



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING

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Date: Meeting of December 3, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: Amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to Allow the Samoa Peninsula Wastewater Project; Case Number: PLN 2020-16642

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Please contact John Miller, at 707-268-3781 or jpmiller@co.humboldt.ca.us, if you have any questions about the item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
December 3, 2020	Draft Amendments to the Local Coastal Program [Humboldt Bay Area Plan and Coastal Zoning Regulations] to allow the Samoa Peninsula Wastewater Project	John Miller

Project Description: The proposed amendments to the Humboldt Bay Area Plan (HBAP) and Coastal Zoning Regulations of the Humboldt County Local Coastal Program (hereafter referred to as “LCP amendment”) are intended to allow construction and operation of a consolidated wastewater collection, treatment, and disposal system to correct public health and water quality problems resulting from failed on-site sewage disposal systems in the Samoa/Fairhaven area outside the Town of Samoa. The public wastewater system will serve existing residential, commercial/industrial, recreational, and institutional facilities currently served by onsite wastewater treatment systems that are located within the boundaries of the Peninsula Community Services District (CSD). The proposed amendments to allow the Samoa Peninsula Wastewater Project would:

1. Provide an exception in the Humboldt Bay Area Plan to allow the extension of wastewater service outside the Urban Limit Line for existing structures served by on-site wastewater systems; and,
2. Provide an exception in the Humboldt Bay Area Plan to allow wastewater from outside the Samoa Town Master Plan Overlay Area (STMP) to be treated at the STMP Wastewater Treatment Plant; and,
3. Amend Section 311-7 of Chapter 1, Division 1, Title III, of Humboldt County Code (HCC) to change the zoning of properties in the Fairhaven area to apply a Q – Qualified Zone prescribing performance standards for new infill development in Fairhaven located within 300 feet of the public sewer lines to address hazards relating to sea level rise and tsunami inundation and to protect Environmentally Sensitive Habitat Areas (EHSAs) as an interim measure while comprehensive planning relating to future amendments to the HBAP is underway to address exposure to sea level rise and tsunami hazards and ESHA protection in the area.

Project Location: The boundaries of the Peninsula CSD, which generally includes the Samoa Peninsula area located south of the S.R. 255 bridge, and including the industrial areas surrounding the Town of Samoa, Finntown, Fairhaven, Samoa Field, and the Samoa Boat Ramp.

Present Plan Designations: Various.

Present Zoning: Various.

Environmental Review: The California Environmental Quality Act (CEQA) does not apply to the preparation and adoption of a local coastal program by the County, pursuant to Public Resources Code Section 21080.9 and CEQA Guidelines Section 15265(a).

State Appeal Status: Changes proposed to the Local Coastal Program (HBAP and Coastal Zoning Regulations) must receive final certification from the California Coastal Commission before they may become effective.

**AMENDMENTS TO THE LOCAL COASTAL PROGRAM
HUMBOLDT BAY AREA PLAN AND COASTAL ZONING REGULATIONS
TO ALLOW THE SAMOA PENINSULA WASTEWATER PROJECT**

Recommended Commission Action

1. Open the public hearing.
2. Request that staff present the staff report.
3. Receive public testimony.
4. Deliberate and comment on the proposed LCP amendments and alternatives presented.
5. Take the following action:

“Based on evidence in the staff report and public testimony, make all the required findings and adopt the Resolution recommending that the Humboldt County Board of Supervisors find that the California Environmental Quality Act (CEQA) does not apply to the preparation and adoption of a local coastal program by the County pursuant to Public Resources Code 21080.9 and to CEQA Guidelines Section 15265(a) and adopt the proposed LCP amendments, including amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations (as may be modified by the Planning Commission).”

EXECUTIVE SUMMARY:

Project Description. This item involves amendments to the Humboldt Bay Area Plan (HBAP) and Coastal Zoning Regulations (CZR) to allow the construction of a proposed wastewater system to serve existing development on the Samoa Peninsula outside the Town of Samoa. The following is a summary of the proposed amendments, which can be found in their entirety in Attachments 1 and 2:

1. Amend HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies) to add an exception to allow the extension of sewer service outside the Urban Limit Line established by the STMP, and to allow the immediate establishment of service to existing structures that are served by onsite septic systems. In addition, sewer connections may be provided to future industrial uses, coastal-dependent uses, and to Interim Conditionally Permitted uses in the Industrial/Coastal Dependent Zone.

Additionally, Section 3.22 of the HBAP will be amended to specify that permits for new residential development in Fairhaven and located within 300 feet of a Samoa Peninsula Wastewater Project sewer main which would be required to connect to the public sewer (pursuant to Humboldt County Code Title VI, Div. 1, Section 611-4(a) Sewer Connection Required Connection Required) 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. Applications for such development prior to the approval of these Humboldt Bay Area Plan amendments may only be approved 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.

2. Amend STMP Land Use Designation Overlay New Development - Policy 9, to only allow wastewater flows from outside the STMP in a manner consistent with HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies).
3. Amend Section 311-7 of Chapter 1, Division 1, Title III, of the Humboldt County Code reclassifying lands in the Fairhaven area from Residential Single Family\No Further Subdivision Allowed (RS\X) to Residential Single Family\No Further Subdivision Allowed with a Q-Qualified combining zone (RS\XQ), that applies to new residential development located within 300 feet of the sewer service extension in the community of Fairhaven through the application of interim performance standards, whereby infill residential development would only be approved in a manner with HBAP Section 3.22, as described above.

Although CEQA applies to the approval of the wastewater project, CEQA does not apply to the preparation and adoption of a local coastal program by the County, pursuant to Public Resources Code Section 21080.9 and CEQA Guidelines Section 15265(a). Planning and Building staff used information from the Environmental Impact Report (EIR) prepared for the overall project (Attachment 3) as evidence that the project will not result in a significant impact on the environment as proposed, and as evidence for the required findings to support the approval of the proposed LCP amendment.

Broad public support for the project was expressed at a recent Board of Supervisors meeting on October 6, 2020 certifying the Final Environmental Impact Report and at a public workshop held on November 12, 2020. Coastal Commission staff has concerns about the overall project which are discussed in more detail below, but they have recently expressed tentative support for the proposed LCP amendments. Based upon the Samoa Peninsula Wastewater Project EIR described in more detail below, and comments from all involved referral agencies, Planning staff recommends the Planning Commission find that the project will not result in a significant impact on the environment as proposed, and that there is substantial evidence in support of making all of the required findings for approving the proposed LCP amendment.

Alternatives: The Planning Commission could recommend that the Board of Supervisors not approve the LCP amendment if the Commission finds that the evidence presented does not support making all the required findings. However, based on the information in this staff report, planning staff believes the evidence supports making all the required findings and does not recommend further consideration of this alternative.

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution Number 20-__

**RECOMMENDS THAT THE HUMBOLDT COUNTY BOARD OF SUPERVISORS
CERTIFY COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND
ADOPT THE LOCAL COASTAL PROGRAM AMENDMENT CONSISTING OF AMENDMENTS
TO THE HUMBOLDT BAY AREA PLAN AND COASTAL ZONING REGULATIONS
TO ALLOW THE SAMOA PENINSULA WASTEWATER PROJECT
CASE NUMBER: PLN 2020-16642**

WHEREAS, existing onsite wastewater treatment systems in Fairhaven and surrounding areas on the Samoa Peninsula within the Humboldt Bay Area segment of the Humboldt County Coastal Zone pre-date current standards and, coupled with a shallow groundwater table and fast-draining sandy soils, prevents adequate treatment of wastewater resulting in public health and water quality problems; and

WHEREAS, there is not a public wastewater service available for the Samoa Peninsula for areas outside the Town of Samoa, and the Humboldt County Division of Environmental Health considers establishment of a community sewer system on the Samoa peninsula a high priority, and

WHEREAS, Humboldt County has actively supported planning for public wastewater service for the Samoa Peninsula and secured State of California Community Development Block Grant and the Department of Commerce Economic Development Administration grant funding in 2014 to prepare engineering studies to ready former pulp mill properties for reuse and to plan supporting infrastructure that confirmed the feasibility of using the Humboldt Bay Harbor. Recreation and Conservation District existing ocean outfall pipe for the disposal of treated wastewater on the Samoa Peninsula and the feasibility of forming a community services district provide water and wastewater service to the area; and

