

ATTACHMENT 1

Resolution of Approval

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on _____

RESOLUTION NO. _____ - _____ of the Board of Supervisors of the County of Humboldt
CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT, ADOPTING FINDINGS OF FACT, AND APPROVING COASTAL PLAN
AMENDMENTS TO ALLOW THE SAMOA PENINSULA WASTEWATER PROJECT TO
PROCEED

WHEREAS, California Government Code Section 65850, and following, authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, Humboldt County has recognized that existing onsite wastewater treatment systems in Fairhaven and surrounding areas on the Samoa Peninsula pre-date current standards and, coupled with a shallow groundwater table and fast-draining sandy soils, prevent the adequate treatment of wastewater, resulting in public health and water quality problems; and

WHEREAS, Humboldt County Board of Supervisors has supported funding for the planning and design of a Samoa Peninsula wastewater system, including the preparation of necessary environmental documents in accordance with the California Environmental Quality Act (CEQA) and associated supporting documents showing compliance with federal environmental laws to satisfy Clean Water State Revolving Fund Construction Application requirements; and

WHEREAS, on October 5, 2020 the Board of Supervisors approved the Samoa Peninsula Wastewater Project (SPWP) and directed the Planning Commission to initiate an amendment to the Humboldt County Local Coastal Program to allow the SPWP to proceed, consisting of the following: amend Section 3.22, Public Services-Rural, subsection B (Development Policies) and Samoa Town Master Plan New Development - Policy 9 of the Humboldt Bay Area Plan (HBAP), and prepare performance standards, in a manner consistent with the FEIR, for adoption by ordinance, and

WHEREAS, the proposed amendments to the HBAP and Zoning Map may be approved if all the required findings can be made as specified in the General Plan, Zoning Regulations and state law; and

WHEREAS, the proposed project and environmental documents has been reviewed by appropriate county departments, state agencies and local tribes and their input has been collected and considered; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 7, 2021, during which the Planning Commission reviewed, and took public comments on the draft LCP Amendment; and

WHEREAS, the Planning Commission recommended the Board of Supervisors approve the amendments to the HBAP and Zoning Map to allow the SPWP to proceed and transmit them to the Coastal Commission for certification; and

WHEREAS, on February 2, 2021 the Board of Supervisors held a public hearing on the proposed ordinance and related Coastal Plan amendments, and received public comments, reviewed and considered all public testimony and evidence and presented at the hearing;

Now, **THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. **FINDING:** The proposed HBAP and Coastal Zoning Regulation amendments (hereafter LCP amendment) is exempt from environmental review.

EVIDENCE: a) Public Resources Code Section 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA.

CONSISTENCY WITH THE GENERAL PLAN.

2. **FINDING:** Humboldt County General Plan states the General Plan may be amended if base information or physical conditions have changed. The base information and physical conditions underlying the General Plan has changed.

EVIDENCE: a) The purpose of the LCP amendment is to allow the SPWP to be implemented is to eliminate an ongoing threat to the public health, safety and welfare associated with significant water quality impacts to groundwater and Humboldt Bay caused by failing onsite septic systems. Since the HBAP was drafted, several on-site sewage disposal systems in Fairhaven have failed, resulting in repair work that cannot meet current standards of the Regional Water Quality Control Board.

b) The change in base physical conditions resulting from current and projected increases in mean sea level were not known at the time that the HBAP was certified containing policies that prohibit the extension of municipal wastewater systems to address failing onsite septic systems. Projected sea level rise will exacerbate this public health hazard and water pollution. The proposed LCP Amendment would provide essential exceptions to public services related policies to address the worsening public health and water quality problems that would occur due to projected changes in sea level.

3. FINDING: Humboldt County General Plan and state General Plan Law stipulates the General Plan Amendment must be in the public interest. The proposed LCP amendment is in the public interest.

EVIDENCE: a) The purpose of the LCP amendment is to allow the SPWP to be implemented is to eliminate an ongoing threat to the public health, safety and welfare associated with significant water quality impacts to groundwater and Humboldt Bay caused by failing onsite septic systems. An amendment to the Local Coastal Program to allow public infrastructure improvements to address threats to health and water pollution, and environmental impacts that would otherwise become worse over time without such amendments, is in the public interest.

