

## **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

