

**HUMBOLDT COUNTY GENERAL  
PLAN**

Volume II

**HUMBOLDT BAY AREA PLAN**

of the

Humboldt County

Local Coastal Program



March 2022

Public Draft June 2026

## **HUMBOLDT BAY AREA PLAN OF THE HUMBOLDT COUNTY LOCAL COASTAL PROGRAM**

Approved by the Board of Supervisors March 9, 1982  
Resolution No. 82-39

Partially Adopted March 8, 1983  
Resolution No. 83-55

Amended and Fully Adopted November 29, 1983  
Resolution No. 83-144<sup>1</sup>

Initially Certified by the State Coastal Commission October 14, 1982

Date of This Printing: ~~March 2022~~ June 2026

This document was prepared and updated by the Humboldt County Planning and Building Department's ~~Local Coastal Program~~ with financial assistance from the Local Assistance Grant Program ~~Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972~~, administered by the California Coastal Commission.

As required by the Coastal Act Section 30519.5, this plan will be reviewed at least once every five (5) years by the State Coastal Commission to determine the effectiveness of this land use plan to implement the Coastal Act.

The Board of Supervisors may review the effectiveness and adequacy of this plan at any time and commensurate with State Planning Law, Chapter 3, Article 6, Section 65361, may amend the land use plan up to three (3) times a year. All plan amendments must be approved by the State Coastal Commission.

<sup>1</sup>See next page for complete revisions history.

## REVISION HISTORY

### HUMBOLDT BAY AREA PLAN (Mad River to Table Bluff & Hookton Roads)

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#### **Board of Supervisors Action**

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Resolution # 82-39

Amended: May 25, 1982  
Resolution # 82-82

Amended: September 21, 1982  
Resolution # 82-120

Amended: October 5, 1982  
Resolution # 82-128  
Text change

Amended: December 14, 1982  
Resolution # 82-161  
Text and Map  
changes  
Amended: February 1, 1983  
Resolution # 83-28  
Text and Map  
changes

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Resolution # 83-55

Amended: October 18, 1983  
Resolution # 83-130

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November 29, 1983  
Resolution # 83-144

Amended: May-June  
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5/7/85 Resolution # 85-  
65, 6/18/85  
Map changes (Urban Residential Designations)

#### **Coastal Commission Action**

Disapproved: June 3, 1982

CERTIFIED: October 14,  
1982

Major Amendment: 1-83 (all  
but North Spit)  
Certified May 11, 1983

Major Amendment: 1-83  
(North Spit)  
Approved August 10, 1993  
Certified June 11, 1986  
Major Amendment: 1-83  
(portion)  
Approved May 11, 1983

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10 Map changes  
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Amended: May-June  
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65, 6/18/85  
Text and Map changes (Urban Residential Designations)

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Balance of changes  
Amendment C7: Denied  
Approved August 16, 1985

Amended: August 20, 1985  
Resolution # 85-81  
Map changes

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1985

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Resolution # 87-150  
Text and Map  
changes

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Approved January 12, 1988

Amended March, 1988  
Resolution # 88-85  
Map change

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Approved June 7, 1988

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9/13/88  
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Corrections to maps and typos

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Resolution

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1988

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Resolution 89-  
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change

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Resolution 89-  
144 Map  
change

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Approved December 15,  
1989

Amended February 4, 1992  
Resolution 92-15  
Text and map  
changes

Major Amendment: 1-92  
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Amended July 7, 1994  
Resolution 94-47  
Text and Map changes (Dunes & Management Plan)

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Approved July 14, 1994

**Board of Supervisors Action**

**Coastal Commission  
Action**

Amended  
Resolution 93-94, 10/5/93  
Resolution 94-12, 1/25/93  
Map changes

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Resolution 97-21  
Map changes (Dune and Management Plan)

De Minimis Amendment: 1-97  
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Resolution  
Map changes (Redwood Care Homes)

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Resolution  
Map changes (Eureka Floor Company)

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Res. No. 02-77  
Text changes (Public Access Trails)

Major Amendment: 1-03  
Approved December 10, 2004

Amended 1998-2007  
Housing Element updates  
Resolution 114c 2/9/98  
Resolution 06-73a,  
7/25/06, Resolution 07-17.  
2/27/07  
Text changes (Housing Element)

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Resolution 11-94 and 11-95 12/6/11  
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Text and map changes (Samoa)

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8/19/11  
Final Approval 8/10/12

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Resolution #10-39  
Map changes (Race Investments)

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Text changes (Interim Use LCP)  
Previous Resolution 16-87 7/19/2016

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Resolution #22-08  
Text changes (Samoa Peninsula Wastewater  
Project) Previous Resolution 21-19 2/9/2021

Amended Month Day, 2026

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Text and map changes (comprehensive)

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Certified February 11,  
2022

Major Amendment

Certified Month Day,  
2026

## ACKNOWLEDGEMENTS

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~~Tom Hofweber~~~~Elizabeth Schatz~~, Coastal Planner Former Planning Manager, Long Range  
 Planning Division  
 Sharon Lyons~~Cade McNamara~~, Secretary Former Senior Planner, Long Range Planning Division

## PREFACE

This is the Humboldt Bay Area Plan (HBAP or Area Plan) for the Humboldt County Local Coastal Program. The recommendations, policies, ~~goals, and standards, and implementation measures~~ contained in this document are based on the California Coastal Commission's Local Coastal Program Update Guide (Published April 2007, and revised July 2013), and local initiatives and values of the community. ~~Coastal Land Use Policies and Standards (CLUPS) text approved as a "directive guide" for preparing coastal area plans by the Board of Supervisors, September 18, 1979.~~

The policies contained in Chapter 3 through 6 of this Area pPlan<sup>1</sup> were updated in 2026 to reflect current state guidelines, and local conditions and issues. ~~Local development policies and standards were originally drafted by the County's are based on almost two years work by the Humboldt County Local Coastal Program's Citizen Advisory Committee (CAC) in the 1980s after extensive community engagement. During this time almost a dozen public workshops were held on various topics from commercial beach use to timber. The CAC has also met over 70 times, volunteering their time with no compensation, to develop policies and standards that best represent local interests while complying with State Coastal Law.~~

~~A series of eight workshops were held in the planning area in December, January and February of 1980 and 1981. Attendance was over 50 people at each of the workshops and extensive comments were recorded and utilized in the preparation of this document<sup>1</sup>.~~

<Add discussion regarding current public outreach>

The maps included herein are reduced scale and for illustrative purposes only. The proposed official maps at full scale (1" = 600' and USGS 7.5 quad) are available for review at the Humboldt County Planning Department at the Clark Complex, 3015 "H" Street, Eureka, California. Request for additional copies of this document should be sent to the same address.

**NOTE:** ~~Some references have been changed to correctly reflect the current section numbering system.~~

<sup>1</sup>~~Text change to reflect current status.~~



## HUMBOLDT BAY AREA PLAN

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**MAPS ARE FOR GENERAL REFERENCE ONLY AND NOT GUARANTEED  
BE CURRENT. FOR LEGAL MAPS PLEASE CONTACT THE HUMBOLDT  
COUNTY PLANNING DEPARTMENT**

## CHAPTER 1

### OVERVIEW

#### **1.10 INTRODUCTION**

This area plan, representing one of six county coastal planning areas (see **map, Section 1.40**), identifies land uses and standards by which development will be evaluated within the Coastal Zone. The 2026 update of the plan is intended to capture circumstances that have changed since original adoption, including: updates to the public access inventory, policy updates to reflect increased understanding of sea level rise and its risks, updates to tsunami run up zones, changes in the industrial needs of the peninsula, including accommodations to support the offshore wind industry, environmental justice elements, and updates to urban service areas. The indicated uses and standards adopted by the County of Humboldt, and certified by the California Coastal Commission are in conformance and satisfy the policies and requirements for coastal land use contained in the California Coastal Act of 1976 (Public Resource, Code 30000 et seq.) and other related legislation. Local policies and standards developed in the area planning workshops specific to the Coastal Act also affect the review of projects and are reflected in **Chapters 3 and 4**. All current County adopted planning documents, County ordinances, and State law regulating planning and land use, unless superseded by policies of this document, also govern the evaluation of any proposed development. (Appendix B provides a general description of the relation of the coastal plan to applicable, currently adopted County Plan documents.)

Post certification development not in conformance with this plan shall not be approved by the County. This plan may be amended, in conformance with the policies of the California Coastal Act, only with the approval of the California Coastal Commission.

As required by the Coastal Act Section 30519.5, this plan will be reviewed at least once every five **(5)** years by the ~~State~~ Coastal Commission to determine the effectiveness of this land use plan to implement the Coastal Act.

The Board of Supervisors may review the effectiveness and adequacy of this plan at any time and commensurate with State Planning Law, Chapter 3, Article 6, Section 65361, may amend the land use plan up to three (3) times a year. All plan amendments must be approved by the ~~State~~ Coastal Commission.

#### **1.20 ORGANIZATION**

The Area Plan consists of six chapters and appendixes according to the following format:

**Chapter 1 Introduction to the Local Coastal Program.**

**Chapter 2 The Coastal Act and Humboldt Bay Planning Area concerns, including: concerns, including: an explanation of the Acts requirement and intent, and types of development and/or geographical areas exempt from Coastal Development Permits.**

**Chapter 3 The Land Use Plan proposal and development and Resource Protection Policies and Standards. These govern zoning plan amendments, public work extensions, land divisions, and other development activities. The generalized Plan Maps, including Land Use and**

## Resource protection.

Chapter 4 Land Use Designations including an explanation of permitted uses and densities. Chapter 5 Definitions.

Appendix A. Bibliography, indicating the information used in arriving at development standards and the plan map. (The technical studies are adopted as an informational appendix to this area plan, but are bound separately because of their bulk.)

- B. Relationships between the Coastal Plan and other adopted County General Plan Documents.
- C. Hazards/Land Use Risk Rating Matrix
- D. Seismic Safety Maps - Plate III
- E. Shoreline Protection - DNOD Maps
- F. Service Providers Information
- G. Scenic Route Study Contents
- H. Letter from U.S. Fish and Wildlife Service RE: Humboldt Bay Wetlands
- I. Elk River and King Salmon/Spruce Point Wetland Restoration Sites
- J. Dune Restoration Study Area
- K. North Spit Land Use Designations

### **1.30 — USE OF THIS DOCUMENT**

~~The California Coastal Act requires that all development within the Coastal Zone have a Coastal Development Permit in addition to any other permit required for development by a local or State agency. In most cases, the Coastal Development Permit is issued by Humboldt County. In some cases, specified types of development are exempt from the requirement for a Coastal Development Permit. **EXEMPT DEVELOPMENTS MUST STILL BE IN CONFORMANCE WITH THIS AREA PLAN AND APPLICABLE ZONING, AND ALL**~~

~~**NECESSARY COUNTY PERMITS MUST BE SECURED.** In a few cases, the Coastal Development Permit must still be obtained from the California Coastal Commission. Chapter 2 of the Area Plan indicates which areas or types of development are under local jurisdiction and which require Commission approval.~~

~~While all development in the Coastal Zone must conform to this Area Plan, the zoning of a parcel sets more specific limits on allowable uses and densities. The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN~~

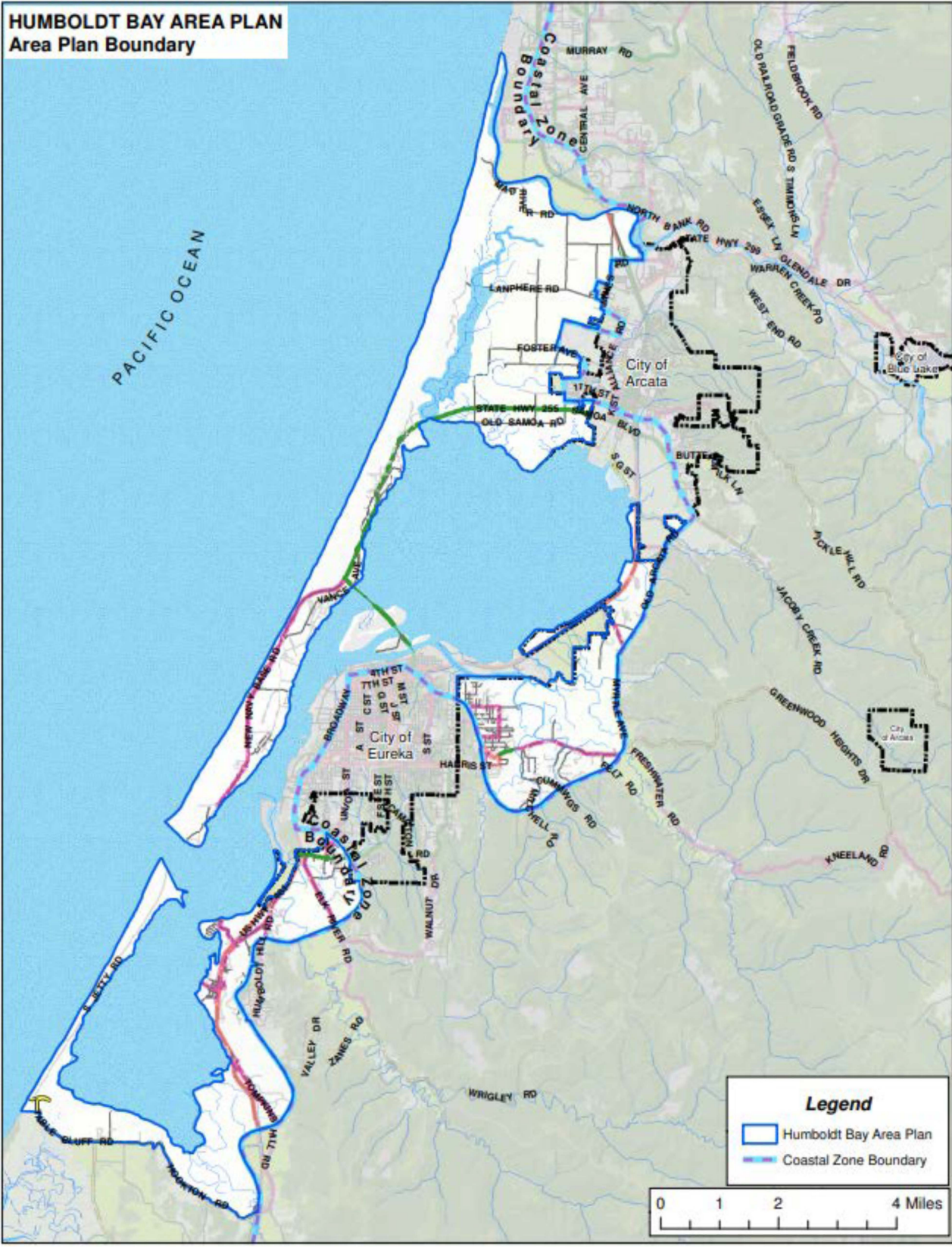
~~401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged~~

~~into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b) recordation of a notice of merger consistent with the coastal development permit. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. If the land use designations and zoning approved by the Commission with suggested modification in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective, the Principal Permitted Use of any area subject to the STMP-LUP shall be determined in accordance with the designated Land Uses and in the patterns and locations generally shown on the certified STMP Land Use Map. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP. Anyone considering available uses of a property should first consult the Coastal Planning Ordinance and applicable zoning map, available at the office of the Humboldt County Planning Department. Where a conditional use (as indicated by the zoning), or a variance from specific zoning standards, or a zone change is necessary, in areas affected by the STMP-LUP overlay designation, such as conditional use or variance may only be permitted if consistent with all policies of the STMP-LUP overlay designation. Plan designation for the property should ordinarily be determinable from the maps attached to the Area Plan. In cases where this determination is difficult, the official map may be consulted at the office of the Humboldt County Planning Department. (Amended by Res. 12-62 and Res. 12-63, 7/17/2012)~~

**Section 40 of Chapter 2** of the Area Plan details the administrative procedures for Coastal Development Permits, and identifies those areas or types of development where appeals from a county decision can be made to the County Coastal Commission.



**1.340 HUMBOLDT BAY PLANNING AREA MAP**





## CHAPTER 2

### THE COASTAL ACT AND HUMBOLDT BAY CONCERNS

#### **2.10 BACKGROUND**

Prior to 1972, land uses in the Humboldt County coastal zone ~~waswere~~ regulated by local governments under the provisions of State Planning and Zoning Law. This enabling legislation requires the preparation of a comprehensive general plan and zoning to ensure orderly growth and development within their jurisdiction. Proposition 20 established the California Coastal Commission, tasked with developing a coastal zone management program for legislative approval. The result was the California Coastal Act of 1976 (Coastal Act), which became effective January 1, 1977. The California Coastal Act of 1976 is the primary law that governs decisions of the Coastal Commission and established detailed land use policies and required local governments to integrate these policies into their planning and zoning regulations via Local Coastal Programs.

The Coastal Act defines the Commission's coastal management goals and policies, establishes the boundaries of the Coastal Zone, and creates governmental mechanisms for carrying out the state's coastal management program. The Coastal Act is codified under Division 20 of the California Public Resources Code in Sections PRC §§30000 -30900.

The Coastal Act is a land use planning law that applies a specific set of land use planning principles and resource protection provisions within the Coastal Zone. The Coastal Act includes specific policies that address issues such as: development, design, zoning, shoreline public access and recreation, lower-cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, power plants, ports, and public works. The policies of the Coastal Act constitute the statutory standards applied to planning and regulatory decisions made by the Commission and by local governments, pursuant to the Coastal Act.

The Coastal Commission holds the authority to approve or deny any changes or amendments to coastal plans and zoning for coastal zone lands.

~~Two significant pieces of legislation in 1972 began the process of coastal planning: the Federal Coastal Zone Management Act, and the passage of Proposition 20 on the California ballot, which created the original Coastal Commission.~~

~~The Coastal Zone Management Act established broad national policies for land use in coastal areas, provided funds for states to prepare coastal zone management plans, and established the Office of Coastal Zone Management (OCZM) within the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce. A significant portion of funds for preparing Humboldt County's coastal program comes from OCZM.~~

~~Proposition 20 established some priorities and guidelines for coastal development and conservation, and created the California Coastal Commission whose job was to prepare a coastal zone management program for approval by the legislature. The result was the Coastal Act of 1976, which established more detailed policies for land~~

~~use and charged local governments with the responsibility for incorporating these policies into their planning and zoning regulations. Development within the coastal zone required approval by the Coastal Commission prior to certification of a local government's coastal plan. After certification, the Commission will review permits and hear appeals for only certain types of development (see section 2.30) and may initiate review of coastal plans every five years. The Commission has the power to approve or deny any changes or amendments in coastal plans and zoning. Until July 1981, the Coastal Commission was assisted in its responsibilities by six regional Commissions. The Northcoast Regional Commission, which included Del Norte, Humboldt and Mendocino Counties was housed in Eureka.<sup>1</sup>~~

## **2.2 USE OF THIS DOCUMENT**

The Coastal Act requires each local government with jurisdiction over land within the Coastal Zone to prepare a Local Coastal Program (LCP) for that portion of the Coastal Zone within its jurisdiction. A LCP is a basic planning tool used by local governments, in partnership with the Coastal Commission, to implement the Coastal Act at a the local level and guide development within the Coastal Zone. A LCP must include a Land Use Plan (LUP), which contains policies for development, and an Implementation Plan (IP) that contains measures to implement the plan (such as zoning ordinances, zoning district maps, and other implementing actions). The LCP specifies the appropriate kinds, location, and intensity of uses of land and water in the coastal zone portion of the local government's jurisdiction.

While each LCP reflects unique characteristics of individual local coastal communities, the Coastal Commission requires that regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Following adoption by the Board of Supervisors, this LCP Update will be submitted to the Coastal Commission for review and certification that the LCP is consistent with provisions of the California Coastal Act.

## **2.3 COASTAL JURISDICTION**

There are three jurisdictions within the Coastal Zone, which are Local, Appeal, and State. Humboldt County is the regulatory authority for development is within the "Local" or "Appeal" jurisdiction of the Coastal Zone. Local government decisions on development within the "Appeal" jurisdiction may be appealed to the Coastal Commission, where they have the authority to overrule or modify the local government's decision. The "Appeal" jurisdiction of the Coastal Zone is any project between the first public road and the sea; within 300 feet of a beach or the mean high tideline where there is no beach; within 300 feet of a coastal bluff edge; within 100 feet of a wetland, estuary, or stream; on tidelands, submerged lands, or public trust lands; or within a sensitive coastal resource area designated in a certified local coastal program (LCP) is appealable to the Commission.

The Coastal Commission is the regulatory authority for development within the "State" jurisdiction of the Coastal Zone. The Coastal Commission retains jurisdiction over specific areas such as tidelands, submerged lands, and public trust lands. Chapter 2 of the Area Plan indicates which areas or types of development are under local jurisdiction and which require Coastal Commission approval.

**While all development in the Coastal Zone must conform to this Area Plan, the zoning of a parcel sets more specific limits on allowable uses and densities. Chapter 2 of the Area Plan details the administrative procedures for Coastal Development Permits, and identifies those areas or types of development where appeals from a county decision can be made to the County Coastal Commission.**

## **2.420 COASTAL ACT GOALS AND POLICIES**

The state legislature, by enacting the Coastal Act of 1976, adopted the following basic goals for the Coastal Zone<sup>2</sup> in Section 30001.5 of the Public Resources Code:

- (a) *Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and ~~manmade~~ artificial resources.*
- (b) *~~Assure-Ensure~~ orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the state.*
- (c) *Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.*
- (d) *~~Assure-Ensure~~ priority for coastal-dependent and coastal-related development over other development on the coast.*

<sup>1</sup>~~Text changed to reflect current status of the local coastal plan. The Northcoast Region is now served by the North Coast District, located in San Francisco~~

<sup>2</sup>~~Public Resources Code, Division 20, California Coastal Act, Chapter 1, Section 30001.5.~~

- (e) *Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.*
- (e)(f) *Anticipate, assess, plan for, and, to the extent feasible, avoid, minimize, and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone.*

To achieve the above listed goals, Chapter 3 of the Coastal Act provides specific direction to local governments for preparing a coastal plan in the Planning and Management Policies. These policies address coastal development and resources, identify priorities for resolving conflicts between competing uses, and ultimately will be used by the StateCoastal Commission as a yardstick for evaluating the adequacy of all coastal plans. ~~The fourteen 'policy groups' which form the Planning and Management Policies include:~~

- |                                                                 |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------|
| • <del>Shoreline Access</del>                                   | • <del>Environmentally Sensitive Habitats</del>               |
| • <del>Recreation and Visitor Serving Facilities</del>          | • <del>Agriculture</del>                                      |
| • <del>Housing</del>                                            | • <del>Hazards</del>                                          |
| • <del>Water and Marine Resources</del>                         | • <del>Forestry and Soils Resources</del>                     |
| • <del>Diking, Dredging, Filling and Shoreline Structures</del> | • <del>Locating and Planning New Development</del>            |
| • <del>Commercial Fishing and Recreational Boating</del>        | • <del>Coastal Visual Resources and Special Communities</del> |
|                                                                 | • <del>Public Works</del>                                     |
|                                                                 | • <del>Industrial and Energy Development</del>                |

## **2.530 POST CERTIFICATION ADMINISTRATION OF THE HUMBOLDT BAY AREA PLAN**

A. Local administration of the plan may be further implemented jointly by the Coastal Commission and Humboldt County and added to this plan at a later date. Further implementation measures include, but are not limited to:

1. Where the State Coastal Commission retains primary permit authority consistent with Coastal Act Section 30519 and 14 CCR 13576-13577;
2. What areas in which the State Commission will hear appeals consistent with Coastal Act Section 30603 and 14 CCR 13576-13577;
3. Procedures for local notice and approval consistent with 14 CCR 13560-13574; and
4. Procedures for how coastal zone boundary determinations will be made consistent with 14 CCR 13255-13259.

B. In those areas where the ~~California~~ Coastal Commission retains ~~e~~C~~o~~astal ~~d~~D~~e~~velopment ~~p~~P~~e~~rmits authority on submerged lands, tidelands, and public trust lands (Public Resources Code Section 30519), the standard of review for proposed development is the Chapter 3 policies of the ~~California~~ Coastal Act. The provisions of this plan do not govern the review and approval of ~~e~~C~~o~~astal ~~d~~D~~e~~velopment ~~p~~P~~e~~rmits within the Commission's retained jurisdiction. The Local Coastal Plan (LCP) may be used as guidance.

## **2.640 EXEMPTIONS**

The California Coastal Act requires that all development within the Coastal Zone have a Coastal Development Permit in addition to any other permit required for development by a local or State agency. Specified types of development may be exempt from the requirement for a Coastal Development Permit. Exempt developments must still be in conformance with this area plan and applicable zoning, and all necessary county permits must be secured.

A. There ~~are currently several~~ is an exemption programs, Categorical Exclusion Order E-86-4, adopted by both Humboldt County and the Coastal Commission and that became effective on August 18, 1986. The ~~specific~~ exemptions are ~~included below for~~ Single Family Dwellings, Lot Line Adjustments, and Agricultural Accessory Structures. These exemptions are for specific geographic areas listed below:

Order #: \_\_\_\_\_ ~~Categorical Exclusion # 86-4~~

Effective Date: \_\_\_\_\_ ~~June 11, 1986~~

Affected Development: \_\_\_\_\_ ~~Single family dwellings, Lot line adjustments, Agriculturally related~~

~~development~~

Geographic Area: Single family dwellings - Myrtle town, Manila, Pine Hill and Fields Landing areas; Lot Line Adjustments and Agriculturally Related Developments: as shown on categorical exclusion maps.

## **Chapter Tribal History and Environmental Justice**

### **1 Tribal History**

#### **Land Acknowledgement**

We acknowledge that Humboldt Bay is located on the unceded lands of the Wiyot people, where they have resided from time immemorial. We encourage all to gain a deeper understanding of their history and thriving culture. As an expression of our gratitude, we are genuinely committed to developing trusting, reciprocal, and long-lasting partnerships with the Wiyot people as well as all of our neighboring tribes.

#### **A. Background**

The history of tribes and Humboldt Bay is deeply connected to the bay's ecology, transportation networks, cultural traditions, and later colonial displacement. For thousands of years before European-American settlement, Indigenous peoples lived throughout the bay and surrounding watersheds, developing complex societies centered on the estuary and coastal environment.

The Wiyot people occupied the Humboldt Bay shoreline, its sloughs and estuaries, and nearby river valleys for thousands of years before European-American settlement. Wigi is the traditional name for the estuary currently known as Humboldt Bay in Soulatluk, the language of the Wiyot people. The Wiyot depended heavily on the bay environment for salmon and smelt fishing, shellfish gathering, waterfowl hunting, canoe travel, and ceremonial and trade activities

Several neighboring tribes occupied adjacent territories and interacted through trade, intermarriage, seasonal travel, and resource use.

The Bear River Band of the Rohnerville Rancheria is a federally recognized tribe that includes descendants of Wiyot, Mattole, and other regional peoples from the southern Wigi and Eel River region. Their ancestral connections include areas south of the bay and along the Eel River delta.

The Blue Lake Rancheria includes primarily Wiyot, Yurok, and Hupa descendants and maintains strong cultural and historical ties to the Wigi region and lower Mad River watershed.

The Yurok people traditionally occupied territory north of Wigi along the lower Klamath River, and coastal areas north toward Trinidad and beyond. Yurok communities likely traveled into northern Wigi areas for trade and resource gathering, though Wigi itself was primarily Wiyot territory.

Cher-Ae Heights Indian Community of the Trinidad Rancheria, located north of Wigi near Trinidad, includes Yurok and other Native descendants with longstanding ties to the North Coast coastal zone.

The Hupa people traditionally occupied the Trinity River watershed inland from Wigi. While not bay inhabitants, they were connected through regional trade networks and cultural relationships.

The Karuk people traditionally lived along the middle Klamath River upstream from Yurok territory and participated in regional trade systems extending to coastal groups.

Historically, Wigi was not an isolated settlement area but part of a broader Indigenous cultural landscape involving, extensive trade routes, shared ceremonial relationships, seasonal resource gathering, intertribal family ties, and canoe and river transportation corridors. Village sites, shell middens, burial areas, and ceremonial locations existed throughout the bay shoreline and tidal wetlands long before modern development.

Before European and American settlement, Wiyot villages ringed Wigi and nearby waterways. The bay's extensive eelgrass beds, mudflats, salmon streams, and shellfish resources supported a large Indigenous population for thousands of years.

A central cultural and spiritual location for the Wiyot people is Tuluwat, located on what became known as Indian Island in Wigi. Tuluwat was historically a major ceremonial center where the Wiyot conducted the World Renewal Ceremony, an important spiritual practice intended to maintain balance in the world.

One of the most tragic events in California history occurred in February 1860, during what is commonly called the Wiyot Massacre. At the time, many Wiyot men were away gathering supplies, while women, children, and elders remained at Tuluwat during ceremonial activities. Vigilante settlers attacked the village at night, killing many residents. Similar coordinated attacks occurred at other Wiyot villages around the bay. The massacre dramatically reduced the Wiyot population and was part of a broader period of violence and displacement affecting Native peoples throughout California during the Gold Rush era. Afterward, surviving Wiyot people were forcibly removed from much of their homeland and relocated to places outside of their ancestral territory.

During the late 19th and 20th centuries, extensive diking, filling, logging, industrialization, and shoreline modification transformed Wigi. Many traditional Wiyot village sites and cultural resources were disturbed or buried through development of ports, railroads, roads, and industrial facilities.

Despite displacement, Wiyot descendants maintained cultural continuity and connections to Wigi. Tribal members continued advocating for protection of sacred sites, fisheries, and access to ancestral lands.

A major milestone occurred when portions of Tuluwat were returned to the Wiyot Tribe. The City of Eureka transferred portions of the island back to the Tribe beginning in 2000, with additional transfers occurring later. In 2019, the city transferred its remaining holdings on the island, making it one of the first instances in California of a municipality voluntarily returning land to a tribe without compensation.



The Tribe has since conducted environmental cleanup and cultural restoration efforts at Tuluwat, including habitat restoration and the revival of traditional ceremonies. In recent decades, the Wiyot World Renewal Ceremony has resumed publicly after many years of suppression.

Today, the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and Blue Lake Rancheria are an important governmental and cultural presence in regional planning and environmental stewardship around Wigi. The tribes participate in coastal planning and local coastal program updates, sea level rise and climate adaptation discussions, wetland and estuary restoration, cultural resource consultation, fisheries and habitat protection, and land rematriation and stewardship initiatives.

For many tribes, Wigi is not only a geographic area but a living cultural landscape with continuing spiritual, historical, and governmental significance. Modern planning efforts increasingly recognize tribal sovereignty, indigenous ecological knowledge, cultural landscape preservation, tribal co-stewardship opportunities, and historic injustices tied to land dispossession.

That history continues to shape coastal policy, restoration work, and land use planning throughout the region today.

## **2 Environmental Justice**

### **Related Coastal Act Policies**

30006. Legislative findings and declarations; public participation. The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

30107.3 (a) “Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(b) “Environmental justice” includes, but is not limited to, all of the following:

(1) The availability of a healthy environment for all people.

(2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.

(3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decisionmaking process.



(4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

### **A. Background**

Environmental justice communities in California's coastal areas refer to populations that face disproportionate environmental burdens and challenges related to pollution, access to resources, and climate change impacts. Locally, these communities have historically included include low-income groups, people of color, and indigenous populations who may face challenges in accessing adequate political representation and resources for their community.

Key characteristics of these communities include:

1. Proximity to Pollutants: Many reside near industrial facilities, highways, or other sources of pollution, which can lead to adverse health effects.
2. Vulnerability to Climate Change: Coastal communities are particularly affected by sea level rise, flooding, and other climate-related events. Vulnerability may be exacerbated by socioeconomic factors.
3. Limited Access to Resources: Environmental justice communities often have restricted access to clean water, green spaces, and health services, impacting their overall well-being.
4. Historical Disinvestment: Many of these areas have experienced historical neglect and underinvestment in infrastructure, education, and health services
5. Cultural Significance: Coastal areas often hold cultural and historical significance for indigenous tribes and other local populations, making environmental justice initiatives vital for preserving their heritage and culturally significant sites.

Efforts to address environmental justice in these communities focus on equitable policymaking, community engagement, and sustainable development to ensure that all residents have an opportunity to thrive in a healthy environment.

There are many communities within the HBAP Planning Area that would be considered an environmental justice community.

### **B. Policies**

1. Promote social equity and environmental justice by ensuring the fair treatment and meaningful involvement of all people, regardless of race, culture, or income by:
  - a. Considering environmental justice and, where applicable, the equitable distribution of environmental benefits when acting on a coastal development permit, amending the LUP, or implementing the LUP.
  - b. Encouraging inclusive public engagement in decision-making process, with priority on communities that have historically been excluded.
  - c. Implementing the LUP in a manner that ensures no person is discriminated against based on race, national origin, religion, age, sex, sexual orientation, color, genetic, information, or disability.

2. Support the policies and implementation measures of the Humboldt County Regional Climate Action Plan.
3. Prioritize public health initiatives that address environmental hazards, improve healthcare access, and promote mental and physical well-being of community members.
4. Promote the development and preservation of affordable housing options to prevent displacement and ensure housing stability for residents of all income levels.
5. Promote local economic development and job creation in underserved areas, with emphasis on sustainable industries.
6. Support land back initiatives for local Tribal Governments.

## CHAPTER 3

### **3 HUMBOLDT BAY AREA DEVELOPMENT AND RESOURCE POLICIES**

#### **3.1 INTRODUCTION**

This chapter examines current and planned land uses within the Humboldt Bay Planning Area. Included within the ~~p~~Planning ~~a~~Area are unincorporated lands between the Mad River and Table Bluff, excluding the cities of Eureka and Arcata, west of the coastal zone boundary. The land use plan maps and accompanying policies are based upon the Citizens Advisory Committee's (CAC's) recommendations resulting from public input, both oral and written, submitted during seven public workshops, as well as the County-approved Coastal Land Use and Policies document and map updates in 2024 and 2025 to reflect current conditions and development patterns.

~~The Coastal Act requires sharply~~ There are different development policies for urban and rural areas within the Coastal Act and this document. ~~The organization of this chapter reflects that distinction:~~ Section 3.10 deals with addresses urban development, while Section 3.20 with addresses rural development within the Humboldt Bay Planning Area. The basis for considering a parcel under one of these categories is the parcel's location in relation to the Urban Limit Line as indicated on the Area Plan Maps. In addition, the Coastal Act requires that all development be subject to standards designed to protect natural and cultural resources, as well as to protect public safety. Standards to satisfy these requirements are presented in Sections 3.30; to both rural and urban development, they apply where relevant, to both rural and urban development. Finally, Section 3.40 presents the policies and uniform standards for coastal access, including a methodology for reviewing improvements to potential accessways, access limitations, prescriptive rights, and offers of dedication for access. The implementation of these policies in the Humboldt Bay Planning Area is reflected in the Access Plan, Section 3.50. Each of the above sections -marked \*\*\* contains relevant Coastal Act policies that have also been enacted as County policy.

At the end of this section, ~~two~~ reduced scale Plan ~~m~~Maps are presented. ~~These maps are necessarily generalized because of~~ Due to size limitations, these maps are generalized and do not officially represent a parcel-by-parcel designation. They are provided here to present a generalized perspective of the land use plan. The first set of maps identify land uses and densities based on land use designations found in Chapter 4. The second set of maps delineates constraints on development, including natural and cultural resource protection. ~~The proposed official maps at full scale (1' = 600' and 7.5' USGS quad) are available for review at the Humboldt County Planning Department located at the Clark Complex, 3015 H Street, Eureka, California.~~

#### **3.2 GENERAL DESCRIPTION**

Humboldt Bay is ~~by far~~ the largest and ~~most important~~ vital estuary on the Northern California coast. It is also the only harbor of commercial importance for major shipping between San Francisco and Coos Bay, Oregon. The Humboldt Bay Planning Area extends from the Mad River to Table Bluff/Hookton Road, excluding the cities of Eureka and Arcata. The coastal zone runs inland to include the flood prone bottomlands south of the Mad River, important drainages at Freshwater Creek and Elk River, and the Hookton Slough which drains into South Bay.

**Humboldt Bay:** The Bay itself is fourteen (14) miles long and four-and-half (4.5) miles wide at its broadest point. The Bay system is protected from the ocean by two sand spits, separated by the Bay entrance which is maintained by two rubble-mound jetties. Dredged channels extend two (2) miles into South Bay and four (4) miles north from the Bay entrance. Numerous natural tidal channels are also present.

Excluding its tributary sloughs, the Bay is about 16,000 acres in area. Historically the Bay was much larger, perhaps 27,000 acres, but land reclamation of salt marshes and mud flats has reduced it to its present size.

The North (Arcata) Bay covers an area of approximately 8,000 acres. Most of this area, excluding a number of channels formed by tributaries and tidal erosion, is relatively shallow. At low tide 4,500 acres of mud flats are exposed. The areas immediately north and east of North Bay were once marshlands, much of which now serve as pasture. The areas to the west the North Bay isare separated from the Pacific Ocean by a vegetated expanse of forest and dunes that extends north to the Mad River. This dune forest habitat is one of the few stands of its type between Crescent City and Fort Bragg.

~~To the west the North Bay is separated from the Pacific Ocean by a vegetated expanse of forest and dunes that extends north to the Mad River. This dune forest habitat is one of the few stands of its type between Crescent City and Fort Bragg.~~

The Middle Bay forms a channel ~~which-that~~ connects the North ~~and-with the~~ South Bays. This channel is nearly six (6) miles long and ranges between half (½) and one (1) mile in width. Woodley and ~~Indian-Tuluwat~~ Islands are located at the north end of the Middle Bay.

The South Bay is fairly similar in character to the North Bay with a total area of about 4,670 acres, fifty-seven percent (57%) of which are exposed mudflats at low tide. The Hookton Channel, with an average depth of twenty-six (26) feet, provides deepwater access to King Salmon and Fields Landing. Most of the agricultural areas east and south of South Bay ~~is-are~~ comprised of diked former tidelands.

The South Spit, which ~~separatesing~~ the South Bay from the ocean, is typically more narrow and sparsely vegetated than the North Spit. It is also subject to inundation from the ocean during periods of high tides and seas.

### **3.3 3.10-URBAN DEVELOPMENT**

#### **A. EXISTING USESBACKGROUND**

Development at urban densities and intensities is largely concentrated adjacent to the City of Eureka in Myrtletown and Pine Hill, in the community of Manila, on Humboldt Hill, at Spruce Point, and in King Salmon and Fields Landing.

The Myrtletown area is an urban area that is ~~virtually indistinguishable~~ consistent with the urban development from-within the City of Eureka. Parcels in this area are already divided to urban densities, with a commercial strip located along Myrtle Avenue. The Pine Hill area is slightly more rural in character, but most of the lots are already divided to an urban density. There is N~~no~~ commercial development ~~is~~ located in the is Pine Hill area.

The community of Manila is comprised of a ~~wide-mixture~~ variety of lot sizes, ranging from 5,000 sq. ft. lots to parcels of over one (1) acre in size. There is a small

commercial core located along ~~a~~New ~~a~~Navy Base Road, and the community is serviced with both sewer and water. ~~While the Community residents cherish the rural nature of this area,~~ due largely to the open space surrounding the community, it does meet the criteria for urban development. ~~Calling it an “urban” area is somewhat inappropriate, but best fits the definitions used in the planning process.~~

The urban areas of Fields Landing and King Salmon are long established communities, closely dependent on the Bay waters. Fields ~~I~~Landing has a commercial area along the highway and an industrial area between the railroad and waterfront. King Salmon is more recreationally oriented, with several boat-related establishments, restaurants, and other commercial facilities.

Spruce Point is another largely commercial area that is developed to an urban scale, with a mobile home park being the primary non-commercial land use. Several urban portions of the residential areas along Humboldt Hill also spill over into the planning area. ~~It is the intent of this land use plan that residential development within the five-year scope of this land use plan continue to be encouraged in the Myrtle town, Pine Hill and Humboldt Hill areas, with an eventual spillover of urban levels of development into the Upper Mitchell Heights area if sewer services can be economically extended and residential demand warrants additional urbanized area. Concentrating additional urban residential development in uplands adjacent to existing urban centers will preserve the productive bottomlands along Humboldt Bay, without significantly impacting the amount of productive timberland.~~

Some of the above communities may be subject to coastal hazards, such as inundation due to sea level rise, flooding, and risk of tsunamis. Infill is encouraged in urban areas that are not deemed a “hazard area”.

**3.11 3.4 URBAN LIMIT****Related Coastal Act Policies****\*\*\* 30250. Location; Existing Developed Area**

(a) New residential, commercial, or industrial 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,

(b) where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(c) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(d) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

~~where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.~~

**\*\*\* 30253. Minimization of Adverse Impacts.**

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs

(c) Be consistent with requirements imposed by an air pollution, control district or the State Resources Control Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

**A. PLANNED USES BACKGROUND**

The Humboldt Bay planning area encompasses the unincorporated area around Humboldt Bay that is adjacent to the two (2) incorporated cities, Eureka and Arcata, and Table Bluff Rancheria, and overlaps with numerous service districts and several private providers of water service. As the focus of Humboldt County's population, the business center for its resource-dependent industries, and an important recreation

center, the planning area has many sub-areas with their own characteristics. Within the Humboldt Bay Planning Area, the following sub-areas have a defined Urban Limit Line, as described: ~~In order to provide a sense of the components that make up the Humboldt Bay planning area, the following sub-areas have been identified:~~

~~1. ARCATA WEST: An urban limit line has been identified around the City of Arcata (see Section 3.60) as indicated in the Arcata Coastal Plan. The area within the urban limit includes those areas currently serviced by the City and expected to be serviced within the five-year lifespan of this plan. Only two parcels are located within the urban limit that are currently under the County's jurisdiction: one parcel is designated as "urban reserve." This parcel is expected to be developed for residential low-density use when services are extended, at which time the property will be annexed by the City of Arcata. One half of the other parcel is designated for "industrial-general" use, and the western half is designated "natural resources" due to the wetland situated on this portion. Only the industrial section is within the urban limit line.~~

~~2.1. NORTH SPIT AND WEST OF MAD RIVER SLOUGH: An uUrban lLimit lLine has been drawn around the community of Manila as shown on the aArea pPlan mMap (Section 3.60). This boundary has been drawn according to the location of that area currently serviced by the Manila Community Service District (CSD) for( water and sewer). The district has no plans for expansion of its service capacity within the five-year time frame of this plan. There are no proposed changes to the Manila CSD boundary or Sphere of Influence (SOI).~~ The following land use designations and densities are planned within the urban limit:

a) Residential/Low Density (RL): ~~including~~ Includes most of the existing residential area within the community of Manila, consistent with the expressed desire of community residents who wish to retain the low-density character of the community.

Planned Density: 3-7 units per acre.

b) Residential Estates (RE): ~~a~~ Along the west side of Peninsula Drive, south of ~~Redwoods United Workshop~~ the Manila CSD.

Planned Density: 0-2 units per acre.

c) Commercial General (CG): ~~a~~ A commercial center for the community is planned between ~~n~~ New ~~n~~ Navy Base Road and Peninsula Drive, across from the community park, ~~another and an additional~~ commercial area is recognized further to the north. ~~t~~ These plan designations are not intended to preclude the continuance of existing residential uses ~~in-of~~ these areas, rather they are designed to provide a focus for further commercial development in this community.

d) Industrial/General (MG): ~~t~~ Two (2) sites at the north end of ~~town~~ Manila are reserved for this use, both sites have railroad and highway access and are currently in industrial use.

e) Public Facility (PF): ~~Redwoods United Workshop currently occupies this site which is in public ownership. Two (2) sites are reserved for this use and are owned and utilized by the Manila CSD.~~



- f) Public Recreation (PR): ~~The Manila Community Park is the one site reserved for this use currently occupies this site which is in public ownership.~~

~~3.2.~~ EUREKA TO ARCATA: An ~~u~~Urban ~~l~~Limit ~~l~~Line shall be drawn around the Myrtle town area as shown on the Area Plan ~~m~~Map (Section 3.60). This boundary has been drawn according to the location of the area currently serviced with water and sewer by the Humboldt Community Services District ~~CSD~~. ~~Since it is unlikely that current financial constraints will permit extension of sewer service to the Upper Mitchell Heights area within the next five years, the urban limit extends no further than the uplands above Freshwater and Ryan Sloughs. Should such an extension become economically feasible, the urban limit line shall be extended by amendment to this plan.~~ Within the urban limit, plan designations follow the existing zoning for the Myrtle town area, except where the residential area meets the farmed wetland or wetland areas. The following land use designations and densities are planned within the urban limit:

- a) Residential/Low Density (RL): ~~including~~ Includes most of the Myrtle town area away from the commercial corridor.

Planned Density: 3-7 units per acre.

- b) Residential/Medium Density (RM): ~~g~~Generally, an area bordered by Quaker Street, Park Street, 18th Street and Nedra Avenue (see also Land Use Plan Map amendments). (Certified by the State California Coastal Commission May 11, 1983) (Amended by Res. No. 83-28, 2/1/83). Additional areas located west of Myrtle Avenue are intermixed with commercial in the general area between Glenwood Street and Hubbard Lane, and on the east side of Myrtle Avenue between 18th Street and Edgewood Road.

Planned Density: 8-30 units per acre.

- ~~c)~~ Commercial General (CG): a commercial area borders Myrtle Avenue through most of the area, except where the road is bordered by small pockets of residential, from approximately Hoover Street to the north to terminating before Hall Avenue Street to the south.

- ~~c)d)~~ Public Facility (PF): Bomber Field at Redwood Acres and Redwood Regional Motorcycle Training occupy this site, which is in public ownership. These properties are located on the north side of Harris Street across from the Redwood Acres Fairgrounds. The fairgrounds property is outside the urban limit as it is outside the Humboldt CSD service area.

~~4.3.~~ SOUTH OF EUREKA TO FIELDS LANDING: Several urban areas have been identified within this area. Their fragmented nature reflects the fact variability of that the coastal zone boundary bends in relation to and out of residential areas, as well as the fact that these urban pockets are separated by and the presence of wetlands, highways, and agriculture lands.

- a) Pine Hill: ~~a~~An urban limit shall be designated around the Pine Hill area as shown on the ~~a~~Area ~~p~~Plan ~~m~~Map (Section 3.60). This boundary has been designated according to that area serviced with sewer and water by the Humboldt ~~CSD~~Community Services District. Within the urban limit, plan designations follow the existing zoning, except where the residential area meets farmed wetlands, which are designated for agricultural use. The following land use designations and densities are planned within the urban limit:

- a) Residential/Low ~~d~~Density (RL): ~~t~~The majority of the Pine Hill area is in this designation which permits a minimum parcel size of 5,000 square feet. Because of topographical and wetland constraints, the minimum parcel size on ~~three-four (4)~~ parcels in this area (~~a~~Assessor's ~~p~~Parcel) ~~n~~Numbers (APNs) 301-141-010, 301-171-011, 301-181-002, and 301-181-003 ~~301-141-10, 301-171-02, and 301-181-01~~ is increased to two (2) acres. (Amended by Res. No. 85-81)
- b) Residential/Medium Density (RM): ~~generally, the Herrick Mobile Home Court area. TenEleven (110) sitesproperties are reserved for this use, including a mobile home park.~~

Planned Density: 8-30 units per acre.

- c) Public Facility (PF): Pine Hill School ~~property.~~
- b) SOUTHERN BOUNDARY ADJACENT CITY OF EUREKA (HERRICK AVENUE/ELK RIVER AREA)~~Herrick Avenue/Elk River Road area South of Bucksport: This area has been proposed for annexation by the City of Eureka. The land use designations follow existing land uses and proposed land uses associated with the Eureka Wastewater Treatment Facility. This area is not within the urban limit line and is predominantly wetland and flood-prone lands.~~ The following land use designations are ~~proposed-planned~~ within the urban limit:

- a) ~~Commercial Agriculture Exclusive (AE): most of the Herrick Avenue/Elk River area. General (CG): several areas south of the City Limit along Highway 101.~~
- b) ~~Industrial General (MG): an area along Hilfiker Lane.~~
- c) ~~Industrial/Coastal-Dependent (MC): an area at the end of Hilfiker Lane.~~
- d) ~~Public Facility (PF): the proposed site of the wastewater treatment plant The Herrick Avenue exit and General right-of-way along Highway 101.~~

- c) Spruce Point: The Uurban Llimit Lline shown on the Aarea Pplan map encompasses the ~~upland portions of this area, that is~~ serviced with sewer and water, ~~and excludes low wetland areas.~~ The following land use designations ~~is proposed~~are planned within the urban limit:

- a) Commercial General (CG): all of the Spruce Point area. AreaArea mostly west of Humboldt Hill Rd., with two areas east of

Humboldt Hill Rd.

