastal Act Section 30214 because the project will not affect public access.

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6. FINDING: The Local Coastal Plan Amendment conforms with policies contained in Chapter 3 (Article 3 – Recreation) of the Coastal Act intended to protect and promote recreation.

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

7. FINDING: The Local Coastal Plan Amendment conforms with policies contained in Chapter 3 (Article 4 – Marine Environment) of the Coastal Act intended to protect the marine environment and commercial and recreational fishing opportunities.

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

8. FINDING: The Local Coastal Plan Amendment conforms with policies contained in Chapter 3 (Article 5 – Land Resources) of the Coastal Act intended to protect Environmentally Sensitive Habitat Areas (ESHA), agricultural land, and archaeological and paleontological resources.

EVIDENCE: a) The LCP amendment is consistent with Coastal Act Section 30240 because environmentally sensitive habitat areas will

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be protected. It is consistent with Coastal Act Section 30241 because:

- the approximately 0.77-acre expansion area that represents conversion of agricultural lands is 0.00026% of Humboldt County's 295,000 acres of grazing land (Humboldt County General Plan) and 1.4% of the approximately 55.47-acre AE-zoned parcel;
 - the project area does not bisect the agricultural parcel or limit access to any part of the agricultural acreage;
 - the conversion will not impact current grazing operations or decrease the number of cattle on the agricultural parcel;
 - the project site is located along the boundary between urban and rural areas;
 - the WWTF expansion would locate the new WWTF on higher elevation land, which would increase the facility's resilience to sea level rise and flooding;
 - the WWTF expansion will add a partial buffer between the urban area east of Eel River Drive and the currently permitted land application of treated wastewater to agricultural lands west of Eel River Drive;
 - the project is for a Civic use type rather than Residential, Commercial, or Industrial; and
 - the approximately 0.77-acre expansion area that represents conversion of agricultural lands is located in the southeast most corner of the approximately 55.47-acre AE-zoned parcel.
- b) NRCS has mapped this area as Weott, 0-2% slopes (map unit 110) as well as Hookton-Table Bluff complex, 2-9% slopes (map unit 230). Upon field investigation in February 2024, it was determined that the entire 0.77-acre expansion area is located on an area in which the topography rises and consists entirely of Hookton-Table Bluff complex, 2-9% slopes (Map Unit 230). NRCS has designated Map Unit 230, Hookton-Table Bluff complex, 2-9% slopes as Farmland of Statewide

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Importance. Map Unit 230 is ranked lower in importance than the Weott, 0-2% slopes (Map Unit 110), which is designated as Prime Farmland if Irrigated and Drained. The Storie Index Rating for the project area was 3 out of 6, "Fair," which is defined as "generally of fair quality with less wide range of suitability than grades 1 and 2"; the WWTF expansion would not impair air or water quality, or impact the viability of adjacent agricultural lands. The proposed LLA does not involve a subdivision of Prime Farmland lands.

9. FINDING:

The Local Coastal Plan Amendment conforms with policies contained in Chapter 3 (Article 6 - Development) of the Coastal Act designed to regulate development activity through:

- protecting scenic resources and public access
- minimizing adverse impacts from geologic concerns
- compliance with air pollution standards
- minimizing energy consumption
- protecting special communities & neighborhoods that are popular visitor destination points for recreational uses

EVIDENCE:

- a) The Local Coastal Plan Amendment conforms with policies contained in Chapter 3 (Article 6 - Development) of the Coastal Act designed to regulate Public Works Facilities and Sewage Treatment Plants and prioritize coastal-dependent developments. The project is for a Civic use type rather than Residential, Commercial, or Industrial. It is consistent with Coastal Act Section 30252 because the project does not affect public access to the coast. It is consistent with Coastal Act Section 30253 because the proposed WWTF expansion would minimize adverse impacts, such as those associated with geologic, flood, fire hazard, and energy consumption. It is consistent with Coastal Act Section 30254 because the project involves expansion of a public works facility designed and limited to accommodate the community's needs.

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10. FINDING: The Local Coastal Plan Amendment conforms with policies contained in Chapter 3 (Article 7 – Industrial Development) of the Coastal Act applicable to Industrial Development.

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

11. FINDING: The Local Coastal Plan Amendment conforms with policies contained in Chapter 3 (Article 8 – Sea Level Rise) of the Coastal Act applicable to Sea Level Rise.

EVIDENCE: a) The LCP amendment would enable WWTF expansion and locate the new WWTF on higher elevation land, which would increase the facility’s resilience to sea level rise and flooding.

12. FINDING: The LCP amendment and Zone Reclassification would not result in the reduction of the residential density of a parcel below the number of units targeted under the Housing Inventory in the Current Housing Element.

EVIDENCE: a) Neither of the two parcels are targeted for residential development at this time. 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 supportive of housing.

13. FINDING: The amendments are **not** appropriate for the next scheduled update of the General Plan.

EVIDENCE: a) 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.

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- b) The amendments are needed to allow the district to complete sorely needed upgrades designed to address lingering water quality violations associated with effluent treatment and discharge.
- c) It therefore appropriate and important to accept the current petition request at this time and not delay further action on the matter.

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BE IT FURTHER RESOLVED that based on the above findings, the findings in the staff report, evidence in the file for the project, and public testimony received on the project, the Board of Supervisors approves the Loleta Community Services District Local Coastal Plan Amendment and Zone Reclassification petition as recommended by the Planning and Building Department, Project Case No. PLN-2024-19034.

IT IS FURTHER PROCLAIMED AND ORDERED that the Clerk of the Board is directed to provide notice of this decision to all interested parties.

Dated: _____

Supervisor Rex Bohn, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor _____, Seconded by Supervisor _____, and the following vote:

AYES: Supervisors: --

NAYES: Supervisors: --

ABSENT: Supervisors: --

ABSTAIN: Supervisors: --

STATE OF CALIFORNIA

County of Humboldt

I, Tracy Damico, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

NIKKI TURNER
Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California