WHEREAS, in 2015 the Samoa Peninsula Fire Protection District (FPD) submitted an application to the Humboldt Local Agency Formation Commission, which included the results of the feasibility study prepared using Humboldt County-secured grant funds, to reorganize as the Peninsula Community Services District (CSD) in order to support the mutual social and economic interests of the Samoa Peninsula communities by establishing and sustaining community-based municipal services, including wastewater service; and

WHEREAS, on November 15, 2016, on behalf of the yet to be formed Peninsula CSD, the Humboldt County Board of Supervisors approved Resolution 16-130 authorizing submittal of a Financial Assistance Application to the State Water Resources Control Board for funding for the planning and design of a Samoa Peninsula wastewater system, including the preparation of necessary environmental documents in accordance with 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, in accordance with Senate Bill 18 (SB 18) and Government Code 69352.3, and Assembly Bill 52 (AB 52) and Government Code 21000, the County of Humboldt requested a list of Tribal Organization contacts from the Native American Heritage Commission and sent notifications of the project and inviting comments and suggestions on October 16, 2017, to the appropriate tribal organizations in compliance with SB 18 and AB 52. On March 9, 2018 Humboldt County met with Tribal representatives to present the project and solicit input and comments. Tribal consultation resulted in comments on the Notice of Preparation, and a request to include 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); and

WHEREAS, an environmental impact report (State Clearinghouse Number 2018042083) was prepared pursuant to CEQA and a Final Environmental Impact Report was certified by the Board of Supervisors on October 6, 2020, for the Samoa Peninsula Wastewater Project, including as part of the project description are the amendments to the Local Coastal Program Amendments to allow the construction and operation of a consolidated wastewater collection, treatment, and disposal system to proceed; and

WHEREAS, the draft Local Coastal Program Amendment to allow the construction of the Samoa Peninsula Wastewater Project was developed with input from the public, including comments received at meeting on May 16, 2018, at the Samoa Peninsula Fire Station, and from local Native American tribes who accepted the County's invitation to consult on the amendment, and from North Coast Regional Water Quality Control Board and Coastal Commission staff; and

WHEREAS, the Local Coastal Program Amendments would allow the construction and operation of a consolidated wastewater collection, treatment, and disposal system to address public health and water quality problems resulting from failed on-site sewage disposal systems in the Samoa/Fairhaven area outside the Town of Samoa; and

WHEREAS, the Planning Division prepared and made available to the public a draft Local Coastal Program Amendment consisting of text amendments to the Humboldt Bay Area Plan to amend Section 3.22, Public Services-Rural, subsection B (Development Policies) to add an exception to allow the extension of sewer service outside the Urban Limit Line and to allow the immediate establishment of service to existing structures that are served by onsite septic systems, and amend Samoa Town Master Plan (STMP) New Development - Policy 9, to only allow wastewater flows from outside the STMP in a manner consistent with HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies), to be treated at the STMP Wastewater Treatment Plant, and amend Section 311-7 of the Humboldt County Code to reclassify lands in the Fairhaven area from Residential Single Family\No Further Subdivision Allowed (RS\X) to Residential Single Family\No Further Subdivision Allowed with a Qualified combining zone (RS\X-Q) establishing performance standards for new residential development located within 300 feet of the sewer service extension, and not already included in the exception, whereby infill development would only be approved after potential future developments addressed sea level rise inundation, tsunami hazards, and ESHA impacts consistent with the Coastal Act; and

WHEREAS, the Planning Division has made project information for the proposed Local Coastal Program Amendments and details relating to planning, design, and environmental impacts for the wastewater improvements available to the public on the County's webpage at <https://humboldt.gov.org/2364/Long-Range-Planning-Projects>; and

WHEREAS, the Planning Division, in partnership with the Peninsula CSD, held a public workshop on November 12th to present the proposed Local Coastal Program Amendments and to gather public input on the amendments and the process; and

WHEREAS, pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA; and

WHEREAS, the certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from CEQA, however the Samoa Peninsula Wastewater Project environmental impact report has been used as a source of information to support findings for the Local Coastal Program Amendment; and

WHEREAS, on November 14, 2020, the Planning Division caused to be published in the Eureka Times-Standard, a newspaper of general circulation in Humboldt County, and caused to be

mailed to all owners of land proposed to be to Residential Single Family\No Further Subdivision Allowed with a Qualified combining zone (RS\X-Q) and to all owners of land within 300 thereof, a Notice of Public hearing on the proposed Interim Use Local Coastal Program Amendment, which also serves as the 45-day public notice prior to the County's final action on the Amendment required for Local Coastal Program amendments pursuant to 14 CCR 13515(d); and

WHEREAS, the Planning Division prepared, posted for public review, and filed with the Planning Commission a report dated November 17, 2020, incorporated herein by reference, which contains evidence, findings, and conclusions in support of making the required findings described below in the attached Findings for Approval, Exhibit A which is incorporated herein, for approving the Local Coastal Program Amendment in Attachment 1 and 2 for Case Number PLN 2020-16642; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed Local Coastal Program Amendment on December 3, 2020 to receive a report and any supplements to the report on the draft amendment, as well as evidence and testimony; and

WHEREAS, the Planning Commission reviewed and considered said report and any supplements thereto, together with any other written evidence and testimony presented to the Planning Commission.

NOW, THEREFORE, be it resolved, determined and ordered by the Humboldt County Planning Commission that:

1. The proposed Local Program Amendment is exempt from CEQA pursuant to Sections 15250, 15251 (f) and 15265 of the CEQA Guidelines.
2. The Planning Commission makes all the required findings described below in the attached Findings for Approval, Exhibit A, based on the described evidence found in the November 17, 2020 report to the Planning Commission and any attachments thereto, and finds that the amendments to the Humboldt County Local Coastal Program to allow the construction of the Samoa Peninsula Wastewater Project Amendment in Attachment 1 and 2 conforms to the policies contained in Chapter 3 of the Coastal Act.
3. The Planning Commission further finds that the Local Coastal Program Amendment will be carried out in accordance with the Coastal Act and agrees to issue Coastal Development Permits subject to the approved Local Coastal Program.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Division staff.
3. Adopt by Resolution the Local Coastal Program Amendment to allow the Samoa Peninsula Wastewater Project to proceed, consisting amendments to 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,
4. Adopt by Ordinance the Local Coastal Program Amendment to Section 311-7 of Chapter 1, Division 1, Title III, of Humboldt County Code (HCC) by reclassifying lands in the Fairhaven area from Residential Single Family\No Further Subdivision Allowed (RS\X) to Residential Single Family\No Further Subdivision Allowed with a Qualified combining zone (RS\X-Q), as shown on the map in Attachment 2.
5. Agree to carry out the Local Coastal Program Amendment in accordance with the Coastal Act and to issue Coastal Development Permits subject to the approved Local Coastal

Program.

6. Adopt a Resolution transmitting the Local Coastal Program Amendment package, including all necessary supporting documentation, to the California Coastal Commission for their review and certification in accordance with Public Resources Code Section 30514.
7. Direct the Planning and Building Department to prepare and file a Notice of Exemption pursuant to CEQA for the project.
8. Direct the Clerk of the Board to publish within 15 days of approval a post approval summary in a newspaper of general circulation and give notice of the decision to interested parties.