- b) Resource Dependent (MR): In combination with CG designation, predominantly wetland area.
- c) Residential/Medium Density (RM): Area mostly east of Humboldt Hill Rd., with one area west of Humboldt Hill Rd. Includes two three mobile home parks.
- a)d) Coastal Commercial Timberland (TC): Coastal portion of two parcels near Elk River.
- d) Humboldt Hill: Several small pockets of the Humboldt Hill residential community are included within the coastal zone, and the urban limit includes them as shown on the plan map. The following land use designation is ~~proposed-planned~~ within the urban limit:
  - a) Residential/Low Density (RL): ~~all three of these~~ All of the Humboldt Hill areas within the HBAP.
- e) King Salmon: An urban limit has been designated around the community as shown on the ~~a~~ Area ~~p~~ Plan ~~m~~ Map. This area is currently serviced with sewer and water. The following land use designations are ~~proposed-planned~~ within the urban limit:
  - a) Residential/Low Density (RL): This includes most of that area between ~~Herring—north Buhne Drive~~ and ~~Crab—Perch s~~ Streets.
  - b) Commercial Recreational (CR): ~~a~~ A small business strip at the entrance to the community, and that area ~~between—from~~ Perch Street south.
  - c) Natural Resources (NR): Area west of Buhne Drive.
  - d) Industrial/ Coastal-Dependent (MC): Along Highway 101 and north of King Salmon Ave.
  - b)e) Resource Dependent (MR): Wetlands area along Highway 101.
- f) Fields Landing: An urban limit has been designated around the community of Fields Landing, extending across Highway 101 to the base of Humboldt Hill. The proposed land use designations in this area are consistent with current zoning. ~~However, the community of Fields Landing is an area of special concern that should be reviewed with the purpose of developing a community plan that better reflects the needs of the community, a task that is beyond the scope of the coastal planning program.~~

The following land use designations are ~~proposed-planned~~ within the urban limit:

  - a) Residential/Low Density (RL): Area east of Highway 101 and most of that area between Highway 101 and the ~~railroad-tracks~~ waterfront railroad corridor.
  - b) Commercial General (CG): ~~an area along the railroad, and two areas on either side of the highway.~~ Area along Fields Landings

Drive and area along 3<sup>rd</sup> Street.

- c) Commercial/Recreational (CR): ~~the current location of Volpi's Restaurant.~~ Area along 3<sup>rd</sup> Street and area east of Highway 101 between the King Salmon and Fields Landing area.
- d) Industrial/Coastal-Dependent (MC): ~~that area between the railroad and~~ Area along ~~between the railroad corridor and~~ the waterfront.
- e) Public Facility (PF): General right-of-way along Highway 101 and the South Bay Elementary and Middle School property.
- f) Public Recreation (PR): Area at the western terminus of Railroad Avenue.
- g) Residential/Medium Density (RM): Area west of 2<sup>nd</sup> Street between B Street and Railroad Avenue.
- d)h) Resource Dependent/Industrial General (MR/MG): Area south of South Bay Depot Road between MC and PF designations and area at intersection of South Bay Depot Road and Yard Street. Area north of D Street between MC and PF designations.

Urban Reserve (RV): an area located to the east of Highway 101 and west of the residential area ~~at the base of Humboldt Hill.~~ This area is ~~not currently~~ serviced with sewer and water, ~~but and~~ is suitable for low-density residential development due to its ~~level nature~~ gentle slopes. ~~Upon completion of an extension to currently unserviced parcels within the urban limit~~

- e) ~~the newly serviced area will be designated as part of the serviceable area (as described in~~ Section 3.22 A).

Planned Density: ~~with serviced water,~~ 3-7 units per acre.

4. TOWN OF SAMOA: HBAP The Urban Limit Line shall include the residential, commercial, commercial (including visitor serving) recreation (including visitor serving), public facilities, and business park areas of the town of Samoa. (Amended by Res. 12-62 and Res. 12-63, 7/17/2012) The area shown within the Urban Limit Line is served with sewer and water. The following land use designations are planned within the urban limit:

- a) Residential/Low Density (RL): Distributed throughout, south of Fenwick Avenue and north of Adams Court, between Vance Avenue and the NR designation east of New Navy Base Road.
- b) Commercial/Recreational (CR): Southeast of and along North Bay View Avenue north, and northwest of the intersection of North Bay View Avenue and Rideout Street.
- c) Public Facility (PF): On either side of Vance Avenue south of the town center and west of Vance Avenue south of the intersection of Vance Avenue and Adams Court.
- d) Public Recreation (PR): On either side of Vance Avenue between Fenwick Avenue and Rideout Street.

e) Residential/Medium Density (RM): On the east side of Vance Avenue south of Adams Court.

f) Business Park/Industrial General (MB/MG): Within the southern portion of the Urban Limit west of Vance Avenue.

g) Natural Resources (NR): In various locations within the Urban Limit.

## **B. DEVELOPMENT POLICIES**

### **1. Identification of the Urban Limit Line**

a. ~~An~~The Urban Limit Line is identified and mapped at a suitable scale for all existing developed areas in the Coastal Zone of Humboldt County. The establishment of this line is based on findings that lands included within the urban limit would be generally suitable for development at a density greater than one unit per acre or as shown in Chapter 4 of the Area Plan, ~~were~~where public sewerage, water, and road improvement ~~are~~ services are provided, according to the following criteria:

- (1) That sufficient water to serve the development of all permitted uses is available to the area at a cost affordable within the reasonable economic expectation of existing or potential suppliers, and that adopted water quality control plans would not be exceeded by such development;
- (2) That carrying capacity of major roads and of coastal access corridors is sufficient for the development of all permitted uses, or that ~~h~~improvements to an adequate level can be provided at a cost affordable within the reasonable economic expectation of the County, or of an incorporated ~~C~~city where the Urban Limit Line surrounds a city;
- (3) That permitted uses would be within the constraints of all standards related to the protection of public safety; and
- (4) That the permitted uses do not reduce the viability of agricultural or timber production on lands outside the ~~u~~Urban Limit Line, or constitute conversion from agricultural or timber production uses except as specifically permitted by provision of this ~~e~~Chapter.

b. Wherever possible, Urban Limit Lines established pursuant to subsection a) – (see above) shall follow significant natural and man-made features that will increase the effectiveness of the urban-rural boundary.

c. Any lands lying outside the Urban Limit shall be deemed rural for development purposes, and subject to the Rural Development Policies and Standards in section 3.20 of this ~~e~~Chapter.

### **2. General Development Policies Within ~~The~~the Urban Limit**

a. The establishment of an Urban Limit Line and designation of planned uses within that limit is not a commitment by the County of

Humboldt to approve land divisions or other developments at urban densities within said limit. ~~Rather, it establishes rather that~~ the maximum extension of such development ~~for a five-year period, at which~~ until such time the location of the Urban Limit Line shall be re-examined by the County and the California Coastal Commission and adjustment, if necessary or appropriate, made.

- b. No land division or development proposal shall be approved within the Urban Limit that would constitute a conversion from the use identified in the Area Plan Map; and no zoning shall be approved which would allow such conversion.
- c. The development of lands within the Urban Limit for the uses indicated in the Area Plan Map, and division of lands within the Urban Limit to the densities indicated in the Land Use Designations, are contingent on the ability of the area to accommodate that development or that density. More specifically, no lands within the Urban Limit shall be developed or divided as allowed by the Area Plan, unless the following findings are made in addition to any other findings required by this **chapter or section 3.30**. Moreover, zoning of lands within the Urban Limit Line shall not allow such developments or divisions until such time as these findings can be made.
  - (1) That water supply and adequate provision for sewage disposal, as required by the use at the density permitted in the Area Plan, is available to the development or division;
  - (2) That the carrying capacity of major roads and of coastal access corridors is sufficient for all permitted uses, or that improvements to an adequate level can be provided at a cost affordable within the reasonable expectation of the County, or of an incorporated city where the Urban Limit surrounds the city; ~~and-~~
  - (3) That the proposed development or division meets all standards for the use designated in the Area Plan, as set forth in ~~C~~chapter 4 of this document.

~~Moreover, zoning of lands within the Urban Limit shall not allow such developments or divisions until such time as these findings can be made.~~

- d. The dedication or offer of dedication of an easement for coastal access or view shall not be considered to lower the area of a parcel on which such easement is dedicated or offered for dedication, for purposes of determining conformance with approved minimum lot sizes.

### **C. NONCONFORMING USES AND STRUCTURES**

It is the intent of this plan that nonconforming uses and structures may be substituted, or replaced with more conforming uses and structures. Such substitution, replacement or alteration will be consistent with the Plan only when the following findings are made:

1. The nonconforming use and/or structure is not a public nuisance; and
2. The nonconforming use and/or structure will not conflict with surrounding land uses.



### **3.12 PUBLIC WORKS**

~~\*\*\* 30254 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; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. 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, nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.~~

### **PLANNED USES**

~~As described in the preceding section concerning uUrban Limit Lines, the designated serviceable areas generally include those areas currently serviced. While water and sewer service are not currently available to the urban reserve areas designated on Humboldt hill and along Samoa Blvd. near Arcata, it is projected that within the next five years it will be economically feasible for such services to be extended to these areas.~~

**Section 3.12 B** ~~requires that each year water and/or sewer service providers, i.e. the Humboldt Bay Municipal Water District, Humboldt Community Services District, Humboldt Hill Water Company, Humboldt County Service Area #3, Jacoby Creek County Water District, Manila Community Service District, submit to the County for approval a five-year projection of service plans. The criteria for County approval of the plan (and thus, future extensions,) shall be based on findings that the proposed extensions of services are compatible with the County land use plan, that this extension of service would not remove capacity necessary for future development on parcels currently within the serviceable area, and finally, that the cost of such extension be borne solely by the users and not encumber lands not receiving services, particularly agriculture or timber lands.~~

### **A. DEVELOPMENT POLICIES**

#### **1. Serviceable Area**

##### **(1)**

~~(1) The serviceable area of a utility providing water or sewer service within an Urban Limiturban limit line shall be construed as all parcels within 300 feet by the shortest feasible route of an existing service line with capacity to serve the permitted development of said parcels as indicated in the Area Plan; except that, where the total capacity of the water or sewer system cannot serve the aforesaid development of all such parcels, the serviceable area shall be that portion of such parcels on which permitted development can be served within the capacity of the system as designated in an approved Public Works Plan as provided by Section 3.12 B 2. However, no lands designated for agricultural use in the Area Plan shall be considered to be in the serviceable area of a water or sewer~~

~~system, unless such lands are already serviced by such a system.~~

- ~~b. The serviceable area within the Humboldt Bay Planning Area is defined as follows and includes: Generally, three hundred (300) feet by the shortest feasible distance from the existing water and sewer system lines.~~

## ~~2. Public Works Plan~~

- ~~a. All special districts providing or authorized to provide sewer or water services, including all County Service Areas providing or authorized to provide these services, and all private providers of such services with twenty (20) or more residential equivalent connections, shall annually submit to the County Planning Commission a Public Works Plan consisting of: five-year projection of service growth and a specific plan, if any, for system expansion in the following year. The Commission, after public hearing, shall recommend approval or disapproval of the plan to the Board of Supervisors, based on criteria of section (c).~~

~~Where an approved expansion plan does not exist, no permit will be issued by the County for any work contributing to the extension of services outside the serviceable area, or to expansion of system capacity above the capacity needed to provide services in the serviceable area. Where a Public Works Plan has been approved, all permitted work on said utility shall conform to the Plan.~~

- ~~b. A Public Works Plan may be amended by the Planning Commission, up to three times in a year; and any such amendment shall be based on the following criteria:~~

- ~~c. Criteria for approval of a Public Works Plan shall be:~~

- ~~(1) That the pPublic wWorks pPlan will provide services consistent with the proposed scale and pattern of development shown in the Area Plan within the urban limit.~~
- ~~(2) That provision of service to all lots in the expanded portion of the serviceable area, for uses permitted in the Area Plan, will not remove capacity necessary to serve future development of undeveloped lots in the existing serviceable area to the uses permitted in the Area Plan.~~
- ~~(3) That no assessments, readiness to serve fees, or other costs or encumbrances, including bonded indebtedness, related to water or sewer expansion, will be assessed against lands designated Agriculture Exclusive (AE) or Commercial Timber (TC), or against any lands outside of the Urban Limit.~~
- ~~(4) In 1992, two portions of parcels designated Agricultural Exclusive and Commercial Timber in the Mitchell Road area were included as party of an Assessment District. The assessment was part of a Humboldt Community ServicesCSD water line extension project into the Mitchell Road/Freshwater area. These parcels will be users of the water service, as will~~

~~be adjacent parcels. The provision of water service to these parcels will not reduce the viability of agricultural or timber production. In addition, the extension of water services out to the Freshwater area has specifically been deemed consistent with this Plan per Section 3.12 (A). (amended by Res. 91-15, 2/4/92)~~

~~When service plans are available a brief account of their plans will be included in the appendix.~~

### ~~3. Service Extension~~

~~a. When a service extension is completed, the newly serviced area shall be formally designated as part of the Urban Service Area, as described in section 3.12B of this chapter.~~

## **3.133.5 COASTAL-DEPENDENT DEVELOPMENT**

### **Related Coastal Act Policies**

~~\*\*\* 30255. Coastal dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal dependent developments shall not be sited in a wetland. When appropriate, coastal related developments should be accommodated within reasonable proximity to the coastal dependent uses they support.~~

~~**30101. Coastal-dependent development or use.** "Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.~~

~~**30101.3. Coastal-related development.** "Coastal-related development" means any use that is dependent on a coastal dependent development or use.~~

~~**30222.5 Oceanfront lands; aquaculture facilities; priority.** Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.~~

~~**30224. Recreational Boating Use; Encouragement; Facilities.** Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.~~

**30234. Commercial Fishing and Recreational Boating Facilities.** Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

~~\*\*\* 30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.~~

30255. **Priority of Coastal-Dependent Development.** Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

**30260. Location or expansion**

(a) Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division.

(b) However Notwithstanding subdivision (a), where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if all of the following conditions are met:

(1) Alternative locations are infeasible or more environmentally damaging;

(2) to do otherwise Permitting the development would not adversely affect the public welfare;

(3) Adverse environmental effects are mitigated to the maximum extent feasible;

(4) the new or expanded coastal-dependent industrial facility is not an oil and gas development, refinery, or petrochemical facility.

30262. Oil and gas development. (a) New or expanded oil and gas development shall not be considered a coastal dependent industrial facility for the purposes of Section 30260, and may be permitted only if found consistent with all applicable provisions of this division and if all of the following conditions are met: ...

30263. Refineries or petrochemical facilities. (a) New or expanded refineries or petrochemical facilities shall not be considered a coastal-dependent industrial facility for the purposes of Section 30260, and may be permitted only if found to be consistent with all applicable provisions of this division.

(b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

(c) Repair and maintenance of existing refineries or petrochemical facilities may be permitted in accordance with Section 30260 only if the following conditions are met:

(1) The development does not result in expansion of capacity of existing refineries or

petrochemical facilities. (2) Alternative locations are not feasible or are more environmentally damaging. (3) Adverse environmental effects are mitigated to the maximum extent feasible. (4) Permitting the development would not adversely affect the public welfare. (5) The development is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas. (6) The development is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property. (d) Notwithstanding subdivision (a) of this section and paragraph (4) of subdivisions (b) of Section 30260, development of facilities for the purposes of producing low-carbon fuels at an existing refinery or petrochemical facility may be permitted in accordance with Section 30260 if all requirements of that section and subdivision (c) of this section are met.

#### **A. PLANNED USES BACKGROUND**

Humboldt Bay contains the only harbor of commercial importance for major shipping between San Francisco Bay, California, approximately 225 nautical miles south, and Coos Bay, Oregon, approximately 156 nautical miles north. Humboldt Bay serves as a key port in the region due to its federally maintained deepwater channel and strategic location along the west coast. Coastal-dependent developments along the bayfront are essential to the economy of Humboldt County. Humboldt Bay currently serves industries such as commercial fishing, mariculture, and forest product industries. Due to its size, the depth of its maintained navigable deepwater channels, the lack of overhead encumbrances, and the large swath of protected bay, Humboldt Bay serves as an integral location for future commerce and renewable energy opportunity. The development of coastal-dependent lands along, or adjacent to, Humboldt Bay's deepwater channels are critical to meeting existing and future needs of the coastal-dependent industries in northern California and beyond. Until recently, demand for coastal-dependent industrial lands was on the decline due to the downturn of the forest products and the commercial fishing industries. This has led to large areas of vacant and/or underutilized land reserved for Coastal-Dependent Industrial (CDI) development in the Bay, particularly along the Samoa Peninsula.

In 2022, the California Energy Commission (CEC) set planning goals for California to develop 2 to 5 gigawatts (GW) of offshore wind energy by 2030 and 25 GW by 2045. The federal government has a goal of deploying 30 GW of offshore wind energy by 2030. To support these goals, in December 2022, the U.S. Department of the Interior (DOI), Bureau of Ocean Energy Management (BOEM) held an offshore wind energy lease sale for areas on the Outer Continental Shelf (OCS) off central and northern California, which includes the Humboldt Wind Energy Area (roughly 21 miles off the Humboldt County coast). In order for these offshore wind goals to be realized, major port development will be required throughout California for Wind Turbine Device (WTD) component manufacturing, staging and integration (vertical assembly), and operations and maintenance. Due to the depth and width of the Humboldt Bay deepwater channels, the lack of vertical draft restrictions, and the availability of developable land along the bay, BOEM has identified Humboldt Bay as the port best suited to service the needs of the offshore wind energy industry on the west coast of the United States. The County, in coordination with the Humboldt Bay Harbor, Recreation, and Conservation District (HBHRCD), anticipates that much of the development to support offshore wind energy will be proposed on CDI lands within the County's jurisdiction, particularly those with access to the deepwater channel. The County seeks to encourage productive use of the coastal-dependent industrial lands by offshore wind energy support facilities, or other coastal-dependent uses.

Exclusive of coastal-dependent industrial CDI, Recreational, and commercial



development ~~are~~ located within ~~the cities of Eureka and Arcata, such developments within the Urban Limit Line of the Humboldt Bay Planning Area are located just south of Eureka in~~ King Salmon and Fields Landing. Coastal-dependent developments along the bayfront are essential to the economy of the Humboldt Bay area. The Current fishing facilities and historic timber export/import facilities in King Salmon and Fields Landing are located along the deepwater ~~draft Hookton Channel~~ channel. Recreational facilities in both King Salmon and Fields Landing offer local residents and visitors access to the Humboldt Bay for both passive ~~recreation,~~ and active recreation, such as ~~salmon~~ fishing.

Outside of urban limit lines, coastal dependent developments are proposed in several rural areas. An extensive area of coastal dependent industrial development is located along the North Spit south of the Samoa Bridge and east of New Navy Base Road. Commercial Recreational Uses are ~~planned near the intersection of New Navy Base Road and the Samoa Bridge,~~ at several scattered locations in the King Salmon-Fields Landing area, and at Table Bluff.

Humboldt Bay has the highest tidal exchange rate of any bay on the west coast and hosts nearly thirty percent (30%) of the eel grass population in California. This along with cold and clean waters makes Humboldt Bay an incredibly desirable location for aquaculture. Expansion of the aquaculture industry with the recent permitting of Nordic Aquafarms (2022) presents a tremendous opportunity for the expansion of coastal-related industrial development within the upcoming five years. The North Bay already produces 70% of California's total oyster seed production, and eExpansion of this industry has attracted others such as Holdfast Aquaculture, which produces 75% of the mussel seed in California. These sustainable food sources provide a valuable addition into other products could add to the local economy. Commercial recreational uses are planned near the intersection of New Navy Base Road and the Samoa Bridge, at several scattered locations in the King Salmon-Fields Landing area, and at Table Bluff.

~~The recent construction of the Woodley Island Marina added a significant amount of berth capacity for the commercial fishing fleet. If, at some time in the near future, it becomes necessary to further expand the berth capacity within Humboldt Bay, expansion into the channel at Woodley Island would be the preferred choice for expansion, then the extension of the marina along the channel eastward to the Samoa Bridge. The Shipwreck area near King Salmon, although having substantial habitat value in its present condition, may qualify as a degraded wetland; it thus may receive study under Section 30411 for a restoration project in conjunction with the development of a boating facility.~~

Dredge spoils disposal sites are essential to the maintenance of the coastal-dependent industry, habitat conservation, and recreational opportunities around the Humboldt Bay. Dredge spoils can be identified by material type and beneficially reused in a number of ways such as: 1) prevention of longshore drift along the coastline west of New Navy Base Road, 2) enhancement of habitats along the Samoa Peninsula and in and around Humboldt Bay, 3) creation of living shoreline surrounding the North Bay adjacent to the 255 and the 101, 4) nature based adaptation measures to Sea Level Rise (SLR), and 5) site impoundment as an adaptation to SLR. Dredge spoil disposal sites have been identified along the North Spit west of New Navy Base Road, in surf zone disposal areas along the North Spit, and as identified in the National Wildlife Refuge Plan for the construction of a nesting island at Sand Island in the North Bay.

According to the Coastal-Dependent Industrial Lands Inventor (June 2024) prepared as a background study for the HBAP update, completed in 2025, the offshore wind industry is expected to increase the demand for industrial support facilities surrounding Humboldt Bay.

Active coastal-dependent industrial uses include oyster production via “off-bottom” methods (i.e., rack-and-bag culture, long-line culture, and basket culture), forest products, and commercial fishing. Planned uses at sites along maintained dredged channels are designed to accommodate port-related activities that can take advantage of the Bay’s transportation resources such as offshore wind facilities, dry cargo facilities, aquaculture facilities, and commercial fishing facilities.

## **B. DEVELOPMENT POLICIES**

### **3.13 Coastal Dependent Industrial:**

1. ~~w~~Within areas designated Coastal Dependent Industrial (MC), the principal uses shall be any coastal-dependent industrial use that requires access to a maintained navigable channel in order to function, including, but not limited to: public docks, water-borne carrier import and export operations, ship building and boat repair, commercial fishing facilities, including berthing and fish receiving, and fish processing when product is for human consumption (fish waste processing and fish processing of products for other than human consumption are considered coastal-related uses), ~~marine oil terminals, OCS service or supply bases, ocean intake, outfall or discharge pipelines serving offshore facilities, and aquaculture and aquaculture support facilities, and offshore wind support facilities.~~
2. ~~as c~~Conditional uses within MC designations ~~would be as follows:~~, visitor-serving recreational facilities that require channel access, including, but not limited to marinas serving other than solely commercial vessels, fishing piers, and boat-launching facilities; coastal-related industrial uses, including but not limited to fish-waste processing and fish processing of products for other than human consumption, ~~gas and/or oil processing and treatment facilities, electrical generating facilities and/or~~ other coastal related facilities which require an ocean intake, and/or outfall, ~~or pipeline~~. Such facilities shall not be sited on sites with channel access unless associated with a terminal. Alterations, improvements, and relocations of existing general industrial uses within the MC designation may also be permitted.
3. ~~as i~~Interim conditional uses within MC designations to allow greater use of underutilized MC lands, certain uses allowed in the MG: Industrial/General land use designation and in the ML: Light Industrial zone district (Section 313-3.2 of the Coastal Zoning Regulations) subject to interim use performance standards to avoid impacts to coastal-dependent industrial uses and other priority uses including visitor-serving recreational facilities that require channel access and coastal-related industrial uses.
4. ~~w~~Within areas designated Resource Dependent (MR), the principal use shall be resource-dependent activities, including but not limited to, aquaculture, wetland restoration projects carried out under Coastal Act Section 30233(a)(7), nature study facilities, and minor alterations or repairs to existing structures. Conditionally permitted uses in the MR designation are as described in the Land Use Designation **Chapter 4, page 4-4.**



5. ~~p~~Permitting of developments included in this subsection shall be according to the policies of 3.14 et seq., or 3.26 et seq., as applicable.
6. Recreational: ~~a~~Any active or passive recreational activity requiring use of open water, the water- beach interface, or other natural features which in Humboldt County exist only or predominantly at near-shore areas. Developments included in this subsection shall be permitted according to the policies of XXX as applicable.
7. Commercial: visitor-serving facilities which accommodate or facilitate public use of the shoreline for coastal-dependent recreational purposes, when provision of such services is best provided at shoreline areas and does not interfere with access to the coast. Developments included in this subsection shall be permitted according to the policies of XXX as applicable.
8. Where coastal-dependent uses conflict among themselves, priority shall be given to industrial over recreational or commercial uses, and to recreational over commercial uses; except that industrial, recreational, and visitor serving use of private lands shall not displace existing agricultural use where the Area Plan or zoning protect the use.
9. In reviewing projects requiring channel access, it is recognized that the channel adjacent to the Samoa Spit is naturally scoured and generally provides the best opportunity for deeper draft uses.
10. U.S. Coast Guard facilities shall be considered a priority among coastal-dependent uses.
11. ~~Dredge spoils disposal sites identified on the Plan Resource Protection Maps (see Section 3.60) shall be protected for spoils disposashall be accomplished in a manner that reuses clean material to replenish eroded material, providing habitat restoration, and minimizing impacts from sea level rise.~~  
~~Spoils disposal at Sand Island, if any, are encouraged for restoration of elevations sufficient to reestablish tern nesting on the islands. Any dredge spoils disposal at King Salmon should be designed to minimize erosion and include mitigation measures to protect water quality and existing uses.~~  
 It is the policy of the County to encourage island building and living shorelines as a dredge spoils disposal alternative that may be used to create or restore elevations beneficial to the overall productivity of Humboldt Bay. Past disposal projects have created elevations suitable for the establishment of salt marsh and upland habitat. ~~The County encourages the consideration of island building as a reasonable alternative in each application reviewed by agencies with jurisdiction for dredge spoils disposal projects.~~
12. When heavy lift marine terminals are needed to provide support for offshore wind development, a Port Overlay Zone will be established to consider the unusual development needs to a heavy lift terminal. The Port Overlay Zone can be used to address both Coastal Resource Protection concerns and development regulations established by the Zoning Ordinance. The Port Overlay Zone may be used to address zoning regulations for structure height, and lighting. The Port Overlay Zone can also be used to address situations where there is the potential for ESHA on previously developed sites.

a ESHA Mitigation

- (i) Degraded ESHA - The County finds areas of potential ESHA within the PORT Overlay Zone as having been largely degraded resulting from development related to coastal-dependent industrial uses, including grading of dunes, placement of dredge spoils, roads, placement of fill, and past development patterns. Port-related facilities within the PORT Overlay Zone may impact ESHA so long as there is no disruption of habitat values and mitigation for impacts would result in ESHA that provides equal or greater biological productivity.
- (ii) Impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to mitigation that would lead to an overall increase in habitat values. Mitigation for impacts to ESHA other than marine habitats shall be provided at a minimum ratio of 2:1, based on the ESHA to be impacted. See Appendix D for suggested mitigation ratios by resource. The more specific mitigation requirements, as required by regulatory agencies or the County, shall take precedence over the more general mitigation requirements of this plan.
- (iii) Mitigation measures for impacts to ESHA, including habitat restoration and/or enhancement shall be monitored for a period of no less than four (4) years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration, creation, and/or enhancement project and shall be agreed upon by the County. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the County annually and at the conclusion of the prescribed monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of the prescribed monitoring period, the monitoring period shall be extended until the standards are met. However, if after ten years, performance standards still have not been met, the applicant shall submit an amendment proposing alternative mitigation measures.
- (iv) The mitigation shall include offers of dedication of easements for restoration and enhancement of any ESHA resulting from the project (except where the resulting ESHA and/or wetlands are already owned by a public agency, special district, or appropriate non-profit organization such as a land trust).
- (v) The County shall require mitigation by restoring an equivalent or larger area to greater or equal biological productivity.

**3.14 3.7 INDUSTRIAL**

**Related Coastal Act Policies**

General

30232. **Oil and Hazardous Substance Spills.** Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

~~(modified 30250(a))~~: **Location; Existing Developed Area (portion of).** (a) New industrial development, except as may be otherwise provided in this plan, shall be located within, contiguous with, or in close proximity to, existing developed industrial areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

### **California Water Code Policies**

#### **13142.5 State Policies with Respect to Water Quality as it Relates to Coastal Marine Environment**

In addition to any other policies established pursuant to this division, the policies of the state with respect to water quality as it relates to the coastal marine environment are that:

- a. Waste waterWastewater discharges shall be treated to protect present and future beneficial uses, and, where feasible, to restore past beneficial uses of the receiving waters. Highest priority shall be given to improving or eliminating discharges that adversely affect any of the following:
  - (1) Wetlands, estuaries, and other biologically sensitive sites.
  - (2) Areas important for water contact sports.
  - (3) Areas that produce shellfish for human consumption.
  - (4) Ocean areas subject to massive waste discharge.

Ocean chemistry and mixing processes, marine life conditions, other present or proposed outfalls in the vicinity, and relevant aspects of area-wide waste treatment management plans and programs, but not of convenience to the discharger, shall for the purposes of this section, be considered in determining the effects of such discharges. Toxic and hard- to-treat substances should be pretreated at the source if such substances would be incompatible with effective and economical treatment in municipal treatment plants.
- b. For each new or expanded coastal power-plant or other industrial installation using seawater for cooling, heating, or industrial processing, the best available site, design, technology, and mitigation measures feasible shall be used to minimize the intake and mortality of all forms of marine life.
- c. Where otherwise permitted, new warmed or cooled water discharges into coastal wetlands or into areas of special biological importance, including marine reserves and kelp beds, shall not significantly alter the overall ecological balance of the receiving area.
- d. Independent baseline studies of the existing marine system should be conducted in the area that could be affected by a new or expanded industrial facility using seawater in advance of the carrying out of the development.
- e. (1) Adequately treated reclaimed water should, where feasible, be made available to supplement existing surface and underground supplies and

to assist in meeting future water requirements of the coastal zone, and that consideration, in statewide programs of financial assistance for water pollution or water quality control, shall be given to providing optimum water reclamation and use of reclaimed water.

#### **A. PLANNED USES BACKGROUND**

~~According to the "Industrial Siting Study" Coastal-Dependent Industrial Lands Inventor (June 2024) prepared as a background study for the local planning process, forest products industry is not expected to exert any significant additional land use demand on the County's coastal zone for industrial facilities, even though such facilities constitute a large number of industrial facilities in the Humboldt Bay area. Planned uses at sites along maintained dredged channels are designed to accommodate port-related activities that can take advantage of the Bay's transportation resources such as offshore wind facilities, dry cargo facilities, aquaculture facilities, OCS facilities, commercial fishing facilities, and electrical power plants.~~

Within the various urban limit areas there are several areas planned for industrial use. Sites at the north end of Manila, APNs 506-061-009 and 506-081-002, ~~currently occupied by the Emerson Sawmill and GAR Trucking~~ are designated for general industrial use through "Industrial General" (MG) land use designation. Southwest of Arcata there is a vacant area designated "Industrial General," located just west of McDaniel Slough. These areas are designated for general industrial use because of limited access to Bay channels.

The Fields Landing/King Salmon area has approximately 110 acres in industrial use, with 45 additional acres planned for "Coastal-Dependent Industrial" (MC) use. The ~~Humboldt Bay Harbor District HBHRCD maintains is constructing~~ a boat building and repair facility at Fields Landing that borders eighteen (18) available industrial acres. Two (2) other developable industrial waterfront parcels at Fields Landing are: (1) a 4-acre parcel immediately north of the County boat ramp, and (2) the old Palladini dock between South Bay Marina and Olson Terminals. ~~"Resource-Dependent" designations on s~~Several wetland sites or transitional agriculture sites in the King Salmon/Fields Landing area are designated Resource Dependent (MR) in order to permit continued agriculture, wetland restoration, or aquaculture or, if found to be the least environmentally damaging alternative (and mitigation was provided), could permit coastal-dependent industrial uses and agricultural uses allowed under the Agricultural Exclusive (AE) uses land use designation.

Outside of the various urban limits there are several areas planned for industrial use. Sites along Highway 101 between Eureka and Arcata include ~~the Arcata Redwood and site off Bracut-milling operations~~.

The North Spit south of the Samoa Bridge is the site of the County's heaviest industrial uses, specifically the locations of the two (2) former pulp mills of Louisiana-Pacific and Crown-Simpson. These areas are planned for Coastal Dependent Industrial uses because of their locations along the deep water channel of the Humboldt Bay Development proposed here would necessitate water-borne traffic ~~which constitutes~~ constituting an integral part of these operations. North of Fairhaven, contiguous inland parcels west to New Navy Base Road are planned ~~General Industrial (MH)MG~~ to provide siting opportunities for industries not requiring channel access. Lands designated MC south of Fairhaven ~~for Coastal-Dependent Industrial uses~~ are reserved for new coastal dependent industrial development requiring large acreages (50

acres or larger).

One (1) key vacant parcel with channel access to the deepwater channel is planned ~~Coastal Dependent Industrial, MC~~ and should be reserved for a use requiring channel access, with continued woodchip storage in the interim. Immediately to the west of this parcel is a potential site of a 40 megawatt wood-waste power plant, planned ~~General Industrial, MG~~.

~~In regard to amendments pursuant to Section 30515 of the Coastal Act, it should be noted that the public needs of the nation for the development of public works projects and energy facility development were considered in developing the land use designations of this plan which could accommodate oil and gas development; and, that the public needs within the area of the Humboldt Division of P.G. & E. were considered in developing the land use designations and recommendations with respect to power plant siting.~~

## **B. DEVELOPMENT POLICIES**

~~\*\*\* 30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.~~

### **1. General**

- a. Industrial uses shall include mitigation and design features for compatibility with adjacent land uses; in particular, screening and/or landscaping to buffer adjacent residential and recreational uses.

New industrial development adjacent to areas planned for public recreation, natural resources, or residential use on the North Spit shall include mitigation measures, including at a minimum, setbacks, landscaping, and design controls to minimize significant conflicts with adjacent land uses.

- ~~b. The Planning Department shall maintain a list of vacant industrial parcels. When notice has been given that an industrial facility is permanently closing down, the Planning Department shall solicit recommendation, including from the owner or operator and the Humboldt Bay Harbor Recreation and Conservation District, for appropriate future uses of the site. An LCP amendment shall be applied for where the Planning Department's recommendation is to change the land use designation.~~

- ~~e.b. New or expanded power plants or other industrial installations on the North Spit using seawater for cooling, heating, or processing shall, where feasible, utilize oceanside intakes rather than bayside systems.~~

- ~~d. Continued airport operation and improvement at the Samoa Spit Airport shall be consistent with the MC (Coastal Dependent Industrial) land use designation at the site.~~

### **1.2. HAZARDOUS INDUSTRIAL DEVELOPMENT**

Hazardous industrial development as defined in **Chapter 6** shall be permitted when either:



- a. It includes mitigation measures sufficient to offset increased risks to adjacent human populations; or,
- b. Increased risks to adjacent human populations have been adequately mitigated by approved disaster response plans, as provided in Section III B 7.0 of the General Plan Seismic and Public Safety Elements.

## 2. ~~COASTAL DEPENDENT INDUSTRIAL~~

~~\*\*\*30260. Location or Expansion. (a) Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division.~~

~~(b) However, Notwithstanding subdivision (a), where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 31262 if all of the following conditions are met: (1) Alternative locations are unfeasible or more environmentally damaging; (2) Permitting the development to do otherwise would not adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.~~

~~\*\*\*30262. Oil and gas development. (a) New or expanded oil and gas development shall not be considered a coastal dependent industrial facility for the purposes of Section 30260, and may be permitted only if found consistent with all applicable provisions of this division and if all of the following conditions are met: ...~~

~~\*\*\*30263. Refineries or petrochemical facilities. (a) New or expanded refineries or petrochemical facilities shall not be considered a coastal dependent industrial facility for the purposes of Section 30260, and may be permitted only if found to be consistent with all applicable provisions of this division.~~

~~(b) New or expanded refineries or petrochemical facilities shall minimize the need for once through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.~~

~~(c) Repair and maintenance of existing refineries or petrochemical facilities may be permitted in accordance with Section 30260 only if the following conditions are met:~~

~~(1) The development does not result in expansion of capacity of existing refineries or petrochemical facilities. (2) Alternative locations are not feasible or are more environmentally damaging. (3) Adverse environmental effects are mitigated to the maximum extent feasible. (4) Permitting the development would not adversely affect the public welfare. (5) The development is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to~~



~~environmentally sensitive areas. (6) The development is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property. (d) Notwithstanding subdivision (a) of this section and paragraph (4) of subdivisions (b) of Section 30260, development of facilities for the purposes of producing low carbon fuels at an existing refinery or petrochemical facility may be permitted in accordance with Section 30260 if all requirements of that section and subdivision (c) of this section are met.~~

- a. ~~The initial study and subsequent environmental review of a proposed coastal dependent or coastal related facility shall include consideration of alternative sites within appropriate land use designations for the proposed project, and shall rate the sites according to the following priority:~~

Priority 1 Sites:

~~sites with existing facilities suitable, with minor alteration, to accommodate the proposed use, or that could accommodate the proposed use through expansion.~~

Priority 2 Sites:

~~sites requiring the construction of new facilities which do not convert wetlands. Preferred sites within this category are those requiring the least site alteration (e.g. dredging, grading, habitat modification).~~

Priority 3 Sites:

~~sites where the proposed use would require~~

~~conversion of wetlands. Priority 4 Sites:~~

~~sites requiring dredging of a new deep water channel.~~

- b. ~~Alternative sites included in the review shall include at a minimum those sites received from soliciting the California Coastal Commission, the Humboldt Bay Harbor Recreation and Conservation District, the Army Corps of Engineers, and the Humboldt County Planning Department.~~
- c. ~~The proposed use shall be located on a site with the lowest priority rating (i.e. Priority 1 is the lowest), provided that in each case the new or expanded activities conform with the policies of this land use plan. The Humboldt Bay Harbor Recreation and Conservation District shall be petitioned to consider exercising its right of eminent domain to secure and manage the site if necessary.~~
- d. ~~A Priority 3 or 4 site shall be used only if the following findings can be made: That the proposed use cannot feasibly be accommodated in a Priority 1 or 2 site or use of Priority 1 or 2 sites would be more environmentally damaging; and to do otherwise would adversely affect the public welfare; and adverse environmental effects are mitigated to the maximum extent feasible, at a minimum in conformance with the Resource Protection policies and standards of Section 3.30 et seq.~~
- e. ~~The Coastal Dependent Industrial (MC) area, designated adjacent to the Eureka Airport and south of Fairhaven, shall be reserved for large (i.e. uses requiring sites of 50 acres or larger) port or coastal dependent energy facilities for which alternate locations are either unfeasible or more~~

~~environmentally damaging.~~

~~(1) Relocation of New Navy Base Road to accommodate large coastal dependent industrial uses shall be permitted consistent with 3.22B and within the Coastal Dependent Industrial (MC) designation. Uses within the MC area located south and west of the new road alignment shall be consistent with the natural Resources (NR) designation as defined in Chapter 4 of this plan.~~

~~(2) When feasible, permitted development should be located on existing developed areas within the site to avoid unnecessary impacts to coastal dune resources.~~

~~(3) Where proposed industrial development would affect wetland or dune habitat, or areas of public access or recreation, it is subject to the policies of Section 3.27, 3.30, and 3.50 of this plan.~~

~~f. Coastal permits shall not be issued for site preparation, including but not limited to rough grading, unless and until a coastal permit has been issued for all functionally related developments for which the site preparation is required. (Amended per Res. No. 82-161)~~

### 3. ELECTRICAL TRANSMISSION LINES

The California Public Utilities Commission (PUC) and the California Energy Commission are the agencies responsible for review and approval of transmission lines which includes technical and safety performance and environmental concerns. The CPUC has the authority to regulate all service, design, construction, and related activities of electrical utilities including the location and method of construction of transmission and distribution facilities. All transmission lines proposed for the coastal zone are considered developments under the Coastal Act, thus the County will have permit review authority based on the following policies.

- a. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in highly scenic areas, and to avoid locations which are on or near habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetative removal shall be minimized and revegetated with plants similar to those in the area.
- b. Where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.
- c. Above-ground transmission lines should be sited so as to minimize visual impacts.
- d. Siting of transmission lines should avoid the crests of roadways to minimize their visibility on distant views. Where visual impacts would be minimized, lines should cross the roadway at a downhill low elevation site or a curve in the road.
- e. New major steel tower electrical transmission facilities should be

consolidated with existing electrical steel-tower transmission facilities unless there are social, aesthetic or significant economic concerns.

- f. Existing rights-of-way should be utilized for other related utilities to provide consolidated corridors wherever such uses are compatible or feasible.
- g. Access and construction roads should be located to minimize landform alterations. Road grades and alignments should follow the contour of the land with smooth, gradual curves where possible.

#### ~~4. OIL AND GAS WELLS~~

- ~~a. Prior to project approval, findings in conformance with Section 30262 will be required.~~
- ~~b. Development associated with onshore oil and gas wells shall be permitted by conditional use permit in agricultural, timber commercial, general industrial and coastal dependent industrial land use classifications.~~
- ~~c. A permit will be required for each drillsite and a separate permit will be required for production facilities. Additional wells proposed for an approved drillsite may be administratively approved provided that they can be accomplished within the limitations and conditions of the original use permit for the drillsite.~~
  - ~~(1) In submitting information for the initial study, the applicant shall include information sufficient to determine that the project will be so sited and designed to mitigate to the maximum extent feasible adverse environmental effects. Specifically, the following shall be provided for:~~
    - ~~(a) A plot plan of the entire area under lease or ownership, showing the relationship of the proposed facilities to ultimate potential development, and a map showing the relationship of contours, buildings, structures, and/or natural features,~~
    - ~~(b) the relationship of proposed facilities to existing facilities,~~
    - ~~(c) procedures for the transport and disposal of all solid and liquid wastes to meet discharge requirements of the Regional Water Quality Control Board,~~
    - ~~(d) grading plans and procedures for minimizing erosion,~~
    - ~~(e) where public views are affected, landscaping plans and measures for minimizing visual impacts,~~
    - ~~(f) fire prevention procedures,~~
    - ~~(g) air emission control measures, and~~
    - ~~(h) oil spill contingency procedures.~~
    - ~~(i) For production facilities, a phasing plan for the staging of development which indicates the approximate anticipated timetable and production levels for the project.~~

- ~~(j) Procedures for the abandonment and restoration of the site which provide for removal of all equipment, disposal of wastes, and recontouring, reseeding and planting to conform with surrounding topography and vegetation.~~
- ~~d. In general, drill sites shall not be established at a density greater than one per eighty (80) acres.~~
- ~~e. All solid and liquid wastes shall meet the discharge requirements of the Regional Water Quality Control Board.~~
- ~~f.h. Project shall meet all applicable air quality regulations.~~
- ~~g. All earthen sumps or other depressions shall be regraded to restore the area to its original condition.~~
- ~~5. POWER PLANT SITING~~
  - ~~a. Notwithstanding the fact that the authority for siting power plants greater than 50 (fifty) megawatts has been delegated to the California Energy Commission, and that the California Coastal Commission has designated certain areas where siting such a power plant would prevent the achievement of the objectives of the Coastal Act, and that certain undesigned areas occur within this plan area; it is the opinion of the County that the siting of such a facility in the undesigned areas listed below within this plan area would constitute development that would be incompatible with this plan, and that further, the County recommends that the California Coastal Commission in its biennial review include the undesigned areas listed below within this area plan as designated areas where siting of a power plant would prevent achievement of the objectives of the Coastal Act (Amended 3/9/95 to correct typographical errors):~~
    - ~~(1) the undesigned areas in the Myrtle town — Freshwater Slough area;~~
    - ~~(2) the undesigned areas immediately north of Elk River; and,~~
    - ~~(3) the undesigned area from Fields Landing south to McBride's Ranch.~~

~~Coastal resources that would be damaged by the siting of a power plant in these areas include:~~

    - ~~(1) wetlands and estuaries~~
    - ~~(2) environmentally sensitive habitat areas~~
    - ~~(3) agricultural land~~
    - ~~(4) scenic and visual quality areas~~
    - ~~(5) areas with inadequate public services. The above listed areas were evaluated by the California Energy Commission report: Opportunities for New Coastal Power Plants in California, January 1981, and were eliminated from the areas where opportunities for siting new power plants might exist.~~
  - ~~b. Upon expansion or major modification of existing power plant facilities, once-through cooling systems shall be upgraded to meet the policy objectives above and the discharge policies of the Regional Water Quality Control Board. Use of municipal wastewater for cooling shall be considered.~~

~~c. Wind Generating Facilities~~

~~Wind generating facilities shall be a conditionally permitted use in all land use designations except Resource Dependent (MR).~~

~~The following shall be considered in reviewing proposed wind generating facilities: parcel size, relationship to other structures, effect on potential down wind sites, compliance with Uniform Building Code and national Electrical Code, rotor and tower safety, noise, electromagnetic interference, utility notification, height, liability insurance, and appearance and design.~~

~~Findings necessary for project approval shall be:~~

- ~~(1) The proposed use is not detrimental to the public health, convenience, safety and welfare.~~
- ~~(2) That the use of the property for such purposes will not result in material damage or prejudice to other property in the vicinity.~~
- ~~(3) The project will not have a significant adverse effect on coastal resources including wildlife qualities.~~

~~6.4. SOLID WASTE DISPOSAL PROJECTS~~

- a. Prior to approval of a solid waste disposal project, the applicant shall submit a solid waste disposal initial study plan which includes:
  - (1) estimations of the quantity of waste to be disposed of and the area and volume required for disposal, on an annual basis, including 5 and 10 year projections;
  - (2) description of toxicity and harmful effects on people, plants, and animals of material to be disposed of;
  - (3) site alternatives and description of impacts associated with each;
  - (4) relationship of this disposal project to other disposal projects in the area;
  - (5) a monitoring and mitigation program to insure the prevention of damage to soil, plant and animal life, and surface and subsurface water supplies;
  - (6) a reclamation and restoration plan, including descriptions of recontouring, revegetation, visual buffering during and after the project, and a list of possible future uses for each of the sites considered, and a list of uses which would not be possible after project completion; and
  - (7) assessment of conformity with County Solid Waste Management Plan.
- b. Any solid waste disposal project shall conform to the County Solid Waste Management Plan.
- c. Such projects should take place at existing approved disposal sites. New projects may, however, be allowed by conditional use permit in any land use designation, except NR and MR, if the least environmentally damaging alternative is selected. Projects in agricultural and timberland designations shall be limited to non-toxic ash, muds and sludges that would be compatible with continued agriculture or timberland use.
- d. Projects shall meet the requirements of the Solid Waste Management

Board regulations, (Division 7, Title 14, California Administrative Code) as applicable.