CONSISTENCY WITH STATE GENERAL PLAN LAW.

4. FINDING: Government Code Section 65302.8 requires any General Plan Amendment that operates to limit the number of housing units which may be constructed on an annual basis to contain findings which justify reducing the housing opportunities of the region. The proposed LCP amendment does not limit the number of housing units which may be constructed on an annual basis.

EVIDENCE: a) The proposed LCP amendment will allow construction of a public wastewater collection system to eliminate an ongoing threat to the public health, safety and welfare associated with significant water quality impacts to groundwater and Humboldt Bay caused by failing onsite septic systems. No changes to the General Plan will limit new housing. The proposed amendments to the Zoning Maps will continue the status quo by allowing new housing to be constructed if it is served by on-site wastewater systems that meet current standards. New homes may be constructed and connected to the new public wastewater system homes where they can meet prescribed performance standards related to mitigating hazards from sea level rise and tsunami and impacts to environmentally sensitive habitats.

CONSISTENCY WITH THE ZONING ORDINANCE.

5. FINDING: Section 312-50.3.1 of the Zoning Regulations requires changes to the Zoning Regulations to be in the public interest. The proposed Ordinance amending the Zoning Regulations is in the public interest.

EVIDENCE: a) The purpose of the proposed amendments to the Zoning Map is to ensure new infill development in Fairhaven is consistent with the coastal resource and hazard policies of the HBAP and the Coastal Act, including but not limited to those policies addressing wetlands, Environmentally Sensitive Habitats, flooding, sea level rise and tsunami risk. Protecting new development in Fairhaven from coastal inundation hazards and ensuring that such development is protective of Environmentally Sensitive Habitats, and consistent with the Coastal Act and HBAP, is in the public interest.

6. **FINDING:** Section 312-50.3.2 of the Zoning Regulations requires changes to the Zoning Regulations to be consistent with the General Plan. The proposed Ordinance amendment is consistent with the General Plan.
- EVIDENCE:** a) The proposed amendments to the Zoning Map are consistent with, and implement, the proposed amendments to HBAP Section 3.22.B, Development Policies, (1) Extension of Services, by applying specified performance standards by ordinance that ensure that new development in Fairhaven will be protective of public health, safety and welfare, and coastal resources relative to sea level rise and tsunami inundation, and will be protective of Environmentally Sensitive Habitats, based on site-specific investigations prepared by qualified experts.
7. **FINDING:** Section 312-50.3.4 of the Zoning Regulations requires changes to the Zoning Regulations to not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law.
- EVIDENCE:** a) There are no parcels in the Community of Fairhaven or within the Peninsula Community Services District (CSD) boundaries outside the Samoa Town Master Plan (STMP) Overlay Zone that are part of the 2019 Housing Element Housing Inventory. Parcels in the STMP Overlay Zone that are part of the 2019 Housing Element Housing Inventory are not a part of this project, and this project does not affect the capacity of the wastewater system for those parcels. Therefore, the proposed changes to the Local Coastal Program would not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
8. **FINDING:** Zoning Regulations Section 312-50.3.3 specifies that any changes to the Zoning Regulations that require an LCP amendment, the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:
- a) **Access** (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)
 - b) **Recreation** (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, and priority of development purposes)
 - c) **Marine Resources** (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)
 - d) **Land Resources** (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)

- e) **Development** (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)
- f) **Industrial Development** (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

EVIDENCE: a) **Access**

The HBAP Access Inventory (Section 3.50(C)) shows ten Coastal Access Points within the boundaries of the Peninsula CSD (#14 Samoa Beach Power Pole (deleted); #16 USS Milwaukee Marker; #15 Samoa Beach (deleted); #17 Samoa Beach (2); #19 North Coast Export Company; #20 Realignment of New Navy Base Road; #26 Fairhaven/Park Street; #21 Eureka Airport/Dragstrip; #21A City Wallflower Mitigation Bank; and the # 24 Samoa Boat Launch. The proposed amendments would allow the construction of an underground wastewater system to serve existing structures with failing onsite wastewater systems and to expand an already permitted wastewater treatment plant within the STMP a site that is already permitted for such development.

