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DATE: September 17, 2018

TO: Interested Persons

FROM: Robert S. Merrill, North Coast District Manager
Melissa B. Kraemer, Supervising Analyst

SUBJECT: **Adopted Findings** for County of Humboldt Land Use Plan Amendment No. LCP-1-HUM-17-0066-1 (CalFire Trinidad Fire Station Water Service Extension)

Adopted Findings. At the Coastal Commission meeting of September 12, 2018 in Fort Bragg, the Commission denied the County of Humboldt LCP Amendment (LCPA) Application No. LCP-1-HUM-17-0066-1 as submitted, and certified the LCPA as suggested to be modified by staff in the August 24th staff report, and as modified verbally by staff at the hearing. At the hearing, the staff made one correction to the staff report in response to public comments received on the staff recommendation from the Trinidad Rancheria. The letter from the Rancheria dated September 7, 2018 expresses support for the City's companion LCPA application and also points out an error on page 14 of the August 24th staff report for the City's application (which is similar to an error on page 12 of the County staff report). The referenced findings stated that "the City currently provides water service to the Trinidad Rancheria reservation lands and off-reservation trust lands located east of the City." The Rancheria's letter points out that the reference to "off-reservation trust lands" is erroneous, as all lands held in trust for the Trinidad Rancheria are considered to be "on-reservation" and part of the Rancheria, whether or not the lands are contiguous. These adopted findings therefore delete the words "and off-reservation trust lands" from page 12 of the staff report and other pages of the staff report as applicable to correct this error.

The Commission adopted the staff recommendation as corrected at the hearing in its entirety. The following resolutions and findings were adopted by the Commission on September 12, 2018.

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EXHIBITS

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[Exhibit 4 – City of Trinidad certified LUP map](#)

[Exhibit 5 – County resolutions adopting and transmitting the LUP amendment](#)

[Exhibit 6 – GHD Memorandum regarding water service extension feasibility](#)

[Exhibit 7 – Description of proposed water line extension project](#)

[Exhibit 8 – Map of existing City water service](#)

I. MOTIONS, RESOLUTIONS AND SUGGESTED MODIFICATIONS

A. RESOLUTION A

Resolution A to deny certification of the land use plan amendment as submitted:

The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-HUM-17-0066-1 as submitted by the County of Humboldt and adopts the findings set forth below on the grounds that the land use plan as amended does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.

B. RESOLUTION B

Resolution B to certify the land use plan amendment with suggested modifications:

The Commission hereby certifies Land Use Plan Amendment No. LCP-1-HUM-17-0066-1 for the County of Humboldt if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment if modified.

C. SUGGESTED MODIFICATIONS

The attached [Exhibit 5](#) presents the complete section of the affected Land Use Plan policy, as proposed to be amended by the County. Shown below are the revised text deletions and additions proposed by the County in single-strikeout and single-underline, respectively. Text deletions and additions suggested by the Commission are formatted in ~~**bold-double-strikethrough**~~ and **bold double-underlined** text, respectively.

Suggested Modification 1: Section 3.23-B-1, Public Services Development Policies of the County of Humboldt Land Use Plan (Trinidad Area Plan) shall be modified as follows:

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 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 or the area identified as the Westhaven Village area; except that provision of water service shall only be permitted, (i) within the service area, if sized so as not to exceed the maximum number of residential sites and other planned uses which can be developed under the adopted plan, and (ii) to the CalFire Trinidad Fire Station located at 923 Patricks Point Drive if sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use only.

~~(i) In addition, e~~ Extension of water service outside of the Urban Limit Line as defined in the plan to the service area ~~or to the CalFire Trinidad Fire Station~~ shall only be permitted provided that:

- a) service along the extension can be extended consistent with Coastal Act section 30254 and 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;*
- b) developments to be serviced are compatible with the plan;*
- c) the extension of water service will be paid for only by the users of that service;*
- d) the existing system is in no way degraded and that fire protection services are in no way impaired; ~~and~~*
- e) the proposed service is found to be in conformance with the resource protection policies of this plan; and*

f) the extension will not remove water system capacity needed to serve Coastal Act priority uses within the service area.

(ii) Extension of water service to the CalFire Trinidad Fire Station located at 923 Patricks Point Drive shall only be permitted provided that the service extension:

- a) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use;*
- b) will not remove capacity necessary to serve future development within the City;*
- c) will not impair fire protection services in the City;*
- d) is designed and conditioned in such a way that it will not service additional parcels/be growth inducing; and*
- e) is found to be in conformance with the resource protection policies of this plan.*

II. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The standard of review for land use plans and their amendments is found in section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512 (c):

The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County Planning Commission held a public hearing on the proposed amendment on August 24, 2017. The Board of Supervisors held a public hearing on the proposed amendment on October 17, 2017. The hearings were noticed to the public consistent with sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to section 13551(b) of Title 14 of the California Code of Regulations, the County resolution for submittal may specify that a LCP Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, the County's Resolution of Transmittal of the LCP amendment to the Commission for certification states that it will take effect 30 days after Commission approval (Exhibit 5). If the Commission certifies the LCP amendment as submitted, no further County action will be necessary and the LCP amendment would take effect 30 days later. Should the Commission certify the LCP amendment subject to suggested modifications final approval by the Board of Supervisors will be required in order for the amendment to take effect. Should the Commission deny the LCP Amendment as submitted without suggested modifications, no further action is required by either the Commission or the County, and the LCP amendment will not become effective.