~~7. SURFACE MINING PROJECTS~~

~~a. For surface mining projects within the Coastal Zone, the following conditions apply to all operations whether or not they are covered by the County Surface Mining and Reclamation Ordinance No. 1373 or not:~~

- ~~(1) Removal shall be from unvegetated dunes which pose a safety hazard or threaten existing development or agricultural, and shall be consistent with Section 3.30B(10) (Beach and Dunes); or shall be from unvegetated river bars, or from industrially designated areas.~~
- ~~(2) Disturbance of banks shall be avoided or minimized.~~
- ~~(3) Excavations shall not leave holes or pits which could adversely affect aquatic life.~~
- ~~(4) Sediment settling ponds shall be used for fine silt trapment when a crusher is used at the gravel site.~~
- ~~(5) In order to minimize adverse impacts to migrating anadromous fish, the Department of Fish and Game guideline for removal of gravel only from May to November each year, except for emergency purposes, shall apply.~~
- ~~(6) River crossings, or drainage crossing on the gravel bar, should use temporary culverts or removable bridges to minimize impacts on water quality.~~
- ~~(7) Sand and gravel projects emphasizing flood control or bank protection shall be encouraged.~~
- ~~(8) Sand and gravel operations shall not remove sediments essential to the maintenance of areas used for public recreation or which protect uplands planned for commercial, residential or industrial use from erosion.~~
- ~~(9) Sand and gravel projects which do not include stationary facilities may be allowed by conditional use permit in MC, MG, AG, and AE designations, and in NR and RL designations as per the policies of 3.30B(10) (Beach and Dunes). Sand and gravel projects which include stationary crushers, separators, kilns, transfer stations or similar fixed facilities may be allowed in MG designations, or in MC designations when associated with waterborne transport, by conditional use permit.~~



**3.15 3.7 RECREATIONAL AND VISITOR SERVING AREAS****Related Coastal Act Policies**

\*\*\* 30213. (Part) **Lower Cost Visitor and Recreational Facilities; Encouragement and Provision.** Lower cost visitor and recreation facilities... shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

\*\*\* ~~30220. **Protection of Certain Water-Oriented Activities.** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.~~

\*\*\* ~~30221. **Oceanfront Land; Protection for Recreational Use and Development.** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.~~

\*\*\* 30222. **Private Lands; Priority of Development Purposes.** 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.

\*\*\* 30223. **Upland Areas.** Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

\*\*\* ~~30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.~~

\*\*\* ~~30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.~~

\*\*\* ~~30250(c). **Location; Existing Developed Area.** (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.~~

\*\*\* 30252. **Maintenance and Enhancement of Public Access.** The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

~~assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.~~

**A. PLANNED USES BACKGROUND**

A number of recreational and visitor-serving facilities are ~~planned for and are~~ located within the King Salmon- Spruce Point-Fields Landing area. While this area is already

largely developed, the Commercial Recreation designations will preserve existing facilities, as well as provide for further provision of additional facilities. This area is ideal for the provision of such recreational opportunities because of the availability of urban services to serve large numbers of recreationists, ~~the readyboat~~ access to the Bay at Fields Landing ~~boat ramp~~ and at King Salmon, the existing support facilities for sport fishing and the easy access provided by Highway 101. Restaurants, RV parks, further sport fishing facilities, and other coastal recreational activities are land uses to be encouraged by this plan.

## **B. DEVELOPMENT POLICIES**

1. It is the policy of ~~this the~~ County to prefer the private sector as the provider of visitor-serving facilities. To this end land has been reserved in each planning area for visitor-serving uses; and the County discourages public agencies from establishing visitor-serving facilities, beyond the level of overnight campgrounds and picnic areas and other noncommercial day use facilities such as interpretive centers, boat launching facilities, etc.

Within an Urban Limit Line, the development of non-coastal dependent recreational facilities shall be deemed to serve the overall goal of improving coastal recreational opportunities; except that where lands suitable for water-oriented recreational activity along the ocean or along major rivers are planned for recreation, only recreational development dependent on these sites shall be approved.

2. Recreational opportunities and planned unit development: The County encourages the provision of onsite recreational opportunities in major new development.
3. Residential use of Recreational Facilities: In an approved recreational vehicle park the residential occupancy of recreationalists by mobile homes shall be allowed up to 20% but not to exceed a total of 10 such existing sites from June through August and up to 80% but not to exceed 40 from September through May.

### **3.163.8 HOUSING**

#### **Related Coastal Act Policies**

~~\*\*\* 30213. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided ... New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code.~~

~~\*\*\*30007. Housing; local government. Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted.~~

~~\*\*\*30604(f). The commission shall encourage housing opportunities for persons of low and moderate income...~~

~~\*\*\*30604(g). The Legislature finds and declares that it is important for the~~

commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

#### **A. PLANNED USES BACKGROUND**

~~Because only a moderate increase in residential development is planned within the coastal zone, the direct provision of housing for low and moderate income households is not possible. The development policies, however, support actions of the Humboldt Housing Authority to protect, if feasible, existing low and moderate income housing. Within the urban limit a large portion of the housing—notably in the Manila and Fields Landing areas—is low and moderate income housing. These policies will protect existing units from demolition, therefore will protect the existing housing stock.~~

Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element.

As noted in the California Coastal Commission Environmental Justice Policy (2019), lower-income residents and those who live in rental units are also more likely to be displaced by flooding or related impacts as compared to property owners because they lack the funds and/or abilities to rebuild, have less control over their safety, and often have limited access to insurance. The expense of sea level rise adaptation measures for coastal communities could also heighten displacement of disadvantaged populations by increasing living expenses for sewer and water services.

#### **B. DEVELOPMENT POLICIES**

1. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible.
2. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element.
3. The county encourages the development of housing affordable to lower and median income households through creative design to provide higher density and protect coastal resources.
4. Planned Unit Development. It is the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and the County, such as: dedication of open space and public access, protection of visual resources and sensitive habitats, and provision of low and/or moderate income units, housing incentive may include increases of up to a total of 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than 35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources, public health, or safety, consistent with the definition of adverse impact in Government Code Section 65589.5(d)(2), as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be

consistent with all applicable LCP policies and development standards. This 25% increase may not be applied to condominium conversions.

5. Encourage development within urban limit lines, except within hazards areas where hazards would pose a danger to people and development.

4.6. Development shall be designed to provide safe and convenient access to identified coastal access points. Providing pedestrian connections to coastal access points is a measure that can be considered in a density bonus request. It is the objective of this plan to encourage affordable housing near coastal access and recreation points to provide lower-income households with equitable opportunity to use and enjoy the coast.

### **3.9 COASTAL HAZARDS AND ADAPTATION**

#### **3.9.1 Hazard Identification and Risk Reduction**

##### **Related Coastal Act Policies**

##### **30235 Construction altering natural shoreline**

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

##### **\*\*\* 30253. Minimization of Adverse Impacts**

New Development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

#### **A. BACKGROUNDPLANNED USES**

The hazard policies apply to all new development within the planning area. For the most part these policies have been extracted from Humboldt County's adopted Seismic Safety Element. Humboldt Bay Planning Area faces several hazards that have a potential to impact the region's safety and resilience. These hazards can present challenges for new development around Humboldt Bay. Geologic hazards like earthquakes, landslides, and soil liquefaction can severely damage buildings and infrastructure, making it crucial to design structures that can withstand such events. Flooding, exacerbated by heavy rainfall and storm surges, poses a risk to homes, roads, and utilities, necessitating flood-resistant construction and adequate drainage systems. Fire hazards from nearby wildfires can lead to rapid property destruction, requiring fire-resistant building materials, defensible space, and effective evacuation plans. Sea level rise can contribute to coastal erosion, heightened ground water table, and increased flooding risks, making it essential to avoid developing in vulnerable areas. The threat of tsunamis requires an awareness of the dangers and designated areas of refuge. Regulating new development is important to ensure safety and minimize risks. Building code and land-use planning can help create resilient communities by preventing construction in high-risk areas and enforcing policy and standards that reduce vulnerability to these hazards.

The only area with any significant instability problem planned for more intense development is on Humboldt Hill, east of Highway 101, which is classified as an area of “moderate instability” according to County seismic safety maps. Another significant hazard to development within most of the agricultural lands and along both the North and South Spits is liquefaction. Much of this same area is also within the limit of the 100-year floodplain, and is in an area of potential tsunami runup. Maps of slope stability hazards are included in [Appendix D](#), and are referenced in policies from the [Seismic Safety](#) element of the General Plan which are reiterated below. The numerical index on these maps indicate relative slope stability and are to be used with the risk rating matrix in [Appendix C](#). This information indicates where a site investigation would be required prior to the issuance of a development permit (see [policy section 2 below](#)).

## **B. DEVELOPMENT POLICIES**

1. Plan land uses and regulate new development to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from natural and manmade hazards, including but not limited to, steep slopes, unstable soils areas, active earthquake faults, wildland fire hazard areas, airport influence areas, military operating areas, flood plains, and tsunami run-up areas.
- ~~1.2.~~ New development shall be consistent with ~~the~~ adopted regulations, including but not limited to the Humboldt County Safety and Seismic Safety element of the General Plan. Of particular interest, when siting new development, the Geologic Hazards Land Use Matrix, included as Table 1 in Chapter 6 Geologic Hazards of Division 3 Building Regulations of Title III Land Use and Development of the Humboldt County Code (see Appendix C) Natural Hazards/Land Use Risk Rating Matrix on Figure 3-5, Section 3300 of Vol. 1 should be used in conjunction with Plate III (see Appendix D). Plate III is a map delineating seismic zones relating to earthquake shaking as well as land stability and other natural hazard conformation.
2. ~~The County shall amend Chapter 70, Section 7006, of the Uniform Building Code to require soil engineering and geological engineering investigations, prepared by a registered geologist or by a professional civil engineer with experience in soil mechanics or foundation engineering, or by a certified engineering geologist, for classes of development and hazard areas as shown in Table 1 and Plate III and DNOD maps as attached (See Appendices C, D & E).~~
  - a. ~~The report should consider, describe and analyze the following.~~
    - ~~(1) Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;~~
    - ~~(2) Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport;~~
    - ~~(3) Geologic conditions, including soil, sediment and rock types~~



- and characteristics in addition to structural features, such as bedding, joint and faults;
- ~~(4) Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity;~~
  - ~~(5) Impact of construction activity on the stability of the site and adjacent area;~~
  - ~~(6) Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e. introduction of sewage effluent and irrigation water to the ground water system; alterations in surface drainage);~~
  - ~~(7) Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e. landscaping and drainage design);~~
  - ~~(8) Effects of marine erosion on seacliffs;~~
  - ~~(9) Potential effects of seismic forces resulting from a maximum credible earthquake;~~
  - ~~(10) Any other factors that might affect slope stability.~~
- b. ~~The report should evaluate the off-site impacts of development (e.g. development contributing to geological instability on access roads) and the additional impacts that might occur due to the proposed development (e.g. increased soil moisture from a septic system). The report should also detail mitigation measures for any potential impacts and should outline alternative solutions. The report should express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the lifespan of the project. The report should use a currently acceptable engineering stability analysis method and should also describe the degree of uncertainty of analytical results due to assumptions and unknowns. The degree of analysis required should be appropriate to the degree of potential risk presented by the site and the proposed project.~~
- e. ~~The developments permitted in the hazard areas shall be sited and designed to assure stability and structural integrity for their expected economic life spans while minimizing alteration of natural landforms. Bluff and cliff developments (including related storm run-off, foot traffic, site preparation, construction activity, irrigation, waste water disposal and other activities and facilities accompanying such development) shall not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.~~
- d. ~~Alteration of cliffs and bluff tops, faces, or bases by excavation or other means shall be minimized. Cliff retaining walls shall be allowed only to stabilize slopes.~~

3. ~~Airport Safety --Proposed--~~ Regulate and plan ~~P~~proposed development within the Airport Influence Area for ~~Samea Field and Murray Field Airports~~ shall be consistent with the requirements of the *Humboldt County Airport Land Use Compatibility Plan*, Airport Land Use Safety Compatibility Criteria (Table 3-2), as amended, relating to airport-related noise, overflight, safety, and airspace protection.

4. Development shall minimize risks to life and property in areas of high geologic, tsunami, flood, and fire hazard; assure stability and structural integrity; and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

~~3.1. Tsunamis New development below the level of the 100 year tsunami run-up elevation described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26 by the Corps of Engineers) shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, and pipelines, and dredge spoils disposal. New subdivisions or development projects which could result in one or more additional dwelling units within a potential tsunami run-up area shall require submission of a tsunami vulnerability report which provides a site-specific prediction of tsunami run-up elevation resultant from a local Cascadia subduction zone major earthquake. Such developments shall be subject to the following standards or requirements:~~

~~1. New residential development shall not have habitable living space below the predicted tsunami run-up elevation calculated at maximum tide plus a minimum of three (3) feet to account for future sea level rise plus one foot of freeboard space.~~

~~2.1. New residential development shall be required to meet the requirements of a Tsunami Safety Plan (TSP) based on the Tsunami Ready Guidelines of NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, October 6, 2004, Appendix D.~~

~~3.1. The Approving Authority shall only authorize residential development proposed on legal lots in areas located within a tsunami run-up inundation area if the pertinent decision makers adopt specific findings at the time of approval of such development stating that the guidelines set forth in the Tsunami Ready Guidelines of the NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, dated October 6, 2004, Appendix D, have been reviewed and have been fully met or implemented as applied to the specific location of the proposed development.~~

~~4.1. The County shall only authorize residential development if proposed on a legal lot and where located within a tsunami run-up inundation area, if a Tsunami Safety Plan (TSP) for the subject site has been prepared by a California-licensed professional civil engineer with substantial coastal hazard analysis experience specifically including evaluating tsunami hazards stating that if the reviewing engineer's recommendations are met, the site will be safe for the subject development from catastrophic failure or inundation caused by a local great Cascadia Subduction Zone earthquake event and accompanying~~

~~tsunami. The final plans and designs shall be reviewed and stamped by the reviewing California licensed professional engineer to confirm that all pertinent recommendations set forth in the subject final TSP have been incorporated into the final plans and designs. (Amended by Res. 12-62 and Res. 12-63, 7/17/2012)~~

### **3.9.2 GEOLOGIC AND SEISMIC HAZARDS**

#### **A. Background**

The Planning Area is surrounded by a complex network of faults, including the Mad River Fault Zone and the Little Salmon Fault Zone. The Mad River Fault Zone and the Little Salmon Fault Zone are significant sources of seismic activity in the region. These faults have the potential to generate moderate to large earthquakes, contributing to the overall seismic hazards in the area.

#### **B. Policies**

1. The County shall protect life and property by applying and enforcing state adopted building codes and Alquist-Priolo requirements to new construction.
2. New development may be approved only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.
3. Allow development in areas adjacent to coastal bluffs and beaches only if it can be demonstrated by a certified engineering geologist that wave action, storm swell, tsunami inundation, and projected sea level rise using the best available scientific information and at the time of review, are not a hazard to the proposed development or public safety and welfare. The analysis shall also evaluate and recommend appropriate setbacks from coastal bluffs to protect and prevent loss of life or property as a result of proposed development.

### **3.9.3 TSUNAMI**

#### **1. BACKGROUND**

Tsunamis, or large sea waves, are most commonly produced by either a nearby or distant source earthquake, but may also be created by landslides and volcanic eruptions along the ocean floor. The California coastline is within the "Ring of Fire," where the Pacific Plate meets many surrounding tectonic plates, and is known to be the most seismically and volcanically active zone in the world.

Tsunamis have the potential to cause severe impacts in coastal areas, including loss of life and extensive property damage – this includes the California coastline and the Humboldt Bay region. Beaches, harbors, bays, and river mouths are at the greatest risk for impacts associated with a tsunami event. Specifically, tsunami run-up elevations in excess of 30 feet above mean sea level area are estimated for the North and South Spit of Humboldt Bay, including the Planning Area.

According to the National Oceanic and Atmospheric Administration (NOAA), most tsunamis are generated by earthquakes with magnitudes over 7.0 that occur under or very near the ocean and less than 100 kilometers (62 miles) below Earth's surface. In addition, an earthquake must typically exceed a magnitude of 8.0 or more to generate a dangerous distant tsunami. The

amount of movement of the ocean floor, the size of the area over which an earthquake occurs, and the depth of the water above the earthquake are also important factors in the size of a resulting tsunami. The California Geological Survey (CGS) estimates travel times from various sources, and for Humboldt County specifically, those travel times are estimated as 10 minutes from local offshore faults and landslides and the Cascadia Subduction Zone, and approximately 4.2 hours from the Alaska-Aleutians Subduction Zone.

Since 1812, California has experienced fifteen tsunamis with wave heights greater than three feet. Seven of those tsunamis were destructive, with eleven of those tsunamis initiating from distant earthquakes near Alaska, Chile, and Japan. The worst damage reported in California originated from a tsunami event caused by the 1964 Alaskan earthquake, which had a magnitude of 9.2, located approximately 1,500 miles away. This earthquake generated a tsunami that caused 12 deaths and severe damage to the Crescent City harbor, located north in Del Norte County. Damage to harbors and port facilities occurred as far south as Santa Cruz.

Based on mapping developed by the California Geological Survey (CGS), in close coordination with the Redwood Coast Tsunami Work Group, substantial portions of the Planning Area are vulnerable to tsunami inundation impacts to some degree, with several communities at particular risk, including: Fairhaven, Fields Landing, King Salmon, Manila, Samoa, Spruce Point, Tyee City, the South Spit, Freshwater Slough, the bottom lands of Arcata, Indianola, and the North Spit Dunes and Recreation Areas. The noted areas contain a residential population of approximately 2,000 personspeople, which increases during the daytime as a result of employees and visitors to these areas.

Approximately 25 percent of structures (including homes and residential accessory buildings, commercial and industrial buildings, and agricultural buildings) within the Humboldt Bay area are located within the tsunami evacuation area. Additionally, important community facilities and infrastructure in the Planning Area are vulnerable to tsunami inundation, including Peninsula Union Elementary School in Fairhaven, PG&E Humboldt Bay Generating Station in King Salmon, Humboldt Bay harbor and dock facilities, Fairhaven Fire Station, the Humboldt Bay U.S. Coast Guard Station in Samoa, and critical water and wastewater facilities. The Elk River and Arcata wastewater treatment plants and most of Highway 101 between Eureka and Arcata and between Elk River Slough and Loleta Hill, as well as State Route 255 would also be vulnerable to tsunami inundation.

The County has identified the potential for in-fill residential development in some areas located within the tsunami inundation area, including Manila, Samoa, King Salmon, Fields Landing, and the lower slopes of Humboldt Hill, with very little residential development potential outside of existing communities. Additionally, there are thousands of acres of developable industrial and commercial land around Humboldt Bay, mainly on the Samoa Peninsula. It is important to note that new development within mapped tsunami evacuation areas would increase the level of exposure of residents, employees, and visitors to tsunami risks.

As such, this Humboldt Bay Area Plan Update includes goals, policies, standards, and implementation measures to improve safety and increase the resilience of the Humboldt Bay area to tsunami hazards by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards are intended to limit, direct, and encourage the development of land uses within areas subject to tsunami hazards in a manner that would

reduce loss of life; reduce damage to private and public property; reduce social, emotional, and economic disruptions; and increase the ability of the community to respond and recover after a tsunami event.

## **2. POLICIES**

~~—Tsunamis—For planning purposes the 975 year average return period (2% change of exceedance over a 50-year period) tsunami event determined by the California Geological Survey shall be used. This is the definition of tsunami hazard area. New development below the level of the 100-year tsunami run-up elevation described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26 by the Corps of Engineers) shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, and pipelines, and dredge spoils disposal. New subdivisions or development projects which could result in one or more additional dwelling units within a potential tsunami run-up area shall require submission of a tsunami vulnerability report which provides a site-specific prediction of tsunami run-up elevation resultant from a local Cascadia subduction zone major earthquake. Such developments shall be subject to the following standards or requirements:~~

~~—New residential development shall not have habitable living space below the predicted tsunami run-up elevation calculated at maximum tide plus a minimum of three (3) feet to account for future sea level rise plus one foot of freeboard space.~~

~~—New residential development shall be required to meet the requirements of a Tsunami Safety Plan (TSP) based on the Tsunami-Ready Guidelines of NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, October 6, 2004, Appendix D.~~

~~—The Approving Authority shall only authorize residential development proposed on legal lots in areas located within a tsunami run-up inundation area if the pertinent decision makers adopt specific findings at the time of approval of such development stating that the guidelines set forth in the Tsunami-Ready Guidelines of the NATIONAL WEATHER SERVICE INSTRUCTION 10-1802, dated October 6, 2004, Appendix D, have been reviewed and have been fully met or implemented as applied to the specific location of the proposed development.~~

1. The County shall only authorize residential development if proposed on a legal lot and where located within a tsunami run-up inundation area, if a Tsunami Safety Plan (TSP) for the subject site has been prepared by a California licensed professional civil engineer with substantial coastal hazard analysis experience specifically including evaluating tsunami hazards stating that if the reviewing engineer's recommendations are met, the site will be safe for the subject development from catastrophic failure or inundation caused by a local great Cascadia Subduction Zone earthquake event and accompanying tsunami. The final plans and designs shall be reviewed and stamped by the reviewing California licensed professional engineer to confirm that all pertinent recommendations set forth in the subject final TSP have been incorporated into the final plans and designs. (Amended by Res. 12-62 and

Res. 12-63, 7/17/2012)

1. The County shall continue to promote and pursue community resilience through risk reduction, public education, and emergency response planning and programs. Informational materials related to tsunami hazards, evacuation routes, and refuge areas shall be prepared and made readily available to the public in various forms (written and electronic) and in a variety of languages.
2. The County shall continue to update and revise local tsunami hazard maps for the Planning Area as updated Official Tsunami Hazard Zone (THZ) maps are released by the State Geologist.
3. The County, in partnership with the Redwood Coast Tsunami Work Group, shall complete the required steps to have the remaining portions of the Planning Area which have potential to be impacted by tsunamis and are not currently designated as a "TsunamiReady®" community by the National Weather Service to be designated as such.
4. To assure sufficient preparation for potential tsunami hazard events that have the potential to impact the Planning Area, the County shall regularly inspect and test the tsunami warning system, and system and implement readiness measures. This includes but is not limited to posting Tsunami Hazard Zone signs within the mapped tsunami hazard area and educating the public about the areas subject to inundation, where to go in the event of a major earthquake, and evacuation routes in the event of a potential tsunami event. The County shall continue to participate in local and regional efforts to develop, implement, and update Tsunami Response Plans and evacuation routes.
5. No new development or activity shall be authorized unless there is a tsunami refuge point accessible with a walking pace of 0.89 meters per second and a ten-minute tsunami arrival time. Development shall be sited and designed to avoid hazards, minimize risks to life and property, and assure stability and structural integrity over the life of the development.
6. Public safety facilities, utilities and points of tsunami refuge shall be designed to be above or able to withstand the forces of a 2,475-year average return period (2% change of exceedance over a 50-year period) tsunami.
7. When new residential development is approved in a tsunami hazard area a development plan shall be recorded on the property identifying that the property is within a tsunami hazard area and showing a map of the tsunami refuge point.
8. The County shall explore potential funding opportunities and/or establish local funding programs to plan, design, and construct vertical evacuation structures for the communities within the Planning Area identified to be susceptible to tsunami inundation. Specifically, new vertical evacuation structures with emergency supply storage shall be developed in areas where reaching high ground or moving far enough inland to be outside of the anticipated tsunami inundation area, based on a walking pace of 0.89 meters per second and a ten-minute tsunami arrival time, is infeasible.



9. To increase refuge areas within tsunami hazard areas within the Planning Area, the County shall encourage the owners of existing suitable structures to incorporate vertical evacuation capacity and emergency supply storage in areas where evacuation to high ground or a sufficient distance inland is impractical, based on a walking pace of 0.89 meters per second and a ten-minute tsunami arrival time. Vertical evacuation structures shall be designed and built in accordance with the standards identified in the latest version of Section 1615 *Tsunami Loads* of Chapter 16 *Structural Design* of the latest version of the *California Building Code* and Chapter 6 *Tsunami Loads and Effects* of the American Society of Civil Engineers (ASCE) *Minimum Design Loads and Associated Criteria for Buildings and Other Structure* (7-16), and as amended and updated, and shall be accessible and ADA-compliant.
10. The County shall identify and plan for the ongoing use of appropriate land above mapped tsunami inundation zones for evacuation, assembly, and emergency response, and ensure that the respective zoning designation(s) of these identified locations allow for adequate shelter facilities. The County shall explore incentives for property owners to donate land to ensure adequate area for evacuation, assembly, and emergency response purposes is available within the Planning Area.
11. The County shall prepare, maintain, and update as necessary a Tsunami Evacuation Route Plan for the Planning Area that identifies current and projected evacuation needs, designates routes and assembly areas, establishes system standards, and identifies needed improvements to the local evacuation system. Additionally, the County shall coordinate with neighboring jurisdictions to identify inter-jurisdictional evacuation routes and assembly areas where necessary.
12. The County shall ensure established evacuation routes are clearly marked and maintained, including installation of signs and other way finding methodologies (e.g., painting on pavement, power poles, and other prominent features) and vegetation management, to ensure that routes can be easily followed day or night and in all weather conditions.

### **3.9.4 SEA LEVEL RISE**

#### **Related Coastal Act Policies**

##### **30270. Sea Level Rise**

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

#### **A. BACKGROUND**

Humboldt Bay is surrounded by 102 miles of shoreline and critical regional assets, including but not limited to port/harbor facilities, coastal-dependent infrastructure, Highways 101 and 255, public use trails offering multi-modal transportation opportunities, Humboldt Bay Power Plant and spent nuclear fuel storage facility, four municipal wastewater treatment plants, miles of various types of utility infrastructure (municipal water and wastewater lines, electrical distribution infrastructure, gas lines, and fiber-optic lines), agricultural land, environmentally sensitive habitat areas (ESHA), wetlands, salt marshes, and some of the County's most vulnerable areas, including the economically disadvantaged communities of King Salmon, Fields Landing, and

Fairhaven/Finn Town, all of which are subject to sea level rise.

Sea level rise is occurring worldwide due to global warming, including melting ice and thermal expansion as a result of rising ocean temperatures. Over the last thirty (30) years, California has experienced a rate of sea level rise of approximately 0.9 inches per decade, on average. However, Humboldt Bay is subject to one of the highest rates of sea level rise on the west coast due to tectonic subsidence in combination with rising ocean waters. Compaction and subsidence have caused former tidelands behind dikes to be much lower in elevation than the adjacent Humboldt Bay. The 102-mile shoreline along Humboldt Bay is composed of artificial structures (approximately 75%, or 76.7 miles)<sup>1</sup>, 90% converted salt marsh, and natural shoreline with no structures (approximately 25%, or 25.3 miles).

Over the last century, Humboldt Bay has experienced a rise in sea level of approximately 18 inches. Sea level rise modeling indicates that Humboldt Bay will continue to experience increased sea levels, with projected increases for the North Spit of Humboldt Bay ranging from approximately 0.5-0.7 feet by the year 2030, 0.9-1.6 feet by the year 2050, 1.8-7.3 feet by the year 2100, and 2.6-12.8 feet by the year 2150, relative to a baseline year of 2000, although higher amounts cannot be ruled out. Guidance from the California Ocean Protection Council recommends, at a minimum, the “Intermediate” through “High” scenarios be considered under sea level rise planning and project decisions.

Table 1. Sea Level Rise Projections for North Spit, Humboldt Bay

| Year | Low | Int-Low | Intermediate | Int-High | High |
|------|-----|---------|--------------|----------|------|
| 2020 | 0.3 | 0.4     | 0.4          | 0.4      | 0.4  |
| 2030 | 0.5 | 0.6     | 0.6          | 0.6      | 0.7  |
| 2040 | 0.7 | 0.8     | 0.9          | 1        | 1.1  |
| 2050 | 0.9 | 1       | 1.2          | 1.4      | 1.6  |
| 2060 | 1.1 | 1.3     | 1.5          | 2        | 2.4  |
| 2070 | 1.3 | 1.5     | 1.9          | 2.7      | 3.5  |
| 2080 | 1.4 | 1.8     | 2.5          | 3.6      | 4.7  |
| 2090 | 1.6 | 2.1     | 3.1          | 4.5      | 6    |
| 2100 | 1.8 | 2.4     | 3.9          | 5.5      | 7.3  |
| 2110 | 1.9 | 2.7     | 4.6          | 6.5      | 8.7  |
| 2120 | 2.1 | 3       | 5.3          | 7.3      | 9.9  |
| 2130 | 2.3 | 3.3     | 5.9          | 8        | 10.8 |
| 2140 | 2.4 | 3.5     | 6.5          | 8.6      | 11.9 |
| 2150 | 2.6 | 3.8     | 7.1          | 9.3      | 12.8 |

Source: Ocean Protection Council (OPC), in partnership with the California Ocean Science Trust. State of California Sea Level Rise Guidance: 2024 Science and Policy Update (Draft), January 2024. Available at: <https://opc.ca.gov/2024/01/draft-slr-guidance-2024/>.

Approximately 52 miles of shoreline on Humboldt Bay form a barrier protecting upwards of 10,000 acres of low-lying areas from tidal inundation. With three feet of sea level rise, approximately 35 miles of barrier shoreline (which includes approximately 58% of artificial shoreline) could be overtopped, and all the sloughs on Humboldt Bay would overtop their banks and tidally inundate the lands down slope that are currently protected by shoreline dikes. This would be expected to jeopardize and tidally inundate 10,000 acres of agricultural land; Highways 101 and 255; public use trails; ESHA; wetlands and salt marshes; municipal water and wastewater lines; electrical distribution infrastructure, gas lines, and optical fiber communications lines; and the communities of King Salmon, Fields Landing and Fairhaven. With six feet of sea level rise, 92% of the current artificial shoreline would be overtopped and the low-lying land behind inundated.

To address potential impacts associated with sea level rise around Humboldt Bay, coordinated planning efforts are underway with the County of Humboldt, City of Eureka, City of Arcata, the Humboldt Harbor and Recreation District, and the California Coastal Commission. Additionally, projects have occurred across Humboldt County to increase stormwater capacity and allow for

natural processes to occur as sea level rises, including allowing for prior agricultural lands and diked former tidelands to revert back to salt marsh. Two such examples include the White Slough Tidal Wetlands Restoration project, a collaborative project between Humboldt Bay National Wildlife Refuge and the U.S. Fish and Wildlife Service (USFWS) to restore 41 acres of tidal salt marsh on the refuge located south of Eureka. Additionally, in 2013, the City of Arcata restored 222 acres of former tidelands and 24.5 acres of freshwater wetlands between Humboldt Bay and Samoa Boulevard, which included removed tide gates, deepening historic slough channels, and removing failing and/or obsolete levees.

The goals and policies included in the Humboldt Bay Area Plan related to sea level rise are based on Best Available Science and will continue to be updated as new information and/or projections become available.

## **B. POLICIES**

### **1. Basis for Sea Level Rise Planning**

- a. Best Available Science.** Utilize the Best Available Science as provided by the most current sea level rise guidance from the Ocean Protection Council, California Coastal Commission, National Oceanic and Atmospheric Administration, local scientific data, and analyses specific to Humboldt Bay, or other comparable studies that are peer reviewed, widely accepted within the scientific community, and locally relevant, to guide sea level rise planning, project design, and permitting review, while also recognizing scientific uncertainty.
- b. Sea Level Rise Projections and Planning Period.** Sea level rise hazard analyses and adaptation strategies and measures shall be based on expected relative sea level rise inundation projections, as determined using the Best Available Science, for the short-term planning period defined as the period during which sea level rise remains below approximately three (3) feet, likely through 2080 under the Intermediate scenario, while anticipating and planning for higher-end, low probability, high impact extreme sea level rise inundation projections for the long-term planning period through 2150, in which sea level rise is anticipate to reach 7.1 feet under the Intermediate scenario.
- c. Monitoring, Data Collection, and Analysis of Sea Level Rise.** The County, in collaboration with other federal and state agencies, local jurisdictions, and other organizations such as California State Polytechnic University, Humboldt, shall continue to monitor, assess, document, and inform the public and local decision-makers about the effects of sea level rise on vulnerable areas, structures, facilities, and resources, including but not limited to coastal resources, coastal access, public infrastructure and facilities, and existing development, in order to make informed recommendations and decisions on projects and adaptation measures. Local plans and policies shall be updated, as necessary, to reflect current and expected conditions based on the Best Available Science.

### **2. General Adaptation Approaches**

- a. Short-Term and Long-Term Planning.** Pursue protection of critical assets in the short-term for as long as feasible, while simultaneously planning for relocation/retreat for those areas where protection will not be feasible in the long-term. Short-term and long-term sea level rise planning shall balance the capacity of the natural environment with the capacity of the built environment and human social systems to

adapt to projected inundation levels so that sea level rise risks can be realistically and effectively addressed.

- b. Adaptive Management.** Sea level rise planning shall use an adaptive management approach in order to promote flexible decision making that can be adjusted in the face of uncertainties as outcomes from management actions and other events become better understood.

Adaptive management involves these general steps: 1) explore alternative ways to meet management goals and objectives; 2) predict the outcomes of alternatives based on the current state of knowledge; 3) implement one or more of these alternatives; 4) monitor to learn about the impacts of an implemented alternative; and 5) use the results to update knowledge and adjust management actions.

- c. Sea Level Rise Management Area.** The Sea Level Rise Management Area (SLRMA) is the area that could be inundated by 3.1 feet of sea level rise under the Intermediate scenario, as determined by sea level rise projections based on the Best Available Science, including but not limited to projections provided by the Ocean Protection Council. The boundaries of the SLRMA shall be mapped and shall be reviewed at least every five years or more often if changing conditions warrant more frequent review, and modified as may be necessary to incorporate significant updates in Best Available Science and information and respond to changes in relative sea level, shoreline conditions, seismic activity, frequency of extreme weather events, or other factors influencing the sea level rise inundation area. A Sea Level Rise Combining Zone within the SLRMA shall be established to further implement SLRMA policies and standards included in this plan, together with any additional standards necessary to facilitate sea level rise adaptation.

- d. Hazard Analysis.** New development and substantial redevelopment in the Sea Level Rise Management Area (SLRMA) shall be evaluated for potential site-specific sea level rise hazards based on readily available information and the Best Available Science. If the initial evaluation determines the proposed development may cause or be subject to sea level rise hazards over the life of the project, a site-specific Sea Level Rise Hazard Analysis prepared by a qualified professional with expertise in coastal resources and coastal hazards shall be prepared.

The Analysis shall evaluate sea level rise hazards associated with the proposed development, including hazards to the proposed development and hazards caused by the proposed development, for a range of sea level rise projections. The Analysis shall provide adaptation measures/mitigation to address sea level rise impacts to ensure that proposed development will not create a hazard to life, health, safety, the general welfare, or coastal resources, for the life of the project. The Analysis shall be used to determine whether the development should be allowed or otherwise restricted in a manner so as to be consistent with applicable Humboldt County Local Coastal Program (LCP) sea level rise policies, and so as not to constitute a hazard.

The SLRMA does not include the maximum extent of the area that could ultimately be impacted by sea level rise. Therefore, a Sea Level Rise Hazard Analysis may be required for development outside the SLRMA if, based on the type and intensity of use or site-specific conditions, the development has the potential to pose a significant risk to the public health, safety, welfare, or coastal resources due to sea

level rise, as determined by the Planning Director.

- a. **Retreat/Relocation.** Explore and evaluate retreat/relocation as a long-term sea level rise adaptation strategy, including but not limited to the relocation potential of land uses and assets from within the Sea Level Rise Management Area (SLRMA) to a location outside of the SLRMA. If a retreat/relocation strategy is determined to be feasible, this plan shall be amended to include policies supporting and directing such retreat/relocation, and retreat/relocation shall be included as a component of a Sea Level Rise Adaptation Plan (see Policy 3A, below).
- b. **Disadvantaged Communities, Coastal-Dependent, and Agricultural Lands.** Humboldt Bay is bordered by disadvantaged communities and by lands that support Coastal Act priority uses, including coastal-dependent uses that have significant local, regional, and statewide importance; and agricultural lands that contribute significantly to the local economy, provide ecological services, are part of the visual and social fabric of the community, and protect critical infrastructure. The importance of these assets cannot be overstated and demands flexibility in sea level rise adaptation strategies and measures to protect them for as long as feasible.
- c. **Living with Water.** Explore the potential for “letting water in” or “living with water” rather than attempting to “defeat it” as a strategy for adapting to sea level rise. This would include, but not be limited to, exploring ways to accommodate or facilitate temporary or permanent inundation in some areas to protect other areas from inundation, and ways to temporarily detain water during flooding events.
- d. **Advocate for Adaptation Tailored to Local Conditions.** Identify the County’s unique characteristics and needs that demand a locally tailored approach to sea level rise planning, including but not limited to geographic, economic, environmental, and social/community characteristics, and advocate for sea level rise strategies and measures best suited for the County and other impacted jurisdictions.
- e. **Update Shoreline Hazard Maps.** The County shall update shoreline hazard maps, as necessary, to incorporate updated and new sea level rise science, monitoring results, and information on coastal conditions, for consistency with the Best Available Science.

### **3. Adaptation Plan**

- a. **Humboldt Bay Sea Level Rise Adaptation Plan.** Prepare, adopt, and implement a Humboldt Bay Sea Level Rise Adaptation Plan using the Best Available Science that identifies within the Planning Area: sea level rise vulnerabilities and risks; economic, social, and environmental sea level rise impacts; and the economic, social, environmental, and technological feasibility of a range of adaptation strategies and measures to protect critical assets and coastal resources from the impacts of sea level rise. The Plan shall be incorporated into the County’s Local Coastal Program (LCP), including possible modification of existing policies in order to implement selected sea level rise adaptation strategies and measures. The Plan shall include, at a minimum:
  - i. **Vulnerability and Risk Assessment.** A vulnerability and risk assessment that identifies a range of sea level rise projections for Humboldt Bay based on the Best Available Science, identifies assets of both the built and natural environment that could be impacted by sea level rise within the Planning Area, and assesses the vulnerability and risk to these assets under the selected range of sea level rise projections.
  - ii. **Identification and Characterization of Hydrologic Units.** Identify and characterize (topography, shoreline characteristics, hydrology, jurisdictional boundaries, land use, critical assets, community characteristics, and any



other relevant characteristics) hydrologic or geographic units and any subunits regardless of jurisdictional boundaries, that share similar environmental variables that would influence their sea level rise vulnerability and adaptability, influence the behavior and impacts of flooding and rising seas, and that within which the effects of adaptation strategies would be confined.

iii. Adaptation Goals, Objectives, Strategies and Measures. For each hydrologic or geographic unit:

(1) Identify short-term and long-term adaptation goals and objectives;

(2) Identify adaptation strategies and measures appropriate for the hydrologic or geographic unit and any subunits to achieve the identified goals and objectives;

(3) To facilitate a cost-benefit analysis and enable decision making regarding which strategies and measures to consider implementing, recognizing that detailed site-specific engineering and environmental work will be needed before a final determination can be made, identify the following for each adaptation strategy and measure:

a. Strategy or measure implementation timelines and triggers with measurable thresholds;

b. Effectiveness of the strategy or measure;

c. Ease of implementation and capacity to implement the strategy or measure;

d. Longevity of the effectiveness of the strategy or measure;

e. Potential environmental and financial effects of the strategy or measure;

f. Cost of the strategy or measure;

g. Potential funding sources to implement the strategy or measure; and

h. Level of community acceptance of the strategy or measure.

iv. Prioritization of At-Risk Assets. Prioritize at-risk assets based on criteria that shall include, at a minimum, the importance of the asset to the community, and the magnitude, timing, and probability of sea level rise impacts to the asset.

v. Cost-Benefit Analysis. Prepare a cost-benefit analysis considering information collected in subsections 3.a.iii.3.a through h, above, to assist in the selection of appropriate sea level rise adaptation goals, objectives, strategies, and measures.

vi. Adaptation Strategies and Measures Selection and Implementation. Considering information collected in subsections 3.a.iii.3.a through h, above, select the adaptation strategies and measures to be implemented to meet the selected goals and objectives.

vii. Sea Level Rise Monitoring Plan. Prepare a Sea Level Rise Monitoring Plan that shall include methodology and timing for the monitoring of sea level elevations, shoreline stability and erosion, flooding, storm surge and wind wave encroachment, storm and flooding damage, and other coastal hazards, and data associated with triggers and timing to implement and monitor the various adaptation strategies and measures.

b. Regional Sea Level Rise Adaptation Plan. The County shall continue to collaborate with federal, state, and local trustee, ownership or regulatory agencies, including but not limited to the City of Eureka, City of Arcata, Humboldt Bay Harbor Conservation and Recreation District, and the California Coastal Commission, as well as infrastructure and service providers, stakeholders, local tribes, and members

of the public to develop a Regional Sea Level Adaptation Plan to assist with region-wide planning efforts related to sea level rise.

#### **4. Shoreline Protection and Wetland Fill**

**a. Existing Shoreline Structures.** Repair, maintenance, or modification of existing shoreline structures protecting existing development, agricultural lands, and coastal resources from tidal inundation or other forms of flooding due to sea level rise, **shall be allowed** for the purpose of sea level rise adaptation for as long as feasible and where there is no less environmentally damaging feasible alternative.

**b. Shoreline Protection for Existing Development.** New shoreline protection, or the repair, maintenance, or modification of existing shoreline protection, shall be allowed for the purpose of sea level rise adaptation to protect and retain in place existing development predating the Coastal Act, and for existing development allowed pursuant to a coastal development permit (CDP) where: the coastal development permit is in good standing and the existing development is in compliance with the coastal development permit; shoreline protection structures are not specifically prohibited by said permit; shoreline protection is designed to eliminate or mitigate adverse impacts on local shoreline sand supply; and there is no less environmentally damaging feasible alternative. Existing development shall include agricultural lands, including agricultural wetlands. Green, living, natural, or nature-based shoreline protection is encouraged and shall be utilized in lieu of hard armoring whenever feasible.

If existing development qualifies for shoreline protection, and development that is not qualified for such protection would be inadvertently protected to protect existing qualified development, the non-qualified development shall be allowed to be protected and shall not be excluded on the basis that it would not otherwise qualify for protection. Further, shoreline protection that constitutes the least environmentally damaging feasible alternative for the protection of qualified development shall not be required to be redesigned for the purpose of avoiding inadvertent protection of non-qualified development. This approach is particularly relevant for the potential inadvertent protection of disadvantaged communities where adjacent coastal-dependent uses qualify for shoreline protection.

**c. Shoreline Protection for Coastal-dependent New Development.** Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses.

**d. Shoreline Protection for Non-coastal-dependent New Development.** New non-coastal-dependent development that requires construction of new shoreline protection that would substantially alter natural landforms shall be prohibited. Such new development shall be set back from the shoreline a distance sufficient to avoid impacts from erosion for the life of the development. Approval of such new development shall be conditioned upon a waiver of rights to future shoreline protection that would substantially alter natural landforms or cause other adverse coastal resource impacts.

**e. Wetland Fill for Sea Level Rise Adaptation.** Wetland fill required for the repair, maintenance, or modification of existing shoreline structures for the purpose of sea

level rise adaptation shall be allowed. Where such wetland fill is associated with shoreline structures that facilitate protection, restoration, or enhancement of coastal resources, including agricultural wetlands, the wetland fill shall be considered self-mitigating and require no mitigation.

- f. **Permit Exception for Agricultural Dikes.** The repair or maintenance of agricultural dikes existing prior to the Coastal Act or legally developed in compliance with the Coastal Act or Humboldt County's Local Coastal Program (LCP), shall not require a coastal development permit (CDP) if the dike foundation is not substantially altered, materials of a different kind than those that comprise the dike constitute 20 percent or less of the materials placed on the dike, and the tracks or tires of mechanized equipment conducting repair and maintenance activities remain on or landward of the dike where the dike face is within 20 feet of coastal waters.

If repair or maintenance would exceed these standards, a CDP would be required, which shall provide performance standards that are sufficient to protect coastal resources and ensure dike repair or maintenance is conducted in a manner that is the least environmentally damaging feasible alternative.

- g. **Living Shoreline.** Encourage and prioritize construction of protective green, living, natural, or nature-based shoreline structures to protect existing assets and coastal resources from sea level rise impacts where protection is required, and discourage and minimize the need for hard, gray, or artificial shoreline fortifications.

- h. **Enhancement and Restoration Projects.** Support enhancement and restoration projects within the Planning Area that also encourage sea level rise adaptation and the protection of coastal resources.

- i. Jacoby Creek: Potential enhancement and restoration projects intended for fish habitat enhancement and to reduce flooding associated with Jacoby Creek shall minimize potential impacts to the greatest extent feasible. Specific projects shall be the least environmentally damaging feasible alternative to minimize impacts to wetlands, ESHA, and agricultural land, as well as minimize conversion of agricultural lands.

## **5. Diked Former Tidelands**

- a. **Raising Diked Former Tidelands.** Support and facilitate the placement of dredge spoils or other suitable material within diked former tidelands or agricultural wetlands for the purpose of increasing their elevation to protect them against the effects of sea level rise, and thereby protect their wetland and agricultural values, and/or critical infrastructure assets within or otherwise protected by such lands. Such material placement that preserves and protects wetland function or agricultural wetland values shall not be considered as wetland fill that requires mitigation.
- b. **Increase Drainage Capacity.** Support and facilitate increasing the drainage capacity of diked former tidelands, agricultural wetlands, or other low-lying areas to reduce stormwater flooding.
- c. **Flooding of Diked Former Tidelands for Sediment Deposition Purposes.** Notwithstanding the need to reduce stormwater flooding, explore, support, and facilitate the flooding of agricultural lands and diked former tidelands with a fluvial interface, with upstream sediment-laden water for the purpose of restoring the natural floodplain sediment deposition process in order to enrich agricultural lands

while also raising the elevation of these lands as a sea level rise adaptation measure.

## **6. Public Outreach**

- a. **Continuing Education and Research.** The County shall stay informed and current on sea level rise, including the latest sea level rise projections, effects, management approaches, adaptation strategies and measures, funding options, and any other aspects of sea level rise necessary to maintain the public health, safety, and welfare in light of sea level rise threats.
- b. **Public Engagement.** Maximize community engagement and participation in the sea level rise adaptation planning process in order to provide the community with the most current and relevant information and receive community feedback regarding sea level rise risks and impacts, and how they can be reduced.

## **7. Real Estate Adaptation Measures**

- a. **Landowner Assumption of Risk.** Coastal development permit (CDP) approvals for development at risk for sea level rise hazards shall be conditioned to ensure that current and future sea level rise risks are assumed by the landowner by requiring the recordation of a deed restriction that waives and indemnifies the approving entity from liability for any personal or property damage caused by sea level rise hazards on such properties in relation to any development approved by the CDP and acknowledging that future shoreline protective devices to protect structures authorized by such a CDP are prohibited as provided in Policy 4c.

In addition, some form of financial security, such as a bond, may be required at the discretion of the Planning Director prior to issuance of a coastal development permit as a contingency, should it become necessary to modify, relocate, or remove development that is threatened by sea level rise.

- b. **Real Estate Hazard Disclosure.** The County shall work with the State of California and the local real estate community to require inclusion in the state-required real estate transaction Natural Hazard Disclosure report of coastal development permit (CDP) or other permit conditions related to sea level rise, and vulnerabilities of property and structures to sea level rise hazards, to be provided to prospective buyers during escrow in a time frame that provides a prospective buyer sufficient time to cancel the real estate transaction due to the disclosure, if so desired. The County shall require recordation of a deed restriction containing the same disclosure information if inclusion in a Natural Hazard Disclosure report is not possible.
- c. **Transfer of Development Rights.** Explore and evaluate the use of a Transfer of Development Rights Program to facilitate relocation of assets and uses to areas outside the Sea Level Rise Management Area (SLRMA) and develop and implement the Program if it is determined to be beneficial and feasible.
- d. **Property Acquisition.** Consider acquisition of properties that are in tax default and are to be sold, where such properties or development they may contain are or will be threatened by rising seas.
- e. **Public Access to Humboldt Bay.** Continue to retain, protect, relocate, and expand public access to Humboldt Bay to the extent feasible as sea levels rise.
- f. **Highway 101.** Support and lobby for the retention of Highway 101 in its current location. Coordinate with the California Department of Transportation (Caltrans), the City of Eureka, and the City of Arcata to implement sea level rise adaptation strategies and measures to enable continued functionality of the highway.

### **8. Offshore Wind and Coastal-Dependent Industrial Uses**

- a. **Offshore Wind and Coastal-Dependent Industrial (CDI) Uses.** Utilize adaptive management to support future offshore wind and coastal-dependent industrial (CDI) uses and protect them from sea level rise impacts.