Adopted after review and consideration of all the evidence on _____, 2020.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford
Director, Planning and Building Department

Exhibit A – Required Findings of Approval

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).			
1.	FINDING:		The proposed 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 amendments to the Local Coastal Program to allow the Samoa Peninsula Wastewater Project 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 Humboldt Bay Area Plan 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 Humboldt Bay Area Plan of the Humboldt County Local Coastal Program 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 Local Coastal Program 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 General Plan Amendment is in the public interest.
	EVIDENCE:	a)	The purpose of the amendments to the Local Coastal Program to allow the Samoa Peninsula Wastewater Project 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 General Plan Amendment does not limit the number of housing units which may be constructed on an annual basis.
	EVIDENCE:	a)	The proposed General Plan 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 zoning ordinance amendments 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. For homes unable to use septic systems, where they can meet prescribed performance standards related to mitigating hazards from sea level rise and tsunami and impacts to environmentally sensitive habitats, new homes may be constructed and connected to the new public wastewater system.
CONSISTENCY WITH THE ZONING ORDINANCE.			
5.	FINDING:		Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed Zoning Ordinance amendment is in the public interest.
	EVIDENCE:	a)	The purpose of the proposed amendments to the Coastal Zoning Regulations is to ensure new infill development in Fairhaven is consistent with the coastal resource and hazard policies of the Humboldt Bay Area Plan and 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 Humboldt Bay Area Plan, is in the public interest.
6.	FINDING:		Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed Ordinance amendment is consistent with the General Plan.
	EVIDENCE:	a)	The proposed amendments to the Coastal Zoning Regulations are consistent with, and implement, the proposed amendments to Humboldt Bay Area Plan 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 Ordinance requires changes to the Zoning Ordinance 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 CSD boundaries outside the Samoa Town Master Plan Overlay Zone that are part of the 2019 Housing Element Housing Inventory. Parcels in the Samoa Town Master Plan 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:		Section 312-50.3.3 requires if the proposed changes to the Zoning Ordinance requires a Local Coastal Plan 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

		<p>b) 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 Samoa Town Master Plan Area site that is already permitted for such development.</p> <p>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.</p> <p>Recreation</p> <p>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.</p> <p>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.</p> <p>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</p>
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		<p>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.</p> <p>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 future¹. 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.</p> <p>c)</p> <p>Marine Resources</p> <p>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.</p> <p>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 HBHRCO 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.</p>
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¹ DOF Table P1 projects that population within Humboldt County declined from 2019 to 2020 by over 600 persons and is projected to decline between 2020 and continue to decline thereafter
http://www.dof.ca.gov/Forecasting/Demographics/Projections/documents/P1_County_1yr.xlsx

		<p>d) 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.</p> <p>Land Resources</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>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</p>
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		<p>Harbor, Recreation and Conservation District, Humboldt Bay, California (adopted in May 2015).</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>Development</p> <p>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.</p> <p>The proposed project would not affect coastal scenic or visual</p>
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		<p>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.</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Industrial Development.</p> <p>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</p>
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f)

			serving the DG Fairhaven Powerplant and could serve additional power plants in the event such new uses are approved.
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BACKGROUND INFORMATION:

The public wastewater project supported by the proposed LCP amendments will reduce water quality impacts from existing failing onsite wastewater treatment systems (OWTS), which currently discharge into the high groundwater in the area. The project will benefit residents in the towns of Fairhaven, and Finntown, Samoa Peninsula Union School, existing industrial uses, the Samoa boat ramp and RV park, and smaller commercial operations located on or near the City of Eureka Samoa Field.

The project would not provide service to parcels within the Samoa Town Master Plan (STMP) area which has already received approval and is in the process of constructing a new wastewater treatment system and permitting the discharge of treated municipal waste using the Humboldt Bay Harbor Recreation and Conservation District (HBHRCD) ocean outfall. The planning for this project was pivotal in securing support from regulators for the use of the HBHRCD ocean outfall for the discharge treated municipal wastewater. Upon approval of this project the wastewater from the area outside the STMP will be treated at the expanded STMP wastewater treatment plant and discharged to the ocean outfall.

Humboldt County has been working cooperatively with the Peninsula Community Services District (hereafter Peninsula CSD, formerly the Samoa Peninsula Fire Protection District), the HBHRCD, the Regional Water Quality Control Board (RWQCB), and the Coastal Commission to address the water quality problems in Fairhaven. Humboldt County has secured two planning grants to prepare planning studies, facility designs, feasibility and rate studies, preliminary permitting, and preliminary construction financing applications.

The proposed wastewater project consists of 23,100 feet of pressure and gravity sewer mains, laterals to existing structures served by on site wastewater systems, an approx. 0.25 acre expansion of the STMP Wastewater Treatment Plant (including treatment, disinfection, and solids removal), and would discharge treated effluent using the HBHRCD Ocean Outfall.

Environmental Review and Tribal Consultation

The Samoa Peninsula Wastewater project is a project under CEQA and the County of Humboldt was designated as the lead agency for the project per CEQA Guidelines sections 15050(a) and 15051. The Planning and Building Department initiated consultation with Native American Tribes in accordance with Assembly Bill 52 and SB 18 and met with Tribal representatives to present the project and get their input. The Tribes requested the project include mitigation measures specifying protocols for inadvertent discovery of archaeological resources during project construction. A Notice of Preparation (NOP) for the EIR was distributed on April 30, 2018, and the County held a scoping meeting on May 16, 2018, at the Fairhaven Firehouse to solicit input from the regulatory agencies and public. The Draft EIR (State Clearinghouse Number 2018042083), was published on January 31, 2019, initiating a public review period ending on March 19, 2019. A public meeting on the Draft EIR was held at the Fairhaven Firehouse on February 26, 2019, where six (6) speakers provided comments on the Draft EIR at the meeting. In addition, the County received 10 comment letters on the Draft EIR. All project information and documents are available for viewing on the Planning and Building webpage at <https://humboldt.gov/2364/Long-Range-Planning-Projects>

A Final EIR was prepared that includes responses to comments on the Draft EIR as well as a refined project description that includes revisions and clarifications to better present the project components. The Final EIR concludes that all the project's impacts on the environment are either less than significant or can be mitigated to less than significant levels. No impacts were found to be significant and unavoidable. On October 6, 2020, the Board of Supervisors certified the EIR, approved the wastewater project – initiating the process to amend the LCP – and adopted

a Mitigation Monitoring and Reporting Program. Upon certification of the LCP amendments necessary to allow the project to proceed, the Peninsula CSD will finalize project financing, seek additional permits, as necessary, from the RWQCB, and seek approval from Humboldt to construct the project by submitting an application for a Coastal Development Permit (CDP). The County will use the Final EIR in its review of the CDP for the wastewater project.

LCP Amendments

Amendments to the HBAP and Coastal Zoning Regulations are pivotal to project implementation. There are two areas in the HBAP that serve to directly limit the extension of the public wastewater systems to existing structures served by failing OWTS:

HBAP Section 3.22, Public Services-Rural, subsection B (Development Policies) prohibits the extension of wastewater services outside of the urban limit line (the STMP area is the only area of the PCSD that is within the urban limit line), except sewer connections provided to industrial uses.

HBAP STMP Land Use Designation Overlay New Development (Policy 9) allows only wastewater from uses within the STMP boundary to be treated at the Samoa WWTF.

These HBAP policies prevent the extension of wastewater services and sewer connections (except to serve industrial uses) outside the STMP area and would prevent the Approved Samoa WWTF from serving areas outside the STMP, such as Fairhaven and Finntown. The purpose of the proposed amendments is to eliminate these existing policy constraints.

Coastal Commission Review

The Coastal Commission has shown support for addressing the water quality problems due to inadequate treatment by OWTS, but has expressed the following concerns about the public wastewater project: (1) concern about investments in wastewater improvements serving areas subject to sea level rise and tsunami inundation hazards; (2) concerns that new residential development on small vacant lots that are planned and zoned for residential use development in Fairhaven (hereafter referred to as infill lots) could be facilitated by the project; and (3) concerns that the presence of municipal wastewater service in Fairhaven could encourage the owners of infill lots which may contain ESHA to develop their property.

In responding to the Coastal Commission's concerns, County staff and consultants defined the wastewater project in two phases: a Short-Term Phase where the HBAP is amended to provide exceptions to allow the project to be constructed and discharges from existing OWTS eliminated, and a Long-Term Phase that involves comprehensive planning, which is currently underway, that will culminate in amendments to the HBAP to address exposure to projected inundation due to sea level rise, exposure to tsunami hazards, and ESHA protection. County staff initially proposed to prohibit new residential development from connecting to the proposed wastewater system during the Short-Term Phase, in response to concerns expressed by the Coastal Commission. The proposed HBAP amendments included as mitigation in the Draft EIR would only allow existing residential development in Fairhaven to connect to the new wastewater collection system and new infill residential development would be prevented during the immediate Short-Term phase of the project until coastal hazard and resource planning, that is being carried out under the Long-Term phase, could be completed. This mitigation was intended to ensure that new infill development is sited and designed to the greatest extent feasible to protect life and property from sea level rise and tsunami inundation hazards on the Samoa Peninsula and to protect ESHA.