The wastewater system improvements include underground wastewater pipelines installed in-road, three pump stations (Fairhaven, Finntown, and the Humboldt County Park at the Samoa Boat Launch), and the expansion the approved STMP wastewater treatment plant. The proposed wastewater improvements would not have any effect on public access to and along the shoreline, either directly or indirectly. The development of proposed wastewater improvements would not affect access to the mapped public access points identified above, either directly or indirectly, and would be subject to the approval of a Coastal Development Permit by Humboldt County.

b) **Recreation**

The proposed Samoa Peninsula Wastewater project will provide feasible wastewater service to existing structures on the Samoa Peninsula to address public health and water quality problems, including to visitor serving uses at the Eureka Samoa Field airport and recreation uses such as the Samoa Boat Launch County Park. Public wastewater service, as opposed to on-site wastewater systems, will protect public health and water quality for recreation uses along Humboldt Bay including for water-based activities such as surfing, kayaking, and canoeing.

Upon certification of the proposed HBAP amendments and construction of the wastewater system, public wastewater service would be available to new industrial uses, coastal-dependent uses, and to Interim Conditionally Permitted uses in the Industrial/Coastal Dependent Zone, and available to new residential development in Fairhaven on lots planned and zoned for

residential use based on the certified HBAP and located within 300 feet of a Samoa Peninsula Wastewater Project sewer main, subject to performance standards, adopted by ordinance, that will ensure that such development will be protective of public health, safety and welfare, and coastal resources relative to sea level rise and tsunami inundation, and will be protective of Environmentally Sensitive Habitats, based on site-specific investigations prepared by qualified experts.

The Draft EIR for the Samoa Peninsula Wastewater Project assumed that up to 62 new single-family residences may connect to the public sewer system in Fairhaven, based on ESHA constraints and proximity to the sewer main. The assumption that 62 new single-family residences may connect was not based on a rigorous analysis on population growth within the unincorporated area and the likely absorption of such growth within the Samoa Peninsula.

Rather, this assumption was solely based on the lots proximate to the public sewer line that were not believed to be constrained by potential ESHA. New residential development may occur overtime in Fairhaven; however, the State Department of Finance (DOF) projects that there will be no appreciable population growth within Humboldt County in the foreseeable future . As a result, significant population growth is not expected to occur in Fairhaven in the foreseeable future, and the Draft EIR prepared for the project determined that any growth that may occur would not have a significant effect on existing recreation facilities within the Samoa Peninsula (Samoa Peninsula Wastewater Project Draft EIR, Section 4.12 Public Services and Recreation). In addition, for all allowed uses that may connect in the future to the proposed Samoa Peninsula Wastewater project, a Coastal Development Permit is required that would assesses recreation impacts in accordance with the local coastal plan. Therefore, the proposed wastewater system will have no direct effect on the availability of recreation.

c) **Marine Resources**

The proposed amendments to the Humboldt Bay Area Plan would allow the extension of public wastewater service outside the Urban Limit Line to connect to existing structures served by failing OWTS in order to address existing public health and water pollution problems. Therefore, the amendments to the HBAP and construction of the proposed wastewater system would improve water quality and biological productivity within Humboldt Bay.

The wastewater system would rely on wastewater treatment using the approved STMP wastewater treatment plant (including treatment, disinfection, and solids removal), and would discharge treated effluent using the HBHRCD Ocean Outfall. The Approved Samoa WWTF has

obtained a permit from the RWQCB which specifies the acceptable level of a pollutant or pollutant parameter including physical properties, solids, biologicals, and chemicals in a discharge to ensure that the state's mandatory standards for clean water are met. These are the regulated standards that would be required to be met during operation, prior to discharge through the ocean outfall pipe, and would require monitoring to determine compliance with established effluent limitations, establish a basis for enforcement actions, assess treatment efficiency, characterize effluents, and characterize the receiving water.

Because the ocean outfall is regulated by existing standards established for the purpose of protecting the ocean, and the additional flow from the project would contribute a small fraction of the existing discharge and Approved Samoa WWTF discharge, the Samoa Peninsula Wastewater Project EIR determined that the impact to the ocean environment from increased discharge from the project would not be significant.

d) **Land Resources**

The proposed project site includes active roadways, and many areas are covered with old asphalt, fractured concrete, compacted gravel on former log decks, and railroad infrastructure. Installation of the wastewater collection system is proposed to occur within the existing roadways to minimize impacts to sensitive coastal habitat, although ground disturbance may occur out to 10 feet beyond existing edge of pavement.