### **9. Permitting, Funding, and Regional Coordination**

- a. **Regional Sea Level Rise Planning for Humboldt Bay.** Seek to coordinate planning and regulatory decision making for sea level rise adaptation planning with the City of Eureka, City of Arcata, Humboldt Bay Harbor Conservation and Recreation District, and the California Coastal Commission, and seek additional coordination with infrastructure and service providers, and with federal, state, and local trustee, ownership or regulatory agencies, stakeholders for assets potentially impacted by sea level rise, local tribes, and members of the public. Consider the formation of a regulatory authority to facilitate regional sea level rise management.
- b. **Permit Streamlining.** Pursue and develop a permit streamlining program for dike or other shoreline protection repair, maintenance, modification, and construction for the purpose of sea level rise adaptation through coordination with the California Coastal Commission and other permitting agencies such as the U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, State Lands Commission, and Humboldt Bay Harbor Recreation and Conservation District.
- c. **Flood Control District.** Seek to secure funding for the Humboldt County Flood Control District, such as grant funding or special taxes and/or assessments, to assist with the repair, maintenance, modification, or new construction of dikes or other shoreline protection for the purpose of sea level rise adaptation.

## **3.10.5 FIRE HAZARDS**

### **A. Background**

The wildfire hazard in Humboldt County has been analyzed using the methodology of the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program (FRAP). This method considers fuels, terrain, weather, topography, and other relevant factors. Fire Hazard Severity surrounding Humboldt Bay within the Planning Area is Moderate. All areas within the Planning Area are serviced by Local Fire Protection Districts, with some of the Planning Area Boundary having dual jurisdiction between Local Fire Protection Districts and CAL FIRE. CAL FIRE is also under contract with the County and Arcata Fire Protection District to offer local fire dispatch services, including a majority of County fire agencies. Fire History within the Planning Area consists predominantly of brush fires along the Samoa Peninsula and structural fires. To address the potential for fire hazards the County has adopted the State Fire Safe regulations into local Zoning Code and Building Code.

### **B. Policies**

1. The County shall request that the fire service agencies recommend to the Planning staff new ordinances or amendments to existing ordinances that will promote the orderly implementation of recognized fire protection practices. These recommendations shall be evaluated by the Board of Supervisors for inclusion in Phase III of the Local Coastal Plan for the Area.
2. **Fire Safe Development Standards.** The County shall require development standards that meet or exceed title 14, CCR, division 1.5, chapter 7, subchapter 2, articles 1-5 (commencing with section 1270) (SRA Fire Safe Regulations) and title 14, CCR, division 1.5, chapter 7, subchapter 3, article 3 (commencing with section 1299.01) (Fire Hazard Reduction Around Buildings and Structures Regulations).



3. **Hazardous Fuel Reduction.** Encourage land management activities that result in the reduction of hazardous fuels and also support timber management, livestock production, and the enhancement of wildlife habitat, through the use of prescribed burning, hand or mechanical methods, Native Fire-Resistant Plants, biomass utilization, and animal grazing.
4. **Protection of Native Plants.** The County shall promote fire-safe practices that encourage conservation and use of native plants and native plant ecosystems, while protecting citizens, firefighters, and property.
5. **Required Fire Referral Response in Unincorporated Areas.** The County shall refer development projects in the unincorporated areas of the county to the appropriate local fire agencies for review for compliance with fire safety standards. If dual responsibility exists, then the County shall refer development projects to both agencies to review and comment relative to their area of responsibility. If standards are different or conflicting, the more stringent standards shall be applied. All developments in State Responsibility Areas, shall be designed and constructed to minimize the risk associated with fire hazards.
6. **Public Facility Fire Protection Measures.** The County shall ensure that all public buildings (existing and proposed) incorporate adequate fire protection measures to reduce the potential loss of life and property in accordance with local and state regulatory requirements.
7. **Fire Safe Requirements for SRA.** The County shall encourage all new development within State Responsibility Areas (SRA) to implement fuel reduction practices, maintain adequate fire suppression, and ensure fire safe access (ingress and egress) for fire equipment and emergency response consistent with Title III Div. 11 Fire Safe Regulations | Humboldt County Code.
8. **Fuel Breaks/Emergency Access Routes.** The County shall work with local, state, and federal entities to maintain fire hazard reduction projects, existing fuel breaks and emergency access routes, for long-term effective fire suppression. Additionally, County Fire Safe Council and Public Works will work with Caltrans, CAL FIRE, and California Conservation Corps to ensure that vegetation along roadways and evacuation routes on public and private roadways is effectively maintained.
9. **Fire Risk Reduction for Existing Development.** Existing development that does not meet or exceed the SRA Fire Safe Regulations shall be required to reduce fuel hazards, enhance defensible space within 100 feet of structures, and ensure safe ingress and egress for emergency response vehicles, consistent with SRA Fire Safe Regulations.
10. **Planning for Ongoing Maintenance and Long-term Integrity of Planned and Existing Water Supply Infrastructure.** The County shall coordinate with water service providers to plan for the ongoing maintenance and long-term integrity of planned and existing water supply infrastructure and prioritize development in areas with adequate water supply infrastructure.
11. **Coordinate with local, state and federal fire protection agencies.** The County shall coordinate with local, state and federal fire protection agencies with respect to fire suppression, rescue, mitigation, training and education.
12. **Community Fuel Breaks.** The County shall continue to implement the long-term maintenance of community fuel breaks between homes and wildland urban interface areas to ensure of essential fire-safe protections. Priority treatment areas are identified in the Planning Unit Action Plans of the Community Wildfire Protection Plan (CWPP).

### **3.9.6 FLOOD HAZARDS**

#### **A. Background**



Flood hazards around Humboldt Bay can occur due to heavy rainfall, storm surges, and rising sea levels. The region's low-lying areas are particularly vulnerable to inundation, which can damage homes and critical infrastructure like roads and utilities. Increased frequency and intensity of storms contribute to more severe and widespread flooding. Effective regulations are essential to mitigate these hazards, protect communities, and ensure the resiliency of infrastructure.

**B. Policies**

1. Construction within a floodplain identified as the 100-Year Flood Boundary on FEMA's Flood Insurance Rate Map shall comply with the County's Flood Damage Prevention Regulations. Fill in the floodplain shall only be allowed if it can be demonstrated that the fill will not have cumulative adverse impacts on or off site and such fill shall not be detrimental to productive farmland and is otherwise in conformance with the County's Flood Damage Prevention Regulations.
2. The County shall discourage the construction of public facilities and critical facilities essential for public service within the County's Regulatory Floodway, unless the structure and access to the structure are adequately protected from flood hazards and incorporates all required flood protection methods specific to the County's regulations and guidelines, which will not result in a significant impact to public health and safety.

**3.183.10 ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES****Related Coastal Act Policies**

~~\*\*\*~~ 30244. Archaeological and Paleontological Resources. *Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

**A. BACKGROUNDPLANNED USES**

The Humboldt Bay Area is part of the ancestral lands of the Wiyot Tribe. Native American Wiyot tribe, part of the Algonkian family, once occupied the Humboldt Bay area. There are numerous archaeological and cultural sites within the planning area. The Humboldt County Department of Public Works has identified 117 known archaeological sites in this planning area. Humboldt County, especially the Wigi area, is rich in cultural resources tied to the identity, history, and practices of tribal peoples, and their unique relationship to the landscape. More information on the history and cultural significance of the Wigi area to the Wiyot Tribe is in Section .

**B. DEVELOPMENT POLICIES**

1. ~~Reasonable~~ Mitigation measures may include but are not limited to:
  - a. Changing building and construction sites and/or road locations to avoid sensitive areas.
  - b. Providing protective cover for sites that cannot be avoided.
  - c. Where appropriate and with the approval of all parties concerned, provide for the removal or transfer of culturally significant material by a professional archaeologist or geologist.

**3.203.11 RURAL DEVELOPMENT****A. EXISTING USESBACKGROUND**

Agricultural uses, primarily for dairy production, predominates on bottomlands north and south of the Bay. Other grazing and related uses, such as hay/alfalfa production are located on the bottomlands between Eureka and Arcata. Limited timberland, mostly on smaller parcels, exists in upland portions of the coastal zone along the Elk River and Ryan Slough watersheds.

Residential uses are located in the Mitchell Heights/Pigeon Point area, Indianola and Fairhaven. Industry is concentrated along the North Spit directly across from the City of Eureka because of the historic confluence of rail, highway, and port facilities. The same holds true for the Arcata Redwood mill along Highway 101 between Arcata and Eureka. ~~The Arcata bottoms have been subject to some gas and oil exploration, although no successful reserves have been reported to date.~~

Commercial uses are found primarily-predominantly within the cities of Eureka and Arcata, and scattered along nearly the whole-entire length of Highway 101 as it crosses the

planning area. There are a few RV parks, two (2) of which offer camping, throughout the Planning Area.

~~A few RV parks are situated in the planning area (e.g. near King Salmon) but no camping facilities are found in the area except for the KOA campground along Indianola Road.~~

Facilities on the Eureka waterfront and at Fields Landing serve the commercial fishing fleet, which accounts for an important fraction of the California catch, especially salmon, flatfish, and Dungeness crab. Future trends within the commercial fishing industry are uncertain at this time. Commercial fishing within ~~the Humboldt~~ Bay includes the oyster beds located in the North Bay, which provide approximately two thirds 70% of California's total oyster production. ~~and Other~~ aquaculture products are expected in the future, from Humboldt Bay in coming years (e.g. mussels seaweed).

~~Maintenance of Bay water quality suitable to aquaculture and marine organisms is a major local concern.~~

## **B. NONCONFORMING USES AND STRUCTURES**

~~It is the intent of this plan that nonconforming uses and structures may be substituted, or replaced with more conforming uses and structures. Such substitution, replacement or alteration will be consistent with the Plan only when the following findings are made:~~

- ~~1. The nonconforming use and/or structure is not a public nuisance; and~~
- ~~2. The nonconforming use and/or structure will not conflict with surrounding land uses. (Amended by Res. No. 87-150).~~

## **3.213.12 RURAL SUBDIVISION REQUIREMENTS**

### **Related Coastal Act Policies**

\*\*\* 30250(a). Location; Existing Developed Area (portion). ~~Land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (a) New residential, commercial, or industrial 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 areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.~~

## **A. BACKGROUND PLANNED USES**

Outside of the urban limit lines, planned uses generally include agriculture, rural residential development, public and commercial recreation, natural resources, industrial, and a few timberlands on the fringe of the planning area.

A primary objective of the Coastal Act is to concentrate new development and associated services (water, sewer, roads, fire protection, etc.). The urban policies of **Sections 3.10 - 3.18** implement this goal by encouraging new development in areas where urban services are currently available, and by requiring that certain findings be made prior to the extension of services. These policies not only encourage fiscal responsibility in the provision of County services to areas of new development, but also limit unwarranted development of agriculture and timberlands. The issue of preserving agricultural uses is particularly important on lands between Eureka and Arcata, as well as the lands west of Arcata, both being agricultural areas directly adjacent to areas of intense development.

## **B. DEVELOPMENT POLICIES**

1. No division of land planned for rural exurban, rural residential, agricultural general, or commercial timberlands shall be approved unless at least fifty percent of the parcels in similar use in the planning area of the subject parcel, outside the urban limit line, have been developed. The average density of new development created by such divisions shall not exceed that established by the policies of **Chapter 4** and the designations of the land use maps, which are based on:
  - a. The average size of parcels planned for the same use within the neighborhood of the subject parcel. Average usually means the arithmetic mean, although the mode may be used when very many parcels are of a common size and a very few parcels skew the mean to create an average atypical of the size of surrounding lots.
  - b. A size adequate to prevent individual or cumulative significant adverse effects to coastal resources, including water resources, environmentally sensitive habitats, agricultural and timberlands, and coastal views.
2. Planned densities for rural areas designated for residential use shall be as follows:
  - a. Tyee City – RURAL EXURBAN  
This area is currently comprised of small lots with water supply limitations and septic problems. Creation of new parcels shall not be permitted.
  - b. Fairhaven – RURAL EXURBAN  
This area, although divided into urban size parcels, has high groundwater and has severe septic system constraints. It is currently serviced with water provided by the Humboldt Municipal Water District. Creation of new parcels shall not be permitted.
  - c. Indianola – RURAL RESIDENTIAL  
This area is currently comprised of approximately 80 residential parcels and includes approximately 210 acres. These parcels are located in an upland area where soils are suitable for septic systems. The average parcel size is 2.6 acres, which is reflective of the existing development pattern in this area. The area is planned for an average density of one unit per 2.5 acres.

At the north end of this area several existing parcels contain both upland and lowland sites. New Parcels in this location shall be created in a radiating fashion such that each lot shall contain an upland building site, and agriculture easements shall be maintained over the bottomland portion of each new parcel.

d. Walker Point – RURAL RESIDENTIAL

~~This area was previously part of a large ranch commonly known as the Belcher property or Mid-City Ranch. With the support of Humboldt County, the ranch's approximately 350 acres of grazed wetlands identified as having high agricultural and habitat value have been conveyed to the State of California, leaving a 62-acre upland area extending to the southern tip of Walker Point, and a 15-acre area fronting on Myrtle Avenue/Old Arcata Road.~~

The 62-acre upland area has soils suitable for septic systems. The planned maximum density shall be one unit per three acres, or a maximum total of 20 dwelling units and 20 parcels. No parcel shall be smaller than 2.5 acres.

Walker Point ~~Subdivision of the 62-acre area shall be subject to an easement creating a 100' habitat buffer measured upland from the wetland/riparian corridor around the area's perimeter (as mapped by Newton & Associates in June, 1987). In addition, an overall plan for tree removal within the coniferous forest, mapped and identified as an important wildlife habitat area by Newton & Associates in June, 1987 shall be prepared for and approved by the County of Humboldt as part of any subdivision of the 62-acre area. The plan shall be prepared under the direction of a qualified biologist and registered professional forester and shall address wildlife habitat protection, windbreak and windthrow issues.~~

Subdivision of the area ~~shall be subject to~~created an offer to dedicate a public access easement from the terminus of Walker Point to the toe of Walker Point and around the western perimeter of the property adjacent to the lands now owned by ~~the Wildlife Conservation Board~~CDFW. A ten (10) foot easement for recreation and a nature trail dedicated to the County of Humboldt was recorded in Book 21 of Parcel Maps, Pages 22-24, and Book 24 of Parcel Maps, Pages 65-67.

~~Subdivision of the area shall be subject to an offer to dedicate a public access easement from the terminus of Walker Point Road to the toe of Walker Point and around the western perimeter of the property adjacent to the lands now owned by the Wildlife Conservation Board.~~

Subdivision of the area shall also be subject to all other applicable LCP policies and the County's subdivision requirements including preparation of a detailed drainage analysis and construction of necessary drainage improvements prior to recordation of the Final Map. The 15-acre remainder parcel fronting Myrtle Avenue/Old Arcata Road is presently developed with a single-family residence,

well, septic system, and support structures. No further subdivision of this 15-acre area shall be permitted.

All new subdivision development along Walker Point Road shall be required to upgrade the public road from the end of the City limits through the subdivision to a minimum of 24-foot wide asphalt concrete surface traveled as per the Standard outlined in the Appendix to Title III. Division 2 of the Humboldt County Code and within the City limits to standards determined appropriate by the City of Eureka (~~Amended by Res. No. 88-85~~).

e. Upper Mitchell Heights – RURAL EXURBAN

This approximately 100-acre area is currently comprised of 54 parcels. The planned maximum density in this area is one unit per one acre, at least until sewer service is provided to this area at which time it shall be included within the Urban Limit. Nearly half (26 of 54) of the existing parcels in this area are one acre or less in size.

f. Pigeon Point/Mitchell Heights – RURAL RESIDENTIAL

This 530-acre area is currently comprised of 194 parcels. The planned maximum densities in this area are one unit per five acres and one unit per 2.5 acres. The median parcel size for that area planned for a 5-acre density is five acres. The average existing parcel size in that area planned for a 2.5-acre density is 1.9 acres. The planned maximum densities are consistent with existing zoning for this area.

g. Humboldt Hill – RURAL RESIDENTIAL

The planned maximum density in this area is one unit per five acres. This is an area of steep slopes with several extremely large parcels, and a cluster of parcels in the 4-5 acre range. The median parcel size in this area is four acres.

h. South Bay – RURAL RESIDENTIAL

This is an area subdivided during the 19th century with a number of substandard lots that are located along several steep slopes. Creation of new parcels shall not be permitted.

i. South of Eureka/Pine Hill Area – RURAL RESIDENTIAL

This area is located east of Highway 101, just south of the Eureka City limit line, and along the hilltop located there. New residential parcels may be created provided that any subdivision include an open space or conservation easement over the bottom lands planned AE. Planned residential density is one unit/one acre.



**3.223.13 PUBLIC SERVICES-RURAL****Related Coastal Act Policies**

\*\*\* 30254. Public Works Facilities. *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; provided, however, that it is the intent of the legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. 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.*

**A. PLANNED USES BACKGROUND**

~~At the time of adoption of the Humboldt Bay Area Plan, service areas for the utility providers were not as well defined as they are today. Water and sewer service to the plan area is provided by the Humboldt Bay Municipal Water District, Humboldt Community Services District, Humboldt Hill Water Company, Humboldt County Service Area #3, Jacoby Creek County Water District, Manila Community Service District, and the Peninsula Community Services District. The primary regulatory context of utility service comes out of the limitations imposed by the Urban Limit Line addressed in section . In certain limited circumstances it may be appropriate to allow utility extensions outside the urban Limit Line when it is done for environmental protection. The only major service extensions foreseen in the Bay planning area during the next five years are:~~

- ~~1. a number of system improvements to the Humboldt Bay Municipal Water District System, including a possible extension of a water line from College of the Redwoods to the Beatrice area (outside the coastal zone); and~~
- ~~2. extension of water service to the Three Corners area (outside the coastal zone) by the Humboldt Community Services District.~~

~~These extensions are consistent with this plan as long as no lands outside of the urban limit line are encumbered to finance these extensions. Extension of these services are to be paid for only by the user of the service.~~

~~Although there has been discussion of providing sewer service to the Upper Mitchell Heights area, it is doubtful that current financial considerations will permit such expansion within the next five years. Should such expansion become likely, the process outlined in Section 3.22 B.2 will be undertaken in order to expand the urban limit line to include the Upper Mitchell Heights area.~~

**B. DEVELOPMENT POLICIES**

## 1. Extension of Services

It is the intent of this chapter that utility extensions are primarily allowed

~~within the Urban Limit Line, extensive rural public service systems, such as water and sewer, not be developed.~~ This is exclusive of 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 for the following:

- a. Sewer service extensions outside the urban limit line may be provided to industrial uses, including to Interim Conditionally Permitted Uses in the MC - Industrial/Coastal- Dependent zone.
- b. To protect health and water quality from septic systems that are failing or may fail in the foreseeable future due to sea level rise or coastal hazards in a manner that does not induce more development in areas subject to coastal hazards, 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 (as configured in 2020) hereafter referred to as the Samoa Peninsula Wastewater Project (SPWP), (as described in the Final Environmental Impact Report adopted for the SPWP by the County on October 6, 2020) in compliance with the following:
  - (1) 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.
  - (2) Eligible Connections. In addition to uses identified in section 3.22-B-1-a, and in compliance with below subsections (3) through (5), sewer service may only be provided to (i) structures and uses that were legally existing as of October 6, 2020 and (ii) to new single-family residences on legal lots in the portion of Fairhaven planned Residential/Exurban located within 300 feet of a SPWP sewer main (excluding Accessory Dwelling Units, which shall be prohibited to minimize risks to life and property from tsunami and sea-level rise hazards).
  - (3) Public Sewer Service to Existing Development. The immediate provision of public sewer service by the SPWP to structures and uses that were legally existing as of October 6, 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.

As a condition of approval for a coastal development permit to construct the SPWP, the Peninsula Community Services District shall be required to disclose to each property within the portion of Fairhaven planned Residential/Exurban receiving a sewer connection and containing existing development all of the requirements of subsection (5) below and that the connection to sewer service does not convey or imply any entitlement or commitment for coastal development permit authorization to be granted for any expansion or replacement of the existing development on the subject property. In addition, the District shall be required to provide a plan for providing such notice to any successors and assigns of such existing development.

- (4) No Further Extension of Sewer Mains. Further extensions of the public sewer mains beyond the project boundary as mapped in Figures 1-3, 3-3, 3-7, and 3-9 of the Draft Environmental Impact Report for the SPWP dated January 2019 (SCH #2018042083) shall not be allowed without an amendment to the Humboldt Bay Area Plan, except as allowed under section 3.22-B-1(a).
- (5) Public Sewer Service to New Residential Development. Upon the extension of sewer service to the portion of Fairhaven planned Residential/Exurban as part of the SPWP, permits for new residential in the Fairhaven area that is located within 300 feet of a SPWP sewer main and no further, may only be approved subject to the following:
  - i. conformance with all 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 hazards from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, tsunami inundation, and other geologic and flood hazards, and will be protective of Environmentally Sensitive Habitats, based on site-specific investigations prepared by qualified experts; and
  - ii. the requirement that property owners execute and record a deed restriction in form and content acceptable to the County/decision-making authority that acknowledges and agrees, on behalf of themselves and all successors and assigns: (a) the current and future projected geologic and flood hazards to which their development is exposed and will be exposed over the economic life of the development, (b) assume the risks of developing in hazardous locations subject to geologic and flood hazards from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, tsunami inundation, and other geologic and flood hazards,

- (6) acknowledge that, as new development, the property owners do not have any right to shoreline protection to protect the proposed development from such flood hazards under the LCP or the Coastal Act, and (d) further acknowledge that shoreline protection is unlikely to be authorized for the development due to inconsistencies with LCP and Coastal Act policies protecting public access, recreation, beach and water quality, among others.
  - c. Extension of water service outside of the urban limit line as defined in this Plan shall be permitted provided that:
    - (1) 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;
    - (2) Developments to be serviced are compatible with the plan;
    - (3) The extension of water service will be paid for only by the users of that service;
    - (4) The existing system is in no way degraded; and
    - (5) The water service extension is found to be in conformance with the resource protection policies of this plan; or
    - (6) It is necessary for agricultural or timber operations. ~~(Resolution 22-88, January 25, 2022)~~
2. Extension of the Urban Limit Line

Where an area not zoned for agricultural or forestry uses is contiguous to an Urban Limit Line; and where 50% of the existing parcels in the subject area have been developed; and where the Urban Service Area is served by a special district or private utility, and water services have been extended to the Urban Limit Line adjacent to the subject area; then the County shall set a public hearing before the Planning Commission, based on which the Commission shall recommend to the Board of Supervisors whether the urban Limit Line be amended to include the subject area. The Commissions shall recommend amending the Urban Limit (as provided in Section 30514 of the Coastal Act), if the following findings are made:

  - a. Service systems within the Urban Limit are adequate to serve the proposed addition under Urban Development standards;
  - b. Development allowable in the addition under Urban Development Standards would not adversely impact agricultural or timberlands bordering the addition.
  - c. Expansion of the Urban Limit and the development permitted under such expansion shall be consistent with the Resource Protection Policies and Standards in **Section 3.30**.
3. Public Roadway Projects

Public roadway improvement projects shall not, either individually or cumulatively, degrade environmentally sensitive habitats or coastal scenic areas. Improvements (beyond repair and maintenance) shall be consistent with **Sections 3.30** et seq and shall be limited to the following:

- a. Reconstruction and restoration of existing roadways, including bridge restoration and replacement, highway planting, construction of protective works such as rock slope protection and slope corrections, reconstruction of roadways following damage by storms or other disasters, and improvement of roadside rests.
- b. Operational improvements, such as traffic signals, guardrails and curve corrections, and intersection modifications such as the Elk River interchange improvements.
- c. Roadside enhancements, such as construction or improvement of roadside rests and vista points consistent with **Section 3.40** and removal of roadside signs consistent with **Section 3.40**.
- d. Minor improvement projects, such as modifying encroachments or ramps, construction turnouts, and channelized intersections.
- e. Except in coastal scenic areas, climbing and passing lanes.
- f. Expansion of substandard roadway shoulders.
- g. Construction of bikeways.
- h. The Elk River Interchange.
- i. ~~Relocation of New navy Base Road to accommodate major coastal dependent industrial development on and adjacent to Samoa Airport site.~~

### **3.233.14 TIMBERLANDS**

#### **Related Coastal Act Policies**

\*\*\* *30243. Productivity of Soils and Timberlands; Conversions. The long-term productivity of soils and timberlands shall be protected and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.*

#### **A. PLANNED USES BACKGROUND**

There are approximately ~~250-275~~ acres planned for commercial timberland, all on the fringe of the planning area. Presently, all of these lands are enrolled in the County's timberland protection program have been zoned ~~TPZ (Timberland Preserve Zone)~~<sup>14</sup>Timberland Production Zone (TPZ) and Commercial Timberland (TC). The development policies below generally reflect the current program.

#### **B. DEVELOPMENT POLICIES**

1. Identification of Timberlands

- a. Coastal Commercial Timberland shall be all lands zoned for Timberland ~~Preserve~~Production or Commercial Timberland, and all other lands 40 acres and larger on the A and B lists for proposed Timber ~~Preserve~~Production Zones, as completed by the Office of the Assessor of Humboldt County where existing uses on the property are consistent with **Section 3.23B1e**.
- b. Owners of timberland with parcels of 20 acres or more of “good site III” or 160 acres or more of Site IV or better shall be permitted to apply to have the land rezoned as Timberland ~~Preserve~~Production in the Coastal Zone. Any such applicant must demonstrate the management of said parcel for timber harvesting purposes, and submit a management <sup>4-</sup>~~As of 1982, State legislature has changed the definition of TPZ from Timber Preserve Zone to Timber Production Zone.~~ plan that includes a projected date of harvest for timber on the site, as required by County **Ordinance 314, section 12b (1-3)**.
- c. All Coastal Commercial Timberland, whether or not it is in a Commercial Timber or Timberland ~~Preserve~~Production Zone, shall be protected for timber harvesting and production; and no division of such land shall be approved where parcels of less than 40 acres would be created except for timber processing and related facilities where the remainder parcel stays in TPZ. In any division of such land which creates parcels less than 160 acres size, a joint timber management plan is required pursuant to County Ordinance 314 which shall also provide:
  - (1) For restocking of understocked timber sites prior to recordation of the final subdivision map.
  - (2) Protection of uses integrally related to the growing of timber such as roads, log landings, and log storage areas, from development, such as home construction, which may be incompatible with continued commercial use.
  - (3) Joint use by all persons with interests in the parcels subject to the management plan of roads, log landings, and similar facilities.
- d. Those timberlands currently in TPZ shall have no additional regulations placed on timber harvesting or management by any portion of this section.
- e. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than the direct growing and harvesting of timber shall be restricted to:
  - (1) Management for watershed or restoration.
  - (2) Management for fish and wildlife habitat.
  - (3) Any use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings and log storage areas; ~~portable~~ chippers



and portable sawmills are considered part of "processing".

- (4) The erection, construction, alteration or maintenance of gas, electric, water, or communication transmission facilities.
- (5) Grazing and other agricultural uses.
- (6) No more than two single-family dwelling units and normal accessory uses and structure for owner and caretaker. The second dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.
- (7) Temporary labor camps of less than (1) one-year duration, accessory to timber harvesting, ~~or processing, or planting~~ operations.
- (8) Recreational uses of the land by the public, with or without charge, for any of the following: walking, hiking, equestrian, picnicking, boating, fishing, and hunting, ~~and skiing.~~
- (9) Reforestation activities including site preparation under the authority of the California Department of Forestry and Fire Protection (CDF) and other State Agencies having regulatory jurisdiction.

### **3.24 3.15 AGRICULTURE**

#### **Related Coastal Act Policies**

\*\*\*-30241. Prime Agricultural Land; Maintenance in Agricultural Production. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) *By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(e)(d) By developing available lands not suited for agriculture prior to the

conversion of agricultural lands.

~~(d)(e)~~ By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

~~(e)(f)~~ By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

- \*\*\* 30242. ~~A~~Lands Suitable for Agricultural Production. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

#### **A. PLANNED USES**~~BACKGROUND~~

Approximately 10,600 acres within the planning area are planned for agricultural use, which includes all land currently in agricultural production except for the following:

- ~~1. Arcata fringe (north of Samoa Blvd.): This area is surrounded on three sides by development, and due to its small size and interference from adjacent land uses is no longer feasible for agricultural production.~~
- ~~2.1.~~ Indianola: Several parcels at the north end of the area planned for rural residential development also contain agricultural bottomland that will be protected by conservation easements. Concentration of development on the upland areas of these easements will serve to protect agricultural uses on the bottomlands.
- ~~3. Spruce Point: Several small parcels in this area are currently in agricultural use, although these uses are severely restricted by the wet nature of these parcels. This area has been proposed for a Resource-Dependent designation so that a unified wetland restoration plan can be prepared that would consolidate upland areas for development purposes.~~

#### **B. DEVELOPMENT POLICIES**

1. Identification of Agricultural Lands - Prime/Non-Prime
  - a. Lands outside Urban Limit Lines that are prime agricultural lands based on the adopted definition of prime lands of the State of California shall be planned for continued agricultural use, and no division or development of such lands shall be approved which would lower the economic viability of continued agricultural operations on them.
  - b. Lands outside Urban Limit Lines that are not prime agricultural land, but are in agricultural use, have present or future potential for

significant agricultural production, and/or are contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize the agricultural use of adjacent agricultural lands shall be planned for continued agriculture.

- c. Non-prime agricultural land may be converted to other types of land use only when the long-term economic unfeasibility of continued agricultural operation is shown to exist; and no division of or development of such lands shall be permitted which would lower the viability of continued agricultural operations on adjacent agricultural lands.
- d. Within areas planned for long-term productive agricultural use, no agricultural land division will be approved where any parcel created thereby is less than 60 acres. However, divisions of these agricultural lands to a minimum size of 20 acres otherwise consistent with this Chapter may be approved pursuant to rezoning and parcel map procedures, subject to the below conditions, if the County or Commission on appeal, finds that the division is necessary for a specific agricultural purpose (e.g. to provide for a separate starter farm for a family member), the division will not adversely affect the area's agricultural economy or habitat resources. The rezoning and parcel map may be approved only upon satisfaction of all the following conditions:
  - (1) Execution of an Agricultural Preserve Contract (Williamson Act Contract) with the County.
  - (2) Acknowledgment either on the parcel map or in a covenant within the chain of title that although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, except to other open space or habitat restoration use, will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.
- e. Rezoning conforming to this section of the land use plan shall be reviewed and considered as minor amendments to the certified local coastal program.
- f. These policies and requirements regarding new divisions of lands planned Agriculture Exclusive, apply only as long as they are required by this plan.

## 2. Compatible Uses

- a. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house for parents or children of the owner-operator shall be considered a direct part of agricultural production.

Other uses considered compatible with agricultural operations include:

- (1) Management for watershed.
  - (2) Management for fish and wildlife habitat. Recreational uses not requiring non-agricultural development under the control of the owner.
  - (3) The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities. (Radio or television transmitting antennae shall require a conditional use permit; but such a development shall not in concept be considered incompatible with agricultural use per se-). Wireless telecommunication facilities may be permitted in accordance with Section 313-91.2 of Humboldt County Code.
  - (4) Farm labor housing and temporary labor camps of less than one-year duration shall require a conditional use permit.
- b. Where land zoned for agricultural use is adjacent to land in residential use, the establishment of hog production involving more than three adult animals (over 6 months old) shall require a conditional use permit.
  - c. No greenhouse shall be approved for use on prime agricultural land, where the greenhouse has a slab foundation that would cover the underlying soil.

### 3. Grazing Lands - Table Bluff

- a. Grazing lands on Table Bluff shall be designated for agricultural use to insure availability of upland grazing sites and minimize conflicts with agriculture from conversion of these lands to other uses.

Division of these lands may be permitted into parcels of less than 160 acres only when consistent with this plan's agriculture policies and other policies of **Chapter 3** and when approved pursuant to rezoning and parcel map procedures provided:

- (1) The total number of building sites shall not exceed a density of 1 unit for each 20 acres of the original parcel.
- (2) New lots or parcels shall be no less than 1 acre and no larger than 2½ acres, and shall be clustered adjacent to existing developed areas of the ranch or on portions of the site least suited for agricultural use and with the least adverse effects on coastal resources.
- (3) The surplus land area resulting from the division shall be committed to agricultural use through two or more of the following devices:
  - (a) Execution of an agricultural preserve contract with the County.
  - (b) Acknowledgment either on the parcel map or in a

covenant within the chain of title that the new parcel is of a size considered a viable or economic agricultural unit its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.

- (c) Conveyance of an open space easement to the County of Humboldt or other public entity or private non-profit corporation having as its chief goal the preservation of agricultural or open space lands.
  - (d) Conveyance of development rights.
- (4) Rezoning conforming to this section of the land use plan shall be reviewed and considered as minor amendments to the certified local coastal program.

### ~~3.25~~ COASTAL-DEPENDENT DEVELOPMENT

~~See Section 3.13~~

### ~~3.26~~ INDUSTRIAL

~~See Section 3.14~~

**3.273.16 RECREATION****Related Coastal Act Policies**

- \*\*\* 30213. (Part) Lower cost visitor and recreational facilities ~~shall~~ be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- \*\*\* 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.
- \*\*\* 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- \*\*\* 30222. 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.
- \*\*\* 30233. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- \*\*\* 30250. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction of visitors.
- ~~\*\*\* 30253. (4) New development shall minimize energy consumption and vehicle miles traveled.~~

**A. BACKGROUNDPLANNED USES**

Natural Resource and Public Recreational land use designations have been applied to publicly-owned property at Mad River Beach County Park, Manila Community Park, Samoa Boat Launch, the airport and Coast Guard sites at the tip of the North Spit, the tip of the South Spit, Table Bluff County Park and the Fields Landing Boat Launch.

Humboldt Bay is a unique resource for public recreation to both residents and visitors~~Public recreation is one of the activities for which Humboldt County is famous, and Humboldt Bay is a unique recreational resource for both local residents and visitors.~~ Existing public recreation areas provide sufficient access to the Bay and ocean for recreational use, ~~and no purchase of additional land has been recommended.~~ However, any change in use of the public property at the end of the North Spit shall provide for further public recreational opportunities.

~~Commercial recreational facilities are planned:~~

- ~~1. Table Bluff lighthouse ranch.~~
- ~~2. at the intersection of New Navy Base Road and the Samoa Bridge, and~~
- ~~3. at the Highway 101 entrance to Fields Landing, because of the proximity of these locations to other coastal recreational opportunities and easy highway access.~~



**B. FINDINGS FOR PERMITTING OF RECREATIONAL FACILITIES**

Public or private recreational facilities and visitor-serving facilities shall be permitted pursuant to criteria of Section 3.13 **of this chapter** only where the following findings are made by the Planning Commission:

1. The proposed development includes adequate on-site services for water, waste disposal, parking and other facilities necessary to serve the proposed use.
2. The proposed development would not create traffic flows detrimental to agricultural or forestry uses in the Planning Area; except that where the proposal includes a showing that such adverse impacts will be mitigated through road improvements or other means within two years of project approval, the development shall be approved;
- ~~3. No location within an Urban Limit Area is more feasible.~~
- ~~4.3.~~ The development does not constitute conversion of agricultural or timber lands inconsistent with the requirements of this chapter.
- ~~5.4.~~ In the case of visitor serving facilities, that an established recreational use exists in the immediate area, or will be provided by the development, for which the visitor-serving facility is appropriate commercial service.

**C. RESIDENTIAL USE OF RECREATIONAL FACILITIES**

In an approved recreational vehicle park the residential occupancy of recreational sites by mobile homes shall be allowed up to 20%, but not to exceed a total of 10 such existing sites from June through August, and up to 80%, but not to exceed 40 from September through May.

**~~D. PUBLIC RECREATION~~**

~~It is the policy of this County to prefer the private sector as the provider of visitor-serving facilities. To this end, land has been reserved, as shown on the Plan Map, for private commercial visitor-serving uses; and the County discourages public agencies from establishing visitor-serving facilities, beyond the level of overnight campgrounds and picnic areas in public parks.~~

- ~~1. The County shall, if feasible, transfer title of the Manila Community Park to an appropriate community agency or non-profit organization for perpetual management as a community recreation center.~~
- ~~2. Existing uses of the Coast Guard's dune area on the North Spit, including exercises conducted by the National Guard, shall continue. Any change in use, management, or ownership of this property shall provide for increased public recreational opportunities.~~

**3.28 HOUSING-RURAL****~~A. PLANNED USES~~**

~~Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be~~

~~consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element.~~

#### ~~B. MULTIPLE UNIT AND MOBILE HOME PARKS~~

- ~~1. With the exception of temporary housing for agricultural or timber workers as permitted by this chapter, multiple-unit residential development and mobile home parks shall not be permitted outside an Urban Limit Line. This section is not intended to preclude single-family residential development.~~

#### ~~C. NEIGHBORHOOD COMMERCIAL~~

- ~~1. Lands planned for Rural Residential use and Rural Exurban are subject to the land division requirement of Section 3.21 of this chapter except that where 50% or more of the existing lots in such a contiguously zoned area have been developed, and no neighborhood commercial service is available within a three-mile driving distance of a site in the area where it is prepared to provide such a service, the proposal may be approved subject to the approval of a Conditional Use Permit and the Resource Protection constraints of Section 3.40 of this document, and the normal standards for a neighborhood Commercial Zone, and the subject parcel shall either be zoned Neighborhood Commercial, or a division into two parcels may be permitted if the non-commercial parcel meets requirements of Section 3.30B(10) for nonserviced lot size, and only the proposed site is zoned Neighborhood Commercial.~~

#### ~~D. PLANNED UNIT DEVELOPMENT~~

- ~~1. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.30, 3.40 and 3.50. Incentives to participate in such a development program may include increases of up to 20% over planned densities.~~
- ~~2. For residential uses, the dedication or offer of dedication of an easement for coastal access or view shall not be considered to lower the area of a parcel on which such easement is dedicated or offered for dedication for purposes of determining conformance with approved minimum parcel size.~~

#### ~~3.29 HAZARDS~~

~~See Section 3.17~~

#### ~~3.29.1 ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES~~

~~See Section 3.18~~

### **3.30 3.17 NATURAL RESOURCES PROTECTION POLICIES AND STANDARDS**

#### **Related Coastal Act Policies**

**\*\*\* 30240. ~~(Environmentally sensitive habitat areas; adjacent developments.~~**

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.*

**\*\*\* 30233. ~~(Diking, filling or dredging; continued movement of sediment and nutrients.~~**

- (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.*

~~*In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision(b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.*~~

- (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.*
  - (b) *Dredging and spoils disposal shall be planned and carried out to avoid*

significant disruption to marine and wildlife habitats and water circulation. Dredge ~~soils~~spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

- (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 wetlands 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.

~~\*\*\*~~ 30607.1 Wetlands dike and fill development: mitigation measures. Where any dike and fill development is permitted in wetlands in conformity with ~~this division~~Section 30233, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

## **A. PLANNED USES BACKGROUND**

Humboldt Bay is the second largest ~~wetland and estuarine habitat in the coastal zone~~estuary and bay in California. It is one of the most diverse marine resource, wetland, and estuarine areas in the California, ~~containing approximately 23% of the coastal wetlands in California~~. Its waters hold a diverse fish fauna with ~~106 over a one hundred different~~ species, ~~that include~~including anchovies, ~~Coho and Silver~~several species of salmon, steelhead, Cutthroat trout, smelts, surfperch, rockfishes, sanddab, flounder, California halibut, and sole. ~~Thirty-six~~Many of the various species of fish utilize the Bay as a spawning area or nursery ground. In addition to the diverse fish fauna, the ~~The~~ invertebrate biota of the Bay include species in sixteen (16) major invertebrate groups, including ~~gaper, Washington, littleneck and softshell~~oysters, clams, and Dungeness crabs. ~~Approximately 750 acres of the Bay's bottom and channels are utilized for commercial oyster production, providing approximately 70% of California's total oyster production.~~ Its rich channels, mudflats, and marshes serve as prime locations for migratory and perennial avian species, annually supporting ~~over 5.8 millions of days of use by~~ waterfowl and ~~7.7 million days of use by~~ shorebirds. Peregrine falcon hunt over its marshes and farmlands, and rare plants grow in brackish and saltwater marshes. Combined with surrounding agricultural lands and the Eel River estuary located a short distance to the south, Humboldt Bay, which includes the Mad River Slough and the Humboldt Bay National Wildlife Refuge, is one of the most important migratory waterfowl stopovers along the Pacific Flyway.

These fish and wildlife resources also support more than 30,000 days of recreational angling and approximately 18,000 days of waterfowl hunting annually. For these reasons, the Bay is one of the prime marine resource, wetland and estuarine areas in the entire coastal zone.

Within this planning area it is estimated that there are approximately 970 acres of salt marsh, 250 acres of brackish marsh, 180 acres of freshwater marsh, 185 acres of swamp, 300 acres of intertidal mudflat, 760 acres of beaches, 3,460 acres of dunes, and approximately 6,500 acres of "farmed wetland". Historically, Humboldt Bay occupied approximately 25,800 acres, consisting of 15,300 acres of open water, tidal channels, and mud flats, and 10,500 acres of inter-tidal wetlands, including salt marsh and tidal channels. remain today due to tideland reclamation for agricultural uses. Today, due to tideland reclamation for agricultural uses, Humboldt Bay occupies approximately 20,462 acres, including 5,776 acres of open water, 5,012 acres of mud flats, 8,129 acres of eel grass habitat, and 1,545 acres of salt marsh. While the sheer extent of these habitats provides important natural resource values, the mix of these habitats is a significant feature of the Humboldt Bay area. Many wildlife and fish species use a variety of habitats during their lifetime, or even during the course of a single day. The availability of different habitats is essential to the survival of these organisms. It should be noted that flooding and/or saltwater intrusion due to sea level rise may lead to additional agricultural land in the Planning Area converting to freshwater or brackish water wetlands or salt marsh.

At the present time the North Bay is the heart of the local aquaculture industry, and the resource protection policies in this section and elsewhere in this plan are designed to foster the expected growth of this industry. A major constraint upon this industry is contamination of the Bay during periods of high rainfall. Improved sewer treatment facilities, limited residential expansion into areas with soils unsuitable for septic systems, and the retention of broad wetlands that serve to "filter" runoff should all help reduce contamination of the Bay. ~~The South Bay, in addition to the North Bay, is the heart of the proposed national Wildlife Refuge, which could add to the recreational opportunities within the Bay area if hunting, fishing, and public access are provided for.~~ The resource protection policies are designed to maintain land and water areas that are necessary for waterfowl, wildlife, and fish production in the Bay.

Wetlands and farmed wetlands in the Humboldt Bay Planning Area have been mapped according to information presented from four different the following sources: (1) U.S. Fish and Wildlife Service Wetland Maps, (2) habitat maps prepared for the U.S. Army Corps "Humboldt Bay Wetlands Review and Baylands analysis," (3) the California Department of Fish and Game's "The Natural Resources of Humboldt Bay", (4) farmed wetland maps as prepared by the California Coastal Commission, and (5) field checking by Local Coastal Program staff.

Dune habitats in the Humboldt Bay Planning Area have been mapped according to information presented by:

(1) habitat maps prepared for the U.S. Army Corps "Humboldt Bay Wetlands and Baylands Analysis," (2) the California Department of Fish and Game's "The Natural Resources of Humboldt Bay," (3) "A Vascular Plant Inventory and Vegetation Map of the Lanphere-Christensen Dunes" by L.M. Barker, and (4) field checking.

Some dune habitat and dune-plant species thrive, and have evolved, on "disturbance," which is the theme in the dune environment with moving sand and the constantly changing landscape. These native dune-plant species utilize the dune habitat and its



transitional sands as a means of seed dispersal to help them reproduce. Even disturbed or degraded habitats may constitute ESHA depending on the level of disturbance.

All of the wetlands identified within the Humboldt Bay Planning Area (see Section 3.30B below for wetland identification policies) have been designated Agriculture Exclusive, Coastal Dependent Industrial, Natural Resources, or Resource Dependent land use. The areas designated "Resource Dependent," although most of them are existing wetlands, are areas potentially suitable for development (see Section of Industrial policies) due to their proximity to existing industrial land uses. Such development shall only occur if it is the least environmentally damaging alternative, and in accordance with mitigation policies outlines in Section 30607.1 of the Coastal Act ~~(see above \*\*\*).~~ Such identified locations include: an area between the PG&E power plant and Highway 101, several areas in the Spruce Point/South Broadway area, two areas just north and south of Fields Landing. These areas are also suitable as potential wetland restoration sites because their fragmented nature and impacts from nearby land uses threaten their continued viability as wetlands. ~~In particular, the Spruce Point/South Broadway wetlands deserve study as a degraded wetland area that can best be restored by consolidation of wetland areas and upland areas in separate locations, so orderly development of this area can proceed.~~

All of the transitional agricultural lands (farmed wetlands) within the planning area are designated Agriculture Exclusive, and are shown on the "Natural Resources" map. The policies regarding land use in these areas are described in Section 3.30B2 below. The transitional agricultural lands (farmed wetland) policies are designed to maintain existing agricultural land uses while preventing practices that would adversely affect existing wildlife habitats. However, as noted above, these areas are at risk of flooding and saltwater intrusion due to sea level rise, which would limit the long-term viability of these lands for agricultural use.

Vegetated dunes extend north and west of the Mad River Slough. This area is the least disturbed dune habitat in Humboldt County and has been the focus of much public comment regarding the necessity of protecting this area from further disturbance. At the north end of this area is the Mad River County Park which is designated "public recreation". The remainder of the area is designated "natural resources."

~~Sand mining shall not be a permitted use within the area, except for removal of windblown sand that threatens agricultural operations or existing structures. It shall be county policy that all off road vehicles (ORVs) are expressly forbidden from all areas above the waveslope of the beach in areas designated "natural resources." (Amended by Res. No. 94-47, 6/7/94)~~

The County also encourages the purchase of privately owned parcels from willing sellers in this area by private or public agencies committed to preserving the area in its natural, undisturbed state. Any acquisition proposal should include provision for the maintenance of existing public service facilities and, as consistent with resource management, retention and improvements within the Manila Gun Club shooting range.

The dune area extending west of Manila and Samoa Bridge is composed of environmentally sensitive dune habitats, and therefore is designated "natural resources." This area is subject to greater disturbance than the dunes to the north.



Transmission and water line construction, as well as ORV use, have altered this area, yet it retains significant habitat values. Numerous comments from Manila residents have attested to the value of this area as a recreational and natural resource. Sand mining has been an ongoing activity where the dunes encroach on Samoa Blvd. at the north end of town and shall be a permitted use where sand removal protects existing structures and roads from windblown drifts. ~~The erosion-generating potential of new development within this area is great; therefore no new roads or development shall be permitted except where necessary to service existing uses. All such construction shall be sited in the least environmentally damaging manner.~~

The dune area west of New Navy Base Road and south of the intersection that includes the Samoa Bridge is a greatly disturbed dune habitat. This area has both natural resource values and utility to the adjacent coastal- dependent industrial area on the east side of New Navy Base Road. In order to accommodate these seemingly opposite values, as well as preserve the recreational and visual resources of this area, ~~a the area is designated~~ natural resources ~~designation has been proposed~~ with the following industrial-related uses permitted.

During preparation of this land use plan it has become evident that agricultural and wetland land uses are severely constrained by the fact that most land surrounding the Bay is in one or the other such productive use. As industrial uses compete for available land ~~(e.g. the King Salmon and Fields Landing areas)~~, it is likely that certain isolated wetlands will be filled, leading to state and federal requirements for wetland restoration at other sites.

The County has identified several broad areas that qualify as potential wetland restoration areas. These are shown on the "Natural Resources" maps. Their designation as "wetland restoration study areas" is not intended to indicate that agriculture is an undesirable use in these locations, but use as a restoration site is feasible. It is not the County's intent to designate the highest and best use of these areas as being wetlands, rather, wetland restoration at these sites would be allowed to expedite industrial development in other areas. If and when this need for industrial development arises, any wetland restoration project should only take place where there is a willing seller, and the project will not interfere with adjacent agricultural operations. Within areas identified as "wetland restoration study areas" existing uses shall be maintained as long as they are needed for their present purposes. New development in these areas shall be limited to uses consistent with Section 30233(a) of the Coastal Act. Development integral to existing uses adjacent to these areas shall be excluded from the requirements of ~~the~~ Section 3.30B5 (wetland buffer areas). Restoration of these areas for fish and wildlife habitat shall be encouraged, where feasible, when they are no longer needed for their present purpose.