III. FINDINGS FOR DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED AND APPROVAL IF MODIFIED AS SUGGESTED

The Commission hereby finds and declares as follows:

A. ANALYSIS CRITERIA

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. As submitted, the proposed County of Humboldt LUP amendment is not fully consistent with the policies of the Coastal Act, but if modified as suggested, will be consistent.

B. AMENDMENT DESCRIPTION

The proposed County of Humboldt LUP Amendment Application No. LCP-1-HUM-17-0066-1 involves a text change to the County LUP (Trinidad Area Plan) section 3.23 (Public Services) development policies as shown below and in [Exhibit 5](#). The proposed text changes would allow for an extension of water service from the City of Trinidad's municipal water system to the

California Department of Forestry and Fire Protection (CalFire) Trinidad Station located in an unincorporated rural area of the County, one mile north of the City limits, at 923 Patricks Point Drive (APN 515-241-011) ([Exhibits 1-2](#); [Exhibit 7](#)).

Because the City of Trinidad's municipal water system provides service to adjoining unincorporated County lands, the County LUP includes policies that separately address extension of water service to lands both within and outside the County Urban Limit Line (ULL) (see [Exhibits 3-4](#)). Within the ULL, the policies of the certified LUP identified as urban development policies apply. Outside the ULL, the policies of the certified LUP identified as rural development policies apply. LUP Policy 3.23-B-1 indicates it is the intent of the LUP that extensions of rural public service systems, such as water and sewer, not be developed and prohibits issuance of permits to provide such service outside the designated ULL or the area identified as the Westhaven Village area. The policy allows an exception to this prohibition if the proposed extension of service will be within the service area of the service provider and the service extension will be sized so as not to exceed the capacity needed to serve uses that can be developed under the certified LCP. In addition, the exception only allows water service to be extended outside the ULL if the service line extension (a) will not remove capacity necessary to serve future development on undeveloped lots within the existing serviced area; (b) will serve developments that are compatible with the plan; (c) will be paid for only by the users of that service; (d) will in no way degrade the existing system or impair fire protection services; and (e) is found to be in conformance with the resource protection policies of the LUP.

The subject 2-acre CalFire property is located outside of both the service area boundary and the ULL in an area that currently lacks community water services ([Exhibit 3-4](#)). Thus, the extension of water to the CalFire station would not be consistent with policy 3.23-B-1 as currently certified. As proposed, the County's LUP amendment would modify the exception to policy 3.23-B-1 that currently allows water service to be extended outside the ULL to areas within a designated service area to also allow an extension of water service to the CalFire station outside of both the ULL and the City service area, if sized so as not to exceed provision of the minimum amount of water needed to serve the CalFire station with domestic water use only. The City of Trinidad also has transmitted a related City LUP amendment to the Commission for certification to allow for extension of water service outside of the City LUP-designated service area boundary, which is coincident with the County LUP-designated service area boundary.¹

Proposed deleted text is shown in ~~single-strikeout~~ font; new language appears in single-underlined text font:

3.23 PUBLIC SERVICES

...

B. DEVELOPMENT POLICIES

1. Extension of Services

¹ See LCP Amendment Application No. LCP-1-TRN-17-0072-1 on the September 12, 2018 agenda (item [W9d](#)).

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 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 or the area identified as the Westhaven Village area; except that provision of water service shall only be permitted, (i) within the service area, if sized so as not to exceed the maximum number of residential sites and other planned uses which can be developed under the adopted plan, and (ii) to the CalFire Trinidad Fire Station located at 923 Patricks Point Drive, if sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use only.

In addition, extension of water service outside of the Urban Limit Line as defined in the plan to the service area or to the CalFire Trinidad Fire Station shall only be permitted provided that:

- a) 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;*
- b) developments to be serviced are compatible with the plan;*
- c) the extension of water service will be paid for only by the users of that service;*
- d) the existing system is in no way degraded and that fire protection services are in no way impaired; and*
- e) the proposed service is found to be in conformance with the resource protection policies of this plan.*

C. BACKGROUND AND IMPETUS FOR LUP AMENDMENT

The CalFire station is located approximately one mile north of the City of Trinidad on a 2-acre rural unincorporated property planned and zoned for Public Facilities uses under the County LUP. The fire station is professionally staffed 24 hours per day year-round and serves the City of Trinidad and surrounding tribal and unincorporated County lands for medical, traffic accident, structural and wildland fire dispatches. The station is contracted to serve as the primary fire department for Humboldt County Service Area 4 (over 375,000 acres) and on average responds to 240 calls per year in the region. In addition, due to the proximity of the fire station to the City, CalFire's engine is usually on-scene faster than the Trinidad Volunteer Fire Department response. Between 2011 and 2016, the CalFire Trinidad Station responded to the City a total of 227 times for a variety of call types.²