The Peninsula CSD is required by mitigation measures in the project EIR to protect jurisdictional wetlands during construction. Prior to the start of construction, where construction activities occur within close proximity (100 feet) to delineated wetlands, high visibility construction fencing shall be erected to establish a no-disturbance buffer that would be adequate for the protection of the wetlands, determined by a qualified biologist. The fencing shall be checked weekly by a biological monitor to ensure its continued correct placement and stability.

The potential for the project to have a significant effect related to biological resources has been mitigated to a less than significant level with incorporation of mitigation measures in the EIR. Impacts to biological resources will be minimized by mitigation measures in the EIR implemented prior to and during construction to avoid permanent impacts to wetlands and Environmentally Sensitive Habitat Areas, to restore pre-project conditions for temporary wetland and ESHA impacts, and to identify the locations of biological resources and establish and maintain protective buffers around them through the duration of the project activities. (DEIR pages 4.3-27 to 4.3-42 and FEIR pages 2-26 and 2-27).

In accordance with Senate Bill 18 and Government Code 65352.3, Assembly Bill 52, and Public Resources Code (PRC) 21080.3.2, the

County requested a list of Tribal Organization contacts from the Native American Heritage Commission and sent notifications of the project on October 16, 2017, to the appropriate tribal organizations in compliance with SB 18 and AB 52, inviting the tribes to consult on the project and soliciting comments and suggestions.

On March 9, 2018, Humboldt County met with Tribal representatives who requested consultation to present the project and solicit input and comments. Tribal consultation resulted in comments on the Notice of Preparation, and a request to include in project mitigations, the Humboldt Bay Harbor District's Protocols for Inadvertent Archaeological Discoveries for Ground Disturbing Project Permits, Leases and Franchises Issued by The Humboldt Bay Harbor, Recreation and Conservation District, Humboldt Bay, California (adopted in May 2015).

Potentially significant impacts to cultural and tribal cultural resources, including historic resources within the town of Samoa historic district, undiscovered archaeological, paleontological resources and human remains, and tribal cultural resources, have been mitigated to less than significant levels with the incorporation of mitigation measures in the project EIR.

Impacts to cultural and tribal cultural resources will be minimized by mitigation measures in the EIR requiring consistency with the STMP "D" Design Control Combining Zone design requirements; should an archaeological resource be inadvertently discovered during ground-disturbing activities, by immediately notifying Tribal Historic Preservation Officers and retaining a qualified archaeologist with local experience to consult with the Peninsula CSD to protect unknown archaeological resources and if avoidance is not feasible, implementing a mitigation plan in accordance with the Harbor District's Standard Operating Procedures; should a paleontological resource be inadvertently discovered during ground-disturbing activities, by notifying a qualified paleontologist to document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5; should human remains inadvertently be encountered during construction, by halting work immediately, contacting the Peninsula CSD and County Coroner, and following the Harbor District's Standard Operating Procedures, consistent with Public Resources Code § 5097.9 and Health and Safety Code § 7050.5. (DEIR pages 4.4-16 to 4.4-26 and FEIR page 2-47 and 2-65).

There are no agricultural or timber lands within the Peninsula Community Services District Boundary; therefore, there is no potential for impacts to agricultural or timber lands.

e) **Development**

The proposed Samoa Peninsula Wastewater Project does not involve new

residential, commercial, or industrial development nor does the proposed project involve a change to existing planned land uses or land divisions. However, the project would improve public service capacity for existing development and planned uses consistent with the certified HBAP.

Although not a component of the wastewater project, the wastewater system may provide service to the following use types, to the extent that the such uses are consistent with the HBAP and their development is approved through a Coastal Development Permit: new industrial uses; Interim Conditionally Permitted Uses in the MC - Industrial/Coastal-Dependent zone; and to coastal-dependent and to other uses that are consistent with the HBAP and located within 300 feet of a Samoa Peninsula Wastewater Project sewer main subject to the approval of a Coastal Development Permit.