#### ~~A. DEVELOPMENT POLICIES~~

~~Wetlands and farmed wetlands in the Humboldt Bay Planning Area have been mapped according to information presented from four different sources: (1) U.S. Fish and Wildlife Service Wetland Maps, (2) habitat maps prepared for the U.S. Army Corps "Humboldt Bay Wetlands Review and Baylands analysis," (3) the California Department of Fish and Game's "The Natural Resources of Humboldt Bay", (4) farmed wetland maps as prepared by the California Coastal Commission, and (5) field checking by Local Coastal Program staff.~~

~~Dune habitats in the Humboldt Bay Planning Area have been mapped according to~~

information presented by:

~~(1) habitat maps prepared for the U.S. Army Corps "Humboldt Bay Wetlands and Baylands Analysis," (2) "The Natural Resources of Humboldt Bay," (3) "A Vascular Plant Inventory and Vegetation Map of the Lanphere Christensen Dunes" by L.M. Barker, and (4) field checking.~~

## **B. POLICIES**

1. Sand-mining shall not be a permitted use within the area, except for removal of windblown sand that threatens agricultural operations or existing structures. It shall be county policy that all off-road highway vehicles (ORV/OHVs) are expressly forbidden from all areas above the waveslope of the beach in areas designated "natural resources." (Amended by Res. No. 94-47, 6/7/94)
- 1-2. The erosion-generating potential of new development within this area is great; therefore no new roads or development shall be permitted except where necessary to service existing uses. All such construction shall be sited in the least environmentally damaging manner.
3. The applicant shall demonstrate that there is no less environmentally damaging alternative in the immediate area.
  - (a) Transmission and water line construction.
  - (b) Dredge spoils disposal.
  - (c) Pipeline construction for surf zone disposal of dredge spoils.
  - (d) Parking lot construction for coastal-dependent industrial facilities located directly adjacent to the proposed parking area on the east side of New Navy Base Road; parking shall be made available for public access to the ocean on the subject parcel.
  - (e) Ocean outfall, intakes and pipelines.
  - (f) Underground utilities.
4. Identification of Environmentally Sensitive Habitats Areas (ESHA)  
ESHA is defined as any area in which plant or animal life, or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development.  
There is a three-tiered test to determine if a biological resource in the Coastal Zone is an ESHA. The three questions to be answered are (1) Is the habitat or species rare, as defined by the list of rare, threatened or endangered species prepared under the California or Federal Endangered Species Act [CalESA or ESA], respectively, (2) Is the habitat or species especially valuable because of its special ecological nature or role in the ecosystem, and (3) Can the habitat or species be easily disturbed or degraded by human activities and development?
  - (a) ~~Environmentally sensitive habitats~~ ESHA within the Humboldt Bay Planning Area include:

- (1) Wetlands and estuaries, including Humboldt Bay and the mouth of the Mad River.
- (2) Vegetated dunes along the North Spit to the Mad River and along the South Spit.
- (3) Rivers, creeks, gulches, sloughs and associated riparian habitats, including Mad River Slough, Ryan Slough, Eureka Slough, Freshwater Slough, Liscom Slough, Fay Slough, Elk River, Salmon Creek, and other streams.
  - (a) Critical habitats for rare and endangered species listed on state or federal lists.
  - (b) Sensitive plant populations [California Rare Plant Ranking (CRPR) listed 1, 2, and 3].
  - (c) State and/or federally listed plant populations.
  - (d) Other uplands sensitive plant communities CDFW ranked 1 to 3.
  - (e) Habitat for special status animals.

(b) Upland ESHA

The potential upland ESHA examples listed below likely meet all of requirements the three-tiered test to determine if a biological resource in the Coastal Zone is an ESHA, although some dune habitat and dune-plant species thrive, and have evolved, on “disturbance,” which is the theme in the dune environment with moving sand and the constantly changing landscape. These native dune-plant species utilize the dune habitat and its transitional sands as a means of seed dispersal to help them reproduce. Even disturbed or degraded habitats may constitute ESHA depending on the level of disturbance.

- (1) Intact dune mat.
- (2) Sand dunes covered with predominantly native vegetation (15 percent absolute cover of native dune species).
- (3) Natural stands of wax myrtle.
- (4) Coastal brambles (Native California blackberry).
- (5) Coastal shrub (coyote brush/silk tassel, etc.).
- (6) Coastal pine forests.
- (7) Coastal Sitka spruce forests.
- (8) Sensitive plant populations [California Rare Plant Ranking (CRPR) listed 1, 2, and 3].
- (9) State and/or federally listed plant populations.
- (10) Other uplands sensitive plant communities CDFW ranked 1 to 3.
- (11) Habitat for special status animals.

Of the potential upland ESHA listed above, intact dune mat, sand dunes covered with predominantly native vegetation, and coastal pine forests have been most typically observed in the HBAP Planning Area on the North and South Spits. Coastal pine forests are also sometimes found in wetlands due to understory plant communities. These are typical locations identified based on experience and observation; however, these upland ESHA may be found elsewhere in the HBAP Planning Area, as determined through site-specific surveys. Other potential upland ESHA listed have been observed throughout the HBAP Planning Area.

(c) Non-ESHA

The potential non-ESHAs listed below generally do not meet one (1) or more of the three (3)-tiered test to determine if a habitat or plant is an ESHA. However, even disturbed or degraded habitats may constitute ESHA depending on the level of anthropogenic disturbance.

- (1) Pavement or concrete over sand.
- (2) Gravel, dredge spoils or wood chips over sand dunes (even if gravel, dredge spoils or wood chips are partially buried by sand).
- (3) Vegetated sand dunes over leach field or stormwater facilities established from dune migration.
- (4) Graded dunes (from grading or repeated disturbance or from maintenance) that no longer exhibit natural dune morphology/landform (topographic variation/undulation) and no longer experience aeolian sand movement and deposition (that would create the above-described dune morphology/landform) may not be considered ESHA in certain circumstances.
- (5) Dunes covered with predominantly non-native vegetation (greater than 50 percent absolute cover of non-natives and less than 5 percent absolute cover of native dune species).
- (6) Planted native shrubs and trees for landscaping purposes (non-restoration activities).
- (7) Areas and utility easements that are legally cleared and maintained of vegetation.

5. Protection of ESHA

- (a) ESHA shall be protected against any significant disruption of habitat values. Only uses dependent on the resource shall be allowed within ESHA. Development proposed in areas adjacent to ESHA and parks and recreation areas shall be sited and designed to prevent impacts that would significantly degrade the habitat quality of the ESHA such areas and must be compatible with the continuance of those that habitat and recreation areas.
- (b) Proposed development occurring within areas containing these sensitive habitats shall be subject to the conditions and requirements

of this chapter. Should an area proposed for development appear, upon examination of the maps to be within or contain the indicated habitat, but upon field inspection is found not to contain the indicated habitat, then the development is exempt from requirements of the section. As an interim measure for habitat areas not currently identified on the maps, information obtained during the project-specific environmental CEQA review process pursuant to CEQA will be used by the County in reviewing applications for coastal development permits. The review of these sensitive habitat areas and the identification of appropriate land uses and/or mitigation measures shall be in cooperation with the Department of Fish and ~~Game~~CDFW~~Wildlife~~. ~~The County shall review requests to amend the Environmentally Sensitive Habitat Maps in terms of the entire plan proposal and supporting policies. Accommodation of new resource information on the Environmentally Sensitive Habitat Maps may also require amendments to the certified land use plan and zoning.~~

~~(1) Wetland areas shall be identified according to the Coastal Act's definitions of wetlands (see Chapter 5 definitions). Transitional agricultural lands shall be identified as diked former tidal marshes and clearly defined tidal sloughs now farmed.~~

(c) Where there is dispute over the boundary or location of an ~~environmentally sensitive habitat~~ESHA, the following information may be requested of the applicant:

- (1) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.
- (2) Vegetation map.
- (3) Soils map.

Review of this information shall be in cooperation with ~~the Department of Fish and Game~~CDFW and the County's determination shall be based upon specific factual findings as to whether an area is or is not an ~~environmentally sensitive habitat area~~ESHA based on the criteria and definitions above.

### 1. ESHA Mitigation

- a. Impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to mitigation that would lead to an overall increase in habitat values. Mitigation for impacts to ESHA other than marine habitats shall be provided at a minimum ratio of 2:1, based on the ESHA to be impacted. See Appendix #D for suggested mitigation ratios by resource. The more specific mitigation requirements, as required by regulatory agencies or the County, shall take precedence over the more general mitigation requirements of this plan.
- b. Mitigation measures for impacts to ESHA, including habitat restoration and/or enhancement shall be monitored for a period of no less than four (4) years following completion. Specific mitigation objectives and performance standards shall be

designed to measure the success of the restoration, creation, and/or enhancement project and shall be agreed upon by the County. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the County annually and at the conclusion of the prescribed monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of the prescribed monitoring period, the monitoring period shall be extended until the standards are met. However, if after ten years, performance standards still have not been met, the applicant shall submit an amendment proposing alternative mitigation measures.

- c. The mitigation shall include offers of dedication of easements for restoration and enhancement of any ESHA resulting from the project (except where the resulting ESHA and/or wetlands are already owned by a public agency, special district, or appropriate non-profit organization such as a land trust).
- d. The County shall require mitigation by restoring an equivalent or larger area to greater or equal biological productivity.

## **2. Wetlands Identification**

Wetlands shall be identified in a site-specific wetland delineation according to the definitions of wetlands in the Coastal Act Section 30121, CCR Section 13577(b), and this chapter. The wetland delineation determines the boundary line between the wetland and adjacent upland area based on the presence of one or more of the following key wetland characteristics: hydrology (frequency, duration, and timing of inundation or saturation), hydric soils (soil with characteristics resulting from prolonged saturations), and hydrophytic vegetation (plants adapted to life in water, or in periodically flooded and/or saturated anaerobic soils). Positive wetland indicators of all three characteristics are often present in wetlands. However, the presence of only one of these characteristics is generally needed for an area to qualify as a wetland pursuant to the definition found in CCR Section 13577(b) and the Coastal Act.

Transitional agricultural lands shall be identified as diked former tidal marshes or farmed wetlands. Wetlands in Humboldt Bay include estuarine wetlands where tidal seawater is diluted by flowing freshwater, and freshwater wetlands without tidal influence. Examples of Potential Wetlands within the HBAP Planning Area (as defined by the Coastal Act):

- One parameter wetlands
  - Willow thicket with no wetland hydrology and no hydric soil.
- Two parameter wetlands
  - Willow thicket with wetlands hydrology but no hydric soil.
- Three parameter wetlands
  - Slough sedge depression with wetlands hydrology and hydric soil.
- Other waters
  - Perennial Creek
- Riparian vegetation
  - Alders, willows, and poplars adjacent to a perennial creek.

Impoundments are not considered wetlands. Impoundments are standing water (with possible wetlands plants) over compacted gravel, concrete, asphalt or other impervious surfaces.

### **2.6. Allowable Uses in Transitional Agricultural Lands**



Within transitional agriculture lands planned for Agriculture Exclusive, agriculture is the principal use in these areas, but shall maintain long term habitat values and minimize short term habitat degradation by ensuring new development is consistent with the provisions of this policy. Close cooperation among the county, Coastal Commission Agricultural Stabilization and Soil Conservation Service, Agricultural Extension, farm organizations, and fish and wildlife agencies will be necessary in order to ensure that new agricultural development will be permitted consistent with these objectives. Changing agricultural practices may require periodic review and modification of this policy.

- (a) Notwithstanding the exception in **Section 3.24**, no division of Transitional Agricultural lands shall be allowed to create new parcels of less than 60 acres which are entirely transitional ag-lands and any new parcel which consists entirely of transitional ag-lands shall be created only if the limitations of this section applicable to such parcel are recorded in a covenant within the chain of title for the parcel.
- (b) Diking and filling for new development within transitional agricultural lands shall be limited to the principal uses in the Agriculture Exclusive (AE) land use designation, including construction of spillways and modification or repair of existing dikes threatened by erosion; oil and gas wells (consistent with **Section 3.27** of this plan and 30607.1 of the Coastal Act); and incidental public service purposes. **(Adopted by the Board of Supervisors 10/5/82 - Resolution No. 82-128)**
  - (1) Where new fill is permitted for farm houses, the following findings must be made for approval **(Adopted by the Board of Supervisors 10/5/82 – Resolution No. 82- 128)**:
    - (a) operation of the agricultural use requires location of a residence on or near the site;
    - (b) no upland sites on the parcel are available or upland sites are not feasible for operation of the agricultural use, and
    - (c) the house is sited in the least environmentally damaging location having in mind economic feasibility of all locations.
  - (2) Any structure permitted by this section shall be sited in the least environmentally damaging manner possible. Where feasible, new structures shall be sited 100 feet from tidal or non-tidal sloughs, or clustered adjacent to existing structures. ~~Any dikes or fill constructed as a part of an oil and gas development shall be removed upon completion of the activity and the site revegetated to its former condition.~~ **(Amended by Res. No. 82-128).**
- (c) Dredging in transitional agricultural lands shall be limited to incidental public service purposes and to maintenance and repair of existing tidegates, floodgates, dikes, levees, and other drainage works, including replacement of drainage works damaged by flood or tidal surges and, for wetland restoration.

- (d) Mitigation for these uses by restoration of tidal action or removal of fill is not feasible and shall not be required.
  - (e) Road crossings of sloughs, channels, and ditches shall be by culvert or bridge and all crossings may require a Stream Alteration Agreement with the California Department of ~~Fish and Game~~ Wildlife.
  - (f) Divisions of less than sixty (60) acres may be permitted where the division would be necessary for a wetland restoration project.
1. Permitted Use Within Wetlands Planned Resource Dependent (MR)
    - a. New development within areas planned Resource Dependent (MR) shall be consistent with the policies and permitted uses of Coastal Act Section 30233 (see Section 3.30 of this plan).
    - b. Conditionally permitted agricultural uses and development shall be consistent with the transitional agriculture lands policy, Section 3.30B2.
  2. Permitted Uses Within Wetlands Planned Natural Resources (NR)
    - a. Permitted development within wetlands planned Natural Resources (NR) shall be limited to:
      - (1) Fish and Wildlife Management.
      - (2) Nature Study.
      - (3) Wetland Restoration.
      - (4) Hunting and fishing including development of hunting blinds and similar minor facilities.
      - (5) Incidental Public Facilities.
      - (6) Access facilities consistent with development recommendations of Sections 3.50C.
      - (7) Aquaculture, however, upland support facilities may not be located within the area designated Natural Resources (NR).
  3. Wetland Restoration
    - ~~a. Wetland Restoration Study Areas — The County has identified several areas that qualify as potential wetland restoration areas; these areas are shown on the Resource Protection Maps (pages 3-138 through 3-147). Their designations as “wetland restoration study areas” are not intended to indicate that agriculture is an undesirable use in these locations, but that use as a restoration site is feasible. For the South Bay areas so designated, restoration efforts are anticipated, consistent with the Humboldt Bay Comprehensive Conservation Plan National Wildlife Management Plan. For the Mad River Slough and Freshwater Creek/Eureka Slough areas, the designation is used to indicate opportunities for wetland restoration, particularly as mitigation sites. For the Spruce Point/South Broadway area, the designation is used to indicate that the site merits investigation as a degraded wetland as discussed in Subsection b “Degraded Wetlands,” below.~~

~~It should be noted that wetland restoration opportunities are not limited to the identified Wetland Restoration Study Areas; under Section 3.30B(2), wetland restoration is allowed in any farmed wetland. There are about 6,000 acres of farmed wetland in the planning area, so opportunities for restoration are quite extensive.~~

Wetland restoration projects should take place only when there is a willing seller, and where the project will not interfere with adjacent agricultural operations.

In wetland restoration projects not specifically required by Section 30607.1 of the Coastal Act, it is the policy of the County to encourage "mitigation banking" to facilitate projects permitted under Section 30233 of the Coastal Act.

b. Degraded Wetlands Shipwreck Site— The County considers the wetlands along Spruce Point/South Broadway and at King Salmon near the Shipwreck site as ~~providing significantly less than their potential maximum fish and wildlife~~ having degraded habitat values, ~~and believes that their current habitat values are~~ substantially reduced by the existence of dikes and roads, placement of fill, and past development patterns. The County ~~seeks to improve habitat value of these areas. To achieve improvement, the County~~ therefore requests ~~the Department of Fish and Game~~ that CDFW to investigate these wetlands, as provided in Coastal Act Section 30411, to determine whether they are degraded wetlands and need major restoration. Any such investigation should consider construction of boating facilities at the Shipwreck area. Other feasible alternatives to improve these wetlands, listed in order of priority, include:

1) restoration projects, 2) visitor serving commercial recreational facilities and other public recreational development which would enhance coastal recreational use, or 3) private residential, general industrial or general commercial development.

The County may permit these activities in degraded wetlands identified by the ~~Department of Fish and Game~~ CDFW if they are part of an overall restoration program for these wetlands approved by the Coastal Commission and, at a minimum, the resulting wetland will provide equal or greater biological productivity and at least equal acreage to the existing wetland.

~~Pocket Marsh — Consistent with the Coastal Commission Interpretive Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitats and Sections 30233 and 30607.1, restoration projects may include fill for development not specifically listed in Section 30233 if the wetland is: small (generally less than one acre) extremely isolated incapable of being restored it is located within an urban limit line.~~

~~The County shall require mitigation by restoring an equivalent or larger area to greater or equal biological productivity.~~

d. North Spit Dune Hollow Wetlands

(1) Wetland restoration projects which may include fill of

wetlands east of New Navy Base Road between Samoa and Fairhaven for uses other than those explicitly permitted in Coastal Act Section 30233 may be allowed when:

- (a) the development is a necessary improvement of existing industrial facilities for which an alternative location is not feasible;
- (b) any such fill is part of an overall wetland restoration program approved by the County and the Coastal Commission to relocate and restore these wetlands to an area of at least equivalent size, and equal or greater biological productivity; and
- (c) the wetland restoration (or creation) shall take place on either:
  - (i) wetland restoration study area designated west of Samoa Bridge;
  - (ii) the Elk River Spit;
  - (iii) fenced and protected areas at the BLM ~~off-road vehicle~~<sup>OHV</sup> park (sensitive areas are proposed to be fenced but no restoration measures are planned); or
  - (iv) King Salmon-Spruce Point wetland restoration study area and the **Elk River wetland restoration study area**, as shown in **Appendix I**.

~~(2) Mitigation of dune hollows outside of dune habitats (at the King Salmon Spruce Point and Elk River wetland restoration areas) shall provide for restoration of at least equal or greater biological productivity and, at a minimum, shall provide for two acres of restored wetlands for every acre of dune hollow filled.~~

~~(3) Fill of dune hollows for development permitted by Coastal Act Section 30233 shall be mitigated as outlined above.~~

#### 4. Biological Resource Assessment

A biological resource assessment prepared by a qualified professional shall be required for any project that may impact biological resources. The required biological resource assessment shall meet the following criteria (additional guidance is provided in **Appendix #D**):

- a. Include a general description of the physical and biological resources in the study area, a summary of how the study area was determined, and a list of potential sensitive habitats, listed species, sensitive natural communities, and wetlands as listed/shown on publicly available databases and maps.
- b. Include a brief description of the proposed project, including the limits of the proposed development, areas that may be directly or indirectly affected by the project, and the current site plan.
- c. Quantify the resources on-site based upon the list of sensitive habitats and species with potential to occur on the site and

the findings of at least one field visit for all parcels that are part of the proposed development. The quantification of resources shall identify what the resource is, the sensitivity of the resource, whether the resource is high quality habitat or whether it has been significantly impacted by previous activity and the uniqueness of the resource. The assessment shall include a discussion of species observed during the field survey, and whether other species are likely to be present during other times of the year, based upon habitat analysis and professional opinion. Explicitly discuss exclusions and constraints on the accuracy of the assessment (e.g., wrong season, time-of-day). If wetlands are delineated on-site, the delineation shall identify, assess, and map potential wetland areas in accordance with commonly utilized scientific guidance such as the Army Corps of Engineers Wetland Delineation Manual (1987).

- d. Identify and analyze the potential biological impacts of the proposed development and distinguish between temporal (permanent vs. temporary) and/or spatial (e.g., large habitat areas vs. fragmented habitat) impacts. The duration of temporary impacts must be specified. Possible cumulative biological impacts must also be discussed.
- e. A discussion of all field methods actually employed, including the methods and for formal protocol surveys. The field survey should be timed to capture the appropriate time period for affected plant species. The determination of when to visit a site shall be specified by County staff in consultation with the applicant's biologist and property owner. The detailed survey protocols for particular sensitive habitats or species may be placed in an appendix but must otherwise be included in the biological resource assessment. Reference to a separate document is insufficient.
- f. Analyze the potential impact that sea level rise and climate change may have on the affected resource(s). Impacts to resources that may result from the development projects must adapt to sea level rise and climate change.
- g. All report content specified in the Biological Resource Assessment Requirements provided in Appendix #D.

#### 5. Mitigation and Monitoring Plan

A Mitigation and Monitoring Plan (MMP) prepared by a qualified professional shall be required for any project involving impacts to wetlands and/or ESHA. The required MMP shall meet the following criteria (additional guidance is provided in Appendix D):

- a. A stand-alone document that specifies methods and practices to be employed, performance standards, success criteria, adaptive management, and monitoring requirements specific to the project and the site.
- b. Include a general description of baseline conditions of the project site and mitigation site, and a detailed qualitative and quantitative description of the chosen mitigation site.
- c. Provide specific performance criteria and monitoring and reporting guidelines. Mitigation for impacts to ESHA shall be monitored for a period of no less than 4

years and no less than 5 years for wetlands following implementation of the mitigation.

d. Detailed descriptions of the mitigation implementation and supplemental plans required for a successful mitigation project.

e. All report content specified in the Wetland and/or ESHA Mitigation and Monitoring Plan Requirements provided in **Appendix D**.

6. ESHA Buffer

a. A buffer area shall be established adjacent to all ESHA, except where impacts are permitted in accordance with Coastal Act Section 30240 and this **Chapter**. The purpose of this buffer area shall be to provide a sufficient area to protect the sensitive area from significant degradation resulting from activity or future developments.

b. No development is permitted within the buffer. The width of the buffer area shall be measured from the nearest outside edge of the ESHA.

c. The width of the buffer area shall be determined in a site-specific biological resources assessment, based on the characteristics of the particular ESHA found on-site, and shall be a minimum of 100 feet unless a lesser buffer is adequately justified in a Buffer Analysis as discussed in **Appendix D**. Buffers shall consider reasonably foreseeable effects of sea level rise and climate change. In certain cases, reduced buffers around ESHA, wetlands, and other biotic resources may be appropriate when conditions of the site, as demonstrated in a site-specific biological resources assessment with a Buffer Analysis, the nature of the proposed development, and appropriate mitigation, show that a reduced buffer would provide adequate protection. In such cases, a Buffer Analysis must be provided that provides evidence to support the County's required findings that a reduced buffer appropriately protects the resource, and that the development alternative could not be feasibly constructed without a reduced buffer. In no case, and unless adequately justified in a Buffer Analysis as described above, will the County approve a buffer less than 35 feet for low dune vegetation or 50 feet for forested, riparian vegetation for ESHA. Any such reduction in setback shall still retain the maximum setback feasible, and may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the ESHA's habitat values.

d. A greater width may alternatively be required depending on the habitat and the potential species present, as determined in a site-specific biological resources assessment and in consultation with the County and resource agencies.

e. If the 100-foot minimum buffer is met and no increase in the buffer is warranted based on the site-specific biological resources assessment, no Buffer Analysis is required. Documentation to support this finding shall be submitted to the County in the form of figures with the development footprint, ESHA extents, and ESHA buffer(s), at a minimum, clearly shown.

f. New land division shall not be allowed that will create new parcels entirely within a buffer area.

g. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent ESHA and must



comply, at a minimum, with each of the following standards:

- i. It shall be sited and designed to prevent impacts which would significantly degrade such areas;
- ii. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and
- iii. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1. It shall be demonstrated that no habitat value is lost as a result of development within the buffer area.
- h. Adjacent to ESHA, the use of compatible native, non-invasive plant species for landscaping shall be required as a condition of coastal development permit approval. The use of invasive exotic plant species shall be prohibited. No landscaping shall extend into the ESHA buffer.

#### 4.7. Wetland Buffer

- a. No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value. Wetland Buffer Areas shall be defined as:
  - (1) The area between a wetland and the nearest paved road, or the ~~40-foot~~40-foot contour line (as determined from the 7.5' USGS contour maps), whichever is the shortest distance, or,
  - (2) 250 feet from the wetland, where the nearest paved road or ~~40-foot~~40-foot contour exceed this distance, or
  - (3) Transitional Agricultural lands designated ~~Agriculture Exclusive~~AE shall be excluded from the wetland buffer.
- b. New development is not allowed within wetlands; except for:
  - (1) development permitted in ~~3.30B2,3, and 4~~Sections of this plan.
  - (2) wells in rural areas; ~~and~~.
  - (3) new fencing, so long as it would not impede the natural drainage shall be sited to retain a setback from the boundary of the wetland sufficient to prevent adverse effects to the wetland's habitat values.
- c. The width of the buffer area shall be measured from the nearest outside edge of the wetland.
- d. The width of the buffer area shall be determined in a site-specific biological resources assessment, based on the characteristics of the particular wetland found on-site, and shall be a minimum of 100 feet unless a lesser buffer is adequately justified in a Buffer Analysis as discussed in Appendix D. Buffers shall consider reasonably foreseeable effects of sea level rise and climate

change. In certain cases, reduced buffers around wetlands may be appropriate when conditions of the site, as demonstrated in a site-specific biological resources assessment with a Buffer Analysis, the nature of the proposed development, and appropriate mitigation, show that a reduced buffer would provide adequate protection. In such cases, a Buffer Analysis must be provided that provides evidence to support the County's required findings that a reduced buffer appropriately protects the resource, and that the development alternative could not be feasibly constructed without a reduced buffer. In no case, and unless adequately justified in a Buffer Analysis as described above, will the County approve a buffer less than 50 feet for perennial wetlands or 100 feet for seasonal wetlands. Any such reduction in setback shall still retain the maximum setback feasible, and may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the wetland's habitat values.

~~c.e.~~ within an urban limit line, the setback shall be either 100 feet or the average setback of existing development immediately adjacent as determined by the "string line method." That method shall be used which provides development setbacks similar to those occurring on adjacent parcels and adequately protects the wetland. A greater width may alternatively be required depending on the conditions of the wetland, as determined in a site-specific biological resources assessment and in consultation with the County and resource agencies.

~~d.f.~~ Outside an urban limit line, the setback shall be between 100 and 200 feet, depending upon the size and sensitivity of the wetland, drainage boundaries, vegetation, adjacent uses, and the potential impacts of the project on the wet habitat values. The precise width of the setback shall be sufficient to prevent significant effects to the wetland.

~~e.~~ In both urban and rural areas, setbacks of less than the distance specified above may be permitted only when the prescribed buffer would prohibit development of the site for principle use for which it is designated. Any such reduction in setback shall still retain the maximum setback feasible, and may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the wetland's habitat values.

~~f.g.~~ All new development within the wetland buffer shall include the following mitigation measures:

- (1) Not more than 25% of the lot surface shall be effectively impervious.
- (2) The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a ~~50-year~~50-year storm of 10 minute duration.
- (3) Storm water outfalls, culverts, gutters, and the like shall be

dissipated.

- (4) Septic systems or alternative waste disposal systems must meet standards of the Humboldt ~~Del Norte Health Department and the Regional Water Quality Control Board~~ County Division of Environmental Health.
- (5) Areas disturbed during construction, grading, etc., within 100 feet of the mean ~~high water~~ high-water line, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.
- (6) Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, ~~sediment basins~~, seeding or planting bare soil, diversion of runoff away from graded areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April).

~~g.h.~~ The County shall request ~~the Department of Fish and Game~~ that CDFW ~~to~~ review plans for development within 200 feet of the boundary of the wetland.

#### 5.8. Road Construction Within Watersheds Containing Wetlands

Road construction within watersheds containing wetlands, as identified on the sensitive habitat maps, other than for timber harvest purposes (road construction controls for this activity are currently regulated by the California Department of Forestry in Timber Harvest Plans), shall employ suitable techniques and measures necessary to prevent erosion and minimize surface runoff. This shall include, but is not limited to:

- a. Limiting soil exposure time and disturbed area;
- b. Minimizing uninterrupted slope length through surface roughening and serrated slopes;
- c. Temporary slope stabilization if grading operations occur during wet weather months (October through May) including, mulches, nettings, chemical and natural binders, rip- rap, etc.;
- d. Immediate vegetative plantings of disturbed slopes at finished grades;
- e. Control of runoff through controlled water and drainage systems with dissipated discharges and receiving stream bank protection;
- f. Diversion of runoff away from graded areas and areas traveled during project development;
- g. Temporary and permanent sediment control through use of dikes, filter berms, and sediment basins.

#### 6.9. Coastal Streams, Riparian Vegetation ~~And~~ Marine Resources

\*\*\* 30230. *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special*

*biological or economic significance. Use of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

- \*\*\* 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*
- \*\*\* 30235. *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*
- \*\*\* 30236. *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*
- a. Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities under jurisdiction of the Department of Forestry shall be exempt from requirements of this section. Other new development within coastal streams, riparian area, and marine areas shall be consistent with policies and standards of this section (3.30B 7).
  - b. Within the Humboldt Bay Planning Area the following coastal streams (as mapped on USGS 7.5' Quads) have been identified:
 

|                     |                                   |
|---------------------|-----------------------------------|
| Mad River Slough    | Liscom Slough                     |
| Ryan Slough         | Fay Slough                        |
| Eureka Slough       | Elk River                         |
| Freshwater Slough   | Salmon Creek                      |
| McDaniel Slough     | Rocky Gulch and its tributaries   |
| Jacoby Creek Slough | Unnamed tributaries to Freshwater |
| Swain Slough        | at Felt Road and Pigeon           |

Point Road Martin Slough      Unnamed tributary to  
Ryan Slough

- c. New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:
  - (1) Wetlands, fishery, and wildlife enhancement and restoration projects.
  - (2) Road crossings, consistent with the provisions of **Section 3.41E 5e** and trail crossings consistent with the provisions of **3.41 B 8 (e)(8)**, ~~and~~ (amended Res. 02-77, 8/27/02)
  - (3) Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands policies.
  - (4) Development consistent with the provisions of **3.41 E 5**, below.

New fencing, so long as it would not impede the natural drainage or would not adversely affect the stream environment or wildlife.
- d. Riparian corridors on all perennial and intermittent streams shall be, at a minimum, the larger of the following:
  - (1) 100 feet, measured as the horizontal distance from the stream transition line on both sides.
  - (2) 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams.
  - (3) Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.
  - (4) Notwithstanding the above riparian corridor width requirements, the width of the riparian corridor may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction will not result in a significant adverse impact to the habitat. New structures, including houses, barns, sheds, etc., shall be placed a minimum of 50 feet from the stream transition lines.
- e. New development within the riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measures feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses.
  - (1) Timber management activities, provided:

- (a) In precommercial thinning and release activities, that at least 50 percent of the tree crown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on the ground inspection, to increase these percentages to protect special habitat values.
  - (b) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently reestablished to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water, these activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.
  - (c) In all timber management activities, including pre-commercial thinning, release activities, and site preparation, that heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line and shall not be permitted in other portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.
  - (d) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.
- (2) Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods or shrubs shall be protected from unreasonable damage.
  - (3) Maintenance and replacement of flood control and drainage channels, fences, levees, dikes, floodgate, and tidegates.
  - (4) Wells in rural areas.
  - (5) Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized where feasible, by rights of way which cross streams at right angles and do not parallel streams within the riparian corridor.
  - (6) Removal of trees for disease control or public safety purposes.
  - (7) Removal of firewood for personal use on property consistent with the applicable forest practice rules for stream protection zones in Coastal Commission special treatment areas.
  - (8) Public access trails provided that the length of the trail within



the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary. (amended Res. 02-77, 8/27/02)

- f. Mitigation measures for development with riparian corridors shall, at a minimum, include retaining snags within the riparian corridor unless felling is required by CAL-OSHA or permitted by California Department of Forestry forest and fire protection regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.
- (1) The County shall request the Department of ~~Fish and Game~~Wildlife to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.
- g. Natural drainage courses, including ephemeral streams, shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse effect on water quality or wildlife habitat. Stormwater outfalls, culverts, gutters and the like, shall be dissipated, and, where feasible, screened. Natural vegetation within and immediately adjacent to the bankfull channel shall be maintained except for removal consistent with the provisions of this section.

#### ~~7.10.~~ Mad River Bank Protection

- a. Sand and gravel extraction shall be permitted consistent with the policies of Section 3.14B(10) (Surface Mining).
- b. Bank protection shall be permitted to:
  - (1) maintain necessary public or private roads.
  - (2) protect principal structures in danger from erosion.
  - (3) protect lands designated Agricultural Exclusive Prime from erosion.
- c. It is the policy of the County to prefer:
  - (1) piling fence to rock hard points.
  - (2) rock hard points to continuous revetment.
- d. Mitigation for rock hard points or continuous revetment shall include as a minimum:
  - (1) bank protection projects, including design and materials, shall minimize adverse effects on fisheries, wildlife and recreation.
  - (2) where feasible, planting of riparian vegetation shall be included within the revetment itself.
  - (3) planting and maintaining riparian vegetation within the

riparian corridor 200 feet landward of the bank protection project throughout its length.

At the scheduled five (5) year review of this plan or sooner, this policy shall be reviewed with all affected agencies prior to amendment through the public hearing process.

#### ~~8.11.~~ Permitting and Siting of Septic Systems

- a. Sewage disposal systems placed on existing and proposed lots must meet all of the requirements of the Humboldt-~~Del Norte~~ Department of Public Health, County Division of Environmental Health and the Regional Water Quality Control Board.

#### ~~9.12.~~ Beach and Dune Areas

- a. New development within the beach and dune areas designated "Natural Resources" (NR) is restricted to the following:
  - (1) nature study;
  - (2) resource restoration;
  - (3) hunting/fishing and development of minor facilities such as hunting blinds;
  - (4) as permitted in 3.50c of this plan, accessway improvements and vehicle use;
  - (5) sand removal from unvegetated dunes for safety purposes or to protect existing development and agricultural land;
  - (6) exclusive of the Lanphere-Christensen Dune Preserve; the siting of the following facilities when there is no less environmentally damaging alternative for corridor alignment or placement in the area and it is sited in the least environmentally damaging manner:
    - (a) transmission and water line construction
    - (b) dredge spoils disposal (consistent with 3.14)
    - (c) pipeline construction for surf zone disposal of dredge spoils
    - (d) parking lot construction for coastal-dependent industrial facilities between the north end of Fairhaven airstrip and Samoa and when located adjacent to New Navy Base Road and when parking is also available for public access to the ocean on the subject parcel.
  - (7) single-family residence to be occupied by either the property owner or caretaker where the County, following public hearing finds:
    - (a) that the development will, on balance, help to protect environmentally sensitive habitat areas (e.g. by providing an opportunity for the property owner, on a ~~24-hour~~24-hour basis, to exclude ORVs from their property),

- (b) that it is located as close as is practicable to existing roads and rights of ways when it is the least environmentally damaging alternative,
  - (c) that clearing around the residence is minimized, that the development conforms to other applicable sections on this plan, and
  - (d) that an open space easement or similar easement has been offered for dedication over the undeveloped portion of the parcel.
- b. The County encourages the purchase of dune and beach areas designated Natural Resources by private or public agencies committed to preserving the area in its natural state as well as providing opportunities for increasing public understanding of coastal dune ecological processes. To the extent that access development in addition to those described in **Section 3.50 C of this plan** is compatible with protection and public education opportunities, it should be provided.

Acquisition shall be from willing sellers only.

- (1) The LP area north of the power poles has been identified in the LCP as a potential dune hollows restoration area. Carry out restoration/enhancement project that manages for rare plants in the foredunes, optimizes dune hollow habitat values in the deflation plain, and protects the forest complex, ~~tying it in with the Rudd and Lundblade properties to the north.~~ **(Amended by Res. No. 94-47, 6/7/94).**
- (2) Assist the Manila Dunes program to restore degraded Menzies'/layia habitat and develop pedestrian access areas ~~north of the Rudd/Celestre properties.~~ **(Amended by Res. No. 94-47, 6/7/94).**
- ~~(3) Restore degraded Menzies'/layia habitat in cooperation with the Nature Conservancy on the BLM, and LP properties in protected areas. (Amended by Res. No. 94-47, 6/7/94)~~
- ~~(4)~~**(3)** Protect and restore dunes north of the existing Lanphere-Christensen Dunes Preserve in cooperation with the Nature Conservancy that are currently degraded by bush lupine and European beachgrass. **(Amended by Res. No. 94-47, 6/7/94).**
- ~~(5)~~**(4)** Protect and enhance dunes and estuary north, and east of Mad River County Park, and develop a pedestrian access area with interpretive signing associated with the County Park. **(Amended by Res. No. 94-47, 6/7/94).**
- ~~(6)~~**(5)** Identify area north of Mad River Park as snowy plover

reserve area and implement additional protection measures on a seasonal basis. Restrict access for pedestrians, and dogs on a seasonal basis by special permission only. Implement a leash law for the balance of the year for this area. ~~(Amended by Res. No. 94-47, 6/7/94)~~

- c. The area designated "Public Recreation" ~~(PR)~~ along the foredune zone of the City of Eureka Airport property north of the BLM/Samoa Dunes Recreation Area contains dune habitat that has been severely degraded over time due to extensive previous use for recreational ~~OHV~~ riding and other human disturbance. ~~(Amended by Res. No. 94-47, 6/7/94)~~

- (1) Although the dune vegetation in this area includes some native dune grass and populations of the endangered plant species Menzies Wallflower and Beach Layia, most of the vegetation consists largely of ~~the~~ non-native invasive species such as European beach grass and bush lupine. ~~Section 3.30B(1)(a)(2) of this plan states that all vegetated dunes along the North Spit to the Mad River and along the South Spit are environmentally sensitive habitats. Because of~~ Due to the high percentage of invasive plant species and the degraded nature of this particular area, only those portions of the vegetated dunes in this area actually containing either rare and endangered plant species or native dune grass are considered to be environmentally sensitive vegetated dune habitat. Pursuant to Sections 3.30B(1)(a)(1) and 3.30B(1)(a)(4) of this plan, any wetlands or critical habitats for rare and endangered animal species that might exist in the area are also considered to be environmentally sensitive habitat areas. (Amended by Res. No. 94-47, 6/7/94)

- (2) The area is proposed for development as an ~~off highway vehicle~~ OHV riding area under the County's Beach and Dunes Management Plan. To protect the environmentally sensitive vegetated dune habitat within the area, any such development shall be required to do the following: (Amended by Res. No. 94-47, 6/7/94)

(a) Fence and prohibit use of all portions of the affected dunes containing rare and endangered plant species or native beach grass. (Amended by Res. No. 94-47, 6/7/94)

~~(b)~~ Conduct annual monitoring for rare plant species to determine the effects of activities on the relative viability of the population in any given year and perform necessary remediation

measures. (Amended by Res. No. 94-47, 6/7/94)

#### 10.13. Shoreline Protection Structures

Shoreline protection structures, including nature-based adaptation strategies, revetments, breakwater, bulkheads, graving yards, groins, seawalls, and other such construction, that alter natural shoreline processes may be permitted

- a. To protect existing principle structures or public facilities in areas subject to damage from wave action where relocation of the structures is not feasible,
- b. When required to serve coastal dependent uses,
- c. To reconstruct existing bulkheads and revetments,
- d. In areas planned exclusive agriculture to protect existing dikes, consistent with the policy on modification and repair of dikes in transitional agricultural lands; and when:
  - (1) It is the least environmentally damaging feasible alternative.
  - (2) Adverse impacts on shoreline sand supply and public access have been eliminated or minimized by the projects design or through other mitigation measures.
  - (3) For projects other than placement of revetment on existing dikes, the project has been designed by a registered civil engineer with expertise in shoreline processes.
- e. Permanent shoreline structures, other than revetment of existing dikes, shall be permitted only when based on a comprehensive study of area-wide shoreline processes which assesses long term effects of the structures on sand transport, downdrift beaches, circulation patterns and flow rates, including effects such as erosion, shoaling, or reflection of wave energy on adjacent shorelines. It is the policy of the County to prefer beach nourishment and vegetative protection where feasible, to permanent structural shoreline stabilization. Temporary shoreline structures may be permitted in emergencies provided that any temporary structure is either 1) incorporated into a permanent structure, or 2) removed upon construction of a permanent structure.
- ~~f. The County shall request the Department of Boating and Waterways to review plans for construction of shoreline protective structures. The Department may recommend measures to mitigate adverse effects on shoreline processes.~~
- ~~g.f.~~ The County encourages study of shoreline erosion in Humboldt Bay to develop long term solutions to existing erosion hazards at King Salmon (generally from King Salmon to Elk River Spit) and along the North Spit (from the entrance channel to Fairhaven).

Nature-based adaptation strategies use natural systems to reduce coastal hazards while protecting coastal access and supporting biodiversity. "Soft Strategies" may include eelgrass beds, oyster beds, coastal dunes, and salt marshes, while "Hybrid Strategies" may include artificial reefs and dune systems over buried hard structures. By working with natural coastal processes, these strategies help protect communities from hazards while supporting habitats, recreation, scenic resources, water quality, and carbon sequestration.

#### 11. Dune Habitats

~~Coastal dune restoration to mitigate for the destruction of dune habitats located south and west of the Eureka airport shall be accomplished on the 80-acre dune restoration study area (see Appendix J). Mitigation for impacts to dune hollows shall be accomplished at the 80-acre dune restoration study area, or if infeasible, at the identified wetland restoration areas on the North Spit, or on North Spit BLM property. If dune hollow restoration is infeasible at these sites, the County and the State Coastal Commission may, in consultation with the Department of Fish and Game, approve alternative sites.~~

#### 42.14. Menzies Wallflower

Adverse impacts to Menzies Wallflowers shall be mitigated. If feasible, mitigation for adverse impacts to the Menzies Wallflower shall be accomplished within the dune restoration study area located south of the ~~Coastal-Dependent Industrial~~MC designation or within the proposed BLM native plant protection area. If mitigation within these areas is not feasible, an alternative mitigation program may be approved by the County and the State Coastal Commission in consultation with ~~the Department of Fish and Game~~CDFW and the U.S Fish and Wildlife Service (USFWS).

### 3.40 3.18 VISUAL RESOURCE PROTECTIONSSCENIC AND VISUAL RESOURCES

#### Related Coastal Act Policies

\*\*\* 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

\*\*\* 30253. *New development shall:*

*(e) Where appropriate, protect special communities and neighborhoods ~~which~~that, because of their unique characteristics, are popular visitor*



*destination points for recreational uses.*

#### **A. ~~PLANNED USES~~BACKGROUND**

Within the Humboldt Bay Planning Area there are a number of outstanding views that are an asset to the region. At the south end of the planning area the drive along Table Bluff and Hookton Roads, ending at the scenic outlook at Table Bluff, offers a spectacular overview of Humboldt Bay. From this vantage point one can witness the natural resources areas, agriculture lands, urban areas and industry of the Bay – all of which are central to the wellbeing of area residents. Roads along the North and South Spits offer the most easily accessible ocean view to Eureka-area residents. Highway 101 provides many vantage points from which daily commuters as well as tourists can see flocks of shorebirds, waterfowl and other wildlife, including the magnificent egrets that to many people are a symbol of Humboldt County. Samoa Blvd., directly west of Arcata, also offers views of the Bay and surrounding agriculture lands that are unparalleled near most urban coastal areas. The maps delineate Coastal Scenic and Coastal View areas.

#### **B. ~~DEVELOPMENT~~POLICIES**

##### **1. Physical Scale and Visual Compatibility**

No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall be determinative in establishing the compatibility of the proposed development:

- a. For proposed development that is not the principle permitted use, or that is outside an urban limit and for other than detached residential, agricultural uses, or forestry activities regulated by ~~GDFCAL Fire~~IRE, that the proposed development compatible with the principle permitted use, and, in addition is either:
  - (1) No greater in height or bulk than is permitted for the principle use, and is otherwise compatible with the styles and visible material so existing development or land forms in the immediate neighborhood, where such development is visible from the nearest public road.
  - (2) Where the project cannot feasibly conform to ~~P~~paragraph 1, and no other more feasible location exists, that the exterior design, and landscaping be subject to a public hearing, and shall be approved only when:
    - (a) There is no less environmentally damaging feasible alternative location.
    - (b) The proposed exterior design, and landscaping are sufficient to assure compatibility with the physical scale established by surrounding development.

## 2. Protection of Natural Landforms and Features

Natural contours, including slope, visible contours of hilltops and treelines, bluffs and rock outcroppings, shall suffer the minimum feasible disturbance compatible with development of any permitted use, and the following standards shall at a minimum secure this objective:

- a. Under any permitted alteration of natural landforms during construction, mineral extraction or other approved development, the topography shall be restored to as close to natural contours as possible, and the area planted with attractive vegetation common to the region.
- b. In permitted development, land form alteration for access roads and public utilities shall be minimized by running hillside roads and utility corridors along natural contours where feasible, and the optional waiving on minimum street width requirements, where proposed development densities or use of one-way circulation patterns make this consistent with public safety, in order that necessary hillside roads may be as narrow as possible.

## 3. Coastal Scenic Area

In the Coastal Scenic Area designated in the Area Plan Map (Indianola area), it is the intent of these regulations that all developments visible from Highway 101 be subordinate to the character of the designated area, and the following uniform standards shall apply to all development within said area, in addition to other applicable policies of this plan:

- a. New industrial and public facility development shall be limited to:
  - (1) Temporary storage of materials and equipment for the purpose of road and utility repair or improvement provided that this is necessary to the repair or improvement, and no feasible site for storage of equipment of material is available outside such area.
  - (2) Underground utilities, telephone lines, and above-ground lines consistent with Sections 3.14 and 3.26 (Industrial/Electrical Transmission Lines).
- b. All permitted development shall be subject to the following standards for siting and design except for structures integral to agricultural use and timberland management subject to CDF requirements for special treatment areas.
  - (1) Siding and roofing materials shall not be of reflective materials, excepting glass and corrugated roofing. Solar collectors for on-site use shall be permitted and exempt from this standard.
  - (2) The highest point of a structure shall not exceed 30' vertically measured from the highest point of the foundation, nor 40' from the lowest point of the foundation.

- (3) Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the property.
- (4) Vegetation clearing for new development shall be minimized. New development on ridgelines shall be sited adjacent to existing major vegetation, prohibiting removal of tree masses which might destroy the ridgeline silhouette, and limiting the height of structures so that they maintain present ridgeline silhouettes.
- (5) Timber harvests and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas.

#### 4. Coastal View Areas

In Coastal View Areas as designated in the Area Plan, it is the intent of these regulations that no development shall block coastal views to the detriment of the public; and the following uniform standards and conditions shall apply to all development other than agricultural development and timberland management subject to CDF regulations for special treatment areas in said areas, and to specified developments in Coastal Scenic Areas, in addition to standards identified in the Area Plans:

- a. No off-premise signs shall be permitted; and on-premise signs to a total area of 40 square feet shall be permitted.
- b. Where the principle permitted use is residential a development may be approved subject to the standards of this document only on the following conditions:
  - (1) The development is not visible from the road or would not block any part of the view; or
  - (2) Where the development cannot be sited to prevent blocking any part of the view, that its height does not exceed 20 feet nor its width, perpendicular to the line of view, exceed 40 feet, and that it is set back from the road at least 60 feet and from property lines vertical to the road at least 30 feet; and
- c. Where the principle permitted use is commercial or industrial, the proposal shall include a detailed plan for exterior design of all structures and signs, and this plan shall be the subject of public hearings at which the following findings shall be made:
  - (1) That the development does not block any part of the view to the coast or coastal waterways as viewed from public roads in a vehicle.
  - (2) That the exterior design, lighting and landscaping combine to render the overall appearance compatible with the natural setting as seen from the road.
  - (3) That no development, other than landscaping, signs,

utilities, wells, fences, and a driveway for access to the public road where required, be located within 50 feet of the public road.