CalFire has been located on the subject property at least since the 1970s, and its existing potable water is obtained through a collection and treatment system on Martin Creek north of the City. However, in the last decade, possibly due to upstream development, that source has become polluted and unreliable. CalFire attempted several solutions, including expansion of the collection cistern, improvements to the filtration system and even digging a new well. None of

² According to information submitted to the City by CalFire in September of 2016.

these actions worked, and the station has had to rely on trucked and bottled water for domestic use for the past several years.

In 2009 CalFire applied to the Humboldt Local Agency Formation Commission (LAFCo) for a water service extension from the City of Trinidad municipal water system. LAFCo is the agency responsible for determining changes in jurisdictional boundaries of local agencies, including cities and Service Districts. In support of the LAFCo application, CalFire commissioned a feasibility study for the water service extension, which found that the fire station's estimated peak demand of up to 2,000 gallons per day for domestic water usage is less than 2% of the City's available capacity and that the City has available water supply to provide the fire station with potable water. Because CalFire is a public agency that performs an essential public safety purpose, and because its current water situation is a public health and safety issue, LAFCo approved an exception for the water service extension to a property outside of the City's service area boundary. Generally, out-of-area service extensions require City annexation.³ LAFCo approved a 1.5-inch water line. LAFCo's approval was conditioned upon CalFire negotiating an agreement with the City, assuming all financial responsibility and completing all the required environmental and permit compliance.

Although the County's proposed LUP amendment does not prescribe a specific route for the future development of the service line extension, conceptual plans submitted with the LUP amendment application show the route extending along the Patricks Point Drive road right-of-way to the CalFire parcel from a connection point within the city limits near the Highway 101 overpass. Application information indicates the line would be installed using horizontal directional drilling under paved areas of the roadway and the mowed roadway shoulder, which would avoid direct impacts to roadside vegetation and coastal resources.

D. EXPANDED PUBLIC WORKS FACILITIES & PROTECTION OF PRIORITY USES

Coastal Act Section 30213, codified in part in section 3.25 of the County LUP, states in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Coastal Act Section 30222, codified in section 3.25 of the County's LUP, states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act section 30250(a) states in part as follows:

New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other

³ Cortese-Knox-Hertzberg Act sec. 56133

areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

Coastal Act Section 30254, codified in sections 3.12 and 3.23 of the County's LUP, states in part:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Summary of applicable policies

The Coastal Act prioritizes certain land uses over other competing uses. Priority uses under the Coastal Act include lower-cost visitor-serving facilities (section 30213), recreational facilities (sections 30213, 30220, 30221, 30222, 30223, 30234 and 30254), coastal-dependent uses (sections 30222, 30222.5 and 30254) and agriculture (sections 30212, 30222, 30241 and 30242). In addition, in cases where existing or planned public works facilities can accommodate only a limited amount of new development, Coastal Act section 30254 prioritizes “*services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses.*” Coastal Act section 30254 also directs in part that (1) public works facilities shall be designed and limited to accommodate development and uses permitted consistent with the Coastal Act, and (2) expansion of public works facilities shall not induce new development inconsistent with the Coastal Act. Essentially, the Coastal Act discourages “leapfrog” development (section 30250(a)) and prioritizes certain uses over other competing uses, especially in cases where service capacity is limited.

The County's certified LUP includes sections 30213, 30222 and 30254 of the Coastal Act as enforceable policies. Additionally, LCP policies direct that water service extensions to rural areas (outside the designated Urban Limit Line) not be developed except for extensions within a service provider's designated service area that are sized so as not to exceed the capacity needed to serve uses which can be developed under the certified LCP, and only if: (a) service will not remove capacity to serve future development on undeveloped lots within the designated service areas; (b) developments to be serviced are compatible with the LCP; (c) the extension of service will be paid for only by service users; (d) the service extension shall not degraded fire protection services; and (e) the proposed service is found to be in conformance with the resource protection policies of the LCP. [Appendix A](#) presents additional policies related to water service extensions.