The proposed project would not affect coastal scenic or visual qualities. Aside from construction of new wastewater treatment facilities at the Approved Samoa Town Master Plan Wastewater Treatment Facility (STMP WWTF), the project involves only underground construction that would not result in impacts to coastal scenic or visual qualities. Improvements to the STMP WWTF would be subject to the "D" combining zone design review requirements to ensure the conformance of new development with the policies and standards of the of the STMP and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.

Potentially significant impacts to geology, soils, and seismicity have been mitigated by the project EIR to a less than significant level through mitigation measures that would reduce significant impacts from strong seismic ground shaking and ground failure to a less-than-significant level by implementing design and construction measures identified in a site-specific geotechnical study. (DEIR pages 4.5-10 to 4.5-15).

Portions of the project area are subject to sea level rise. As identified in the Draft EIR (Sections 3.3.1, 3.5.3, and 4.14.1) and PER, the project area has a high groundwater table. The project pipelines would be designed to account for infiltration and liquefaction from this condition. New "tight" C900 PVC piping with rubber gasketed push-on joints would be utilized to prevent the infiltration of groundwater as much as possible. Pipes would be bedded and buried at appropriate depths to prevent flotation and minimize the impact of fluidization of the sand during an earthquake on the slope of the pipes.

As noted in Response to Comment 2-14, the Approved Samoa WWTF is located well above estimated sea level rise for year 2070. Furthermore, "future impaired functionality" due to erosion, etc., as exacerbated by sea level rise would be speculative.

The proposed wastewater project is specifically designed to accommodate needs generated by existing development served by failing OWTS and

will accommodate planned uses consistent with the HBAP, in particular Industrial, Coastal-Dependent uses which are priority coastal uses and essential for the regional economy.

f) **Industrial Development.**

An objective of the proposed Samoa Peninsula Wastewater Project is to facilitate Coastal-Dependent, Industrial and Port of Humboldt development consistent with HBAP land use designations and policies, and with zone classifications. The proposed project does not involve oil or gas development, nor is such development anticipated in the near future. However, the Samoa Peninsula Wastewater Project is intended to support new port development which could include projects such as new tanker facilities. The proposed wastewater project anticipates serving the DG Fairhaven Powerplant and could serve additional power plants in the event such new uses are approved.

NOW THEREFORE, be it resolved that the Board of Supervisors hereby:

1. Adopts the findings contained herein;
2. Finds that the proposed amendments to the Zoning Map conform to and appropriately carry out the policies of the Humboldt Bay Area Plan, as amended, and Chapter 3 of the Coastal Act, and further finds that the proposed Humboldt Bay Area Plan and Zoning Map Amendments will be carried out in accordance with the Coastal Act;
3. Finds that the changes to the Humboldt Bay Area Plan and Zoning Maps will become effective only upon certification by the Coastal Commission;
4. Directs and hereby provides notice to the California Coastal Commission and its staff that modifications to the proposed amendments to the Humboldt Bay Area Plan and Zoning Map required by the Coastal Commission for certification shall first be brought back to the Board of Supervisors for consideration at a future public hearing prior to certification by the Coastal Commission;
5. Adopts the Coastal Plan Amendments as shown in Exhibit A of this Resolution;
6. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage;
7. Directs Planning and Building Department staff to transmit the Local Coastal Plan amendments to implement the Samoa Peninsula Wastewater Project, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 305143;

8. Finds the project exempt from the California Environmental Quality Act and directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
9. Directs the Clerk of the Board to give notice of the decision to any interested party.
2. The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on February 2, 2021 by the following vote:

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

AYES: Supervisors:

NAYS: Supervisors:

ABSENT: Supervisors:

ABSTAIN: Supervisors:

VIRGINIA BASS, CHAIRPERSON,
HUMBOLDT COUNTY BOARD OF
SUPERVISORS

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: _____

Ryan Sharp, Deputy Clerk

Date:

EXHIBIT A

AMENDMENTS TO THE HUMBOLDT BAY AREA PLAN CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES

Chapter 3 of the Humboldt Bay Area Plan is hereby amended as follows (additions are shown in underline text, deletions are shown in ~~strikeout~~ text; double underline text is used to show changes made in November, 2020 in response to Coastal Commission staff comments):