However, the County learned after the publication of the Draft EIR that the proposal to prohibit new connections to the sewer system is not possible because the Building Code requires

connection of all new residential development to public sewer lines if located within 300 feet of a public sewer line. Accordingly, the project description and proposed mitigation measures in the EIR were revised in the Final EIR to clarify that new homes could be connected to the new sewer lines during the Short Term Phase, but that they must be designed to protect life and property from sea level rise and tsunami inundation hazards and to address other coastal resource impacts such as impacts to ESHA, in a manner consistent with the HBAP coastal inundation hazard planning currently underway.

These protection measures would be carried out for all infill development in Fairhaven in one of two ways. Under the immediate Short-Term phase, performance standards would be applied to Fairhaven through the application of a "Q-Qualified" Combining Zone that would ensure such development would be (1) protective of public health, safety and welfare relative to sea level rise, and tsunami inundation on the Samoa Peninsula, and (2) protective of ESHA, based on site-specific investigations and analyses prepared by qualified professionals with expertise in coastal hazards, wetlands, and/or ESHA.

Under the future Long-Term phase, comprehensive coastal hazard and resource planning for the Humboldt Bay Area currently underway and funded through a series of Coastal Commission grants would be completed and more appropriate performance standards would be substituted for those now under consideration. The future performance standards would ensure that in the long term, new infill development in Fairhaven 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 ESHA. The performance standards adopted under the Short-Term phase are expected to result in the same outcomes as the Long-Term performance standards, which comprehensively address coastal hazard and resource planning.

ATTACHMENT 1

Draft Amendments to the Humboldt Bay Area Plan of the Humboldt County Local Coastal Program

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:

~~In addition, extension of water service outside of the urban limit line as defined in the plan shall be permitted provided that:-(moved to "b" below)~~

- a) 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 in compliance with the following:
 - i) the immediate establishment of public sewer service 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.
 - ii) Upon the extension of sewer service to the Fairhaven area, permits for new residential development in the Fairhaven area that is located within 300 feet of a

Samoa Peninsula Wastewater Project 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. Applications for such development prior to the approval of these Humboldt Bay Area Plan amendments may only be approved 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.

- 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;
 - 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.~~ (moved to "a" above)

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.

ATTACHMENT 2

Draft Amendments to the Humboldt County Coastal Zoning Regulations of the Humboldt County Local Coastal Program

IMPLEMENTATION TO FACILITATE SEWER SERVICE TO FAIRHAVEN CONSISTENT WITH HBAP SECTION 3.22, PUBLIC SERVICES-RURAL, SUBSECTION B.1.A.

DRAFT Q ZONE FOR FAIRHAVEN [RS-X-Q]

AN ORDINANCE AMENDING SECTION 311-7 OF CHAPTER 1, DIVISION 1, TITLE III OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Fairhaven area from Residential Single Family\No Further Subdivision Allowed (RS\X) to Residential Single Family\No Further Subdivision Allowed with a Qualified combining zone (RS\XQ). The area described is also shown on the Humboldt County zoning maps for the Humboldt Bay Area Plan Area and on the map attached as Exhibit A.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from "RS\X" to "RS\X-Q" (described in Exhibit A), and that is located within 300 feet of Samoa Peninsula Wastewater Project sewer mains, in accordance with Humboldt County Code Section 313-32.1, which authorizes restriction of the RS zone regulations by application of the "Q" (Qualified Combining Zone).

SECTION 3. PURPOSE OF QUALIFICATIONS. Construction of the Samoa Peninsula Wastewater Project places public sewer mains within 300 feet of vacant residential parcels in the Fairhaven area, triggering a requirement for new development on these parcels to connect to the wastewater system, thereby removing one of many restrictions to development for those parcels. The purposes of the special restrictions and regulations herein imposed on the property described in Exhibit A and that is within 300 feet of a Samoa Peninsula Wastewater Project public sewer main are:

- a. to address a health hazards and water quality problems and not to encourage or facilitate development, and

- b. to restrict principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020, and are within 300 feet of a Samoa Peninsula Wastewater Project public sewer main to which they would be required to connect to public sewer to ensure such development is consistent with the coastal resource and hazard policies of the Humboldt Bay Area Plan and Coastal Act, including but not limited to those policies addressing wetlands, Environmentally Sensitive Habitats, flooding, sea level rise and tsunami risk.

SECTION 4. SPECIAL RESTRICTIONS. The Principal Permitted Use, Residential Single Family Principal Permitted Use (See Section 313-163.1.9 for description), allowed under the Residential Single Family (RS) Zone regulations of the Humboldt County Code Title III, Land Use and Development, Division 1, Planning, Chapter 3, Section 313-6.1, shall be subject to the performance standards of paragraph (a) below.

- a. Coastal Development Permits may be granted for the Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to Coastal Development Permits as well as the following special findings:
 - (1) There is no less environmentally damaging feasible alternative, adverse environmental effects have been mitigated to the extent feasible, and required mitigation will maintain or enhance the functional capacity of the wetlands or Environmentally Sensitive Habitats, if present.
 - (2) The proposed development is consistent with the Coastal Act and consistent with adopted Humboldt Bay Area Plan sea level rise development policies, or absent such policies, a qualified professional with expertise in coastal resources has prepared a site-specific sea level rise hazard analysis for the proposed development that includes a range of sea level rise projections; that shows how sea level rise may impact the development and how the development may impact coastal resources considering sea level rise; and demonstrates that the proposed development will not create a hazard to life, health, safety, the general welfare, or coastal resources for the life of the project.

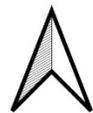
- (3) The proposed development is consistent with the Coastal Act and consistent with the adopted Humboldt Bay Area Plan tsunami hazard policies revised based on the Guidelines for Evaluating and Mitigating Tsunami Hazards in California adopted by the State Mining and Geology Board in accordance with the Seismic Hazards Mapping Act of 1990, or absent such policies, the proposed development meets the requirements of Humboldt Bay Area Plan Section 3.17 Hazards, B. Development Policies, 3. Tsunamis, subsections 1 through 4.
- b. Coastal Development Permits may be granted for Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to such permits as well as the performance standards of 4(a) above.

“EXHIBIT A” TO AN ORDINANCE AMENDING
SECTION 311-7 OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN



ZONING MAP

Samoa Peninsula Wastewater Project
"Q-Qualified" Combining Zone
Fairhaven Community



 Zoning Reclassification Boundary



ATTACHMENT 3

Links to the Samoa Peninsula Wastewater Project Final Environmental Impact Report

Samoa Peninsula Wastewater Project Draft Environmental Impact Report

<https://humboldt.gov.org/DocumentCenter/View/71113/Samoa-Peninsula-Wastewater-Project-Draft-EIR-Complete-Document-no-appendices-PDF>

Individual Draft Environmental Impact Report Chapters and all Appendices can be found at:

<https://humboldt.gov.org/2364/Long-Range-Planning-Projects>

Samoa Peninsula Wastewater Project Final Environmental Impact Report

<https://humboldt.gov.org/DocumentCenter/View/89551/Samoa-Peninsula-Wastewater-Project-Final-EIR-Response-to-Comments-PDF>

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
December 3, 2020

<input type="checkbox"/>	Consent Agenda Item
<input type="checkbox"/>	Continued Hearing Item
<input checked="" type="checkbox"/>	Public Hearing Item
<input type="checkbox"/>	Department Report
<input type="checkbox"/>	Old Business

Re: Amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to Allow the Samoa Peninsula Wastewater Project

Record Number: PLN-2020-16642 - LCP
Assessor Parcel Number: Various
Samoa and Fairhaven Area

Attached for the Planning Commission's record and review is the following supplementary information item:

1. Revised Amendments to the Humboldt Bay Area Plan to address comments by the California Coastal Commission.
2. Revised Amendments to the Coastal Zoning Regulations to address comments by the California Coastal Commission:

ATTACHMENT 1

[Additional Edits per comments from the Coastal Commission in double underline]

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:

~~In addition, extension of water service outside of the urban limit line as defined in the plan shall be permitted provided that~~ [moved to B(1)(c) below]:

- 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.~~

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.