- (4) That all feasible steps have been taken to minimize the visibility of parking areas from the public road.
  - (5) Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the parcel.
  - d. Uses other than those defined in a through **c of this section** including those proposed by public agencies, shall be subject to the requirements of **Section c** in so far as these are relevant.
  - e. Where feasible, new and existing utilities should be underground.
5. Highway 101 Corridor

~~It is a policy of the County to, by ordinance, designate a Scenic Highway system to increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County without detracting from allowed uses. Sections of Highway 101 within this Area Plan is proposed for inclusion within the designation.~~

~~The Humboldt County Board of Supervisors shall initiate the preparation of a Scenic Route Study pursuant to the adopted Scenic Highways Element of the Humboldt County General Plan for the portion of Highway 101 between Eureka and Arcata and that portion south of Fields Landing, inclusively.~~

~~The Scenic Route Study shall be prepared by the County Planning Department in cooperation with the California Department of Transportation. The content of the Study is outlined in **Appendix E**. A special emphasis of the study shall include opportunities for Cal Trans, the County, and the Humboldt Bay Harbor and Conservation District to eliminate billboarding between Eureka and Arcata, through acquisition and other means, and to identify suitable areas for clustered signing.~~

~~New off-site signs may be permitted in suitable areas identified in a County and State Coastal Commission approved Scenic Route Study.~~

6. New Off-Site Signs Billboards

~~The County, in accordance with Section 313-873.3.8 of Humboldt County Code, limits the construction of new billboards to the replacement of existing billboards that have been destroyed by a disaster, as defined in Section 30610(g)(2)(A) of the Coastal Act, and regulates customary maintenance and placement alterations of existing billboards within the Coastal Zone. No new off-site signs shall be permitted in rural areas except for directional signs that indicate directions to major recreational facilities, hospitals, and other emergency facilities.~~

7. Public Lands Resource Buffer

The intent of this policy is to guide public agencies through a step-by-step procedure in both the acquisition of land and in the generation of

management or development plans for existing public lands. Where necessary, buffer areas around public lands to mitigate adjacent land uses, including buffers necessary for habitat and resources protection, shall be identified and implemented according to the following policy:

- a. Where feasible, buffer areas shall be internalized within the boundary of the public lands. This applies to both future proposed acquisitions and to existing public lands where the public agency involved sees the need for buffers from adjacent uses or activities.
- b. Where adequate buffers cannot be feasibly internalized during the acquisition process or, where applicable in the development of management plans for the public lands:
  - (1) activities requiring buffering are to be identified;
  - (2) the location, width, and nature of the buffer are to be determined; and
  - (3) any proposed restrictions affecting adjacent privately owned properties shall be discussed with the affected property owner and Humboldt County.
  - (4) Pursuant to this meeting a mutual agreement shall be made between the public agency and the affected property owner regarding the implementation of the identified buffer. Techniques to be considered for implementation of a buffer include, but are not limited to:
    - (a) alternatives to full acquisition.
    - (b) purchase of easements.
    - (c) purchase of development rights.
    - (d) purchase of major vegetation.
    - (e) full acquisition of buffer areas.
  - (5) Eminent domain proceedings shall be initiated by the public agency seeking a resource buffer only after the opportunity for mutual agreement, outlined above, has been exhausted.

## 8. Natural Features

Significant natural features within the Humboldt Bay Planning Area, and specific protection for retention of these resources are as follows:

| Area                                | Scenic Protection                                                                    |
|-------------------------------------|--------------------------------------------------------------------------------------|
| Arcata Bottoms                      | Designated Agriculture Exclusive                                                     |
| Bottomlands between Eureka & Arcata | Designated Public Recreation and Agriculture Exclusive, as well as Coastal View Area |
| South Spit                          | Designated Natural Resources and Coastal View Area                                   |

|                                   |                                                                                      |
|-----------------------------------|--------------------------------------------------------------------------------------|
| Table Bluff                       | Designated Public Recreation and Agriculture Exclusive, as well as Coastal View Area |
| Dune Forests along the North Spit | Designated <del>N</del> natural Resources to Mad River                               |
| Bottomlands along South Bay       | Designated Agriculture Exclusive                                                     |
| Ryan and Freshwater Slough        | Designated Agricultural Exclusive Drainages                                          |



**3.50—3.19 PUBLIC ACCESS AND RECREATION****Related Coastal Act Policies:**

\*\*\* 30210. In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

\*\*\* 30211. Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

\*\*\* 30212. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

\*\*\* 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

**A. PLANNED USES Background**

Formal coastal access exists at a number of locations within the planning area, such as Mad River Beach County Park, Table Bluff, Samoa Boat Ramp, Fields Landing Boat Ramp, and several other locations. Public access provides for recreational opportunities around the Bay area that add to the local economy, and enhance the quality of life for local residents.

The County of Humboldt strives to provide maximum public access to the coast and shall protect existing access and provide new public access where appropriate. The planning area contains approximately 31 miles of Humboldt Bay shoreline, and approximately 19 miles of Pacific Ocean shoreline including the area 14 miles north of the Humboldt Bay entrance and 5 miles south of the bay entrance within the planning area. Existing public access to the Humboldt Bay shoreline and the Pacific Ocean is shown in Figure (see ). Public access facilities have increased since the last comprehensive update of the Humboldt Bay Area LCP.

This area contains many public access opportunities including: ocean beach, dunes, trails, and boat launching facilities. The planning area is used for walking, boating, wildlife viewing, off-highway vehicle (OHV) use, hunting, fishing, surfing, swimming, and site seeing.

The following access inventory catalogues the existing and proposed public access in the Planning Area. proposes increased public pedestrian access near

~~Manila, an accessway for handicapped persons behind Redwoods United Workshop, ORV access to the beach across from the Fairhaven and Samoa industrial areas, increased access at the end of the North Spit, a trail from the Samoa Boat Ramp to Fairhaven, access to the Bracut Marsh Restoration Project, access to King Salmon Beach, access to the proposed Wildlife Refuge, access to the end of the South Spit, and several other proposals.~~

## **B. DEVELOPMENT POLICIES**

~~\*\*\* 30210. In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.~~

~~\*\*\* 30211. Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.~~

~~\*\*\* 30212. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.~~

~~\*\*\* 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.~~

### **1. Accessway Improvements and Funding**

- a. Public agencies or other entities having or accepting responsibility for accessways shall provide support facilities compatible with the character of the land and adequate for the number of people using them prior to opening the access to public use.
  - (1) Minimal improvements should be scheduled for unimproved access points in character with the rural nature of the communities they serve, and accessways accepted by the responsible entity or agency should include but shall not be limited to, the following as they are found consistent with the identified uses, modes of access and limitations as identified in **Section 3.50C**.
    - (a) Parking
    - (b) Roads
    - (c) Trails, stairs, and ramps

- (d) Sanitary facilities (including trash collection)
- (e) Facilities for the handicapped
- (f) Fencing and barriers to inappropriate uses
- (g) Signing of access points, trails and hazard areas
- (h) Maintenance and operation of the accessway and support facilities
- (2) In reviewing improvements to accessways, the approving authority shall consider:
  - (a) The common use(s) of the shoreline;
  - (b) The proposed mode of access (pedestrian; equestrian, or vehicular) and adverse impacts on adjacent owners' use of their property, and the size of the development;
  - (c) The likelihood of trespass and vandalism on adjacent private property;
  - (d) The need to provide for public health and safety including the need for:
    - (i) Parking
    - (ii) Road capacity and traffic patterns
    - (iii) Conflicts in uses (i.e. pedestrian, equestrian, vehicular)
    - (iv) ~~Use by the handicapped~~ADA accessibility
    - (v) Capacity of sanitary facilities, including trash disposal
    - (vi) Topography of trails
    - (vii) Beach hazards (tides, currents, undertows)
  - (e) Conflicts with agriculture and timber including:
    - (i) Vandalism
    - (ii) Theft of livestock, agricultural supplies and tools
    - (iii) Damage to crops and livestock
    - (iv) Trespass on areas not part of accessway
    - (v) Damage to fencing and gates
    - (vi) Dogs killing, maiming, or harassing livestock
    - (vii) Fires
    - (viii) Litter
  - (ix) Interference with agricultural or timber operations

Improvement of accessways shall be permitted where the level of development is adequate to support common uses of the shoreline and the mode(s) of access proposed in the plan, and where the improvements are sited and designed to prevent

significant hazards to public health and safety or to agriculture and minimize the likelihood of trespass and vandalism on adjacent private property.

- (3) When the approving authority finds adverse impacts associated with improving access in conjunction with the criteria within this section appropriate mitigation measures shall be provided.
- (4) Funding for acquisition, improvement, maintenance and operations, and coverage for associated liability on new accessways required as part of the Coastal Plan mandated by the State shall be from sources other than Humboldt County.

2. Prescriptive Rights

- a. An initial survey of accessways is included in this Area Plan. This plan does not determine whether implied dedication or prescriptive rights exist. The Plan is made without prejudice to the existence or absence of such rights.
- b. Where potential public prescriptive rights of access to be the shoreline are affected by new developments, the applicant shall either:
  - (1) Site and design the project to maintain the accessway, or
  - (2) Provide an equivalent accessway to the same designation including dedication of an access easement as described in Section 3.50B3 or
  - (3) Demonstrate that either the State of California has quitclaimed any interest it may have in the accessway or a court of competent jurisdiction has determined that prescriptive rights do not exist along the accessway.

3. Dedication

New development on parcels containing the accessways identified in Section 3.50 (access/inventory) shall include an irrevocable offer to dedicate an easement, as described in Section 3.50B4 for public use as provided in 3.50C. Such offers shall run for a period of twenty-one (21) years and shall be to grant and convey to the people of the State of California an easement for access over and across the offerer's property.

4. Designation Guidelines

~~(lateral access guidelines were inadvertently omitted from the plan)~~

a. Lateral Access

- (1) Where there is an existing accessway adjoining the proposed accessway, the location and size of the new accessway shall be the same as the adjoining accessways; or
- (2) Where there is a fixed landward point from which to measure (e.g. bluffline) the accessway shall be no less than 25 feet in

width seaward from the fixed landmark; or

- (3) To the first line of terrestrial vegetation, excepting dune areas; or
- (4) A minimum of twenty-five (25) feet from the mean high tide line
- (5) Where there is no vertical gradient differential between the development and the accessway, a privacy buffer shall be established with a minimum of 10 feet with only limited uses allowed from 10 to 20 feet and only passive recreational uses between 20 and 50 feet.

#### 5. Coastal Trail

~~The Coastal Trail would follow the trail outlined in the Humboldt County Trails Plan, from the former railroad bridge over the Mad River, along Mad River Road to Seidel Road, and then to the City of Arcata, where there is an existing hostel. The trail would exit Arcata and follow Old Arcata Road, which is planned for improvements that would include a shoulder for bike traffic. South of Eureka, there is no available hiking trail due to heavy highway traffic and conflicts with agricultural uses, and it is recommended that trail users take a bus to Fernbridge in order to continue their journey.~~

#### 6.5. Unavoidable Loss of Public Access

New industrial development which impedes or interferes with public access to or along the bayshore between Park Street in Fairhaven and the County's Samoa boat ramp, as described in **Section 3.50C 24 and 26**, shall provide off-site improvements to open other equivalent bayshore areas where no public access exists, ~~such as the Elk River Spit~~, or enhance comparable, existing bay access. Such improvements shall include, as necessary, dedication of access easements, fee title along the new accessway, access improvements, including parking areas and trails, and provisions for maintenance and operation of the new accessway.

If an applicant cannot provide these improvements or these improvements amount to only a portion of an overall preferred off-site access proposal, an in-lieu fee payment shall be made to an appropriate public agency for the purpose of providing the above comparable bay access or enhancement of existing comparable bay access. (Enhancement of existing, comparable bay access could include in-lieu fees for shoreline protection at the County Boat Ramp and adjacent beach, development of a public fishing pier at the Boat Ramp, or provision of access facilities at Buhne Point.)

### C. TRAILS

There is an extensive network of trails within Humboldt County, especially in the Humboldt Bay Planning Area. Two major trails that go through the Planning Area and connect cities and communities together are the Humboldt Bay Trail and the Hammond Trail.

The Humboldt Bay Trail is a network of paved, multi-use paths connecting the communities around Humboldt Bay and providing excellent opportunities for recreation and active transportation. Trail segments are separated from roadways and designed for people to walk,

run, bike, and roll. The City of Eureka provides nearly seven (7) miles of trail along its Eureka Waterfront Trail which extends from Myrtle town to Elk River. The City of Arcata provides four (4) miles of trail along the northern portion of the Eureka-Arcata corridor, through the Arcata Marsh & Wildlife Sanctuary, and through the city to Larson Park at Foster Avenue. The County of Humboldt's project to connect the existing trails in Eureka and Arcata with a 4.3-mile trail segment along the Eureka-Arcata corridor was completed in 2025. There are plans to develop the Humboldt Bay Trail further, including the southern portion of this Area Plan.

The Hammond Trail is a 5.5 mile multi-use segment of the California Coastal Trail in Humboldt County. While most of the Hammond Trail is within the McKinleyville Area Plan and McKinleyville Community Plan, the southern point of the trail is the Mad River Hammond Bridge, which is within the Humboldt Bay Planning Area. The Hammond Trail provides opportunities for people to walk, run, bike, and roll while enjoying scenic views.

### **C.D. ACCESS INVENTORY**

**The following access inventory catalogues the existing public access in the Planning Area.**

**June 2026 Public Draft Note: The numbers are currently being updated to correspond with a new public access inventory map.**

1. **MAD RIVER BEACH COUNTY PARK** – ~~The Park lies at the north end of the Humboldt Bay Planning Area and offers access to a large expanse of sandy beach coastline. It previously offered access for licensed 4-wheel drive vehicles for ingress and egress only, as well as pedestrian and equestrian access. Vehicular access is currently limited to ingress and egress to the waveslope for licensed commercial beach fishermen, emergency search and rescue, seniors, handicapped, and others by special permit. (Amended by Res. No. 94-47, 6/7/94) This park is located at the north end of the Humboldt Bay Planning Area and offers access to a large expanse of sandy beach coastline. This park provides access to the beach and ocean as well as access to boat launching facilities on the Mad River. The eastern portion of the park has a concrete boat ramp on the Mad River (Mad River Fishing Access). The site includes gravel/sand parking for over fifteen (15) cars, pet waste station, garbage cans, with dune and ocean beach access. In addition, the Hammond trail directly accesses Mad River Beach and is used by equestrians, bicyclists, pedestrians, and passive recreational users. Fishing, equestrian use, surfing, and nature enjoyment are the most popular activities at Mad River County Park.~~

~~**RECOMMENDATION:** Development of an equestrian staging area at the park should be considered. Signing and other improvements should be utilized to insure separation of uses. Any action that would substantially increase lateral access should be conditioned to provide reasonable protection of agricultural lands and dune area from trespass. (Amended by Res. No. 94-47, 6/7/94)~~

- 1A. MAD RIVER FISHING ACCESS** – This site provides fishing and boat access at the mouth of the Mad River.

~~**RECOMMENDATION:** Any action which substantially increases lateral access should be conditioned to provide reasonable protection of agricultural land and dune areas from trespass. (Amended by Res. No.~~



94-47, 6/7/94)

~~1). COOPERATIVE MANAGMENT AREA — The Cooperative Management Area (CMA) encompasses 400 acres adjacent to the Mad River Slough Mouth. The property is jointly managed by The Nature Conservancy (TNC), Bureau of Land Management (BLM) and Louisiana Pacific (LP) to allow pedestrian access to the beach and dune area and to protect the vegetated dunes by fencing. ORV recreational riding is not allowed in the CMA. Access to the CMA is along Young Lane and the old railroad grade. (Amended by Res. No. 94-47, 6/7/94)~~

**1.** Hammond Coastal Trail – Mad River. This site provides parking for five (5) cars, a picnic table, a bench, bike rack, and access to the Hammond Trail, Mad River Hammond Bridge, and Mad River.

2. Humboldt National Wildlife Refuge - Lanphere Dunes Unit – The Lanphere and Ma-le'l Dunes make up the largest sand dune ecosystem representing coastal dunes in the area. Due to the fragile nature of dune habitats, the Lanphere Dunes Unit is accessible by permit or guided tour only.

3. Humboldt National Wildlife Refuge - Ma-le'l Dunes North Unit – The Ma-le'l Dunes unit offers a range of recreational opportunities that allow visitors to experience a diverse and dynamic coastal landscape of forests, salt marshes, sand dunes, and beaches. Trail access is limited to pedestrians only. The gravel parking area has space for over fifteen (15) cars, two (2) picnic tables, a pit toilet, garbage, a bike rack, and benches along the trail. Access is from Young Lane.

5. Ma-le'l South. The southern portion of Ma-le'l Dunes is managed by the Bureau of Land Management and allows for dog walking and equestrian use on designated trails. The site includes ample gravel/sand parking, and dedicated parking for eight (8) horse trailers, a pit toilet, garbage cans, a water fountain, three (3) picnic tables, with dune and ocean beach access. The site also includes a tsunami evacuation point with signage and pet waste stations.

~~1B. REDWOOD GUN CLUB — The gun club owns this property, and has access along the old railroad right-of-way leading to the club. No public access is proposed due to use and resource conflicts. Road improvements now provide public access to pedestrians adjacent to this area through the CMA. (Amended by Res. No. 94-47, 6/7/94)~~

~~HUMBOLDT BUGGY CLUB — This property (APN 506-061-24) is currently leased by the local ORV organizations as a club campground and staging area. The property provides ORV enthusiasts with exclusive access to the beach and dunes area immediately south of the BLM Manila dunes property. (Amended by Res. No. 94-47, 6/7/94)~~

~~RECOMMENDATION: Allow ORV use to continue at this site as an existing non-conforming use. (Amended by Res. No. 94-47, 6/7/94)~~

~~2. PRIVATE ROAD — No access is recommended because adequate access exists nearby.~~

**3A.** MANILA DUNES RECREATION AREA – Humboldt Coastal Nature Center. End of Stamps Lane. An interpretive center is open to the public during posted hours. There is a graveled parking lot with ample parking

including four (4) ADA parking spaces, bathroom facilities, a drinking fountain, garbage cans, pet waste station, and self-guided tour brochures. Trails to Samoa Beach through the dunes are open during daylight hours. ~~PARK STREET~~ In the past, this access trail provided vehicle and pedestrian access to the beach and dunes area north of Manila. Currently the trail is gated and locked by the resident landowner; however, it is still used for pedestrian and equestrian access. Parking opportunities are limited. An offer to dedicate a vertical access easement has been recorded for this location. (Amended by Res. No. 94-47, 6/7/94)

~~RECOMMENDATION:~~ This accessway should be developed by an agency willing to accept responsibility for liability, maintenance and operation, and to provide the following improvements: (Amended by Res. No. 94-47, 6/7/94)

~~a. Improve the accessway to better facilitate pedestrian and equestrian use and continue to bar vehicle use. (Amended by Res. No. 94-47, 6/7/94)~~

~~b.a. LUPINE ROAD~~ – This ~~potential~~ accessway ~~would start~~s at the end of Lupine road, then ~~goes~~ around the northern and eastern boundaries of the existing Community Services District leach field, and thereby to the ocean. The property ~~includes on which this accessway is located is in private ownership; a trail to the beach, fencing and vehicle barriers to prevent ORV/OHV use of the accessway and protect adjacent private property; pet waste station, garbage can, and is a Tsunami Evacuation Point.~~

~~RECOMMENDATION:~~ This potential accessway should be developed by an agency willing to accept liability, maintenance and operation and to provide the following improvements:

~~c. a trail, for pedestrian and equestrian use only, to the beach from the road~~

~~d.a. fencing and vehicle barriers to prevent ORV use of the accessway and protect adjacent private property.~~

~~3. MANILA BEACH ACCESS~~ – No access is recommended because adequate access exists nearby.

~~4.2. SHELL DRIVE~~ – No access is recommended because adequate access exists nearby.

~~3. MANILA BEACH AND DUNES AND COMMUNITY CENTER~~ – A trail currently extends from behind the workshop, through the dunes, and thereby to the beach. Extensive public access improvements have been undertaken at this site by the Manila Community Services District through the implementation of a Coastal Conservancy funded access project. Handicapped access will be provided where feasible. (Amended by Res. No. 94-47, 6/7/94) Trails provide access to the dunes and beach. There is ample parking, including ADA parking, two bathrooms, water fountains, and self-guided tour brochures. There is a Tsunami Evacuation Route with the Tsunami Evacuation Point in the dunes.

~~5.4. SAMOA DUNES AND WETLANDS CONSERVATION AREA. Across New Navy Base Road from Cookhouse Road. There four (4) parking spaces and access to trails behind a gate.~~

~~6. ORANGE DRIVE — This accessway has been deleted due to potential conflicts with sensitive dune habitat areas, and the presence of adequate access nearby.~~

~~7. PENINSULA DRIVE — A trail extends northwest from Peninsula Drive into the dunes area over private property. Although this access had originally been deleted from the Humboldt Bay Area Plan, there has been renewed interest in seeing it redesignated a beach access. (Amended by Res. No. 94-47, 6/7/94)~~

~~RECOMMENDATION: Develop a pedestrian/equestrian trail with additional signing and interpretive improvements. (Amended by Res. No. 94-47, 6/7/94)~~

~~8. SAMOA DRIVE/PENINSULA DRIVE JUNCTION<sup>1</sup> — These accessways have been deleted due to potential conflicts with sensitive dune habitat areas, and the presence of adequate access nearby.~~

~~9. NEW NAVY BASE ROAD~~

~~These accessways have been deleted due to potential conflicts with sensitive dune habitat areas, and the presence of adequate access nearby.~~

~~10. END OF SAMOA ROAD~~

~~11. PRIVATE ROAD~~

~~12. SAMOA BEACH/POWER POLE — There is ample parking and beach access by trail. This property, in close proximity to the Samoa community, is owned by Louisiana Pacific. The site has been heavily used by recreational ORV riders as a staging area, although the site is not officially open for ORV use. (Amended by Res. No. 94-47, 6/7/94)~~

~~RECOMMENDATION:~~

~~a. Gate accessways to restrict vehicle use (Humboldt Bay Water District has an easement for pipeline maintenance) and improve as a pedestrian accessway to the waveslope. (Amended by Res. No. 94-47, 6/7/94)~~

~~b. Develop an equestrian staging area and pedestrian access at LP forest, or in cooperation with Manila Dunes Access Area. (Amended by Res. No. 94-47, 6/7/94)~~

~~12. SAMOA BEACH — This accessway has been deleted because adequate access exists nearby.~~

~~13.5. LP DRIVE/VANCE AVE EXT/U.S.S. MILWAUKEE MARKER — This accessway provides access to the waveslope. Parking for over five (5) cars is available and logs/rocks placed along the access corridor restrict OHV/ORVs to the traveled path. (Amended by Res. No. 94-47, 6/7/94)~~

~~RECOMMENDATION: Gate the accessway to restrict vehicle use and improve as a pedestrian accessway to the waveslope. (Amended by Res. No. 94-47, 6/7/94)~~

~~14.6. SAMOA BEACH — This accessway provides access to the waveslope. Parking for over fifteen (15) cars is available, and logs/rocks placed along the access corridor to restrict OHV/ORVs to the traveled path. (Amended by Res. No. 94-47, 6/7/94)~~

~~RECOMMENDATION: Gate the accessway to restrict vehicle use and improve as a pedestrian accessway to the waveslope. (Amended by Res. No. 94-47, 6/7/94)~~

~~15. SAMOA BEACH — Previously misreferenced as leased ORV access (See #17). Site 18 is a trail opposite Humboldt Bay Municipal Water District water tank.~~

~~16. NORTH COAST EXPORT COMPANY (401-121-06) — The applicant recorded an offer of dedication for a vertical access easement 25 feet in width from New Navy Base Road to the mean high tide line, and a lateral access easement extending from the tidelands to the first line of terrestrial vegetation.~~

~~RECOMMENDATION: This potential accessway should be developed by an agency willing to accept responsibility for liability, maintenance and operation, and to provide the following improvements:~~

~~a. a pedestrian path to the beach from the road, with a gate to restrict vehicle use. (Amended by Res. No. 94-47, 6/7/94)~~

~~17. REALIGNMENT OF NEW NAVY BASE ROAD — Realignment of new Navy Base Road, consistent with Sections 3.14 and 3.22, shall~~

~~provide vertical public access to the oceanfront~~

~~<sup>4</sup>Officially, Samoa Road no longer exists and has been replaced by State Highway 255 North of the Samoa Bridge Junction and New Navy Base Road South of the Samoa Bridge Junction.~~

~~beaches. Such access shall include necessary parking facilities, trail delineation, and off road vehicle barriers and other measures, as necessary, to discourage off road vehicle use of adjacent vegetated dunes. To the extent feasible and consistent with dune restoration study area management objectives, two to three vertical accessways shall be provided along the realigned roadway.~~

~~18.7. EUREKA AIRSTRIP/DAGSTRIP – This airport is currently used as shares the site with a dragstrip, and for various other public and commercial recreation uses. This property has been will be designated for Coastal Dependent Industrial Public Recreation, Commercial Recreation, Public Facilities, and Natural Resources use in the land use plan. It is in public ownership owned by the City of Eureka.~~

~~21A. CITY WALLFLOWER MITIGATION BANK – This pedestrian trail provides access through the 80-acre Mitigation Bank referred to in plan Section 3.30B(13) to the beach and dunes area from New Navy Base Road. (Amended by Res. No. 94 47, 6/7/94)~~

~~RECOMMENDATION: Improve the pedestrian trail with additional signing and interpretive improvements. (Amended by Res. No. 94 47, 6/7/94)~~

~~19.8. SAMOA BEACH – (See #23)~~

~~20.9. BLM RECREATION AREASAMOA DUNES RECREATION AREA –~~

~~These accessways are located on a large parcel in federal ownership at the end of the north spit. In 1987 the Bureau of Land Management Recreation Area was officially opened for OHV ORV riding. Public use of the property also consists of access for fishing and general recreational use along the north jetty North Jetty, which is restricted during the winter months. (Amended by Res. No. 94 47, 6/7/94) There are picnic sites developed with picnic tables and barbeques, bathroom facilities, and ample parking available.~~

~~RECOMMENDATION: Improvement of this access and recreation area shall include the following:~~

- ~~a. Regular maintenance of the road leading to the north jetty.~~
- ~~b. Signs warning of high tide and rough water hazards shall be posted and noted in the access atlas.~~
- ~~c. Picnic sites should be developed.~~
- ~~d. Chemical toilets should be provided.~~
- ~~e. Provide freshwater washdown for surfers and improve 4 wheel drive surfing access to waves at jetty. (Amended by Res. No. 94 47, 6/7/94)~~
- ~~f. Manage the area more exclusively for ORV recreationists while maintaining access for surfing. Develop camping facilities at the~~

~~ORV staging area and/or at the cypress grove. (Amended by Res. No. 94-47, 6/7/94)~~

- ~~24.10. SAMOA BOAT LAUNCH – This area is maintained by the County, and provides boating and fishing access to the Bay. Camping and fishing are also enjoyed at this location. A significant problem exists at this site in the form of erosion along the shoreline. (Amended by Res. No. 94-47, 6/7/94) A campground with over twenty (20) tent sites, ten (10) RV sites, and coin operated showers are available at this location.~~

~~RECOMMENDATION: This public accessway could be tied into a trail extending to Park Street in Fairhaven. Two of the three intervening parcels are already in public ownership, and an offer of dedication for a lateral access easement can be obtained as part of development by an agency willing to accept responsibility for liability, maintenance, and operation and to provide the following improvements:~~

- ~~a. a trail for pedestrian use only; and some means of protection to prevent erosion of the trail. It is expected that provision of such a trail would be a result of an overall shoreline protection program along this area.~~
- ~~b. additional fencing and signing to reduce cross traffic impacts associated with ORV campers crossing over the BLM day use area. (Amended by Res. No. 94-47, 6/7/94)~~

~~Where provision of such access is unfeasible, or where new coastal dependent development or shoreline structures would unavoidably impede or interfere with public access along the bayshore, alternative access or mitigation for the loss of access shall be provided in conformance with plan Section 3.50B(6).~~

- ~~22. SAMOA ROAD/AIRPORT ROAD<sup>1</sup> – This accessway has been deleted because of conflicts with wetland values and adequate access exists nearby.~~

- ~~23.11. FAIRHAVEN/PARK STREET – This road once served as a public boat launch; now it serves as a cul-de-sac/dead-end road from which one can view and access the Bay.~~

~~RECOMMENDATION: (See recommendation of access number 24)~~

~~RECOMMENDATION: This site has been proposed as a terminus for a trail extending to the Samoa boat ramp (see#24). The only necessary improvements are the provision of several designated parking areas.~~

- ~~24.12. WALKER POINT ROAD – There exists opportunity for public access to and along the base of Walker Point including Fay Slough. A ten (10) foot easement for recreation and a nature trail dedicated to the County of Humboldt was recorded in Book 21 of Parcel Maps, Pages 22-24, and Book 24 of Parcel Maps, Pages 65-67.~~

~~RECOMMENDATION: Subdivision of the area at the end of Walker Point Road shall be subject to an offer to dedicate a public access easement from the terminus of Walker Point Road to the toe of Walker Point and around the western perimeter of the property adjacent to the lands now owned by the Wildlife Conservation Board. (Amended by Res. No. 88-85)~~



~~25. VANCE AVENUE AT SAMOA BRIDGE~~

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These potential accessways have been deleted due to conflicts with wetland habitat values, and the presence of adequate access nearby.

~~28. VICTOR BLVD.~~

- ~~29. DEAN AVENUE AND VICTOR BOULEVARD – This accessway is known locally as “lovers’ land” and provides access from Victor Boulevard near its intersection with Dean Avenue to bayshore areas south of the park. Strong evidence of public use of the site, including paths, frequently parked cars, and informal recreational facilities such as swings, exist on the site. Other road ends, such as Melvin Street north of the park, are fenced and overgrown, with little evidence of public use.~~

~~RECOMMENDATION: Consistent with section 3.50B2, existing rights of public access shall be protected, and an access easement along the trail and the bay shore shall be offered for dedication in any new development consistent with sections 3.50B 3 and 4. Appropriate public use should be limited to pedestrians.~~

- ~~30. NORTH BEACH STREET – This heavily vegetated area located north of Beach Street exhibits evidence of public use including a number of footpaths. Much of this area, marginal to the Bay, is marshy and has been designated as wetlands on the HBAP Resource Protection Maps.~~

~~RECOMMENDATION: Consistent with section 3.50B2, existing rights of public access shall be protected, and an access easement along the trail and the bay shore shall be offered for dedication in any new development consistent with sections 3.50B 3 and 4. Appropriate public use should be limited to pedestrians.~~

- ~~13. MANILA COMMUNITY PARK – The 0.5-half-mile (0.5) long trail is located in the Manila Community Park and provides Bay view access. The park itself has a basketball court, two tennis courts, a frisbeedisc golf course, picnic tables, a playground, a baseball field with seating, a restroom, garbage, a pet waste station, and ample parking.~~

- ~~34.14. MAD RIVER SLOUGH WILDLIFE AREA – Undeveloped gravel area to launch boats and fish between the Highway 255 bridge and the railroad bridge. Limited gravel parking area.~~

~~RECOMMENDATION: This accessway should be maintained, and the possibility of providing interpretive or educational signs should be investigated. Access improvements in Manila should identify the Community Park as the highest priority. In addition to the maintenance and improvement of existing facilities, opportunities to construct a boardwalk along the shoreline and out into the bay to provide access to natural channels for small boat launching and to clam beds should be investigated through such funding sources as the Coastal conservancy.~~

- ~~40. LANPHERE ROAD~~

- ~~41. FOSTER ROAD BLVD~~

- ~~42. JACKSON RANCH ROAD~~

- ~~43. OLD SAMOA BLVD~~

- ~~43A. OLD SAMOA~~

~~These potential accessways have been deleted due to~~

~~conflicts with agricultural uses of surrounding lands, and the provision of adequate access nearby.~~

46. ~~JACOBY CREEK MOUTH~~ — A path currently extends from the highway to the mouth of Jacoby Creek. This accessway is used primarily by birdwatchers and educational groups from HSU. This land is in public ownership, having been purchased as part of the Humboldt Bay National Wildlife Refuge.

~~RECOMMENDATION: This accessway should be maintained as an educational and scientific accessway.~~

47. ~~BRACUT~~ — The northern portion of this site is currently being proposed as a wetland restoration project by the California Coastal Conservancy. The property is in private ownership, and is currently in the process of being purchased by the state. No public access has been proposed as part of the project.

~~RECOMMENDATION: Public access for hunting and wildlife observation should be provided as part of this project.~~

~~A public agency should provide:~~

- ~~1. Railroad crossing improvements.~~
- ~~2. Parking suitable for at least five vehicles.~~
- ~~3. Bike racks.~~

48. ~~BRAINARD~~ — This accessway has been deleted because of conflicts with industrial land use, and adequate access exists nearby.

46. OLD ARCATA ROAD — This ten (10)-0 mile route extends from Arcata to Myrtle Avenue and the Eureka City limits.

47. POUND AVENUE ROAD — Eureka Waterfront (Hikshari) Trail. Paved parking lot with ample parking including two (2) ADA accessible parking spaces adjacent to Highway 101 at Herrick Avenue/Pound Road. Paved ADA accessible trail connects south to Tooby Road and north to Eureka Waterfront trail. Non-motorized boat launch into Elk River Slough, accessible during high tide. Pedestrian access to sandy beach on Humboldt Bay.

- 49.48. ELK RIVER SPIT - The Elk River Spit is accessible from Pound Road and Tooby Road from the paved path to the sandy beach.

~~RECOMMENDATION: The Humboldt County Trails Plan recommends shoulder improvements for this route in order to improve its utility as a horse/bike/hiking route.~~

51. ~~EDGEWOOD DRIVE~~

~~These potential accessways have been deleted due to conflicts with agricultural uses of surrounding lands, and the provision of adequate access nearby.~~

52. ~~GLENWOOD~~ These accessways have been deleted due to conflicts with existing agricultural land uses, and adequate access exists nearby. Boating access to these areas is available from City of Eureka.
53. ~~RYAN SLOUGH~~
54. ~~FRESH WATER R-SLOUGH~~
86. ~~POUND AVENUE~~
87. ~~TOOBY ROAD~~
- 87A. VIEWPOINT (VISTA POINT) – This parking area and lookout at the Highway 101 Humboldt Hill exit currently provides an opportunity for the public to view the expanse of Humboldt Bay. ~~This lookout is in public ownership. Ample parking is available.~~
- RECOMMENDATION: ~~This accessway should be maintained in its present condition.~~
- ~~88-86.~~ KING SALMON PICNIC AREA – Serves as a Tsunami Evacuation Point for King Salmon Community. ~~This area is provided and maintained by Pacific Gas and Electric Company, as an accompaniment to their electrical generating facility. The property is in private ownership.~~
- RECOMMENDATION: ~~This area should be maintained in its present condition.~~
89. ~~BUHNE DRIVE~~
90. ~~HERRING STREET~~
91. ~~BUHNE DRIVE<sup>1</sup>~~
92. ~~HABITAT AVENUE~~ These potential accessways (89-97) have been deleted because they offer little access opportunity, and adequate access exists nearby.
93. ~~PERCH STREET~~
94. ~~CRAB STREET~~
95. ~~COD STREET~~
96. ~~SOLE STREET~~
97. ~~KING SALMON DRIVE~~

~~98-87. KING SALMON BEACH~~ - This open sandy area serves as the equivalent of a coastal park. People use the area for walking, bird watching, and launching small boats ~~and lying in the sand~~. ~~The area is in private ownership and is highly subject to wave erosion.~~ Ample parking exists along Buhne Drive.

~~RECOMMENDATION:~~ This accessway should be developed by an agency willing to accept responsibility for liability, maintenance, and operation, and to make the following improvements:

- ~~1. Provide several picnic tables.~~
- ~~2. Investigate the possibility of toilet facilities.~~
- ~~3. Provide parking spaces for at least five vehicles.~~
- ~~4. Provide signs and enforcement indicating that this area is for day use only.~~

~~99. SHIPWRECK~~ This site has been designated for commercial/recreational use. It has been deleted as a potential accessway because of conflict with wetland habitat values, adequate access exists nearby, and commercial/recreational use of the site will provide public access.

<sup>1</sup> Access sites #91 through 98 are a result of renumbering by County Staff correcting a sequential error (July, 1989).

|                                  |                                                                                 |
|----------------------------------|---------------------------------------------------------------------------------|
| <del>100. OVERLOOK</del>         | <del>These accessways have been deleted because they offer limited access</del> |
| <del>101. FOOT OF C STREET</del> | <del>potential, and adequate access exists nearby.</del>                        |

~~102-88. FIELDS LANDING BOAT RAMP~~ – This publicly owned boat launch with two floating docks and a concrete ramp ~~currently~~ provides boating access to the South Bay. There is ample parking for various types of vehicles and trailers. The site also contains picnic tables, bathroom facilities, and garbage cans.

~~RECOMMENDATION:~~ This accessway should be maintained in its present condition.

~~103. KRAMER DOCK~~ This accessway has been deleted because of physical hazards, and adequate access exists nearby.

|                                |                                                                                                 |
|--------------------------------|-------------------------------------------------------------------------------------------------|
| <del>104. SOUTH BAY DOCK</del> | <del>These accessways have been deleted due to conflicts with agricultural land uses, and</del> |
| <del>105. SOUTH BAY DOCK</del> | <del>adequate access exists nearby.</del>                                                       |

- ~~89. HOOKTON-HUMBOLDT NATIONAL WILDLIFE REFUGE - Salmon Creek Unit – Humboldt Bay National Wildlife Refuge Complex Headquarters and visitor center. There is a loop trail that has benches and viewing areas throughout. The visitor center has bathroom facilities, information, and activities. It is a controlled waterfowl hunt permit area with permits required.~~
- ~~90. a. HUMBOLDT NATIONAL WILDLIFE REFUGE – Hookton Slough Unit – Gravel parking, three (3) mile trail, non-motorized floating boat launch, and pit toilets.~~
- ~~106. SLOUGH DIKE – This land is in private ownership and is currently used for agriculture. It is a proposed part of the Humboldt Bay Wildlife Refuge, and only as such, would be appropriate for the provision of public access.~~
- ~~107. RECOMMENDATION: During preparation of a management plan for the refuge, consultation with the North Coast Waterfowl Association, Audubon Society, Humboldt Bay Harbor District, and other interested parties should result in development of a management plan that would provide for public access to the refuge for hiking, hunting, clamming, fishing and other passive recreational pursuits. A hiking trail along the Hookton Slough dike, in accord with the provision of public parking and interpretive facilities, as well as hunting access throughout the refuge, should be provided.~~
- ~~108. COUNTY LAND FILL – The former dump has been closed for the past several years, and is currently being monitored for hazardous leachate. The County Department of Public Works recommends against any use of this site during the near future.~~
- ~~RECOMMENDATIONS: The CAC has recommended the possibility of this site being used as a “skeet and trap shooting range,” if the site should be deemed suitable for public use.~~
- ~~109. SOUTHPORT LANDING – This accessway has been deleted due to conflicts with agricultural land uses, and the existence of adequate access nearby.~~
- ~~140-91. TABLE BLUFF COUNTY PARK OVERLOOK – This-The overlook provides one of the best available great views of the Bay. It is in public ownership.~~
- ~~RECOMMENDATION: This accessway should be maintained in its present condition.~~
- ~~92. EEL RIVER WILDLIFE AREA – Hiking area with trails, parking lot, and picnic tables.~~
- ~~93. WALUPLH-LIGHTHOUSE RANCH - This viewpoint and hiking area has a pit toilet, picnic tables, a bench, garbage, and a parking area.~~
- ~~94. SOUTH JETTY. There are nine (9) hunting access corridors and ample parking pull out areas along South Jetty Road. At the South Jetty, there is vehicle access to the waveslope, a pit toilet, ample parking, four (4) picnic tables, three (3) barbeques, garbage cans, and interpretive signage.~~



~~109A. TABLE BLUFF PARK ACCESS — This public accessway provides pedestrian, ORV, and equestrian access to the beaches along the south spit and to the mouth of the Eel River. It is in public ownership. ORV access for ingress and egress is permitted according to County Ordinance #1388 and County Resolution #80-43.~~

~~RECOMMENDATION: This public accessway should be maintained in its present condition.~~

### **ACCESS INVENTORY ADDENDUM**

~~86A. ELK RIVER SPIT — Access to the Elk River Spit from lands located outside of the City of Eureka are hindered by problems such as access across agricultural lands, railroad right of way, and lack of developable parking facilities adjacent to Hwy 101. Current access to the spit is secured by trespassing across private lands south of Elk River or across the privately owned bulk oil receiving terminal pier.~~

~~RECOMMENDATION: The City of Eureka in cooperation with the Coastal Conservancy is encouraged to investigate and, if feasible, provide access from the City across Elk River via permanent or temporary bridge to the spit. Access to the spit should be limited to times when oil deliveries to the Elk River Spit terminal are not being made.~~

~~50. DEAD MOUSE MARSH — Located along Freshwater Slough in Myrtle town, this marsh is the site of the Woodley Island wetland mitigation. An area immediately adjacent to the existing mitigation site is also suitable for other wetland mitigation projects.~~

~~RECOMMENDATION: A lateral access should be provided along the boundaries of any wetland restoration areas.~~

~~21A.~~

~~111. NORTH SPIT AND SOUTH SPIT OF HUMBOLDT BAY — Public access of the ocean beach along both spits has a long history of use not only for recreation, but also for wood and burl collecting, and crab pot salvaging.~~

~~RECOMMENDATION: Historic rights to access shall be protected.~~

~~— HUMBOLDT BAY SHORELINE ACCESS (lateral) — The Coastal Commission, State Lands Commission, and the Harbor District should work together to implement Coastal Act Sections 30210, 30212 and 30214.~~

~~30A. VISTA POINT SAMOA ROAD AND PENINSULA DRIVE<sup>1</sup> — There is currently a vista point near the intersection of these two roads with a turn-out area for cars.~~

~~RECOMMENDATION: The existing vista point should be signed and maintained as is.~~

- ~~— ACCESS IN COMMERCIAL RECREATION DEVELOPMENT — If feasible, public access should be provided in ocean or bay fronting development within areas planned for Commercial Recreation development.~~
- ~~— FIELDS LANDING ACCESS — If feasible and consistent with public safety, access should be provided in shoreline development in Fields Landing.~~

~~<sup>4</sup>Officially, Samoa Road no longer exists and has been replaced by State Highway 255 North of the Samoa Bridge Junction and New Navy Base Road South of the Samoa Bridge Junction.~~

## ACCESS INVENTORY

**3.60 3.20 AREA PLAN MAPS**

The maps included herein are for illustrative purposes only. The official maps at full scale (1"=600' and 7.5' USGS quads) are available for review at the Humboldt County Planning Department at the Clark Complex, 3015 H Street, Eureka, California. Requests for additional copies of the official maps should be directed to the same address.

**A. HUMBOLDT BAY AREA PLAN LAND USE DESIGNATIONS**

| <b>URBAN</b>                                                                                                                                                                                                                                              |                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|  —  —  | URBAN LIMIT LINE                                    |
| <b>RH</b>                                                                                                                                                                                                                                                 | <b>RESIDENTIAL/LOW DENSITY</b>                      |
| RL                                                                                                                                                                                                                                                        | RESIDENTIAL/LOW DENSITY                             |
| RM                                                                                                                                                                                                                                                        | RESIDENTIAL/MEDIUM DENSITY                          |
| RV                                                                                                                                                                                                                                                        | URBAN RESERVE                                       |
| CG                                                                                                                                                                                                                                                        | COMMERCIAL GENERAL                                  |
| RE                                                                                                                                                                                                                                                        | RESIDENTIAL ESTATES                                 |
| MG                                                                                                                                                                                                                                                        | INDUSTRIAL/GENERAL                                  |
| MR                                                                                                                                                                                                                                                        | RESOURCE DEPENDENT                                  |
| MC                                                                                                                                                                                                                                                        | INDUSTRIAL/COASTAL DEPENDENT                        |
| AG                                                                                                                                                                                                                                                        | AGRICULTURAL GENERAL                                |
| MB                                                                                                                                                                                                                                                        | BUSINESS PARK                                       |
| NR                                                                                                                                                                                                                                                        | NATURAL RESOURCES                                   |
| CR                                                                                                                                                                                                                                                        | COMMERCIAL RECREATIONAL                             |
| PR                                                                                                                                                                                                                                                        | PUBLIC RECREATION                                   |
| <b>PF<sub>1</sub></b>                                                                                                                                                                                                                                     | <b>PUBLIC FACILITIES - URBAN</b>                    |
| STMP-LUP                                                                                                                                                                                                                                                  | SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION |
| <b>RURAL</b>                                                                                                                                                                                                                                              |                                                     |
| AE                                                                                                                                                                                                                                                        | AGRICULTURE EXCLUSIVE/PRIME LANDS                   |
| TC                                                                                                                                                                                                                                                        | TIMBER COMMERCIAL                                   |
| RR                                                                                                                                                                                                                                                        | RURAL RESIDENTIAL                                   |
| RX                                                                                                                                                                                                                                                        | RURAL EXURBAN                                       |
| <b>PF<sub>2</sub></b>                                                                                                                                                                                                                                     | <b>PUBLIC FACILITY - RURAL</b>                      |
| PR                                                                                                                                                                                                                                                        | PUBLIC RECREATION                                   |
| NR                                                                                                                                                                                                                                                        | NATURAL RESOURCES                                   |
| CR                                                                                                                                                                                                                                                        | COMMERCIAL RECREATION                               |
| MG                                                                                                                                                                                                                                                        | INDUSTRIAL/GENERAL                                  |
| MR                                                                                                                                                                                                                                                        | RESOURCE DEPENDENT                                  |
| MC                                                                                                                                                                                                                                                        | INDUSTRIAL/COASTAL DEPENDENT                        |
| AEG                                                                                                                                                                                                                                                       | AGRICULTURE EXCLUSIVE GRAZING LANDS                 |
| STMP-LUP                                                                                                                                                                                                                                                  | SAMOA TOWN MASTER PLAN LAND USE OVERLAY DESIGNATION |

**B.     PLAN RESOURCE PROTECTION**

|                                                                                     |                                         |
|-------------------------------------------------------------------------------------|-----------------------------------------|
| FW                                                                                  | FARMED WETLANDS                         |
| W                                                                                   | WETLANDS                                |
| CS                                                                                  | COASTAL SCENIC                          |
|    | DUNE HABITAT                            |
|    | COASTAL VIEW AREAS                      |
|    | WETLAND RESTORATION STUDY AREA          |
|    | DREDGED SPOILS RESERVE AREA             |
| DH                                                                                  | DUNE HOLLOWS (WETLANDS)                 |
|  | POTENTIAL DUNE HOLLOW RESTORATION AREAS |

## CHAPTER 4

### STANDARDS FOR PLAN DESIGNATIONS

#### 4.10 INTRODUCTION

The Area Plan Land Use Maps indicate the planned principal use for all areas in the Coastal Zone. These planned uses are the basis on which zoning and subsequent development decisions are made; their intent is to guide the development of each area within the framework of community goals and objectives (Chapter 3 of the Area Plan) and the requirements of Public Resources Code section 30000 et seq., (the California Coastal Act of 1976).

On the maps, the planned principal uses – or planning designations are indicated by symbols; the key on the map indicates which symbol stands for which planning designation. In this chapter, the standards for permitted use are identified for each planning designation. While in some cases these standards are very specific, they are for the most part of a more general nature than the zoning standards, (these are found in the Coastal Zoning Ordinance). This is for a definite reason: the plan designations for an area indicate the type of development use which is permissible, while the zoning identifies the maximum potentially allowable level of development. Ordinarily only one zone will be compatible with a single plan designation, and any zoning adopted must conform with and be adequate to carry out the land use plan.

For each Urban and Rural land use designation, the purpose, principal use, conditional use, and as applicable, the maximum potentially allowable density are identified.