Background on water service in the LUP planning area

Most of the existing development within the unincorporated Trinidad Area Plan LUP planning area is served by individual onsite wells and/or diversionary sources rather than public or community

water systems. The LUP planning area extends approximately six miles north of and four miles south of the City of Trinidad. There are, however, two public water systems within the LUP planning area: (1) the Westhaven Community Services District (WCSD) provides water service to approximately 210 active service connections located approximately 2 miles south of the City of Trinidad, an area referred to in the County LUP as Westhaven Village;⁴ and (2) the City of Trinidad, in addition to providing water service to residents and businesses within the City limits, also provides water service to some users within a designated service area outside of the City that encompasses unincorporated County and tribal lands north, east and south of the City limits ([Exhibits 3-4, 8](#)). As noted above, some of the County lands outside the City within the County LUP-designated service area also are within a designated Urban Limit Line (ULL). Lands within the ULL are planned for residential estates (RE) or general commercial (CG) uses under the County's certified LUP. Other unincorporated County lands within the designated service area but outside of the ULL are planned for low-density rural residential (RR) and visitor-serving commercial recreation (CR) under the County LCP. Finally, trust lands of the Trinidad Rancheria also are located within the City service area. The service area boundaries were neither established nor limited in extent based on the capacity of the water system to serve all of the property within the service area. Buildout of all the properties within the service area would likely create more demand for water than can be supplied by the City's water system.

The certified LCP currently allows for water service hook-ups to RE and CG lands within the ULL and to other lands within the designated service area outside of the ULL, provided that capacity is reserved for future development on lands within the ULL:

Consistent with the policies of Section 3.23, water service may be extended to areas outside of the Urban Limit if it is within the designated service limit (see Map 4). The extension policies require that capacity necessary to serve future development within the Urban Limit Line be reserved. A finding to this effect would have to be made by the County before extension of water outside of the Urban Limit Line would be permitted to occur.

Within the Urban Limit Line the serviceable area presently includes parcels currently serviced by the Trinidad Municipal Water System. Upon completion of an extension to currently unserved parcels within the Urban Limit Line (called the urban reserve) the newly serviced area will be formally designated as a part of the serviceable area, as described in Section 3.22A.

As summarized in Table 1 below and shown in [Exhibits 3 and 8](#), the City's water system currently provides water to over 90 rural residential users within the portion of the service area east and south of the City, in addition to providing water to approximately 250 users within the City limits. The Trinidad Rancheria reservation lands that are located within the designated service area east of the City (totaling approximately 60 acres) also currently receive water from the City's municipal water system. To date, the City has not extended water service to any of the lands within the service area north of the City, which includes visitor-serving CR lands as designated under the

⁴ The WCSD's water supply consists of surface water intakes from three small spring-fed tributaries of Two Creek and a 100-foot deep well. The District was formed on May 17, 1988 and encompasses an approximately half-square-mile area mostly within the coastal area north of Moonstone Beach and south of the City of Trinidad.

County's certified LUP (see [Exhibit 8](#) for a map of the City's existing service area to lands outside of the City).

Table 1. Summary of Trinidad's municipal water system service connections within and outside the City.

	Approx. Number of Users:⁵	
	Currently Connected to City Water System	Not Yet Connected to City Water System
LUP-designated service area lands:		
Within the City limits	252	73⁶
Portion of the designated service area outside City limits:	89⁷	86
• Within designated Urban Limit Line area:	16 (RE) 0 (CG)	7 (CG) 7 (RE)
• Outside designated ULL area:	37 (RR) All tribal lands ⁸	8 (CR)* 64 (RR)

* CR lands support visitor serving priority uses under the Coastal Act.

Historically water supply has been a concern for residents and property owners within the County LUP planning area and for the City of Trinidad. As discussed above, most of the existing development outside of the City is served by individual onsite wells and/or diversionary sources rather than public or community water systems, though over 90 rural residential users on lands east and south of the City are served with City water. The City's municipal water system, originally constructed in the 1960s, consists of an infiltration gallery located 10 feet below Luffenholtz Creek connected to a wet well. The City's water supply and storage infrastructure is located on a disjunct City-annexed property located over a mile southeast of the City limits surrounded by mostly privately owned industrial timberlands.⁹ Over the past several decades, the City has completed major upgrades to its water system, including doubling the system's storage capacity and adding new water pumps. The City's well pumps currently can deliver 175 gallons per minute individually, and with one pump running the City can produce 252,000 gallons per day (gpd). These upgrades have provided the City water system with sufficient capacity to serve not

⁵ Users listed by land use type for lands outside of the City, including distinction of tribal lands. RE=Residential Estates ("Urban Reserve"); RR=Rural Residential; CG=Commercial General; CR=Commercial Recreation. The latter is the only land use in the service area outside the City that supports priority uses under the Coastal Act.

⁶ Represents potential full buildout of all incorporated City lands, which includes lands designated Urban Residential, Suburban Residential and Planned Development under the City's certified LCP.

⁷ The total of 89 metered connections includes 36 connections on Trinidad Rancheria reservation lands (see below footnote 8). In addition, there are approximately a dozen additional metered connections outside the City limits within the portion of the designated service area that extends outside the coastal zone east of the City to adjacent unincorporated County lands.

⁸ Tribal lands include the Trinidad Rancheria reservation lands within the City's designated service area. According to the City, there currently are 36 water meter connections on the Rancheria lands, mostly for single family residences, but also for a restaurant, casino and tribal offices.