ATTACHMENT 2

Draft Amendments to the Humboldt County Coastal Zoning Regulations of the Humboldt County Local Coastal Program

IMPLEMENTATION TO FACILITATE SEWER SERVICE TO FAIRHAVEN CONSISTENT WITH HBAP SECTION 3.22, PUBLIC SERVICES-RURAL, SUBSECTION B.1.A.

DRAFT Q ZONE FOR FAIRHAVEN [RS-X-Q]

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SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Fairhaven area from Residential Single Family\No Further Subdivision Allowed (RS\X) to Residential Single Family\No Further Subdivision Allowed with a Qualified combining zone (RS\XQ). The area described is also shown on the Humboldt County zoning maps for the Humboldt Bay Area Plan Area and on the map attached as Exhibit A.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from "RS\X" to "RS\X-Q" (described in Exhibit A), and that is located within 300 feet of Samoa Peninsula Wastewater Project sewer mains, in accordance with Humboldt County Code Section 313-32.1, which authorizes restriction of the RS zone regulations by application of the "Q" (Qualified Combining Zone).

SECTION 3. PURPOSE OF QUALIFICATIONS. Construction of the Samoa Peninsula Wastewater Project places public sewer mains within 300 feet of vacant residential parcels in the Fairhaven area, triggering a requirement for new development on these parcels to connect to the wastewater system, ~~thereby removing one of many restrictions to development for those parcels~~ the SPWP would make these lots appear more desirable for development when in fact there are many other coastal resource protection requirements which must first be addressed. The purposes of the special restrictions and regulations herein imposed on the property described in Exhibit A and that is within 300 feet of a Samoa Peninsula Wastewater Project public sewer main are:

- a. to address a health hazards and water quality problems and not to encourage or

facilitate development, and

- b. to restrict principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020, and are within 300 feet of a Samoa Peninsula Wastewater Project public sewer main to which they would be required to connect to public sewer to ensure such development is consistent with the coastal resource and hazard policies of the Humboldt Bay Area Plan and Coastal Act, including but not limited to those policies addressing wetlands, Environmentally Sensitive Habitats, flooding, sea level rise and tsunami risk.

SECTION 4. SPECIAL RESTRICTIONS. ~~The Principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020 Principal Permitted Use, Residential Single Family Principal Permitted Use (See Section 313-163.1.9 for description), allowed under the Residential Single Family (RS) Zone regulations of the Humboldt County Code Title III, Land Use and Development, Division 1, Planning, Chapter 3, Section 313-6.1,~~ shall be subject to the performance standards below.

- a. Coastal Development Permits may be granted for the Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to Coastal Development Permits as well as the following special findings:
 - (1) There is no less environmentally damaging feasible alternative, adverse environmental effects have been mitigated to the extent feasible, and required mitigation will maintain or enhance the functional capacity of the wetlands or Environmentally Sensitive Habitats to the extent feasible, if present.
 - (2) The proposed development is consistent with the Coastal Act and consistent with adopted Humboldt Bay Area Plan sea level rise development policies, or absent such policies, a qualified professional with expertise in coastal resources has prepared a site-specific sea level rise hazard analysis for the proposed development that includes a range of sea level rise projections; that shows how sea level rise may impact the development and how the development may impact coastal resources considering sea level rise; and demonstrates that the proposed development will not create a hazard to life, health, safety, the

general welfare, or coastal resources for the life of the project.

- (3) The proposed development is consistent with the Coastal Act and consistent with the adopted Humboldt Bay Area Plan tsunami hazard policies revised based on the Guidelines for Evaluating and Mitigating Tsunami Hazards in California adopted by the State Mining and Geology Board in accordance with the Seismic Hazards Mapping Act of 1990, or absent such policies, the proposed development meets the requirements of Humboldt Bay Area Plan Section 3.17 Hazards, B. Development Policies, 3. Tsunamis, subsections 1 through 4.

b. Upon approval of a Coastal Development Permit, the applicant shall agree to the following:

- (1) the applicant acknowledges that the site may be subject to geologic hazards, as well as hazards from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, and tsunami inundation and that the landowner assumes any and all liability from such hazards; and
- (2) the applicant shall indemnify, defend, and hold the County harmless and its officers, officials, agents, and employees or other third parties with respect to the County's grant of the Coastal Development Permit from and against any and all loss, liability, damage, expense, costs (including without limitation costs and fees of litigation) and any amounts paid in settlement arising from any injury or damage arising out of or in connection to related to the hazards identified in Section 4(b)(1), the performance of work hereunder, or its failure to comply with any of its obligations contained in this agreement; and
- (3) the applicant unconditionally waives any claims of damage or liability against the County and its officers, officials, agents, and employees for injury or damage related to the hazards identified in Section 4(b)(1) ; and
- (4) the applicant agrees to assume any and all risks of injury or damage to themselves, their heirs, assigns and successors-in-interest in connection with the permitted development on the property that is the subject of this Coastal

Development Permit; and

(5) No shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within the community of Fairhaven against future hazards that may arise due to the coastal setting of the Fairhaven lands, and the prospect of increased sea level rise in the future, and the present landowners have taken future seal level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development within the community of Fairhaven, and further, acknowledges the possibility that no such protective structures would secure approval for construction.

- c. Coastal Development Permits may be granted for Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to such permits as well as the performance standards of 4(a) above.

“EXHIBIT A” TO AN ORDINANCE AMENDING
SECTION 311-7 OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN



ZONING MAP

Samoa Peninsula Wastewater Project
"Q-Qualified" Combining Zone
Fairhaven Community



 Zoning Reclassification Boundary



SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
December 3, 2020

<input type="checkbox"/>	Consent Agenda Item
<input type="checkbox"/>	Continued Hearing Item
<input checked="" type="checkbox"/>	Public Hearing Item
<input type="checkbox"/>	Department Report
<input type="checkbox"/>	Old Business

Re: Amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to Allow the Samoa Peninsula Wastewater Project

Record Number: PLN-2020-16642 - LCP
Assessor Parcel Number: Various
Samoa and Fairhaven Area

Attached for the Planning Commission's record and review is the following supplementary information item:

1. Revised Amendments to the Humboldt Bay Area Plan to address comments by the California Coastal Commission.
2. Revised Amendments to the Coastal Zoning Regulations to address comments by the California Coastal Commission:

ATTACHMENT 1

[Additional Edits per comments from the Coastal Commission in double underline]

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:

~~In addition, extension of water service outside of the urban limit line as defined in the plan shall be permitted provided that~~ [moved to B(1)(c) below]:

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.~~

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.

ATTACHMENT 2

Draft Amendments to the Humboldt County Coastal Zoning Regulations of the Humboldt County Local Coastal Program

IMPLEMENTATION TO FACILITATE SEWER SERVICE TO FAIRHAVEN CONSISTENT WITH HBAP SECTION 3.22, PUBLIC SERVICES-RURAL, SUBSECTION B.1.A.

DRAFT Q ZONE FOR FAIRHAVEN [RS-X-Q]

AN ORDINANCE AMENDING SECTION 311-7 OF CHAPTER 1, DIVISION 1, TITLE III OF THE HUMBOLDT
COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Fairhaven area from Residential Single Family\No Further Subdivision Allowed (RS\X) to Residential Single Family\No Further Subdivision Allowed with a Qualified combining zone (RS\XQ). The area described is also shown on the Humboldt County zoning maps for the Humboldt Bay Area Plan Area and on the map attached as Exhibit A.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from "RS\X" to "RS\X-Q" (described in Exhibit A), and that is located within 300 feet of Samoa Peninsula Wastewater Project sewer mains, in accordance with Humboldt County Code Section 313-32.1, which authorizes restriction of the RS zone regulations by application of the "Q" (Qualified Combining Zone).