~~Oil and~~ **Natural gas** pipelines and electrical transmission lines are allowed in all land use designations, in accordance with **Sections 3.14B (5) and (6)**, in both urban and rural areas, by conditional use permit. Surface mining and solid waste disposal projects are allowed in certain land use designations according to the policies of **Sections 3.14B (9) and (10)**.

The Area Plan Land Use Maps for the area in the vicinity of Samoa show a Samoa Town Master Plan Land Use Designation Overlay (STMP-LUP). The STMP-LUP overlay designation provides standards that supplement the underlying land use designation of the lands to which the STMP-LUP is applied, and is intended to provide for the comprehensive planning and orderly restoration and development of the Samoa community. All uses and development policies for the principal land use designation shall apply to the lands subject to the STMP-LUP overlay designation except insofar as they are inconsistent with the uses and policies set forth in the STMP-LUP overlay designation.

Where a conflict arises between the policies of the STMP-LUP overlay designation and any other policies of the certified LUP, including the policies of **Chapter 3, "Humboldt Bay Area Development and Resource Policies,"** the policies of the STMP-LUP overlay designation shall take precedence.

~~The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059,~~



~~APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), are merged into one master parcel generally depicted on Exhibit 25 as Master Parcel 2. If all such property is not merged into Master Parcel 2 generally depicted on Exhibit 25, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town~~

~~Master Plan Land Use Plan ("STMP-LUP") Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged into Master Parcel 2 generally depicted on Exhibit 25, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LCPA HUM-MAJ-01-08 shall become effective upon both: (a) issuance of the coastal development permit for the merger consistent with the certified LCP and (b) recordation of a notice of merger consistent with the coastal development permit. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP-LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent master parcel generally depicted on Exhibit 25. If the land use designations and zoning approved by the Commission with suggested modification in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective, the Principal Permitted Use of any area subject to the STMP-LUP shall be determined in accordance with the designated Land Uses and in the patterns and locations generally shown on the certified STMP Land Use Map. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP. (Amended by Res. 12-62 and Res. 12-63, 7/17/2012)~~

Density ranges described in land use designations may be exceeded by up to ~~35~~50% to encourage affordable housing production pursuant to §Section 65915 of the California Government Code (Density Bonuses) in effect in 2006 and Section 313-111 of the Humboldt County Code. Any housing development approved pursuant to Government Code Section 65915 and County Code Section 313-111 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase ~~in-if~~ the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources, public health, or safety, consistent with the definition of adverse impact in Government Code Section 65589.5(d)(2), otherwise the density increase shall not be granted. ~~If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.~~ Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State

regulations so long as densities greater than 35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources ~~as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance~~ and would be consistent with all applicable LCP policies and development standards. This 25% increase may not be applied to condominium conversions. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions. (Added by Res. 114c 2/9/98, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07)

## **4.2 URBAN LAND USE DESIGNATIONS**

### **RH: RESIDENTIAL/HIGH DENSITY**

~~PURPOSE: to maximize effective use of limited urban lands and promote concentration of urban residential use where public services and overall community design make this both feasible and desirable.~~

~~PRINCIPLE USE: multiple unit residential development for occupancy by individuals, groups or families, exclusive of mobile home developments.~~

~~CONDITIONAL USES: Hotels, motels, boarding houses, mobile home development, single family residences, and neighborhood commercial. (Amended by the Board of Supervisors, Resolution 85-65; effective certification 11/25/85).~~

- ~~1. New neighborhood commercial development, which is conditionally permitted in urban residential land use designations, shall be restricted to locating along minor collectors or a higher order road classification (e.g. major collectors or arterials (Amended by Res. No. 85-55).~~
- ~~2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures (Amended by Res. No. 85-55).~~

### **RM: RESIDENTIAL/MEDIUM DENSITY**

~~PURPOSE: to make effective use of limited urban land and provide areas for residential use of mobile homes in urban areas, consistent with availability of public services.~~

~~PRINCIPAL USE: duplexdDuplex, multiple family unit and mobile home residential development for occupancy by individuals or families, and Accessory Dwelling Units.~~

~~CONDITIONAL USES: Hotels, motels, Transient Occupancy facilities, boarding houses, mobile home development, single family residences, same as RH, plus guest houses, office and professional private institutions, and neighborhood commercial (Amended by the Board of Supervisors, Res. Nos. 85-55 and 85-65; effective certification 11/25/85).~~

1. New neighborhood commercial development, which is

conditionally permitted in urban residential land use designations, shall be restricted to locating along minor collectors or a higher order road classification (e.g. major collectors or arterials).  
(Amended by Res. No. 85-55)

- ~~2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures. (Amended by Res. No. 85-55)~~

GROSS DENSITY: 8-30 units per acre.

**RL: RESIDENTIAL/LOW DENSITY**

PURPOSE: to allow the development of homeowner residential uses making conservative use of urban land where adequate services are available

PRINCIPAL USE: detached single family residences.

CONDITIONAL USES: private institutions, private recreation facilities, and neighborhood commercial (Amended by the Board of Supervisors Resolution 85-65; effective certification 11/25/85).

1. New neighborhood commercial development, which is conditionally permitted in urban residential land use designations, shall be restricted to locating along minor collectors or a higher order road classification (e.g. major collectors or arterials).  
(Amended by Res. No. 85-55)
- ~~2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures. (Amended by Res. No. 85-55)~~

GROSS DENSITY: 3-7 units per acre.

**RE: RESIDENTIAL ESTATES**

PURPOSE: to allow residential development of areas within Urban Limits where community objectives, including resource protection, limit density of potential development, but where urban services are required.

PRINCIPAL USE: detached single-family residences.

CONDITIONAL USES: same as RL.

GROSS DENSITY: 0-2 units per acre.

**RV: URBAN RESERVE**

PURPOSE: to protect from premature subdivision and development urban lands not now developed to urban densities or adequately provided with urban services but expected to develop to urban uses and densities when services are available.

PRINCIPAL USE: open space uses including agriculture and timber production while services are unavailable or if specifically planned for urban uses, when services become available, those uses permitted under that respective designation if the development can satisfy on-site water and

wastewater requirements.

CONDITIONAL USE: ~~same as those associated with the designated principle permitted use.~~ None

GROSS DENSITY: 0-1 unit per acre/or if specifically planned the density indicated under that specific urban plan designation.

**CG: COMMERCIAL GENERAL**

PURPOSE: to allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well being and convenience of the community.

PRINCIPAL USE: retail sales, retail services, office and professional uses. CONDITIONAL USES: hotels, motels.

**CR: COMMERCIAL RECREATIONAL**

PURPOSE: to protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.

PRINCIPAL USE: commercial recreational, including recreational vehicle parks, hotels and motels for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns for example, subject to the requirements of **Section 3.15**.

CONDITIONAL USES: single-family ~~house-residence~~ on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

**MG: INDUSTRIAL/GENERAL**

PURPOSE: to protect sites suitable for the development of general industrial uses.

PRINCIPAL USE: light and general manufacturing, warehousing and wholesaling, research and development.

CONDITIONAL USES: heavy manufacturing, **drilling and processing of oil and gas**, agricultural-general uses, heavy commercial uses, sand and gravel extraction, electrical generating and distribution facilities, animal and fish reduction plants.

**MC: INDUSTRIAL/COASTAL-DEPENDENT**

PURPOSE: to protect and reserve parcels on or near the sea for industrial uses dependent on, or related to, the harbor.

PRINCIPAL USE: any coastal-dependent industrial use that requires access to a maintained navigable channel in order to function, including, but not limited to: public docks, water-borne carrier import and export operations, ship building and boat repair, commercial fishing facilities, including berthing and fish receiving, and fish processing when product is for human consumption (fish waste processing and fish processing of

products for other than human consumption are considered coastal-related uses) ~~marine oil terminals, OCS service or supply bases~~, ocean intake, outfall or discharge pipelines ~~and pipelines serving offshore facilities~~, aquaculture and aquaculture support facilities.

**CONDITIONAL USES:** visitor-serving recreational facilities that require channel access, including, but not limited to marinas serving other than solely commercial vessels, fishing piers, and boat launching facilities; coastal-related industrial uses, including, but not limited to fish waste processing and fish processing and treatment facilities, electrical generating facilities or other facilities which require an ocean intake, outfall, or pipeline. Such facilities shall not be sited on sites with channel access unless associated with a terminal. Alterations, improvements, and relocations of existing general industrial uses within the MC designation. Interim uses that will allow for greater use of underutilized MC lands while at the same time avoiding impacts to their long term coastal-dependent industrial use and other priority uses conditionally permitted on MC designated lands, including for visitor-serving recreational facilities that require channel access and coastal-related industrial uses.

**MR: RESOURCE DEPENDENT**

**PURPOSE:** to protect coastal wetlands and to provide for the development of upland areas consistent with resource protection, and where feasible, resource enhancement.

**PRINCIPAL USE:** resource-dependent activities, including, but not limited to, aquaculture, wetland restoration projects carried out under Coastal Act Section 30233 a (7), nature study facilities, and minor alterations or repairs to existing structures.

**CONDITIONAL USES:**

- a. Uses specified in Section 30233 a (1) and (5) of the Coastal Act. (This includes: new or expanded port, energy, and coastal-dependent facilities and incidental public service purposes such as burying cables, pipes, etc.)
- b. Permitted uses in transitional agricultural lands.
- c. On uplands only, uses permitted in residential, commercial recreation, commercial general, natural resource and coastal-dependent industrial land use designations as indicated by the Land Use Maps. No division of land shall be permitted which would separate uplands from wetlands unless part of a wetland restoration project as described in 'd', below. Dedication of easements for conservation and restoration of any wetlands on the parcel shall be encouraged. Whenever development over planned densities is permitted, as described in the density bonus policies of the plan **Section 3.16B 2** the project shall include irrevocable offers to dedicate an easement for conservation and restoration of all wetlands on the parcel.

- d. In degraded wetlands identified by the Department of Fish and Game pursuant to Section 30411 of the Coastal Act, wetland restoration projects which consolidate areas of upland or wetland in order to restore or enhance wetland habitats, provided that:
  - i. Any such project be carried out as a planned unit development which includes wetland buffer policies as specified in Section 3.30B 6 of the land use plan, and shall include offers of dedication of easements for restoration and enhancement of any wetlands resulting from the project (except where the resulting wetlands are already owned by a public agency or appropriate non-profit organization.)
  - ii. Use of an uplands shall be limited to uses permitted in the residential, commercial (including boating facilities), or industrial designations of the land use plan. Use of any uplands resulting from such a project shall give priority to visitor-serving commercial uses over general industrial, general commercial, or residential development.
  - iii. The resulting wetland acreage shall be at least equal to that which existed before the project.

**PF: PUBLIC FACILITY**

PURPOSE: to protect sites appropriate for the development of public and private sector civic service facilities.

PRINCIPAL USE: essential services including fire and police stations, hospitals and schools; public and private facilities including offices, libraries, cemeteries and clinics, but not including sites or facilities for the storage or processing of materials or equipment.

**PR: PUBLIC RECREATION**

PURPOSE: to protect publicly owned lands suitable for recreational development or resource protection.

PRINCIPAL USE: public recreation and open space (per Section 3.25).

CONDITIONAL USES: caretaker dwellings, maintenance buildings.

**AG: AGRICULTURAL/GENERAL**

PURPOSE: to protect agricultural lands with Urban Limits for continued agricultural use where such lands are economically viable, compatible with the development of urban uses and most reasonable included within Urban Limits.

PRINCIPAL USE: production of agricultural crops with a residence incidental to this use.

CONDITIONAL USES: hog production, watershed management, management



for fish and wildlife habitat, recreation (exclusive of those requiring non-agricultural development), utility transmission lines, farm labor housing, and timber harvesting.

GROSS DENSITY: 2 1/2 acre minimum.

#### **MB: BUSINESS PARK**

PURPOSE: To provide sites suitable for hazard and nuisance-free mixed business development designed in a park-like environment compatible with the resources of a coastal setting, including light industrial, research and development, administrative and business and professional offices, and accessory warehousing and storage facilities. Coastal Business Parks shall emphasize green spaces and incorporate parking areas in a manner that is visually subservient to the structures and landscape elements. Coastal Business Parks shall be designed to limit energy use and vehicle miles traveled, and shall be located where served by public and non-motorized transportation.

PRINCIPAL USE: Mixed business development that includes compatible administrative, business, and professional offices, and research and development within individual structures limited to a maximum of 10,000 square feet. A limited amount of accessory warehouse and storage facilities may be included if subservient in size and location to the primary facility within the Coastal Business Park and leased or owned by the same entity as the primary facility.

CONDITIONAL USES: (a) Mixed business development that includes compatible administrative, business, and professional offices, and research and development within individual structures greater than 10,000 square feet, (b) light industrial, and (c) small-scale retail sales and service enterprises occupying less than 10,000 square feet, maximum, primarily for the support of other Coastal Business Park uses or when incidental to and supportive of the principal use, and designed in a manner that is visually and proportionally subservient to the scale and composition of the primary use. Retail enterprises that would attract a majority of customers from outside of the Coastal Business Park shall not be permitted. Individual structures shall be limited to a maximum of 10,000 square feet with the following exception: a maximum of two structures within the business park may be sized up to 20,000 square feet. (Amended by Res. 12-62 and Res. 12-63, 7/17/2012)

#### **NR: NATURAL RESOURCES (URBAN)**

PURPOSE: To protect, preserve, and enhance fish, wildlife, native plant habitat, and environmentally sensitive habitat areas in close proximity to urban development and to provide opportunities for passive recreational and interpretive opportunities.

PRINCIPAL USES: Habitat conservation, restoration, and enhancement activities.

**CONDITIONAL USES:** Repair, maintenance, and replacement of existing public infrastructure within the same location. Improvement of boating facilities consistent with **Section 3.50** of the Humboldt Area Plan, ~~designated open-air (unimproved) tsunami evacuation sites and warning sirens, and including minor pathways and incidental signage associated with tsunami evacuation routes,~~ passive recreational uses, and educational and interpretive features designed to educate the public about sensitive species and ecosystems. All uses and development shall be designed to limit disturbance within natural resource areas. (Amended by Res. 12-62 and Res. 12-63, 7/17/2012)

## **B. RURAL ~~PLAN~~ LAND USE DESIGNATIONS**

(The standards below apply outside Urban Limits as shown in the Area Plan.)

### **RX: RESIDENTIAL/EXURBAN**

**PURPOSE:** to allow development of rural community neighborhoods not depending on urban levels of service.

**PRINCIPAL USE:** residential single-family with neighborhood commercial services as allowed by **Section 3.28C** of this document.

**GROSS DENSITY:** see **Section 3.21B** for a gross density for each specific geographical area.

### **RR: RURAL RESIDENTIAL**

**PURPOSE:** to allow residential use of rural lands not permanently designated for resource protection and not suitable for rural community neighborhood development.

**PRINCIPAL USE:** residential.

**CONDITIONAL USES:** production of food, fiber or plants.

**GROSS DENSITY:** see **Section 3.21B** for a gross density for each specific geographical area.

### **AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS**

**PURPOSE:** to protect prime and non-prime agricultural lands for long term productive agricultural use.

**PRINCIPAL USE:** production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, and the principle uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures.

**CONDITIONAL USES:** hog production, watershed management, management for fish and wildlife habitat, recreation (such as hunting camps and

stables except those requiring non- agricultural development), utility transmission lines, farm labor housing, greenhouses, feed lots and similar confined livestock operations.

**GROSS DENSITY:** 60-acre minimum parcel size, except that divisions to 20 acres may be permitted where the parcel is subject to an Agricultural Preserve contract and rezoning (see Section 3.24).

### **AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS**

**PURPOSE:** to protect coastal grazing lands for long-term productive grazing use.

**PRINCIPAL USE:** production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, and principle permitted uses under TC.

**CONDITIONAL USES:** same as AE.

**GROSS DENSITY:** 160-acre minimum parcel size as permitted by Section 3.24C & E.

### **TC: COASTAL COMMERCIAL TIMBERLAND**

**PURPOSE:** to protect productive timberlands for long-term production of merchantable timber.

**PRINCIPAL USE:** timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.23 of this document, and principle uses permitted under AE, except second dwelling.

**CONDITIONAL USES:** management of watershed, management for fish and wildlife, utility and transmission lines, second dwellings, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

**GROSS DENSITY:** 160-acre minimum, except that with a joint timber management plan parcels to 40 acres may be created.

### **NR: NATURAL RESOURCES**

**PURPOSE:** to protect and enhance valuable fish and wildlife habitats, and provide for public and private use of their resources, including hunting, fishing and other forms of recreation.

**PRINCIPAL USE:** management for fish and wildlife habitat.

**CONDITIONAL USES:** wetland restoration, development of hunting blinds and similar minor facilities, improvement of boating facilities in estuaries consistent with Section 3.50 of the plan, accessway development and improvement and removal of trees for firewood, disease control and public safety purposes. Uses as per Sections 3.30B 4 & 3.30B 11.

### **CR: COMMERCIAL RECREATION**

**PURPOSE:** to protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors in the area.

**PRINCIPAL USE:** commercial recreational, including recreational vehicle parks, hotels and motels for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns for example, subject to the requirements of Section 3.27 of this document.

**CONDITIONAL USES:** single-family ~~house~~residence on existing lots, a caretaker's residence, and apartments on the upper floor of multi-story structures.

**GROSS DENSITY:** maximum density of twelve overnight units per gross developed acre.

**PR: PUBLIC RECREATION**

**PURPOSE:** to protect publicly owned lands suitable for recreational development or resource protection.

**PRINCIPAL USE:** public recreation and open space (per Section 3.27).

**COMPATIBLE USES:** caretaker dwellings, maintenance buildings.

**PF: PUBLIC FACILITY**

**PURPOSE:** to protect appropriate sites for essential public services most appropriately located in rural areas.

**PRINCIPAL USE:** utility substations, schools, and other essential public services most appropriately located in rural areas.

**MG: INDUSTRIAL/GENERAL** (Same as Urban Plan Designations)

**MC: INDUSTRIAL/COASTAL-DEPENDENT** (Same as Urban Plan Designations)

**MR: RESOURCE DEPENDENT** (Same as Urban Plan Designations)

## **STMP-LUP: SAMOA TOWN MASTER PLAN LAND USE DESIGNATION OVERLAY**

### **PURPOSE and GENERAL PROVISIONS:**

The purpose of the Samoa Town Master Plan Land Use Designation Overlay (STMP-LUP) is to provide for the comprehensive planning and orderly restoration and further development of the Town of Samoa. Coastal development permit approvals for development within the lands subject to the STMP-LUP shall only be authorized if the following requirements are met in addition to any other applicable requirements of the certified Local Coastal Program. Development within the STMP-LUP shall only be authorized if the decision-making authority adopts specific findings of consistency with the following numbered policies and provisions and all other applicable requirements of the certified LCP.

### **Locating New Development; Community Infrastructure; Cumulative Impacts STMP (New Development)**

#### **Policy 1 (Phasing of Development)**

The authorization and subsequent development of the lands subject to the STMP-LUP shall proceed in the following sequence:

#### ~~**STMP (New Development) Policy 1A (Phasing of Development) – Merger into Master Parcel.**~~

- ~~I. Preliminary Merger of the Samoa lands excluding the Samoa Processing Center (APN 401-031-67) into a maximum of one parcel, prior to Master Subdivision of that parcel:-~~
  - ~~A. Prior to any other development, the landowner shall obtain a Subdivision Map Act approval and Coastal Development Permit (CDP), to merge the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), into one master parcels generally depicted on Exhibit 25 as Master Parcel 2. The lands comprising Master Parcel 2 shall be held as one undivided parcel, regardless of the physical separation of the subject lands by the parcels containing New Navy Base Road, the railroad corridor owned by the North Coast Railroad Authority, or any other easement or interest that may affect the subject lands, and the deed describing Parcel 2 shall specify this condition.~~
  - ~~B. Unless evidence that any needed approvals for establishing and/or maintaining railroad crossings necessary to serve Master Parcel 1 has been obtained and submitted with the Coastal Development Permit Application for the merger, an easement in favor of Master Parcel 1, not less than 40 feet wide, for the purpose of ingress and egress without the need to cross at any point the railroad corridor parcel owned by the North Coast Railroad Authority (NCRA) or successor in interest, across the lands comprising Master Parcel 2, shall be granted by the owner of Master Parcel 2. The subject access easement shall be surveyed, mapped and recorded as a condition of the CDP authorizing the merger of the subject lands, and shall be located within the~~

~~alignment of the proposed Vance Road or other main through street alignment through Samoa, and shall not impair ordinary use of the subject street upon completion of the master subdivision for the overall town development. The easement across Master Parcel 2 for the benefit of Master Parcel 1 shall not be extinguished or otherwise restricted from use by Master Parcel 1 until or unless (1) the owner of Parcel 1 obtains a permit from the NCRA or its successor in interest and from the California Public Utilities Commission (CPUC) for more direct access to Master Parcel 1 from New Navy Base Road via the presently unpermitted railroad crossing or an alternative easement providing equivalent access across Master Parcel 2 is provided by the owners of Master Parcel 2.~~

- ~~C. The merger into Master Parcel 2 of all lands subject to the STMP LUP excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as Master Parcel 2 on Exhibit 25 shall encompass all such property regardless of the legality of any parcels or lots within the STMP LUP overlay area, and regardless of whether Certificates of Compliance (conditional or unconditional) or other authorizations have been issued for any of these parcels or lots in the past, and shall fully expunge and extinguish all development rights that may have existed under any prior land division, lot line adjustment, or transmittal by whatever description may have been used. No remainder parcels may be created. If a legal lot containing any APN generally depicted on Exhibit 25 straddles the STMP LUP boundaries generally depicted on Exhibit 25, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and become part of the immediately adjacent Master Parcel 2 as generally depicted on Exhibit 25.~~
- ~~D. The following information shall be included as filing requirements of the Coastal Development Permit Application for the merger:~~
- ~~1. Evidence that the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 are being merged, including, but not limited to, chain of title information, chain of lot creation information, Subdivision Map Act approvals, and Coastal Development Permit approvals.~~
  - ~~2. Evidence that all necessary authorizations from the North Coast Railroad Authority (NCRA) or its successor in interest, and authorization from the California Public Utilities Commission (CPUC) for ingress and egress across the railroad corridor traversing the lands subject to the STMP LUP in all locations necessary to ensure a complete circulation and access plan for the Samoa lands, including the lands designated for Coastal Dependent Industrial Use and the lands containing the Samoa Cookhouse and totaling approximately five (5) acres shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger.~~
  - ~~3. Evidence that the land area needed for proposed wastewater treatment and discharge facilities, the town's corporate yard, and the town's water storage facilities needed to serve build-out of the STMP Overlay area can~~



~~be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities under LCP Amendment HUM-MAJ-1-08 shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger. If the facilities needed to serve build-out of the STMP Overlay area cannot be accommodated within the portions of the STMP Overlay area designated and zoned for Public Facilities, evidence that an amendment of the LCP to accommodate the larger area needed for the facilities has been obtained shall be submitted as a filing requirement of the Coastal Development Permit Application for the merger.~~

~~E. The merger into Master Parcel 2 of all lands affected by subject to the STMP LUP excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as Master Parcel 2 on Exhibit 25 shall include conditions incorporating the following requirements:~~

~~1. Prior to issuance of the coastal development permit for the merger into Master Parcel 2 as generally depicted on Exhibit 25 and prior to recordation of the Notice of Merger for the merger into Master Parcel 2 as generally depicted on Exhibit 25, the landowner shall provide copies to the County, of the complete records of all characterization, remedial action plans and implementing work plans, and other requirements of reviewing agencies including, as applicable, Humboldt County Environmental Health Department, State Regional Water Quality Control Board, State or Federal Environmental Protection Agency, State Department of Toxic Substances Control, or any other state or federal agency or local government department with review authority over the soil and groundwater contamination status and remediation of the Samoa Town lands establishing the Samoa Town Master Plan Master Parcels and these records shall be retained by the County and available for public inspection until the pertinent appeal period, if any, for the subject Coastal Development Permit has ended. Whether or not an appeal to the Coastal Commission is filed, the County staff shall either permanently store as public records the collected records required herein, or shall provide the subject collected records to the Coastal Commission for retention. This requirement shall additionally apply in full to any future Coastal Development Permit or Coastal Development Permit Amendment associated with the subject STMP LUP lands. The pertinent records collected and stored by the County and transferred to the Coastal Commission shall include at a minimum the following:~~

- ~~(a) The complete record of detection of contamination of soils, surface, or groundwater disclosed by the previous landowner(s) to the landowner/developer (Samoa Pacific Group) at the time of auction/purchase of the subject Samoa lands; and~~
- ~~(b) A complete record of all subsequent site investigations (whether of soils, ground or surface waters) undertaken to characterize the soil and groundwater contamination present, including maps of sampling locations, documentation of chain of custody, and associated laboratory test results, analyses, conclusions, and correspondence of the landowner/developer~~

- ~~with applicable regulatory agencies with review authority over the soil and groundwater contamination status of the STMP lands; and~~
- ~~(c) A complete record of the approved Remedial Action plans and any amendments or revisions to the approved Remedial Action Plans authorized by the State of California Regional Water Quality Control Board (RWQCB); and~~
- ~~(d) A complete record of the approved Final Work Plans authorized by the RWQCB to implement the Remedial Action Plans, and any amendments or revisions to the approved Work Plans authorized by the RWQCB; all reports or records of testing or monitoring of ground- or surface waters or soil and all remediation actions undertaken in reliance on the direction of the RWQCB or other agency with regulatory oversight of the subject lands whether through RWQCB processes listed herein or through any other authority; and evidence of the implementation status of any remedial measures required by the RWQCB.~~
2. ~~Prior to issuance of the coastal development permit for the merger into Master Parcel 2 and prior to recordation of the Notice of Merger for the merger into Master Parcel 2, the landowner(s) of Master Parcel 2 shall execute and record, free and clear of all prior liens and encumbrances, against the title of the subject parcels, and provide a copy of such recordation authenticated by the County Recorder for retention in the permanent Coastal Development Permit file, the following deed restrictions:~~
- ~~(a) Deed restriction disclosing the nature and location of any contamination detected in soils or surface or groundwater within the subject lands, including a map of the contaminated locations, the identities of previous landowners and descriptions of activities that may have contributed to such contamination in the past, and a list of the documents on file with the Coastal Development Permit for the establishment of the Master Parcels pursuant to Subparagraph A(1) above; and~~
- ~~(b) Deed restriction disclosing all requirements of the RWQCB or other applicable authority (such as the County Department of Environmental Health or the State Department of Toxic Substances Control) concerning the underlying soil and groundwater contamination or other hazardous waste-related status of the subject lands, including any requirements for cleanup, stabilization, management, monitoring, reporting, or other actions required by the pertinent authority; and~~
- ~~(c) Deed restriction disclosing that any further division or other development of any of the STMP LUP lands is subject to the requirements of the certified Humboldt County LCP, including, but not limited to the requirements of the STMP LUP overlay designation; and~~
- ~~(d) Deed restriction setting forth the following disclosures,~~
- ~~i. Disclosure that the lands situated within Master Parcel 2 are subject to extraordinary hazards posed by earthquake and tsunamis, and by future sea level rise, which may also increase the risks posed by coastal erosion, storm surge, and wave attack; and~~
- ~~ii. Disclosure that no shoreline armoring structures are approved~~

~~now, nor are such structures authorized in the future for the protection of development within the STMP-LUP, and that the present landowners have taken future sea level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development of the STMP-LUP, and further, have acknowledged the possibility that no such protective structures would secure approval for construction;.~~

STMP (New Development) Policy 1B (Phasing of Development) – Further Subdivision of STMP “Parcel 2”.

- I. After the merger into Master Parcel 2 of all lands subject to the STMP-LUP excluding APN 401-031- 67 which contains the Samoa Processing Center (recycling facility) owned by the Arcata Community Recycling Center (Master Parcel 1), i.e. the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted as Master Parcel 2 on Exhibit and prior to any other development of the lands within Master Parcel 2, the landowner shall obtain a Subdivision Map Act approval and a Coastal Development Permit for the comprehensive division of all lands within Master Parcel 2. No portion of Master Parcel 2 shall be left as a remainder parcel.
  - A. A complete application for a coastal development permit for the comprehensive division of Master Parcel 2 shall at a minimum include all information needed to evaluate the consistency of the division with the policies of the STMP-LUP and all other applicable provisions of the certified LCP, and in addition shall specifically include the following information:
    - a. Wetland Resources: Wetland delineations, including to-scale maps and supporting data prepared in accordance Wetland/ESHA Policy 10.; and
    - b. Botanical/Historic Landscape Resources: Seasonally-appropriate botanical surveys, including to- scale map and supporting data and analysis of historic landscape context;
    - c. Non-wetland ESHA delineations, including to-scale maps and supporting data; and
    - d. Invasive Species: Non-native, invasive species surveys, to-scale maps; supporting data, and plans for control or removal of ecologically significant species within the pertinent area, such as pampas grass, non-native brambles for five (5) years after significant increments of site disturbance occur (i.e. may be phased plan for removal based on the timeline of the development) and with additional time if plan milestones are not achieved and additional removal is thus required; and
    - e. Site Plan including but not limited to the surveyed boundaries of the proposed lot lines, roads designated building envelopes, areas of special geologic or other hazard concern; wetlands and non-wetland environmentally sensitive habitat area locations and buffers thereof, recorded easements or proposed easements and/or deed restricted areas or areas imposing limitations on other development (trails, bikeways, natural resource protection areas, etc.); and
    - f. Locations and limits of all public and private utility lines, hookups, facilities, or easements, whether for collection, storage, treatment or disposal of

sewage, fire fighting or potable water, as applicable; and

- g. Soil and Groundwater Contamination Analysis: Copies of Final Remedial Action Plans and Final Cleanup Work Plans (for implementation of remediation plans) for the cleanup of all contaminated soil and groundwater on the parcel required and approved by the pertinent regulatory authority, such as State Regional Water Quality Control Board (RWQCB), State Department of Toxic Substances Control, State or Federal Environmental Protection Agency, or County Environmental Health Department; and
- h. Landform Alteration Analysis: Preliminary grading plans including cross sections and daylight lines prepared by a California-licensed Professional Civil Engineer; and
- i. Geologic Hazard Analysis: Geologic stability analysis and to-scale map, including a map at the Site Plan scale, of any areas of special geologic or other hazard concern, including differential boundaries of potential inundation due to tsunami arriving at highest high tide and wave height of ten, twenty, thirty, and forty feet in height; and including locations of areas subject to permanent storm surge or flooding hazard due to sea level rise mapped in increments of one, two, three, four, and five feet of future sea level rise. Areas that may be subject to “daylighting” of groundwater elevations due to sea level rise shall be mapped in similar increments. The analysis shall include evidence that the Site Plan has been evaluated and that all proposed parcels will be safe from flooding, erosion, and geologic hazards, including increasing hazards posed by future sea level rise. If any special structural designs are necessary to achieve safety under the conditions determined to be present at the subject locations, these shall be fully specified in the analysis. The hazards analyzed shall be based on the best available scientific data available at the time of the analysis, including at least 4.5 feet of future sea level rise (a minimum of 3 feet of sea level rise shall be added to the analysis of potential tsunami inundation). The analysis shall verify that all proposed development will be safe from the need to install future shoreline armoring taking into consideration the results of the future hazard analyses, and that the proposed lots and development of such lots would be consistent with the requirements of the Final Samoa Tsunami Safety Plan. The Hazard Analysis, Maps, and Plans shall be prepared by California-licensed professional engineers, including: Civil Engineer with substantial experience in coastal engineering and sea level rise planning and Engineering Geologist or the California- registered professional equivalent thereof with substantial experience in seismic risk analysis and the design of resilient structural foundations for hazard mitigation; and
- j. Final Samoa Tsunami Safety Plan consistent with the requirements of STMP (Hazard) Policy 4; and
- k. Waste Water Treatment: Final Plans for development of facilities for the collection, treatment, and disposal of sewage waste water from the entire development that would result from buildout of all STMP lands, including the Samoa Processing Plant on Master Parcel 1 and the lands zoned Coastal Dependent Industrial on Master Parcel 2 that have been approved by the North Coast Regional Water Quality Control Board (RWQCB) and the County Environmental Health Department. To the extent that the wastewater system

is designed and approved by the RWQCB to be implemented in phases or as part of a staged upgrade of existing waste water collection, treatment, and disposal facilities, a phasing plan shall be provided that addresses when the various components of the system will be constructed and operational relative to the phasing of buildout of all STMP lands. The final plans shall also address abandonment and removal of old wastewater collection and treatment facilities in association with development of the new facilities (such as but not limited to the abandonment of the waste disposal system on the dunes West of New Navy Base Road and of the grease trap and cesspool east of the Samoa Cookhouse). The submitted plans shall include evidence prepared by a California-licensed civil engineer of (a) total system capacity, including collection, treatment, and discharge capacity designed to serve maximum buildout of the STMP lands at maximum waste water flow rates and volumes during peak winter storm water runoff and winter high ground water conditions, (b) evidence that the consulting civil engineer has verified that the complete waste water collection, treatment, and discharge system will function effectively under site conditions consistent with at least 4.5 feet of future sea level rise, (c) evidence that the design includes sufficient surge/backup/emergency capacity and containment and backup pumping capacity and emergency/alternative fuel systems sufficient to independently continue to provide waste water capture and treatment for the STMP-MAP development for a minimum of 72 consecutive hours without discharge of effluent overflow directly or indirectly to the waters of Humboldt Bay or the Pacific Ocean if severed from outside water or power supplies; and (d) evidence that all components of the wastewater treatment and discharge system are proposed for installation within the STMP-LUP lands designated and zoned Public Facilities and located generally west of New Navy Base Road and east of the railroad parcel traversing the STMP-LUP lands (except for waste water collection facilities; and

- I. Water Supplies: Plans demonstrating that sufficient potable and emergency control water supplies and facilities will be supplied by the pertinent water services district to serve buildout of all STMP lands, consistent with the requirements of the STMP-LUP, and that the pertinent storage and delivery infrastructure and backup power supplies are located within the boundaries of Parcel
2. The plan shall be prepared by a California licensed professional civil engineer and shall be reviewed by the County Office of Emergency Services, the Samoa Peninsula Fire Protection District, and the County Sheriff's office for comment prior to permit approval; and
- m. Non-motorized Access: master pedestrian and bicycle circulation plan consistent with the requirements of STMP (Coastal Access) Policy 1; and
- n. Public Transportation Auxiliary Facilities: Plans for the installation of bus stops and associated amenities to serve the Samoa area, consistent with the requirements of STMP (Coastal Access) Policy 6; and
- o. Public Coastal Access Parking: Detailed coastal access vehicle parking analysis and plan providing sufficient parking to adequately serve the coastal visitor-serving uses; and
- p. Internal Recreation Support/Parks: Plan for the placement of small



- community parks and other outdoor recreation areas within the subject area, consistent with the requirements of STMP (Wetlands/ESHA) Policy 3; and
- q. Plan for the on-going funding, maintenance, and management of the STMP's potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, roads, public open spaces, common areas including streetscapes, parks and community gardens, bicycle/pedestrian pathways (including the pedestrian tunnel under New Navy Base Road), sensitive resource areas, the Samoa Dunes Day Use Area (including parking facilities), and the Samoa car camping spaces (including bathroom/shower and other facilities) consistent with the requirements of STMP (New Development) Policy 4; and
  - r. Evidence that all lots to be created for new residential development can be feasibly developed in a manner that the finished floor elevation of habitable space can be constructed at an elevation of at least 32 feet above mean sea level consistent with the requirements of STMP Hazard Policy 5; and
  - s. Samoa Business Park and/or New Samoa Residential subdivisions: Visual analysis of the subdivision as built-out at maximum allowable height for structures while consistent with the requirement that residential development within the tsunami inundation area be limited to a minimum habitable floor elevation of 32 feet above mean sea level. Visual analysis shall include evidence that proposed buildout of the pertinent subdivision can be accommodated in a manner that does not adversely affect the historic community character of the existing Town of Samoa or public coastal views to and along the coast and Humboldt Bay; and
  - t. Evidence that all necessary authorizations from the North Coast Railroad Authority (NCRA) or its successor-in-interest, and authorization from the California Public Utilities Commission (CPUC) for ingress and egress across the railroad corridor traversing the lands subject to the STMP-LUP in all locations necessary to ensure a complete circulation and access plan for the Samoa lands, including the lands designated for Coastal Dependent Industrial Use and the lands containing the Samoa Cookhouse and totaling approximately five (5) acres.
- B. Any proposed changes to the approved division shall require an amendment to the coastal development permit granted for the division. To be approved, any amendment to the pertinent coastal development permit shall also be fully consistent with the STMP-LUP and all other applicable provisions of the certified LCP.
- II. Any development of any of the lands within the STMP overlay area depicted in Exhibit 25, including the comprehensive division of Master Parcel 2, shall be consistent with the following requirements:
- A. The recordation of final maps for the comprehensive division of Master Parcel 2 may proceed in phases, provided that a final map for the Public Facilities designated area is recorded first followed by final maps for all of the existing developed residential areas and all of the existing developed commercial areas, including but not limited to the designated Commercial Recreation area containing the Samoa Cookhouse and the Commercial General area containing the "Samoa Block." Final maps for new residential areas and the designated Business Park area shall only be recorded after final maps have been recorded for the Public Facilities designated area, all existing developed residential areas, and all existing developed commercial areas.



- B. The coastal development permit shall require that prior to recordation of each final map for all or a portion of Master Parcel 2:
- a. The landowner/developer must demonstrate that the work plans for cleanup of contamination approved by the RWQCB or other applicable authority for the STMP-LUP area have been fully implemented and the requisite cleanup of soil and water (ground and surface) completed, within the area covered by the final map; and
  - b. The RWQCB has verified that the area covered by the final map has, at a minimum, been “cleaned up to background” and/or is suitable for the type of development proposed without further remediation; and
  - c. That the RWQCB further verifies that the area covered by the final map, if developed as proposed and without further remediation, will not result in a threat to waters of the state.
- C. The coastal development permit shall require that: (1) prior to recordation of each final map for all or a portion of Master Parcel 2, and (2) prior to any future additional development of the parcel identified as Master Parcel 1 (presently containing the Arcata Community Recycling Center’s Samoa Processing Center, previously approved by Humboldt County, the landowner/developer must demonstrate that:
- a. All deed restrictions required by the RWQCB for lands subject to continuing contamination of soil or water (ground or surface) have been recorded against the parcels within the area covered by the final map; and
  - b. A deed restriction has been recorded against the legal title of the parcels within the area covered by the final map describing the kinds and location of contamination that has previously been associated with the subject lots, the remedial activities that have been undertaken, the results of final tests completed to verify the adequacy of cleanup (including copies of the pertinent laboratory reports), and the presence and location of any residual contamination that may be present in the soil or groundwater present on site; and
  - c. Prior to recordation of a final map where pertinent for subdivision of lands within Master Parcel 2, or prior to issuance of a coastal development permit for any development arising within lands originally identified as Master Parcel 1 or Master Parcel 2 shown on Exhibit 25, a deed restriction has been recorded against the legal title of each parcel either previously existing or thereby established, and re-recorded as a condition of approval of any coastal development permit for future development of parcels within the area originally shown as Master Parcel 1 or Master Parcel 2 on Exhibit 25 of the Coastal Commission staff report dated February 24, 2011, and the subject “Assumption of Risk” deed restriction shall state the following:

#### **Assumption of Risk**

By acceptance, amendment or transfer of this permit or in performing due diligence evaluation of the subject property in support of a decision to purchase the subject site and any improvements of the subject property that is subject to this deed restriction, the landowner and future purchaser acknowledges and agrees (i) that the site may be subject to hazards from: earthquake, tsunami, fires triggered by such events, landslide, erosion, liquefaction, wave attack, storm surge and other sources of flooding, and

future sea level rise, including the amplification of other hazards in response to sea level rise; (ii) to assume the risks to the applicant and/or future purchaser of the property that the subject site that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against Humboldt County and/or the Coastal Commission, and their officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless Humboldt County and/or the Coastal Commission, their officers, agents, and employees with respect to the approval by Humboldt County or the Coastal Commission of the project giving rise to the establishment or improvement of any lands located within the Samoa area subject to the STMP-LUP including or originating from the areas described as Master Parcel 1 or Master Parcel 2 in Exhibit 25 of the Coastal Commission staff report dated February 24, 2011, against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

D. Provision of Emergency Control Water Supply Facilities

- a. The coastal development permit for the comprehensive division of Master Parcel 2 shall require that prior to the commencement of any development within any phase of development of the subdivision, including the recordation of final subdivision map for that phase but not including the development listed in subsection (2) below, the landowner/developer must demonstrate that all emergency control water supply facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service: and
- b. The following development may be performed prior to installation of the emergency control water supply facilities: (1) recordation of a final subdivision map covering the Public Facilities designated area only; (2) the remediation of contaminated soil and groundwater; and
- c. The development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.

E. Provision of Waste Water Collection, Treatment and Disposal Facilities

- a. The portions of the approved waste water treatment facilities and associated wastewater collection, treatment, and disposal facilities determined by the RWQCB to be necessary to serve all existing development within the existing residential and commercial areas of the STMP-LUP overlay area depicted on Exhibit 25 and determined by the County or the Commission on appeal to be consistent with LCP policies protecting ESHA, wetlands, and other coastal resources shall be constructed, tested and determined ready for connection and service prior to commencement of any new development including recordation of a final subdivision map for any portion of Master Parcel 2 but not including the development listed in subsection (4) below.
- b. The coastal development permit for the comprehensive division of Master Parcel 2 shall require that prior to the commencement of any development within any phase of development of the subdivision, including the recordation of final subdivision map for that phase but not including the development listed in subsection (4) below, the landowner/developer must demonstrate that the portions of the approved waste water treatment

facilities and associated wastewater disposal facilities needed to serve all development within the phase has been constructed, tested, and determined ready for connection and service in accordance with any staged upgrade of facilities approved by the RWQCB and determined by the County or the Commission on appeal to be consistent with LCP policies protecting ESHA, wetlands, and other coastal resources.

- c. Existing structures shall be converted to service by the proposed new waste water treatment plant and the old (existing) waste water treatment facilities shall be properly abandoned or replaced in the same location in accordance with pertinent regulations and necessary permits and with the approval of the RWQCB in accordance with the schedule set forth in any staged upgrade of wastewater facilities in the approved comprehensive wastewater facilities plan.
  - d. The following development may be performed prior to installation of the sewage treatment facilities: (1) installation of emergency control water supply facilities; (2) recordation of a final subdivision map covering the Public Facilities designated area only; (3) the remediation of contaminated soil and groundwater; and (4) the development of the public access trail network and improvement of the public access day facility required by STMP-LUP policies.
- F. Provision of Emergency Services Building
- a. The coastal development permit shall require that prior to the commencement of any new development within the new residential and business park areas, including the recordation of a final subdivision map for any phase of the subdivision covering these areas, but not including the development listed in subsection (2) below, the new emergency services vehicle storage building proposed by the landowner/developer (fire and life safety; earthquake and tsunami shelter, etc.) within downtown Samoa shall be installed and made available to serve the existing town of Samoa.
  - b. The following development may be performed prior to installation of the sewage treatment facilities: the remediation of contaminated soil and groundwater; and (4) the development of the public access trail network and improvement of the public access day facility required by STMP- LUP policies.

G. Development of Business Park

Development of the Business Park is subject to the following phasing requirements:

- a. Final maps for the portions of the comprehensive division of Master Parcel 2 covering the designated Business Park area shall only be approved and recorded in accordance with the above requirements after: (a) final maps have been recorded for the Public Facilities designated area, all existing developed residential areas, and all existing developed commercial areas; (b) cleanup of contaminated soil and groundwater has been completed within the current and previous phases of the subdivision; (c) all emergency control water supply facilities needed to serve all development within the STMP-LUP overlay area depicted on Exhibit 25 has been constructed, tested and determined ready for service; (d) the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the current and previous phases of the subdivision have been constructed, tested, and determined ready for

- connection and service; (e) the new emergency services vehicle storage building has been constructed and is operational; and
  - b. Development of the Business Park shall proceed after or concurrently with the renovation of the existing structures in the old town residential areas; and
  - c. The public pedestrian path along the boundary between the designated Business Park area and the Natural Resource area along the west side of the STMP-LUP overlay area shall be surveyed, improved, and opened to the public pursuant to the requirements of the STMP-LUP prior to commencement of construction of any Business Park development. In addition, an improved interpretive pedestrian pathway connecting the Samoa Cookhouse Area to the undercrossing of New Navy Base Road, and the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road shall be completed and opened to the public. Furthermore, a mechanism for permanent funding of the long-term maintenance of the public amenities shall be identified and implemented prior to commencement of construction of any Business Park development.; and
  - d. Prior to the commencement of construction of any other Business Park development, the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road (shown on the map provided in Appendix L of the Humboldt Bay Area Plan) shall be completed and opened to the public.; and
  - e. Prior to the commencement of construction of any other Business Park development, the low- cost visitor serving accommodations required by STMP (Coastal Access) Policy 1 shall be constructed and opened to the public.
- H. Development of New Residential Areas
- Development of the New Residential Areas (excluding Master Parcel 2) is subject to the following phasing requirements:
- a. Final maps for the portions of the comprehensive division of Master Parcel 23 covering the designated new residential areas shall only be approved and recorded in accordance with the above requirements after: (a1) final maps have been recorded for the Public Facilities designated area, all existing developed residential areas, and all existing developed commercial areas; (b3) cleanup of contaminated soil and groundwater has been completed within the current and previous phases of the subdivision; (e3) all emergency control water supply facilities needed to serve all development within the STMP-LUP overlay area depicted on Exhibit 25 has been constructed, tested and determined ready for service; (e4) the portions of the approved waste water treatment facilities and associated wastewater disposal facilities needed to serve all development within the current and previous phases of the subdivision have been constructed, tested, and determined ready for connection and service; (e5) the new emergency services vehicle storage building has been constructed and is operational; and
  - b. Development of the new residential areas shall proceed after or concurrently with the renovation of the existing structures in the old town residential areas; and
  - c. The public pedestrian path along the boundary between the designated new residential areas and the Natural Resource area along the west side of the

STMP-LUP overlay area shall be surveyed, improved, and opened to the public pursuant to the requirements of the STMP-LUP prior to commencement of construction of any new residential area development. In addition, an improved interpretive pedestrian pathway connecting the Samoa Cookhouse Area to the undercrossing of New Navy Base Road, and the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road shall be completed and opened to the public. Furthermore, a mechanism for permanent funding of the long-term maintenance of the public amenities shall be identified and implemented prior to commencement of construction of any new residential area development.; and

- d. Prior to the commencement of construction of any new residential area development, the improvements at the designated Beach & Dune Interpretive Area west of Navy Base Road (shown on the map provided in Appendix L of the Humboldt Bay Area Plan) shall be completed and opened to the public.; and
- e. Prior to the commencement of construction of any new residential area development, the low- cost visitor serving accommodations required by STMP (Coastal Access) Policy 1 shall be constructed and opened to the public.

STMP (New Development) Policy 2:

The subdivision, lot merger, lot line adjustment, or any other form of land division or re-division of any property subject to the STMP-LUP overlay area shall not constitute a principal permitted use and any coastal development permit approved by the County for such development is appealable to the Coastal Commission pursuant to Section 30603 of the Coastal Act.