⁹ The City's water plant property was annexed into the City in 1987 under LCP Amendment 1-87. As shown in [Exhibit 8](#), an 8- to 10-inch main trunk line extends from the water plant to the City along the Westhaven Drive alignment.

only all City residents and business currently developed and planned for under the City's LCP, but also dozens of additional County residents on rural lands located outside of the City, between the City's main water plant and the city proper ([Exhibit 8](#)). However, until a comprehensive water supply assessment of the Luffenholtz Creek watershed is completed (which currently is in process by the City),¹⁰ it is unknown whether the City's municipal water system has sufficient capacity to serve all the remaining properties within the designated service area north, east and south of the City that currently are not served with City water. According to information submitted by the City in support of the County's LUP amendment, there are several properties within the designated service area with inadequate water supply that have expressed interest in obtaining water from the City's water system.

Water Demand and Available Capacity

Buildout of all the properties within the service area of the City municipal water system would likely create more demand for water than can be supplied by the City's water system. However, the water system produces more water than is currently needed to serve existing users. The demand for water from the CalFire station and customers from different portions of the City's service area is discussed below.

Demand and capacity to serve existing City users and the CalFire station: In 2017, a consulting firm contracted by CalFire in support of the subject LUP amendment application examined water demands and availability, including an assessment of the maximum production capacity, the maximum raw water available for extraction under the City's existing water rights assuming drought conditions, and peak daily demand by the City's water users (for the years 2013-2016). The memorandum ([Exhibit 6](#)) concludes that the City's municipal water system currently has ample water availability beyond the supply needed to serve the existing demand of users within the City (128,900 gpd beyond the 123,100 gpd needed to serve existing demand).¹¹ The memorandum also calculates that the fire station's estimated average demand during periods of high facility use (i.e., peak staffing levels using peak water levels during dry summer months) represents less than 2% of the City's available system capacity, suggesting that the City's municipal water system would have the capacity to provide potable water to both existing users with the City and to the fire station without taking into account the demand for water from potential users within the portion of the City's service area outside of the City.

Demand and capacity to serve buildout of all City lands: In addition, the City provided evidence in support of the County's LUP amendment application that the City's water system has sufficient capacity to serve both the CalFire station for domestic water use and for projected buildout of the City, as planned for under the City's certified LCP. The evaluation shows that with buildout of the remaining vacant and developable lots in the City (which equates to 73 total lots planned for Urban Residential, Suburban Residential

¹⁰ The Commission awarded approximately \$50,000 to the City under its Round 4 LCP Grant Program to complete the water supply assessment (see <https://documents.coastal.ca.gov/assets/lcp/grants/round-4-apps-16-17/Trinidad.pdf>).

¹¹ Demand calculation based on total amount supplied per day on average over a four-year period (2013-2016), 68,400 gallons per day, times a peaking factor of 1.8, which accounts for the possibility of all users consuming peak water usage (e.g., showers, laundry, etc.) at the same time.

and Planned Development uses),¹² and considering average peak annual and peak daily water use that would be consumed by the development of those lots in the future (based on average peak water usage data of existing user accounts in 2017), the available water supply capacity of the City's municipal water system would be reduced from 128,900 gpd to 113,813 gpd during the peak month of July (113,813 gpd represents 45% of the City's current maximum production capacity). The peak daily demand from the CalFire station is less than 2% of that available capacity. Thus, without taking into account the demand for water from potential users within the portion of the City's service area outside of the City, the analysis shows that the City would have ample water supply capacity (over 50% of its production capacity) to serve buildout of all City lands even with the service extension to the CalFire station as proposed.

Demand and capacity to serve priority use lands: The County's proposed LUP amendment application also includes an evaluation of the water demand of priority use lands in the area, which demonstrates that the City's water system has sufficient capacity to serve (a) buildout of all lands within the City, (b) the CalFire station and (c) all priority use lands within the City without taking into account the demand for water from potential users within the portion of the City's service area outside of the City. All priority use lands within the City limits (which include commercial and visitor-serving lands) already are developed and served with City water, and there are no agriculture, industrial or coastal-dependent industrial lands within or around the City. There are however, as discussed, lands designated for visitor-serving Commercial Recreation (CR) uses outside and north of the City that are within the County LUP-designated municipal water service area ([Exhibits 3-4](#)). Assuming a commercial water demand for peak usage months (summer) involving: (a) development of RV parks on each of the eight CR lots outside of and north of the City within the service area (except for the one lot that is developed with a single family residence, and based on water usage data from the existing RV park within the City), and (b) demand for each of the seven CG lots outside the City within the ULL that is equivalent to the average consumption of water by the commercial lots within the City, an additional 17,269 gpd of daily water usage may be needed to adequately serve these CR and urban CG lots north of the City within its service area in the future. Accounting for this additional future demand for visitor-serving and urban commercial uses with a water service extension to this portion of the service area, as well as buildout of lands within the City limits, the City's water system still would have ample water supply capacity to serve these lands even with the service extension to the CalFire station as proposed (38% of its production capacity). However, this projection does not take into account the demand for water from all potential residential users within the portion of the City's service area to the south and east of the City. The City will be performing a comprehensive water supply assessment of its water source (Luffenholtz Creek) as part of its current LCP update to determine how much additional water could be provided to additional properties within the portion of its service area outside the City.