SECTION 3. PURPOSE OF QUALIFICATIONS. Construction of the Samoa Peninsula Wastewater Project places public sewer mains within 300 feet of vacant residential parcels in the Fairhaven area, triggering a requirement for new development on these parcels to connect to the wastewater system, ~~thereby removing one of many restrictions to development for those parcels~~ the SPWP would make these lots appear more desirable for development when in fact there are many other coastal resource protection requirements which must first be addressed. The purposes of the special restrictions and regulations herein imposed on the property described in Exhibit A and that is within 300 feet of a Samoa Peninsula Wastewater Project public sewer main are:

- a. to address a health hazards and water quality problems and not to encourage or

facilitate development, and

- b. to restrict principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020, and are within 300 feet of a Samoa Peninsula Wastewater Project public sewer main to which they would be required to connect to public sewer to ensure such development is consistent with the coastal resource and hazard policies of the Humboldt Bay Area Plan and Coastal Act, including but not limited to those policies addressing wetlands, Environmentally Sensitive Habitats, flooding, sea level rise and tsunami risk.

SECTION 4. SPECIAL RESTRICTIONS. ~~The Principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020 Principal Permitted Use, Residential Single Family Principal Permitted Use (See Section 313-163.1.9 for description), allowed under the Residential Single Family (RS) Zone regulations of the Humboldt County Code Title III, Land Use and Development, Division 1, Planning, Chapter 3, Section 313-6.1,~~ shall be subject to the performance standards below.

- a. Coastal Development Permits may be granted for the Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to Coastal Development Permits as well as the following special findings:
 - (1) There is no less environmentally damaging feasible alternative, adverse environmental effects have been mitigated to the extent feasible, and required mitigation will maintain or enhance the functional capacity of the wetlands or Environmentally Sensitive Habitats to the extent feasible, if present.
 - (2) The proposed development is consistent with the Coastal Act and consistent with adopted Humboldt Bay Area Plan sea level rise development policies, or absent such policies, a qualified professional with expertise in coastal resources has prepared a site-specific sea level rise hazard analysis for the proposed development that includes a range of sea level rise projections; that shows how sea level rise may impact the development and how the development may impact coastal resources considering sea level rise; and demonstrates that the proposed development will not create a hazard to life, health, safety, the

general welfare, or coastal resources for the life of the project.

- (3) The proposed development is consistent with the Coastal Act and consistent with the adopted Humboldt Bay Area Plan tsunami hazard policies revised based on the Guidelines for Evaluating and Mitigating Tsunami Hazards in California adopted by the State Mining and Geology Board in accordance with the Seismic Hazards Mapping Act of 1990, or absent such policies, the proposed development meets the requirements of Humboldt Bay Area Plan Section 3.17 Hazards, B. Development Policies, 3. Tsunamis, subsections 1 through 4.

b. Upon approval of a Coastal Development Permit, the applicant shall agree to the following:

- (1) the applicant acknowledges that the site may be subject to geologic hazards, as well as hazards from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, and tsunami inundation and that the landowner assumes any and all liability from such hazards; and
- (2) the applicant shall indemnify, defend, and hold the County harmless and its officers, officials, agents, and employees or other third parties with respect to the County's grant of the Coastal Development Permit from and against any and all loss, liability, damage, expense, costs (including without limitation costs and fees of litigation) and any amounts paid in settlement arising from any injury or damage arising out of or in connection to related to the hazards identified in Section 4(b)(1), the performance of work hereunder, or its failure to comply with any of its obligations contained in this agreement; and
- (3) the applicant unconditionally waives any claims of damage or liability against the County and its officers, officials, agents, and employees for injury or damage related to the hazards identified in Section 4(b)(1) ; and
- (4) the applicant agrees to assume any and all risks of injury or damage to themselves, their heirs, assigns and successors-in-interest in connection with the permitted development on the property that is the subject of this Coastal

Development Permit; and

(5) No shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within the community of Fairhaven against future hazards that may arise due to the coastal setting of the Fairhaven lands, and the prospect of increased sea level rise in the future, and the present landowners have taken future seal level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development within the community of Fairhaven, and further, acknowledges the possibility that no such protective structures would secure approval for construction.

- c. Coastal Development Permits may be granted for Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to such permits as well as the performance standards of 4(a) above.

“EXHIBIT A” TO AN ORDINANCE AMENDING
SECTION 311-7 OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN



ZONING MAP

Samoa Peninsula Wastewater Project
"Q-Qualified" Combining Zone
Fairhaven Community



 Zoning Reclassification Boundary



SUPPLEMENTAL INFORMATION #2

For Planning Commission Agenda of:
December 17, 2020

<input type="checkbox"/>	Consent Agenda Item
<input type="checkbox"/>	Continued Hearing Item
<input checked="" type="checkbox"/>	Public Hearing Item
<input type="checkbox"/>	Department Report
<input type="checkbox"/>	Old Business

Re: Amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to Allow the Samoa Peninsula Wastewater Project

Record Number: PLN-2020-16642 - LCP
Assessor Parcel Number: Various
Samoa and Fairhaven Area

Attached for the Planning Commission's record and review is the following supplementary information item:

1. Revised Amendments to the Coastal Zoning Regulations to correct an omitted reference to Accessory Dwelling Units in Section 4, Special Restrictions, of an Ordinance Amending Section 311-7 Of Chapter 1, Division 1, Title III of the Humboldt County Code to Rezone Property In Fairhaven (Draft Q Zone for Fairhaven).
2. Comment Letter from Craig Spjut
3. Staff response to comments from Craig Spjut.

ATTACHMENT 1

Revised Amendments to the Coastal Zoning Regulations to correct an omitted reference to Accessory Dwelling Units in Section 4, Special Restrictions, of the Draft Q Zone for Fairhaven

[Additional Edits to address staff omission in double underline]

IMPLEMENTATION TO FACILITATE SEWER SERVICE TO FAIRHAVEN CONSISTENT WITH HBAP SECTION 3.22, PUBLIC SERVICES-RURAL, SUBSECTION B.1.A.

AN ORDINANCE AMENDING SECTION 311-7 OF CHAPTER 1, DIVISION 1, TITLE III OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN

SECTION 4. SPECIAL RESTRICTIONS. ~~The~~ Principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020, and all Accessory Dwelling Units, Principal Permitted Use, Residential Single Family Principal Permitted Use (See Section 313-163.1.9 for description), allowed under the Residential Single Family (RS) Zone regulations of the Humboldt County Code Title III, Land Use and Development, Division 1, Planning, Chapter 3, Section 313-6.1, shall be subject to the performance standards below.

ATTACHMENT 2

Comment Letter from Craig Spjut

Craig Spjut
2631 Lincoln Ave
Fairhaven, CA 95564

Humboldt County Planning Commission

Re: The Humboldt Bay Area Plan (HBAP) and the Coastal Zoning Regulations are proposed to be amended to allow the Samoa Peninsula Wastewater Project (SPWP) to proceed.

Dear Planning Commissioners,

I am asking you to reject this proposed amendment to the project. The Humboldt Bay Area Plan (HBAP) and the Coastal Zoning Regulations are proposed to be amended to allow the Samoa Peninsula Wastewater Project (SPWP) to proceed. The SPWP includes the construction and operation of a consolidated wastewater collection, treatment, and disposal system intended to correct public health and water quality problems resulting from failed on-site wastewater treatment systems on the Samoa Peninsula outside the Town of Samoa, including the community of Fairhaven.

Further development on the Samoa Peninsula allows places more people to be at Tsunami risk.

Current failed systems should be repaired, and not force the entire community to join a complete new wastewater system to be built.

A new wastewater system will also pass on unknown costs the current homeowners of Fairhaven, some who can least afford it.

The majority of the homeowners in Fairhaven that I have spoken with are not in favor of this project.

Constructing a wastewater system to allow more houses in Fairhaven could also possibly change the chances of survival for the current residents during a tsunami.

Sincerely,
Craig Spjut

ATTACHMENT 3

Staff response to comments from Craig Spjut

Comments from Craig Spjut (numbers and bold text added) and staff responses:

Mr. Spjut asks the Planning Commission not to approve the Samoa Peninsula Wastewater Project (SPWP). The following are responses to each of the reasons that Mr. Spjut puts forward to the Planning Commission as to why the amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to allow the SPWP to proceed.