3.22.B. DEVELOPMENT POLICIES

1) Extension of Services

It is the intent of this chapter that extensive rural public service systems, such as water and sewer, not be developed. This is exclusive of ~~such~~ public service systems such as roads, electric, gas, telephone, and fire protection systems appropriate to planned levels of development. No permit shall be issued by any agency of the County to a special district or private utility or mutual system proposing to provide such services outside an urban limit line, except that:

- a) ~~In addition,~~ Sewer service extensions outside the urban limit line connections may be provided to industrial uses, to Interim Conditionally Permitted Uses in the MC - Industrial/Coastal-Dependent zone, and to coastal-dependent uses.
- b) Sewer service may be extended outside the Urban Limit Line established by the Samoa Town Master Plan and within the boundaries of the Peninsula Community Services District hereafter referred to as the Samoa Peninsula Wastewater Project (SPWP), in compliance with the following:
 - i) **Design and Construction of the Public Sewer System.** The SPWP shall be designed and constructed in conformance with specific recommendations contained in a geotechnical report that considers high groundwater levels, projected sea level rise, the effects of seismic events including strong ground shaking, liquefaction, other ground failure and tsunami inundation, to prevent damage to, or flotation of,

pipelines, pump stations, and other wastewater facilities subject to these hazards, and to prevent sanitary sewer overflows.

- ii) **Public Sewer Service to Existing Structures.** The immediate provision establishment of public sewer service by the SPWP to structures existing as of January 1, 2020 that are served by onsite septic systems shall be allowed, and shall not be deemed to encourage or facilitate development nor constitute or be construed to be an amendment or extension of any mapped Urban Limit Line.

- iii) **No Further Extension of Sewer Mains in Residential/Exurban Areas.** Further extensions of the public sewer mains within that portion of Fairhaven planned Residential/Exurban, beyond what is constructed as part of the SPWP shall not be allowed without an amendment to the Humboldt Bay Area Plan.

- iv) **Public Sewer Service to New Residential Development** .Upon the extension of sewer service to the portion of Fairhaven area planned Residential/Exurban as part of the SPWP, permits for new residential development including Accessory Dwelling Units in the Fairhaven area that is located within 300 feet of a SPWP sewer main ~~and will therefore be required to connect to the public sewer,~~ may only be approved after the Humboldt Bay Area Plan has been amended consistent with the Coastal Act to ensure new infill development is sited and designed to the greatest extent feasible to protect life, property and coastal resources from sea level rise and tsunami inundation hazards, and to protect Environmentally Sensitive Habitats. ~~Exception: Applications Permits for new residential such development prior to the approval of these~~ that is located within 300 feet of a SPWP sewer main may ~~only~~ be approved ~~before the~~ above Humboldt Bay Area Plan Amendments subject to the following:

 - (1) performance standards, adopted by ordinance, that will ensure that such development will be protective of public health, safety and welfare, and coastal resources relative to sea level rise and tsunami inundation, and will be protective

of Environmentally Sensitive Habitats, based on site-specific investigations prepared by qualified experts; and

(2) the requirement that property owners acknowledge the current and future projected sea level rise and tsunami hazards to which their development is exposed and assume the risks of developing in hazardous locations, and acknowledge that shoreline armoring structures will not be necessary to protect the proposed development and further acknowledge the possibility that no such protective structures would be granted approval for construction in the future.

c) Extension of water service outside of the urban limit line as defined in this Plan shall be permitted provided that:

i) service along the extension will not remove capacity necessary to serve future development on undeveloped lots within the existing serviced areas, whether within the urban limit line or not, to the uses permitted in the plan that;

ii) developments to be serviced are compatible with the plan;

iii) the extension of water service will be paid for only by the users of that service;

iv) the existing system is in no way degraded; and

v) ~~that fire protection~~ the water service extension is found to be in conformance with the resource protection policies of this plan; or

vi) it is necessary for agricultural or timber operations.

~~In addition, sewer connections may be provided to industrial uses.~~

HUMBOLDT BAY AREA PLAN
CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS

Chapter 4 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

STMP (New Development) Policy 9:

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 to or from off-site to or through the STMP-LUP lands shall be installed on or adjacent to the lands subject to the STMP-LUP, except for the purpose of transferring treated waste water effluent for disposal to the Redwood Marine Terminal Manhole 5 ocean outfall, and except for the collection and treatment of waste water from service connections established in a manner consistent with Section 3.22, Public Services-Rural, subsection B.