¹² There are no agriculture, industrial, or coastal-dependent industrial lands in the City and no undeveloped commercial or visitor-serving lands in the City. Therefore, the build-out analysis focused only on residential lands (Urban Residential, Suburban Residential, and Planned Development).

Prioritization of service under section 30254

In addition to allowing public works facilities to expand only if they have been designed and limited to accommodate development or uses that can be permitted consistent with the provisions the Coastal Act, section 30254 further directs that in cases of limited public services availability, priority should be given to certain classes of development and uses over other forms of development, specifically “*coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses*” (emphasis added).

The CalFire Trinidad Station performs an essential public service. As previously discussed, the station is professionally staffed 24 hours per day year-round and serves the County LUP planning area and the City for medical, traffic accident, structural and wildland fire dispatches. Due to the proximity of the fire station to the City, CalFire’s engine is usually on-scene faster than the Trinidad Volunteer Fire Department response. Between 2011 and 2016, the CalFire Trinidad Station responded to the City a total of 227 times for a variety of call types. In addition, the station is contracted to serve as the primary fire department for Humboldt County Service Area 4 (over 375,000 acres) and on average responds to 240 calls per year in the region. No other alternatives have been identified for providing water to the CalFire station.¹³ Therefore, the Commission finds that the CalFire station is an essential public service for which water service shall not be precluded by other development.

As proposed, the County will add text to the LUP’s Extension of Rural Public Services policy (3.23-B-1) to provide for extending service to an individual user (CalFire) outside of the designated ULL and service area boundaries. CalFire is an essential public service facility, service will be limited to domestic indoor use and the station will continue to use its existing non-potable water source for irrigation, fire suppression and truck maintenance. Furthermore, the LUP amendment as proposed requires that the service line extension be sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use only. In addition, the service line extension shall (a) not remove capacity necessary to serve future development on undeveloped lots within the existing serviced area; (b) serve developments that are compatible with the plan; (c) be paid for only by the users of that service; (d) in no way degrade the existing system or impair fire protection services; and (e) be found to be in conformance with the resource protection policies of the LUP. As new development that would not be exempt, the new service line will require CDP authorization. As the service line would originate within City boundaries and extend to the CalFire station in the unincorporated County area, development of the service line extension will require CDPs from both the County and the City after certification of the LCP amendments to both the County and City’s LCPs to accommodate the line. The County would review the portion of the line within the County’s CDP jurisdiction for conformance with the County’s LCP as amended, including proposed modified policy 3.23-B-1 and its requirements to limit the diameter of the water line to the minimum size necessary to serve the CalFire station and reduce its capacity to serve other parcels, and to prohibit development on other lots from hooking up to the line. LAFCo’s approval of the water service extension requires a maximum 1.5-inch water line, which is

¹³ As discussed above, CalFire attempted several solutions to its water supply problems, including expansion of the collection cistern, improvements to the filtration system and even digging a new well. None of these actions worked, and the station has had to rely on trucked and bottled water for domestic use for the past several years.

consistent with the sizing of the line determined to be needed to serve the station for domestic use in a feasibility assessment completed in support of this LUP amendment.

Amendment as proposed does not ensure available water for the CalFire Fire Station

As previously discussed, the CalFire station is located one mile north of the City outside of the City's water service area and outside the Urban Limit Line (ULL). Under the LUP amendment as proposed, the County is not proposing to change the boundary of the designated service area or ULL to include the CalFire property. Nor will the CalFire property be annexed by the City. Instead, the existing exception language in Policy 3.23-B-1 that allows extensions of service outside the ULL but within the service area would be amended to expressly allow for an extension of water service to the CalFire Station outside of both the ULL and service area. The extension of service to the CalFire Station would be subject to the other requirements of the exception language, including requirements that the service line extension (i) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use only; (ii) will not remove capacity necessary to serve future development on undeveloped lots within the existing serviced areas; (iii) will serve development that is compatible with the plan; (iv) will be paid for only by the users of that service; (v) will in no way degrade the existing system or impair fire protection services; and (vi) is found to be in conformance with the resource protection policies of the LUP.

In seeking to add a new exception, the County has submitted evidence demonstrating that the capacity of the City's municipal water system is sufficient to serve (a) buildout of lands within the City, (b) all priority use lands within the City's entire designated water service area and (c) the CalFire station (an essential public service facility). However, until the City completes a comprehensive water supply assessment of the Luffenholtz Creek watershed, which currently is in process, it is unknown whether or not whether the City's municipal water system has sufficient capacity to serve all of these uses plus all the remaining properties within the portion of the City's service area outside the City that currently are not served with City water. Under the proposed LUP text amendment, to approve a CDP to extend water service to the CalFire essential public service facility, the County would have to demonstrate that the service extension would not remove capacity necessary to serve future development on all lots within the existing service area that are not currently served with municipal water from the City. As summarized in Table 1 above, the existing serviced areas include over 60 lots east and south of the City planned for rural residential uses under the County's LCP that currently do not receive City water. Therefore, it is uncertain whether extension of service to the CalFire station could ever be approved under the amendment as proposed, as it is unknown whether the City's comprehensive assessment of its water supply will demonstrate that extending service to the CalFire station will not remove capacity necessary to serve future development on all undeveloped lots within the existing serviced area.