<p>1) Further development on the Samoa Peninsula allows places more people to be at Tsunami risk.</p> <p>The purpose of the SPWP is not to facilitate new development, rather to address public health and water quality impacts resulting from failed on-site wastewater treatment systems due to high groundwater and fast draining soils. Humboldt County is keenly aware of tsunami hazards within the County and is working closely with local partners and state and federal agencies to update land use and hazard planning to address such hazards. The County is in the process of updating the Humboldt Bay Area Plan to address tsunami hazards and was invited to participate in the California Geologic Survey (CGS) Tsunami Technical Advisory Panel, which was formed to assist the CGS in developing Guidelines for Evaluating and Mitigating Tsunami Hazards in California. These guidelines will likely be implemented throughout the tsunami hazard zone next year and the Humboldt Bay Area Plan will be updated to incorporate them.</p> <p>The CGS recently published updated tsunami inundation and evacuation mapping which is now being used by Planners in project review throughout the County. The Samoa Peninsula is at significant risk of inundation and the Redwood Coast Tsunami Work Group (RCTWG) has done considerable Tsunami-Ready® planning for this area and has identified evacuation areas for communities such as Fairhaven and Samoa. When COVID-19 restrictions allow, the RCTWG and the Peninsula CSD will conduct a tsunami evacuation drill and Fairhaven, like Samoa, will be officially designed Tsunami-Ready®.</p> <p>In an effort to address this hazard for new residential development in Fairhaven that may only connect to the SPWP collection system in advance of the update to the Humboldt Bay Area Plan, after complying with specific performance standards recommended by the County to address hazards relating to sea level rise and tsunami inundation.</p>
<p>2) Current failed systems should be repaired, and not force the entire community to join a complete new wastewater system to be built.</p> <p>The County will encourage all residents to connect because the public sewer system will best protect public health and water quality and neither the County nor the Peninsula CSD will force any homeowners to connect. However, repairing failed septic systems could cost more than \$20,000 and require inspections to ensure that the system is operating as designed. Although repaired systems with a mound treat domestic wastewater better than gravity dispersal trenches in the ground, or failed standard systems, very high ground water levels and fast draining soils do not provide treatment sufficient to protect our ground water and marine resources. And as sea level rises the ability of the mound systems to treat wastewater will diminish.</p> <p>The proposed SPWP would replace failed onsite septic systems and allow owners of repaired systems to avoid the cost of ongoing inspections and maintenance as well as future obligations to further repair ineffective mound systems. The Peninsula CSD is</p>

pursuing grant funding to cover homeowners cost associated with connecting to the SPWP collection system and decommissioning the septic systems. The rate study shows that monthly sewer rates for Fairhaven are expected to be comparable to other local communities. If monthly sewer rates were approximately \$65 (The Samoa Peninsula Wastewater Project Planning and Design Study projected \$62 per month), the cost of more than 20 years of public sewer service may equal the cost of one septic system repair.

3) A new wastewater system will also pass on unknown costs the current homeowners of Fairhaven, some who can least afford it.

As described above, the Peninsula CSD is seeking 100 percent grant funding for the SPWP from state and federal sources. The State Water Resources Control Board and the Housing and Community Development have funded all planning and design activities to date and the State Water Resources Control Board is preparing to offer construction funding upon approved of the amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to allow the SPWP to proceed.

4) The majority of the homeowners in Fairhaven that I have spoken with are not in favor of this project.

Planning staff encourage residents to contact the Peninsula CSD and Planning staff to discuss their concerns relating to the SPWP. Please note that, although the County will encourage all residents to connect because the public sewer system will best protection public health and water quality, neither the County nor the Peninsula CSD will force any homeowners to connect.

5) Constructing a wastewater system to allow more houses in Fairhaven could also possibly change the chances of survival for the current residents during a tsunami.

Humboldt County is in the process of updating the Humboldt Bay Area Plan to address tsunami hazards. New residential development in Fairhaven may only connect to the SPWP collection system in advance of the update to the Humboldt Bay Area Plan, after complying with specific performance standards recommended by the County to address hazards relating to sea level rise and tsunami inundation.

The risk of tsunami inundation for the Samoa Peninsula is considerable, however, when a tsunami will occur and how large cannot be known. The other natural hazard facing Fairhaven is sea level rise. The near-term impact of sea level rise will be rising groundwater levels that can result in the kind of onsite wastewater treatment system failure that causes effluent to reach the surface causing a hazard to public health. When that happens then the affected homeowners will be required to install costly mound-based system, at their own expense

SUPPLEMENTAL INFORMATION #3

For Planning Commission Agenda of:
December 17, 2020

- Consent Agenda Item
- Continued Hearing Item
- Public Hearing Item
- Department Report
- Old Business

Re: Amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to Allow the Samoa Peninsula Wastewater Project

Record Number: PLN-2020-16642 - LCP
Assessor Parcel Number: Various
Samoa and Fairhaven Area

Attached for the Planning Commission's record and review is the following supplementary information item:

1. Comment Letter from Richard Spjut

ATTACHMENT 1

Comment Letter from Richard Spjut

Richard Spjut
2651 Lincoln Ave.
Fairhaven, CA 95564

December 17, 2020

Humboldt County Planning Commission
Subject: The Humboldt Bay Area Plan (HBAP) and the Coastal Zoning Regulations (CZR) are proposed to be amended to allow the Samoa Peninsula Wastewater Project (SPWP) to proceed.

Dear Planning Commission and Public:

I am asking you to reject the proposed amendment to our HBAP and CZR.

If there are any currently failed on-site wastewater treatment systems, they can be repaired on-site.

A SPWP carries with it problems of higher costs and, even worse, unknown costs for failures in an even larger system.

We can point to dangerous, aerobic-pathogenic off-gassing of low-elevation, near-sea-level large sewer systems such as those in Arcata (around the marsh on extreme low-tides), Eureka (around 1st and 2nd St) or San Francisco (downtown sewer vents) as larger systems, similar to the proposed SPWP, where failures are not only inevitable but also so costly and complex that even rich cities have great, expensive difficulties in their repair.

Furthermore, we in Fairhaven are tired of our taxes, some levied without representation in the form of special fees and higher utility rates, going to special interests. The SPWP would place a significant burden of the cost of development in Samoa onto the current residents of Fairhaven! This offset reduction of cost for the developer comes out of the pockets of us, the residents!

The Samoa Projects (SP) have already brought more attention and congestion onto the peninsula. For example, there were thousands of people on the peninsula this July in stark contrast to previous years where there were only small gatherings of tens of people.

Further development on the Samoa Peninsula puts more people at risk in the tsunami zone.

The traffic in the town of Samoa is already reportedly worse, with the new arrival of 150 low-income, Section 8 residents. The new residents are driving 40 MPH along a residential street of speed-limit 15 MPH where children, people, pets, and other animals roam.

Furthermore, if an accident occurs on the bridges or they become damaged

beyond use in an earthquake, the routes of egress in case of an evacuation become even more problematic.

Also, around 5pm, the intersection of the 101 (4th and 5th street) and R St (where Myrtle becomes R St and then HWY 255 over the bridges) is already congested. Adding further traffic requirements to that intersection will add further problems on-top of an already existing planning problem. The long history of the intersection and its poor design has carried with it significant negative cultural impacts, along with many safety hazards.

Projects for low-income housing are best completed in places like Los Angeles county or the Bay Area, where there are more resources and experienced personnel for issues brought by low-income housing.

The addition of hundreds of new people to the community has already significantly, negatively effected the quality of life on the peninsula.

Our quality of life is getting worse because of SP.

The argument that there might be “water quality problems resulting from failed on-site wastewater treatment systems on the Samoa Peninsula” is a false-flag for special interests. This false-flag started with the first LAFCO meeting for CSD formation a few years back, when it was asked “Is there any evidence that on-site wastewater treatment systems cause environmental harm?” The answer was “No.” In addition, one politician said “No, but the de-facto assumption is that they do.” From this, some politicians were quoted in a local paper published within the next few days claiming the current on-site wastewater treatment cause problems. To be clear, this was stated by the same politicians who were present when the LAFCO board answered that, “No[, there is no evidence that properly maintained, well-designed on-site wastewater treatment systems cause environmental harm].” Thus, politicians on that LAFCO board and the ensuing press were sources of misinformation. Further dispersal of misinformation can easily be construed as disinformation spread by special interest groups.

The introduction of a larger population of people beholden to the SP also significantly, negatively effects the political balance on the Peninsula. It dilutes the votes of folks in Fairhaven who would vote against projects that are not in their interests.

In closing, when I signed up for a mortgage on my first and only home, I bought into a rural, working-class, unincorporated area of Humboldt county. The culture of working, honest, good-natured folks is one of the main reasons why I chose to live here. Significant recent changes due to the SP are unwanted and are harmful to our community! All for what purpose? To line the pockets of developers? We say NO!

So we ask again, dear Planning Commission, please **reject** the proposed amend-

ments to our HBAP and CZR which are intended to pave the way for a SPWP.

Sincerely and respectfully,

Richard Spjut

SUPPLEMENTAL INFORMATION #4

For Planning Commission Agenda of:
January 7, 2021

<input type="checkbox"/>	Consent Agenda Item
<input type="checkbox"/>	Continued Hearing Item
<input checked="" type="checkbox"/>	Public Hearing Item
<input type="checkbox"/>	Department Report
<input type="checkbox"/>	Old Business

Re: Amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to Allow the Samoa Peninsula Wastewater Project

Record Number: PLN-2020-16642 - LCP

Assessor Parcel Number: Various

Samoa and Fairhaven Area

Attached for the Planning Commission's record and review is the following supplementary information item:

1. Email from Roy O'Connor, Engineering Geologist - North Coast Regional Water Quality Control Board, and Mario Kalson, Supervising Environmental Health Specialist - DHHS Public Health, Division of Environmental Health, regarding comment letters from Craig and Richard Spjut (Supplementals 2 and 3)

ATTACHMENT 1

Email from Roy O'Connor, Engineering Geologist – North Coast Regional Water Quality Control Board, and Mario Kalson, Supervising Environmental Health Specialist – DHHS Public Health, Division of Environmental Health

Miller, John

From: Kalson, Mario
Sent: Monday, January 4, 2021 8:29 AM
To: Miller, John
Cc: O'Connor, Roy@Waterboards
Subject: RE: Samoa Peninsula Wastewater Project

Roy captures the key points. I would only add that saturated soils transport the harmful components of sewage (nutrients and pathogens) much greater distances. As sea level increases, soils become more saturated. The separation to ground water and the bay is reduced. Existing septic systems will have greater impact on the bay and we will have diminishing capacity for onsite waste water treatment system repairs.

Mario Kalson, REHS
Supervising Environmental Health Specialist
Land Use and LEA Programs
[DHHS Public Health, Division of Environmental Health](#)
707-268-2209 phone
707-441-5699 fax



From: Miller, John <jpmiller@co.humboldt.ca.us>
Sent: Thursday, December 31, 2020 3:56 PM
To: Kalson, Mario <MKalson@co.humboldt.ca.us>
Subject: Fwd: Samoa Peninsula Wastewater Project

Mario

I am off work today. This is what Roy sent me following our conversation. If you have anything to add please respond to this email copying Roy.

Thanks

John
Get [Outlook for iOS](#)

From: O'Connor, Roy@Waterboards <Roy.O'Connor@waterboards.ca.gov>
Sent: Monday, December 28, 2020 6:44:37 PM
To: Miller, John <jpmiller@co.humboldt.ca.us>
Subject: RE: Samoa Peninsula Wastewater Project

Hi John,

I'll try to stick with the water quality related aspects, though certainly sewerage of under-served, disadvantaged communities on the Samoa Peninsula involves many other considerations such as public health protection, environmental justice, human right to water, etc. Here's my thoughts:

"whether or not or the degree to which individual on-site wastewater systems contribute to pollution in the Humboldt Bay and whether individual repairs will serve to protect the Bay"

No formal study has been made correlating the impacts from onsite waste treatment systems (OWTS) in Fairhaven to pollution in Humboldt Bay. We know that the majority of the OWTS in Fairhaven were installed before modern design and construction standards for OWTS existed. The Fairhaven OWTS discharge on very small lots, to sandy soils and shallow groundwater, which provide marginal treatment of the septic tank waste. This marginally treated waste is discharged to the shallow groundwater and impacts and contaminates the shallow groundwater. This shallow groundwater surfaces at the lower elevations in Fairhaven, and also makes its way to Humboldt Bay via overland flow during the winter and also by underdrains which discharge to Humboldt Bay. These OWTS impact groundwater quality, and where leakage from the OWTS comes in contact with Humboldt Bay, impacts the water quality of Humboldt Bay. Past individual OWTS repairs were often sparse on technology and waste treatment, and were unlikely to provide much more additional treatment, as the sandy soils paired with shallow groundwater and small lot size do not allow for sufficient treatment of septic tank waste.

Septic tank waste discharges contain a varied mixture of household wastes, not just toilet waste. The marginally treated septic tank waste discharged to the subsurface also contains many other pollutants such as nitrates, pharmaceuticals, chemotherapy drugs, birth control medication, oven cleaners, caffeine, pesticides, etc. OWTS on small lots, with sandy soils and high groundwater provide very little, if any, treatment for these pollutants.....they essentially wind up in the groundwater, or possibly wintertime overland flow or underdrain to Humboldt Bay. With centralized collection and treatment, if it is collected and sent to a central location with modern treatment, the discharge can be characterized to determine if additional contaminants in the discharge need further treatment to meet water quality objectives.

"whether individual repairs are a cost effective way for individual homeowners to address the effects of failing on-site systems, given projected sea level rise"

Past OWTS individual repairs in Fairhaven mainly consisted of mounded disposal systems, which, given the small lot size, sandy soil and shallow groundwater are unlikely to provide sufficient additional waste treatment to avoid groundwater impacts. In order for an OWTS repair to meet stringent groundwater quality objectives, an upgraded treatment system, with some sort of supplemental treatment to meet groundwater quality objectives would have to be installed. These higher performing systems are technically challenging to design, install and operate, they are expensive, and they need to be operated, monitored and maintained by knowledgeable people. Required reserve leach field replacement area further limits and constrains development on these small lots. Greater benefits and protections to water quality and public health exist with centralized waste collection and treatment, with a licensed operator and sufficient treatment to meet water quality objectives. For individual OWTS owners to upgrade their existing OWTS to comply with water quality objectives would be costly, and permitting intensive, either by our office or Humboldt County, and would not have access to the grant funding mechanisms of the current Samoa sewerage project. Failing septic systems are required to be corrected and repaired, both by the OWTS Policy and by Humboldt County's local agency management program which implements the OWTS policy.

I hope that helps some.

Roy O'Connor
Engineering Geologist
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

(707) 576-2670

The governor of California has issued a statewide shelter in place order due to the COVID-19 emergency. The Water Boards are continuing day-to-day work protecting public health, safety, and the environment. However, most staff are working remotely and we continue to check email and voicemail regularly. Thank you and stay healthy and safe.

From: Miller, John <jpmler@co.humboldt.ca.us>
Sent: Wednesday, December 23, 2020 10:51 AM
To: O'Connor, Roy@Waterboards <Roy.O'Connor@waterboards.ca.gov>
Subject: Samoa Peninsula Wastewater Project

EXTERNAL:

Roy

The county has received the attached comments regarding the Samoa Peninsula Wastewater Project. I would greatly appreciate your input on these comments. In particular we would like to hear your perspective on whether or not or the degree to which individual on-site wastewater systems contribute to pollution in the Humboldt Bay and whether individual repairs will serve to protect the Bay as well as a public system. Also, if you could comment on whether individual repairs are a cost effective way for individual homeowners to address the effects of failing on-site systems, given projected sea level rise.

By the way, Craig Spjut is very interested in talking with the RWQCB and can be reached at [REDACTED]. Thank you very much for your assistance.

John

John Miller
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