As discussed above, the CalFire station is an essential public service, one of certain specified classes of development that section 30254 requires be given priority over other forms of development such as residential development consistent with section 30254. Therefore, to ensure service to this essential public service occurs independent of the rules governing exceptions for extensions of the ULL, the Commission recommends Suggested Modification 1. Suggested modification 1 creates a separate exception for extending service to the CalFire station, expressly

authorizing extension of water service to the CalFire station if certain criteria are met, including requirements that the service extension (a) is sized so as not to exceed the minimum amount of water needed to serve the fire station for domestic water use; (b) will not remove capacity necessary to serve future development within the City; (c) will not impair fire protection services in the City; (d) is designed and conditioned in such a way that it will not service additional parcels/be growth inducing; and (e) is found to be in conformance with the resource protection policies of the LUP. Among other requirements, these criteria ensure that extension of service to the CalFire Station will not remove capacity needed to serve existing and future development within the City but do not require assurance that sufficient capacity will remain available to serve all future development within the portion of the designated service area located outside the City. As the County has presented evidence that there is sufficient capacity within the system to serve buildout of the City, all existing users, the designated visitor-serving lands within the service area as well as the CalFire station, the criteria in the proposed policy as modified will enable permits to be granted for the extension of service to the CalFire station, an essential priority use, whether or not the City's municipal water system has sufficient capacity to serve all future development within the portion of the service area that is located outside the City.

Amendment as proposed does not ensure water available for land designated for priority uses adjacent to the Calfire Fire Station

The LUP amendment as submitted includes no policy requirement directing the County to ensure that sufficient water supply capacity is available for property designated for visitor-serving priority uses within the designated service area immediately adjacent to the CalFire station, inconsistent with Coastal Act sections 30213, 30222 and 30254. The certified LCP designates eight parcels within the designated service area north of the City and outside of the designated ULL for priority-use Commercial Recreation (CR) lands. Most of the rest of the lands outside of both the City limits and the ULL are designated for residential use. As further discussed above, the amendment to Policy 3.23-B-1 prohibits issuance of permits to provide water service outside the designated ULL except if the proposed extension of service will be within the service area of the service provider and the service extension meets certain other requirements, including a requirement that the service extension will not remove capacity necessary to serve future development on all undeveloped lots with the existing serviced area. However, the LUP amendment as submitted includes no policy requirement ensuring that sufficient water supply capacity is available for property designated for visitor-serving priority uses that is located immediately adjacent to the CalFire station. As shown in Table 1 above, the existing serviced areas include over 60 lots east and south of the City planned for rural residential uses under the County's LCP that currently do not receive City water. Pending completion of the City's comprehensive assessment of the Luffenholtz Creek watershed that currently is in process, it is unknown whether the City's water system has sufficient capacity to extend water service in the future to all residential, commercial and visitor-serving properties within the portion of the City's designated service area in unincorporated areas north, east and south of the City.

Thus, the LUP amendment as submitted fails to protect and prioritize visitor-serving priority use lands within the designated service area over private residential or general commercial development as required by Coastal Act sections 30213, 30222 and 30254. While there are no agriculture, industrial, or coastal-dependent industrial lands within or around the portion of the City's service area outside the City, the LUP amendment as submitted includes no policy

requirements directing the County to ensure that sufficient water supply capacity is available for the visitor-serving CR lots within the portion of the service area north of the City adjacent to the CalFire station. Because (a) the County is proposing to allow for extension of water service within its service area beyond both the limits of the City and the designated ULL around the City, (b) the City's municipal water facility can accommodate only a limited amount of new development, (c) the City has not yet established that it has sufficient water capacity to serve the entirety of its designated service area, and (d) the existing LUP prohibits extension of water service to designated service areas outside of the City and the ULL until the City's water system has sufficient capacity to serve the entirety of planned uses within the service area, the Commission finds that the LUP amendment as proposed fails to prioritize services to priority use development, including visitor-serving lands within the City's designated service area, over non-priority (in this case residential) use types, inconsistent with Coastal Act sections 30213, 30222 and 30254. Therefore, the Commission suggests modifications to Policy 3.23-B-1 to ensure that connections granted for residential uses within the service area do not use up all available water capacity before lands planned for visitor-serving under the County's certified LUP can be developed and provided with City water.

Suggested Modification 1: Section 3.23-B-1 of the County of Humboldt LUP (Trinidad Area Plan) regarding Public Services shall be modified as follows (revised text deletions and additions proposed by the County are shown in ~~single-strikeout~~ and single-underline, respectively; text deletions and additions suggested by the Commission are formatted in ~~bold-double strikethrough~~ and **bold double-underlined** text, respectively.):

3.23 PUBLIC SERVICES

...

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 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 or the area identified as the Westhaven Village area; except that provision of water service shall only be permitted, (i) within the service area, if sized so as not to exceed the maximum number of residential sites and other planned uses which can be developed under the adopted plan, and (ii) to the CalFire Trinidad Fire Station located at 923 Patricks Point Drive. if sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use only.

(i) ~~In addition, e~~ Extension of water service outside of the Urban Limit Line as defined in the plan to the service area ~~or to the CalFire Trinidad Fire Station~~ shall only be permitted provided that:

- a) *service along the extension can be extended consistent with Coastal Act section 30254 and 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;*
- b) *developments to be serviced are compatible with the plan;*
- c) *the extension of water service will be paid for only by the users of that service;*
- d) *the existing system is in no way degraded and that fire protection services are in no way impaired; ~~and~~*
- e) *the proposed service is found to be in conformance with the resource protection policies of this plan; and*
- f) *the extension will not remove water system capacity needed to serve Coastal Act priority uses within the service area.*

(ii) Extension of water service to the CalFire Trinidad Fire Station located at 923 Patricks Point Drive shall only be permitted provided that the service extension:

- a) *is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use;*
- b) *will not remove capacity necessary to serve future development within the City;*
- c) *will not impair fire protection services in the City;*
- d) *is designed and conditioned in such a way that it will not service additional parcels/be growth inducing; and*
- e) *is found to be in conformance with the resource protection policies of this plan.*

With the above-suggested modifications to policy 3.23-B-1 the proposed LUP amendment allows for extensions of water service outside of the city limits and the designated ULL consistent with Coastal Act sections 30254, 30213, 30222 and 30250(a) with respect to directives to (1) prioritize essential public services and visitor-serving land uses over other types of development where public works facilities can accommodate only a limited amount of new development; (2) protect lands designated for visitor-serving uses; and (3) concentrate development in areas with adequate public services where it will not have significant adverse effects on coastal resources.

E. CONSISTENCY WITH ESHA PROTECTION POLICIES

Coastal Act section 30233 states in part as follows:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

...

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

[...]

Coastal Act section 30240 states as follows:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Act section 30244 states as follows:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The certified LUP includes the following text and policies, in part, related to ESHA protection:

3.20 RURAL DEVELOPMENT

...

3.23 PUBLIC SERVICES

...

B. DEVELOPMENT POLICIES

1. Extension of Services

...

In addition, extension of water service outside of the Urban Limit Line as defined in the plan shall be permitted provided that:

...

e) the proposed service is found to be in conformance with the resource protection policies of this plan.

The County has provided evidence that the project can be undertaken consistent with the coastal resource protection policies of the Coastal Act, including protection of wetlands, ESHA, and archaeological resources. The service line extension is anticipated to be installed along Patricks Point Drive, and CalFire's consulting engineer has determined that the water line extension along the roadway area can be installed using horizontal direction drilling within previously disturbed areas where impacts to coastal resources would be minimized ([Exhibit 7](#)). Some trenching and ground disturbance may be required for approximately 600 linear feet of line installation on the CalFire property itself, within existing lawn and non-sensitive upland areas. Thus, development of the water service line that would be facilitated by the LUP amendment can be designed to avoid wetlands, ESHA, and all known archaeological resources, consistent with sections 30233, 30240, and 30244 of the Coastal Act, respectively.

The proposed LUP amendment only allows extension of the water service line to the CalFire Station if it is found to be in conformance with the resource protection policies of the certified LUP. The new service line would require CDP authorization. The County would review the portion of the line within the County's CDP jurisdiction for conformance with new Policy 3.23-B-1 and all the existing resource protection policies and other policies of the certified LUP. The application for the service line extension could propose or be conditioned by the County to require the use of directional drilling as is currently contemplated as well as incorporate other best management practices and conditions to avoid impacts to coastal resources.

Therefore, the Commission finds that the LUP amendment as submitted is consistent with the resource protection policies of the LUP and the Coastal Act, including, but not limited to, sections 30233, 30240 and 30244.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local

coastal program. Thus, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. Instead, the CEQA responsibilities are assigned to the Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

The County's LCP Amendment consists of a Land Use Plan (LUP) amendment only. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as it is set forth in full. As discussed herein, the LUP amendment as originally submitted cannot be found to be consistent with the Coastal Act. The Commission, therefore, has suggested modifications to bring the LUP into full conformance with the Coastal Act. As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

The Commission finds that the LCP Amendment, as modified, will not result in significant unmitigated adverse environmental impacts under the meaning of CEQA. Further, future individual projects would require CDPs, issued by the both the City and County. Throughout the Coastal Zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].