STMP (New Development) Policy 3:

The land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LPCA HUM-MAJ-01-08 shall not become effective unless and until the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401- 031-55, APN 401-031-059, APN 401-031-65, and APN 401-031-44, generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area, excluding APN 401-031-67 which contains the Samoa Processing Center (recycling facility) ~~owned by the Arcata Community Recycling Center~~ (Master Parcel 1), are merged and resubdivided by parcel map into ~~one~~ two master parcels generally depicted on Exhibit 25 A as Master Parcel 2. The two resulting parcels shall comprise (1) Master Parcel 2: the combined Public Facilities (PF) area for wastewater treatment and disposal, the Vance Avenue right of way, and the Residential Medium Density (RM) area; and (2) Master Parcel 3: all other STMP lands excluding Master Parcel 1 containing the Samoa Processing Center. If all such property is not merged and resubdivided by parcel map into Master Parcels 2 and 3 generally depicted on Exhibit 25 A, the entirety of the area generally depicted on Exhibit 25 and described as the Samoa Town Master Plan Land Use Plan ("STMP-LUP") Overlay Area will remain designated as General Industrial, Coastal Dependent Industrial and Natural Resources. If all such property is merged and resubdivided by parcel map into Master Parcels 2 and 3 generally depicted on Exhibit 25 A, the land use designations and zoning approved by the Commission with suggested modifications in its action on Humboldt County LPCA HUM-MAJ-01-08 shall become effective upon both: (a)



issuance of the coastal development permit for the merger and resubdivision by parcel map consistent with the certified LCP and (b) recordation of a notice of merger parcel map consistent with the coastal development permit. Recordation of a parcel map is required and shall not be waived. If a legal lot containing any APN generally depicted on Exhibit 25A straddles the STMP-LUP boundaries generally depicted on Exhibit 25A, the portion of the legal lot containing the APN outside the STMP Overlay Area boundary shall be included within the merger and resubdivision by parcel map and become part of the immediately adjacent master parcel generally depicted on Exhibit 25A. If the land use designations and zoning approved by the Commission with suggested modification in its action on Humboldt County LCPA HUM-MAJ-01-08 become effective, the Principal Permitted Use of any area subject to the STMP-LUP shall be determined in accordance with the designated Land Uses and in the patterns and locations generally shown on the certified STMP Land Use Map. No minimum or maximum number of lots shall be determined or authorized until or unless a coastal development permit for the comprehensive division of Master Parcel 2-3 has been approved and issued consistent with all applicable provisions of the certified LCP, including the STMP-LUP.

#### STMP (New Development) Policy 4:

A. Prior to approval or issuance of a coastal development permit For WWTF improvements, Vance Avenue improvements, or any residential development within Master Parcel 2, the landowner/developer shall demonstrate the existence of a mechanism, organized under public ownership and management, for the ongoing funding and maintenance of the STMP's potable water delivery system, wastewater processing system, storm water facilities, public fire and life safety facilities and services, public open spaces, common areas including streetscapes, parks and community gardens, and bicycle/pedestrian pathways, except where the County of Humboldt provides evidence that the County will accept the title to and management obligations for any of these.

A.B. Prior to approval or issuance of a coastal development permit for the comprehensive division of Master Parcel 2 or any other development within Master Parcel 2, the landowner/developer shall demonstrate the existence of a mechanism, organized under public ownership and management, for the ongoing funding and maintenance of the STMP's potable water delivery system, waste water processing system, storm water facilities, public fire and life safety facilities and services, public open spaces, common areas including streetscapes, parks and community gardens, bicycle/pedestrian pathways (including the pedestrian tunnel under New Navy Base Road), sensitive resource areas, the Samoa Dunes Day Use Area (including parking facilities), and the Samoa car camping spaces (including bathroom/shower and other facilities), except where the County of Humboldt provides evidence that the County will accept the title to and management obligations for any of these.

#### STMP (New Development) Policy 5:

The administrative rules, regulations, bylaws and/or operating requirements adopted by the service providers funding, monitoring, and managing the services provided for pursuant to STMP (New Development) Policy 4 shall be consistent and compliant with all provisions of the STMP-LUP and certified LCP and shall be in place prior to issuance of the coastal development permit for the comprehensive division of Master Parcel 2-3 or any other development within construction on the Master Parcels; - 2-except for issuance of a CDP for development associated with soil/water



contamination remediation.STMP (New Development) Policy 6:

Land divisions, including re-divisions and lot line adjustments of any land subject to the STMP-LUP, shall be permitted only if all resulting parcels can be demonstrated to be buildable and protective of all coastal resources, and safe from flooding, erosion, and geologic hazards, including the effects of at least 4.6 feet of sea level rise, without the future construction of shoreline armoring devices, and that the development proposed on the resultant lots can be constructed consistent with all pertinent policies of the certified LCP.

STMP (New Development) Policy 7:

- ~~A. To minimize energy demands, which are associated with structural and transportation energy use, development of lands subject to the STMP-LUP shall minimize vehicle miles traveled, and conserve energy by means such as, but not limited to, the following:~~
- ~~1. Siting development in a manner that will minimize traffic trips; and~~
  - ~~2. Prohibiting retail sales establishments designed to attract more than an incidental percentage of customers from offsite areas; 3. Incorporating the “smart growth” development concepts that combine interdependent uses that potentially reduce offsite traffic trips, including adequate grocery and convenience stores in the revitalized downtown area to supply resident and visitor needs with fewer offsite trips; and~~
  - ~~3. Incorporating the “smart growth” development concepts that combine interdependent uses that potentially reduce offsite traffic trips, including adequate grocery and convenience stores in the revitalized downtown area to supply resident and visitor needs with fewer offsite trips; and~~
  - ~~4. Providing well designed and appropriately located bus stops along Vance Avenue; and~~
  - ~~5. Providing amenities for the convenience and safety of pedestrians and bicyclists to encourage the use of non-motorized and/or public transportation, including a well-designed network of bicycle paths, safe sidewalks, and separate footpaths that link various areas within Samoa and to the nearby beach and natural resource area interpretive trails; and~~
  - ~~6. Incorporating energy efficient building technologies; and~~
  - ~~7. Requiring development to meet high standards regarding the energy efficiency of proposed structures; heating, ventilation, and air conditioning systems (HVAC); hot water heaters, appliances; insulation; windows; doors; and lighting such as the standards of established voluntary programs such as Energy Star, LEED, or Build It Green; and~~
  - ~~8. Requiring development to incorporate alternative sources of energy such as photovoltaics, solar water heaters, passive solar design, wind generators, heat pumps, geothermal, or biomass; and~~
  - ~~9. Requiring development to use structural orientation (heat gain from southern exposure) and vegetation patterns to reduce winter heating needs (such as planting deciduous trees near southern exposures to maximize the winter sun); and~~

- ~~10. Requiring development to include energy meters that provide real time information to users regarding energy consumption; and~~
- ~~11. Requiring development to use recycled building materials; and~~
- ~~12. Requiring development to use building materials that minimize energy consumption during the manufacture and shipment of the materials; and~~
- ~~13. Requiring development to use construction techniques that minimize energy consumption; and~~
- ~~14. Incorporating structural amenities within non-residential development to encourage the use of non-motorized or public transportation by employees (such as sheltered bicycle storage, bicycle lockers, restrooms with showers/personal lockers, etc.); and~~
- ~~15. Encouraging employer incentives such as paid bus passes, etc., to encourage employee use of public transportation; and~~
- ~~16. Prohibiting restrictions such as covenants or development standards that prevent energy conserving measures such as the use of outdoor clotheslines.~~
- ~~B. Coastal Development Permits authorized for development of lands subject to the STMP-LUP shall include specific findings concerning the extent of the subject project's incorporation of measures to reduce vehicle miles traveled and to minimize the use of energy.~~

STMP (New Development) Policy 8:

Development authorized within the STMP-LUP overlay area generally depicted on **Exhibit 25A** shall incorporate the best available practices for the protection of coastal waters, in accordance with the standards outlined in STMP Special Area Combining Zone. To achieve these standards, the applicant shall provide supplemental information as a filing requirement of any coastal development permit application for development within the area subject to the STMP-LUP, and the pertinent decision-makers shall adopt specific findings and attach conditions requiring the incorporation of, and compliance with, these water quality protection measures in approving coastal development permits for division or further development of the lands subject to the STMP-LUP.

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 except as allowed under the listed exceptions in Section 3.22, Public Services-Rural, subsection B. No pipeline connections to collect or transfer waste water 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 of waste water from service connections established in a manner consistent with Section 3.22, Public Services-Rural, subsection B. (Resolution 22-88, January 25, 2022)

STMP (New Development) Policy 10:

The existing residences on Master Parcel 3 shall be connected to the new or upgraded waste water treatment facilities on Master Parcel 2 within 180 days after such facilities are constructed and placed in service. Existing septic system(s) shall be removed or remediated in accordance with RWQCB requirements, and otherwise properly

abandoned, subject to any necessary coastal development permit, within 180 days of connection of the subject residences to the new or upgraded waste water treatment facilities.

STMP (New Development) Policy 11:

Coastal Development Permits granted to the ~~Arcata Community~~ Recycling Center ~~Regional Processing Facility on Master Parcel 1~~ (Samoa Processing Center) or other ownership interest utilizing the subject facility for new development shall require that the facility be connected to the new or upgraded waste water treatment facilities within 180 days after the new or upgraded waste water treatment plant on Master Parcel 2 is placed in service and a wastewater collection line is installed within Vance Avenue or in another location adjacent to the ~~ACRC-recycling~~ facility. The existing septic system that presently serves the ~~ACRC-recycling~~ facility site shall be removed or remediated and properly abandoned in accordance with RWQCB requirements, subject to any necessary coastal development permit, within 180 days after connection to the new waste water treatment plant.

**Preservation and Enhancement of Community Character and Visual Resources**

STMP (Community Character/Visual) Policy 1:

Development shall preserve and protect the unique community character of the historic development within the STMP Overlay Area generally depicted in Exhibit 25A by protecting and restoring existing town site structures and by requiring that new construction within the greater Samoa town area extends and enhances the historic community character. The existing town site architectural features and character shall guide the overall design of new development within the STMP Overlay Area. The long-term preservation of the existing structures shall be prioritized, including the preservation of features such as mature landscaping and specimen trees that provide historic context and contribute to the community character. All new development within any part of the lands subject to the STMP-LUP, including any signage or lighting, shall not interfere with the special character of the existing historic neighborhoods and public views available from public vantage points and from special community gathering places such as the Women's Club.

STMP (Community Character/Visual) Policy 2:

The Design Guidelines for Old Samoa dated March 4, 2007 are hereby incorporated as standards for development within the STMP-LUP overlay designation and are attached as an Appendix to the certified LCP and any changes or revisions to the Design Guideline shall require an amendment of the LCP. Where a conflict arises between the policies of the STMP-LUP overlay designation and the policies of the Design Guidelines, the policies of the STMP-LUP overlay designation shall take precedence.

STMP (Community Character/Visual) Policy 3:

Energy Efficiency and Conservation: Changes to the existing structures located on lands subject to the STMP-LUP within the historic Samoa "company town" site that may improve energy conservation shall be consistent with the STMP Design Guidelines and shall not disrupt, replace, or distract from the existing historic period details. New structures, however, may utilize alternative construction materials that have the appearance of the original materials, thus achieving aesthetic consistency with the existing structures while increasing energy efficiency.

STMP (Community Character/Visual) Policy 4:

The demolition or relocation of, any structure that is at least fifty (50) years old and

located on lands subject to the STMP-LUP Samoa shall not be considered a principal permitted use and shall require a coastal development permit that is subject to at least one noticed public hearing and is appealable to the Coastal Commission pursuant to Section 30603 of the Coastal Act. No permit to demolish or relocate any structure contributing to the community character and historic context of Samoa shall be approved unless compelling evidence exists that the structure cannot feasibly be restored in place.

STMP (Community Character/Visual) Policy 5:

Development on lands subject to the STMP-LUP, including lighting and signage, shall be designed and constructed in a manner that: (a) protects distant night skyline views from distant vantage points toward the Pacific Ocean and Humboldt Bay; (b) protects public views of the existing town site from public vantage points such as New Navy Base Road, the public beaches west of New Navy Base Road, and from the public trail that is required between the Samoa Cookhouse property and the underground tunnel crossing of New Navy Base Road, and (c) protects coastal views from the town site, such as the panoramic views of Humboldt Bay and the Pacific Ocean available from the Women's Club and other higher elevation locations. A visual impact analysis shall be submitted with coastal development permit applications for all proposed development on lands subject to the STMP-LUP that utilizes the installation of story poles and other means of assessing the impact of the proposed structures.

STMP (Community Character/Visual) Policy 6:

- A. Remodeling and restoration of historic "Company Town" structures and structures contributing to the character of old town Samoa, and construction of additional structures proposed for lots containing such structures shall require a coastal development permit and review by the Samoa Design Review Committee, and at least one public hearing, and shall be subject to the following additional requirements:
  1. Restoration of existing structures that are at least fifty (50) years old, except for the Fireman's Hall and garages, shall retain any viable millwork, windows, doors, or other existing exterior material, or if any of these are found to be damaged beyond repair, the feature or material shall be replaced with similar material consistent with the Design Guidelines and installed in such a manner to maintain a comparable exterior building appearance; and
  2. Exterior remodeling of the existing structures, including but not limited to painting and roofing and the construction of new accessory structures shall be installed in a manner that maintains the exterior appearance of the original building and is consistent with the Design Guidelines; and
  3. New accessory structures proposed for lots subject to these provisions shall only be approved if designed and located in a manner that harmonizes with and preserves the period character and street views of the primary structure.
- B. All coastal development permit applications for exterior remodeling of structures within the historic Samoa neighborhoods shall provide in support of such an application a report prepared by a California state licensed architect with at least five (5) years of historic preservation experience or the equivalent experience that includes the results of a survey of the subject structure undertaken not less than three (3) months prior to submittal of such application, with recommendations for ensuring the proposed remodeling be consistent with

the preservation of the historic architectural elements of the subject structure consistent with the Design Guidelines for Old Town Samoa.

- C. A coastal development permit approved for exterior remodeling of structures within the historic Samoa neighborhoods shall be conditioned to require timely post-remodeling submittal of evidence prepared by an architect of the same qualifications as set forth in Subparagraph B above, confirming that the final remodeling has been conducted in accordance with the recommendations of the subject architect, including photographs to be retained by the County in the public record, and as required by the conditions attached to the subject coastal development permit.

**STMP (Community Character/Visual) Policy 7:**

Land divisions, including redivisions and lot line adjustments of lands subject to the STMP-LUP shall be permitted only if all resulting parcels can be demonstrated to be suitable for the intended use and protective of community character and visual resource context of the existing Samoa town site.

**STMP (Community Character/Visual) Policy 8:**

All exterior lights of all development on lands subject to the STMP-LUP, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

**STMP (Community Character/Visual) Policy 9:**

Architectural or advertising/marketing signage shall be of modest scale and designed in a manner that is aesthetically compatible with the historic Samoa character and reviewed and approved by the Design Committee. Illuminated outdoor advertising shall be restricted to a single sign per commercial establishment affixed to the structure on the first floor level only, and not extending above or beyond the structure's profile (including porches), and not more than three feet wide by three feet in height.

Non-illuminated coastal access signage, including resource interpretation displays and modest educational/protective signage shall be permitted at Samoa Beach.

**STMP (Community Character/Visual) Policy 10:**

Clean up of contaminated soil and water (surface or ground) surrounding existing or previous structures of the historic "Company Town" of Samoa, including excavation of soils surrounding the structures or removal or treatment of remaining lead-contaminated paint on existing structures, shall be undertaken in a manner that protects the stability of the existing structures and retains and preserves the original woodwork, windows, and millwork.

**Protection, Preservation and Enhancement of Wetlands and Non-Wetland Environmentally Sensitive Habitat Areas (ESHA):**

**STMP (Wetlands/ESHA) Policy 1:**

Development within the STMP-LUP shall provide maximum protection, restoration and enhancement of existing Environmentally Sensitive Habitat Areas (ESHA) such as wetlands, dunes, forests, coastal scrub, and rare plant habitat, including the habitat of plants that are locally rare. The STMP shall be implemented in a manner that provides: (1) a substantial undisturbed natural resource corridor along the east



side of New Navy Base Road and the northern portion of the subject site ~~as shown~~ as NR, Natural Resources, in the certified STMP-LUP map Exhibit 4 that connects sensitive resource areas and facilitates wildlife movement; (2) an ESHA buffer area that shall generally be a minimum of at least one hundred (100) feet from nearby development (included in "NR" area shown in Exhibit 4 the certified STMP-LUP); (3) preservation of opportunities for dispersal of species through the preservation of individual plants and seed banks of rare populations; and (4) conservation of water filtering functions in vegetated areas.

STMP (Wetlands/ESHA) Policy 2:

~~The areas~~ Areas of the certified STMP-LUP map ~~lands~~ designated as NR, Natural Resources, Environmentally Sensitive Habitat Areas in the maps attached to the Memorandum contained in Exhibit 3, including the areas identified as include both ESHA AND ESHA buffers, ~~shall be designated and zoned Natural Resources.~~

Development within the area designated Natural Resources is prohibited except for the removal of invasive non-native plant species and the following activities if authorized by a coastal development permit: (1) restoration and enhancement of previously disturbed areas of wetlands and other sensitive habitat; (2) repair and maintenance of existing underground utilities within the existing footprint, provided that restoration of the disturbed areas is implemented in accordance with an approved coastal development permit; (3) installation of public trails in accordance with the provisions of STMP (Wetlands/ESHA) Policy 6; (4) planned roadway and shoulder improvements and maintenance within the Vance Avenue right of way on Master Parcel 2 at the easterly limit of the smaller circular dune hollow ESHA buffer area, designated Natural Resources; and ~~or~~ tsunami refuge areas within buffer portions of the area designated Natural Resources but outside of identified ESHA areas.

STMP (Wetlands/ESHA) Policy 3:

Development within the lands subject to the STMP-LUP shall provide adequate neighborhood parks that include active recreation and play areas and picnic facilities to minimize the unauthorized recreational use of the sensitive resource areas within the STMP-LUP lands designated Natural Resource.

STMP (Wetlands/ESHA) Policy 4:

- A. All wetlands and non-wetland ESHAs identified outside of the areas designated Natural Resources identified in the certified STMP-LUP map Exhibit 4 ~~(and where no except for environmentally sensitive raptor nesting habitat has been identified areas)~~ shall require a 100- foot setback/buffer, unless it can be demonstrated that a reduced buffer is sufficient to prevent disruption of the habitat. Development adjacent to environmentally sensitive raptor nesting habitat areas shall be consistent with Section 30240(bi of the Coastal Act.

Wetland and non-wetland ESHA buffers shall not be reduced to less than fifty (50) feet. The determination that a reduced buffer is adequate shall be based on the following criteria:

1. Biological significance of adjacent lands and the functional relationships among nearby habitat types and areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be



part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development. ;and

2. Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall take into account subsections (3) and (4) below and consultations with biologists of the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Coastal Commission or others with similar expertise;; and
3. Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species, which may include reliance on non-native species, including trees that provide roosting, feeding, or nesting habitat; and
4. An assessment of the short-term and long-term adaptability of various species to human disturbance; ~~and~~
5. An assessment of the impact and activity levels of the proposed development on - the resource.  
;and
6. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided. ;and
7. Use of natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area. ;and
8. Required buffer areas shall be measured from the following points, and shall include historic locations of the subject habitat/species that are pertinent to the habitats associated with the STMP-LUP area, as applicable:
  - The perimeter of the sand dune/permanently established terrestrial vegetation interface for dune-related ESHA.
  - The upland edge of a wetland.
  - The outer edge of the canopy of coastal ~~sage~~-scrub or forests plus such additional area as may be necessary to account for underground root zone areas.
  - The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys and the likely area containing the dormant seed banks of rare plant species.

- The outer edge of any habitat associated with use by mobile or difficult to survey sensitive species (such as ground nesting habitat or rare insects, seasonal upland refuges of certain amphibians, etc.) based on the best available data.

Where established “protocols” exist for the survey of a particular species or habitat, the preparing biologist shall undertake the survey and subsequent analysis in accordance with the requirements of the protocol and shall be trained and credentialed by the pertinent agency to undertake the subject protocol survey.

- B. A determination to utilize a buffer area of less than the minimum width shall be made by a qualified biologist contracting directly with the County, in consultation with biologists of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the Coastal Commission. The County’s determination shall be based upon specific findings as to the adequacy of the proposed reduced buffer to protect the identified resource.

#### STMP (Wetlands/ESHA) Policy 6:

Paved bicycle/pedestrian paths shall be located outside of the STMP-LUP lands designated and zoned Natural Resources except (1) within the outermost twenty (20) feet of the buffer portion of the designated and zoned Natural Resources area ~~pursuant to Exhibit 3~~, and (2) one designated footpath through the forested area on the northern end of the Samoa lands designed to connect the area between the future Vance Road/Samoa Cookhouse area and the undercrossing of New Navy Base Road and tsunami evacuation routes. Tsunami evacuation route signs and interpretive signs explaining the sensitivity of the habitat and the protective purpose of the reserved area may also be installed along the trail route. No lighting shall be installed within the bicycle/pedestrian paths or the forest trail, and no lighting installed in adjacent developed areas shall directly illuminate the Natural Resource area.

#### STMP (Wetlands/ESHA) Policy 7:

All new or replacement fencing within the lands subject to the STMP-LUP shall require a coastal development permit based on findings that the location and design of such fencing is safely permeable for wildlife.

STMP (Wetlands/ESHA) Policy 8: The use of Motorized Off-road Recreational Vehicles (ORVs) or Motorized All-terrain Vehicles (ATVs) not licensed for street use shall be prohibited on the lands subject to the STMP-LUP except in the limited areas and under the limited circumstances allowed by the certified Humboldt County LCP.

#### STMP (Wetlands/ESHA) Policy 9:

- A. Prior to approval or issuance of a coastal development permit for WWTF improvements, Vance Avenue improvements, and any residential development within Master Parcel 2, except for the cleanup of contaminated soil and groundwater, a plan shall be prepared for the removal of invasive, non-native plant species of particular ecological concern (such as pampas grass) within Master Parcel 2. The plan shall specify that the post-implementation period of monitoring and additional removal of nonnative species required by the plan shall generally be completed within a five-year period of time, or less depending on the biological objectives identified in the plan, with the pertinent period of time to commence with the initial removal of identified non-native plant species of ecological importance within the subject area, and with additional time added only if plan milestones are not achieved and additional removal is thus required. The plan shall contain a timeline not to exceed a maximum of ten (10) years.

which shall include a five-year initial plan and follow up remediation or adaptive management for up to five additional years based on the review of a qualified botanist. The plan shall also include performance milestones, monitoring, and reporting requirements. Compliance with the requirements of the plan applicable to Master Parcel 2 shall be attached as a condition of approval of the subject coastal development permit for Master Parcel 2 development.

**A.B.** Prior to approval of a coastal development permit for the comprehensive division of Master Parcel ~~2-3~~ or any other development except for the cleanup of contaminated soil and groundwater in the STMP-LUP area, a plan shall be prepared for the removal of invasive, non-native plant species of particular ecological concern (such as pampas grass) within Master Parcel ~~23~~. The plan shall specify that the post-implementation period of monitoring and additional removal of non-native species required by the plan shall generally be completed within a five-year period of time, or less depending on the biological objectives identified in the plan, with the pertinent period of time to commence with the initial removal of identified non-native plant species of ecological importance within the subject area, and with additional time added only if plan milestones are not achieved and additional removal is thus required. The plan shall contain a timeline not to exceed a maximum of ten (10) years, which shall include a five-year initial plan and follow up remediation or adaptive management for up to five additional years based on the review of a qualified botanist. The plan shall also include performance milestones, monitoring, and reporting requirements. Compliance with the requirements of the plan shall be attached as a condition of approval of the subject coastal development permit for the comprehensive division of Master Parcel 2 and the condition shall require that prior to recordation of each final map for all or a portion of the subdivision Master Parcel ~~23~~, the landowner/developer must demonstrate that the initial removal of invasive, non-native plant species of particular ecological concern has been completed within the area covered by the final map.

STMP (Wetlands/ESHA) Policy 10:

Wetlands shall be identified and delineated as follows:

- A. Delineation of wetlands shall rely on the wetland definition in Section 13577 of the Coastal Commission regulations set forth in pertinent part below. The field methods used in the wetland delineation shall be those contained in the Army Corps of Engineers Wetland Delineation Manual as modified by the ~~Interim-~~ Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region dated May 2010. or other Corns of Engineers delineation guidance that is in effect at the time of action~~April 2008~~. Section 13577 states in pertinent part:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

- (a) the boundary between land with predominantly hydrophytic

- cover and land with predominantly mesophytic or xerophytic cover; or
  - (b) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
  - (c) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
- B. Wetland delineations shall be conducted according to the California Code of Regulations, Section 13577(b) definitions of wetland boundaries. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum: (1) a map at a scale of 1:2,400 or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points; and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.
- C. Wetland delineations shall be prepared by a qualified biologist approved by the County.
- D. Wetland delineations should not be greater than five (5) years old at the time of development approval in reliance on the information provided by the delineation(s). If substantial time passes between application submittal for a coastal development permit and approval, such that a delineation becomes outdated, a supplemental delineation prepared in accordance with the same standards set forth herein, shall be prepared and submitted for consideration.

STMP (Wetlands/ESHA) Policy 11:

Environmentally Sensitive Habitat Areas (ESHA) shall be defined as any area in which plant or animal life or their habitats are either rare, including locally rare, or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The determination of whether ESHA is present shall be required before a coastal development permit application for any land division or other development on lands subject to the STMP-LUP is considered complete. The determination shall include a detailed, complete biological resources report prepared by a qualified biologist approved by the County. The data concerning surveys of ESHA shall not be greater than five (5) years old at the time of pertinent development authorization.

STMP (Wetland/ESHA) Policy 12:

Development, including any division of lands subject to the STMP-LUP, shall not significantly alter drainage patterns or groundwater resources in a manner that would adversely affect hydrology sustaining wetlands or non-wetland ESHA, flood these resources to the extent that a change in the composition of species found within the wetland or non-wetland ESHA would be likely to occur, or change the wetland or other sensitive habitat area in a manner that impairs or reduces its habitat value or water filtering function.

STMP (Wetland/ESHA) Policy 13:

No herbicides or rodenticides shall be used within STMP-LUP lands designated Natural Resources or Public Facilities, or within other areas containing wetland or

ESHA habitat or the buffers thereof. The use and disposal of any herbicides for invasive species removal shall follow manufacturer specifications, comply with imposed conditions, and protect adjacent native vegetation and coastal water quality. ~~Herbicides containing any anticoagulant compounds, including, but not limited to, bromadiolone or diphacinone shall not be used anywhere within the lands subject to the STMP-LUP.~~ Development approvals for lands subject to the STMP-LUP shall attach conditions specifying these requirements.

STMP (Wetlands/ESHA) Policy 14:

Landscaping with exotic plants shall be limited to outdoor landscaped areas immediately adjacent to the proposed development. All new landscaping within the lands subject to the STMP-LUP shall follow the California Native Plant Society (CNPS) "Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation" (<http://www.cnps.org/cnps/archive/landscaping.pdf>). The planting of invasive non-native plants including but not limited to pampas grass (*Cortaderia* sp.), acacia (*Acacia* sp.), broom (*Genista* sp.), English ivy (*Hedera helix*), and iceplant (*Carpobrotus* sp., *Mesembryanthemum* sp.) shall specifically be prohibited. No plant species listed as problematic and/or invasive and/or as a "noxious weed" by the California Native Plant Society, the California Invasive Plant Council, or listed as a "noxious weed" the State of California, or the U.S. federal government shall be used in any proposed landscaping within the lands subject to the STMP-LUP. To minimize the need for irrigation, all new landscaping shall consist primarily of native, regionally appropriate, drought-tolerant plants. New development projects that include landscape areas of 500 square feet or more shall include appropriate water conservation measures related to efficient irrigation systems and on-site stormwater capture. Development approvals for lands subject to the STMP-LUP shall attach conditions specifying ~~this~~ these requirements.

STMP (Wetlands/ESHA) Policy 15:

Proposed land divisions within the area subject to the STMP-LUP, including redivisions and lot line adjustments, shall identify a buildable area for each resultant lot that does not encroach into wetlands, non-wetland ESHAs or the prescribed buffers thereof.

## **Coastal Access and Recreation**

STMP (Coastal Access) Policy 1:

- A. The lands included within the approximately five (5)-acre area containing the Samoa Cookhouse on Master Parcel 3 shall be constructed or remodeled in accordance with an approved coastal development permit, and shall be reserved for Low Cost Visitor Serving Accommodations (LCVSA), shall not incorporate or be converted to other uses, and shall include the specific amenities listed below, or the equivalent thereof that includes a total of 55 LCVSA units, and the LCVSAs shall be made continuously available to the public at low cost rates:
  1. A hostel with at least 20 guest rooms and common hallway bathrooms on the second floor of the Samoa Cookhouse; and
  2. 20 detached small housekeeping cabins; and
  3. 15 car/tent camping spaces with tables and benches, grills, covered trash receptacles and potable water outlets at each site; and
  4. Bathroom/shower facilities with hot and cold running water, picnic and play areas with potable drinking water outlets, and fenced pet exercise areas for use by the cabin and campsite occupants; and



5. Adequate internal circulation routes and parking for coastal visitors and their guests, as well as day-use visitors, restaurant patrons, and adequate space and turnaround capacity for bus arrivals.
- All of the low-cost visitor serving accommodations and public access facilities specified above shall be permanently maintained and a coastal development permit shall be obtained for any proposed change of use or demolition of these facilities.
- B. The LCVSA facilities shall be attractively landscaped with an emphasis on locally native plant species, which shall be permanently labeled to identify the subject species. The LCVSA facilities and grounds shall be maintained in good repair and kept free of trash and litter.
  - C. The LCVSA facilities shall be connected to the public undercrossing of New Navy Base Road and the dunes and beaches beyond via a public, pedestrian-only path through the lands designated Natural Resources that is constructed in accordance with STMP (Wetlands/ESHA) Policy 6 STMP (Coastal Access Policy 3), and an approved coastal development permit. In addition, paved streets leading through Samoa development to the New Navy Base Road undercrossing shall be open to the public and shall not be gated. The pedestrian pathway specified above shall be permanently maintained and a coastal development permit shall be obtained for any proposed modification of the pathway.
  - D. The LCVSA owner/manager shall prepare and make continuously available to coastal visitors at no cost, brochures highlighting the habitats and species found along the Natural Resource Corridor pathway and in the beach and dune habitats west of New Navy Base Road. The brochures shall explain the importance of protecting and preserving the resources, and shall provide earthquake and tsunami safety information including Samoa tsunami evacuation routes and assembly areas. Tsunami evacuation routes and assembly areas shall also be prominently posted for the benefit of coastal visitors.
  - E. The LCVSA owner/manager shall be responsible for daily litter cleanup and the collection and disposal of trash from the LCVSA facilities, from the Samoa Dunes Interpretive Area and associated parking facilities, and shall periodically collect litter from the connecting trail between these, until or unless the County accepts such responsibilities.
  - F. The County shall ensure that permit conditions for the pertinent STMP development incorporate the conditions necessary to secure the obligations set forth in this policy.

STMP (Coastal Access) Policy 2:

- A. All approved pedestrian and bicycle paths, corridors, trails and tsunami evacuation routes within the lands subject to the STMP-LUP shall be open to the public at all times. These routes shall not be blocked, gated, obscured, or otherwise barricaded at any time except as may be necessary for initial construction and for occasional short-term maintenance. Pedestrian and bicycle facilities along Vance Avenue shall be installed concurrently with other roadway improvements and shall be open for public use prior to occupancy of any residential development on Master Parcel 2. All other approved public park and open space and pedestrian/bikeway paths and related amenities shall be completed and the facilities opened to the public prior to the commencement of development within either the Business Park area or the new residential areas.



on Master Parcel 3.

- B. Prior to the issuance of the coastal development permit for the comprehensive division of Master Parcel 23, the location of pedestrian and bicycle routes subject to this policy shall be surveyed and mapped and a deed restriction protecting the routes against conversion to another use shall be recorded. In addition, prior to the issuance of the coastal development permit for the comprehensive division of Master Parcel 23, a dedication or offer of dedication in perpetuity of a public access easement to a public agency or qualified non-profit organization shall be recorded for all existing or proposed pedestrian or bicycle routes, including routes prescribed elsewhere in these policies for coastal access and recreational purposes. The dedication or offer of dedication shall not contain a "sunset" provision and shall remain valid in perpetuity until or unless accepted by a qualified party.
- C. A map of the subject bicycle and pedestrian pathway/trail system shall be developed and posted at publicly visible central locations within the STMP-LUP area, including at the main entrance to the Samoa Cookhouse area.

STMP (Coastal Access) Policy 3:

Prior to construction of (1) the Business Park on Master Parcel 3 and (2) or development within the new residential areas on Master Parcels 2, and 3. other than affordable housing development on Master Parcel 2 that meets the definition of affordable for "Persons and families of low or moderate income" as defined in Health and Safety Code Section 50093:

- A. The approximately 1.5-acre site west of New Navy Base Road and identified on Exhibit 24 shall be designated as the Samoa Dunes Interpretive Area, shall be available for day use only, and shall include the following features: (1) Permanent interpretive displays explaining the ecology of the sensitive habitat surrounding of the site with the content approved by a qualified biologist and the design and location approved by the County; (2) symbolic cord-and-post fencing marking the boundaries of the interpretive area; (3) Picnic tables and benches sufficiently sized and located to accommodate school field trips in designated areas reserved for such use; and (4) covered trash collection receptacles impervious to wildlife and routinely serviced to maintain the Interpretive Area free of trash. All of the public access facilities specified above shall be permanently maintained and a coastal development permit shall be obtained for any proposed change of use or demolition of these facilities.
- B. A public pedestrian path constructed in accordance with STMP (Wetlands/ESHA) Policy 6 shall be installed to connect the Samoa Cookhouse area and the Samoa Dunes Interpretive Area via the tunnel under New Navy Base Road and shall be bordered by cord-and-post symbolic fencing throughout its length. The fencing shall be designed to prevent habitat disturbance caused by the use of unauthorized informal routes.
- C. The Samoa Dunes Interpretive Area including the public parking area and connector trails shall be maintained by the landowner/manager of the Samoa Low Cost Visitor Accommodations area until or unless the County or a community services district or other public managing agency created pursuant to STMP (New Development) Policy 4 accepts such responsibility.
- D. Access to the Samoa Dunes Interpretive Area shall be free of charge.

STMP (Coastal Access) Policy 4:

- A. At least two (2) bus stops shall be constructed within the Town of Samoa in accordance with the following requirements:
1. The bus stop locations must allow the Humboldt Transit Authority (or successor provider of public transportation services) buses sufficient area to enter, pull over completely out of adjacent through-traffic, and exit the turnout in accordance with physical limits and safety requirement. The necessary turnout area shall be approximately 100 feet in length and proportioned to allow for maneuvering of a 40-ft-long, 102-inch wide bus. Evidence that final designs for the bus stops have been reviewed and approved by the Humboldt Transit Authority shall be required prior to approval of a coastal development permit for the comprehensive division of Master Parcel 2; and
  2. The bus stop waiting areas shall be covered and weather-sheltered, well lighted for personal security, and furnished with maintained trash receptacles that are wildlife impermeable.
- B. A minimum of one of the bus stops required herein and associated amenities to serve the Samoa area shall be installed on Master Parcel 2 concurrent with the development of the Vance Avenue improvements on Master Parcel 2 and prior to occupancy of any residential development on Master Parcel 2. The other bus stops required herein shall be installed prior to commencement of construction of development within the new residential and business park areas.
- C. In accepting Commission certification of LCP Amendment Request HUM-MAJ-01-08, the County agrees to request that Humboldt Transit Authority add regularly scheduled bus service of the STMP-LUP lands upon approval of coastal development permits for development within the business park and new residential areas.

STMP (Coastal Access) Policy 5:

The restored historic downtown Samoa on Master Parcel 3 shall include at least one small retail grocery or convenience market that supplies commonly used daily provisions for residents and coastal visitors, thus reducing out-of-Samoa area convenience shopping-related vehicle trips. Such facilities should be scaled to serve Samoa shopping demand and shall not be designed in a manner that attracts more than incidental numbers of traffic trips from retail customers outside of the Samoa area. The landowner/developer shall be required as a condition of the comprehensive division of Master Parcel 2-3 to (1) construct to construct the building to house the grocery/convenience store prior to the recordation of final subdivision maps for any of the new residential areas, and (2) make the commercial building available for lease at market rates a grocery/convenience store business until at least five years after build-out of 75% of the new residential areas. If at the end of this period no prospective grocery/convenience store business has leased the building for this purpose, the building may be leased or sold for another commercial use. Visitor-serving establishments located in the restored historic downtown Samoa area may include modestly-scaled restaurants, galleries, and other small-scale tourist and neighborhood oriented shops and services, provided adequate parking and other support services are included in the subject development.

**Business Park Development (STMP-MAP-2)****STMP (Business Park) Policy 1:**

- A. The economic vitality of the STMP-LUP shall be enhanced through a compatibly designed business park that conveys a sense of visual continuity with the modest coastal “company town” aesthetic of historic Samoa structures. The primary purpose of the business park shall be the incubation of new, small businesses in Humboldt County, and secondarily, and an on-site source of potential employment for Samoa residents.
- B. Retail sales within the Business Park, subject to a conditional use permit, shall be limited to sales and service enterprises occupying less than 10,000 square feet, maximum, primarily for the support of other Coastal Business Park uses or when incidental to and supportive of the principal use, and designed in a manner that is visually and proportionally subservient to the scale and composition of the primary use. Retail enterprises that would attract a majority of customers from outside of the Coastal Business Park shall not be permitted. However, businesses located within the Business Park may include a minor amount of retail sales incidental to the primary business enterprise, and restricted to products manufactured or produced on site.
- C. No activities that produce significant noise, night lighting of substantial outdoor areas, or detectable odors, or pose a significant danger to health, safety or property shall be allowed within the business park, nor shall the use or storage of chemicals or materials, including biological materials, that may pose a significant risk of fire or explosion, or pose a biohazard risk to other business park occupants, be allowed.

**STMP (Business Park) Policy 2:**

Boxy, monolithic “industrial park” and warehouse-style development shall be avoided. Structures shall be no more than three (3) ordinary stories in height and shall be sited, designed, scaled and landscaped to blend compatibly with the community character of the existing town of Samoa. Individual structures shall be limited to a maximum of 10,000 square feet, with the following exceptions: a maximum of two structures may be sized up to 20,000 square feet, however the first-floor area shall not exceed 10,000 square feet and the visible bulk of the structures shall be reduced by design features and landscaping elements, and the structures shall include upper elevation vertical tsunami evacuation and assembly areas for the benefit of the business park users. Access to the vertical evacuation elevation shall be made continuously available from outside accessways so that evacuees would not be locked out of the main building internal areas, and use of the vertical evacuation areas shall be included in annual tsunami evacuation drills within the business park area. The business park shall be designed in manner that ties all development within the park together in an aesthetically compatible manner, with an emphasis on public greenways and common areas. Parking areas shall be located behind structures and screened with landscape plantings. Business park structures on the northern side of the Business Park shall be sized, designed, located, and landscaped in a manner that provides a visual buffer for the benefit of the new residential areas proposed north of the business park and for the downtown area, and ensures that the Business Park blends visually with the character of the town of Samoa.

**STMP (Business Park) Policy 3: Business Park Structural Restrictions:**

- A. The final plans and designs for all structures within the business park shall incorporate the following requirements unless a suitable vertical evacuation structure designed to withstand earthquake and tsunami risk posed by a Cascadia Subduction Zone earthquake and regional tsunami is provided within the distance that can be covered by a five-minute walk for the average person:
1. The uppermost accessible floor or roof of the subject structure shall be at an elevation not lower than the tsunami inundation elevation calculated for the subject area plus three additional feet to account for future sea level rise; and
  2. Access to the uppermost accessible floor or roof of the subject structure shall be continuously accessible to occupants of the building (i.e., interior stairwells shall not be locked) without resort to elevators; and
  3. The uppermost accessible floor or roof shall be large enough to shelter the maximum number of people that would be present within the subject building at any time; and
  4. Tsunami escape routes such as stairwells shall be prominently posted and routes shall not be blocked, used for storage, lined with unsecured shelving or other furniture that may shift or fall during an earthquake or otherwise block the route, or used for electrical, gas or other building services that may pose a hazard within the escape route; and
  5. The uppermost floor or roof designated for potential shelter shall have features that allow occupants to escape to the outside of the building directly from that elevation if lower elevations are blocked by flooding or damage; and
  6. No lockable entrances to stairwells or other escape routes from inside the structure shall be included in the plans or otherwise authorized.
- B. The plans and designs, including final plans, shall be stamped by a California-licensed professional civil engineer and shall include the most earthquake and tsunami-resilient building designs feasible, including measures that may exceed the minimum requirements of the applicable building code.

STMP (Business Park) Policy 4:

A landscaped buffer or its successor use shall be designed to screen the Samoa Processing Center or its successors use from the business park and from other public coastal viewing locations, and to minimize the odor, noise, light and other impacts that may be generated by the industrial use.

STMP (Business Park) Policy 5:

Land divisions of lands subject to the STMP-LUP, including redivisions and lot line adjustments shall be permitted only if all resulting parcels can be demonstrated to be buildable and consistent with the requirements of the STMP (Business Park) policies (excluding the initial merger and resubdivision by parcel map that would result in Master Parcels 2 and 3).

STMP (Business Park) Policy 6:

To the extent feasible based on future locations of authorized railroad parcel crossings, access to the Business Park and adjacent lands designated Public Facilities shall be primarily via New Navy Base Road so that service and delivery truck traffic associated with these areas is not ordinarily routed through downtown Samoa.

## Hazards

### STMP (Hazard) Policy 1:

Prior to approval of ~~the a~~ coastal development permit for ~~the comprehensive division of Master Parcel 2 or any other~~ development of the lands subject to the STMP-LUP, (other than a CDP for (1) the preliminary merger and resubdivision by Parcel Map of the Samoa Lands required by STMP (New Development) Policy 1A. and (2) the cleanup of soil and/or water contamination on any of the master parcels, a site-specific geologic study and review of proposed lot lines and development plans shall be prepared by and accompanied by the written determination of a California licensed professional civil engineer or California licensed professional engineering geologist stating specifically that the proposed lots would support a buildable site for the proposed development, and that a structure so located, if constructed in accordance with the expert's recommendations, will be safe from hazards posed by landslide, slope failure, or liquefaction, and safe from catastrophic failure in the event of the maximum credible earthquake or tsunami. The pertinent decision-makers shall require as a condition of the coastal development permit for such development that the pertinent licensed expert review the final plans and designs and affix the appropriate engineering stamp thereby assuring that the plans and designs fully incorporate the licensed expert's recommendations.

### STMP (Hazard) Policy 2:

The best available and most recent scientific information with respect to the effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all geologic, geo-technical, hydrologic, and engineering investigations prepared in support of coastal development applications for development of the lands subject to the STMP-LUP. Development at nearshore sites shall analyze potential coastal hazards from erosion, flooding, wave attack, scour and other conditions, for a range of potential sea level rise scenarios, ~~from three to six feet per century consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document.~~ The analysis shall also consider localized uplift or subsidence, local topography, bathymetry, and geologic conditions. A similar sensitivity analysis shall be performed for all critical facilities, energy production and distribution infrastructure, and other development projects of major community ~~significance using a minimum rise rate of 4.5 feet per century.~~ These hazard analyses shall be used to identify current and future site hazards, to help guide site design, development location, and hazard mitigation requirements, and to identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes, development projects shall assume a minimum sea level rise of ~~three (3)~~ 3.2 feet per century and by 2100 significant or critical infrastructure development of community-wide significance, such as sewage waste treatment facilities or emergency response facilities, shall assume a minimum of ~~4.55~~ 3 feet by 2100. consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document ~~per century~~; greater sea level rise rates shall be used if development is expected to have an exceptionally long economic life, if the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level.



STMP (Hazards) Policy 3:

New development associated with the provision of critical or significant community support functions (such as waste water treatment, provision of potable or ~~fire-fighting~~firefighting water, or fire and life safety command and equipment centers) or that may be converted into critical community shelter facilities in an emergency, or structures that house vulnerable populations that cannot be readily evacuated, including hospitals, schools, and care facilities for the elderly and/or disabled, shall be designed and located in a manner that will be free of the risk of catastrophic failure associated with earthquake or tsunami hazard, taking into account a minimum of 4.55.3 feet of sea level rise by 2100 consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document per century. The final approved plans for such facilities shall be reviewed and stamped as conforming to this standard by a California licensed professional civil engineer or a California licensed professional engineering geologist.

STMP (Hazards) Policy 4:

Prior to the approval or issuance of a CDP for either (1) any residential development on the comprehensive division of Master Parcel 2 or (2) the comprehensive division of Master Parcel 3 ~~other development of lands subject to the STMP LUP~~, the landowner/developer shall demonstrate compliance with ~~the a~~ Final Tsunami Safety Plan incorporating into the County's "Draft Tsunami Safety Plan for the Town of Samoa" dated ~~September 2007~~April 2013 (see Exhibit 19 Appendix M) and all of the recommended tsunami hazard mitigation, design, safety, and other pertinent recommendations, including, but not limited to, recommendations for vertical or horizontal evacuation options throughout the STMP ~~lands subject to the STMP LUP~~, as set forth in:

- (a) the "Revised Tsunami Vulnerability Evaluation, Samoa Town Master Plan, Humboldt County, California" prepared by GeoEngineers, dated October 17, 2006 (see ~~Exhibit 18~~ Appendix M); and
- (b) the additional recommendations set forth in the "Third Party Review" of the GeoEngineers October 17, 2006 document prepared for Humboldt County by Jose Borrero, Fredric Raichlen, Harry Yeh, copy submitted to Coastal Commission by Humboldt County March 8, 2007 (see Appendix M ~~Exhibit 17~~); and
- (c) the Final Plan for the tsunami hazard map prepared for "Emergency Planning Purposes" by Humboldt State University for reference as an indicator of site areas and evacuation routes subject generally to tsunami hazard (Appendix M ~~Exhibit 16~~); and
- (d) a plan for distant-source tsunami events prepared by the landowner/developer and approved by the County for the orderly evacuation from the Samoa Peninsula of the maximum estimated number of occupants and visitors of STMP-LUP lands at full buildout of the development approved in the master subdivision of Parcel 2 in response to warnings of tsunami hazard with time to evacuate to safer



mainland areas. The plans shall take into consideration total peninsula traffic evacuation capacity.

All new development, shall be required to prepare and secure approval of a plan showing consistency with all of the requirements of the Final tsunami safety plan required herein as a condition of approval for the required Coastal Development Permit for the subject development. The County's Final Samoa tsunami safety plan shall be distributed by the County Planning Department to the Humboldt County Department of Emergency Services, Sheriff's Office, and ~~the Eureka office of NOAA's National Weather Service~~~~City Police Department~~, and shall contain information guiding the emergency actions of these emergency responders in relaying the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experience seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation. The Final tsunami safety plan information shall be conspicuously posted or copies of the information provided to all occupants.

#### STMP (Hazards) Policy 5:

New residential development within lands subject to the STMP-LUP shall be sited and designed in a manner that places the lowest habitable floor at an elevation not lower than thirty-two (32) feet above mean sea level. Additionally, all such structures containing permanent residential units shall be designed to withstand the hydrostatic and hydrodynamic loads and effects of buoyancy associated with inundation by storm surge and tsunami waves up to and including the maximum credible tsunami runup without experiencing a catastrophic structural failure. For tsunami-resilient design purposes, a minimum sea level rise rate of 3.2 feet per century by 2100 shall be used when combined with a maximum credible tsunami condition. For purposes of administering this policy, "permanent residential units" comprise residential units intended for occupancy as the principal domicile of their owners, and do not include timeshare condominiums, visitor-serving overnight facilities, or other transient accommodations.

#### STMP (Hazard) Policy 6:

Prior to any conveyance of title to lands and prior to the issuance of a coastal development permit for any development within the lands subject to the STMP-LUP, including either new development or improvement of existing structures, evidence shall be submitted for the review and approval of the reviewing authority that a Deed Restriction has been recorded against the legal title of such lands, and against title of lands containing the subject development, setting forth the following disclosures,

1. Disclosure that the lands situated within the STMP-LUP are subject to extraordinary hazards posed by earthquake and tsunamis, and by future sea level rise, which may also increase the risks posed by coastal erosion, storm surge, and wave attack; and
2. Disclosure of the existence of an approved final Tsunami Safety Plan pertinent to the subject property, including the date of the plan and how a copy may be obtained; and
3. Disclosure that no shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development

within the STMP-LUP against future hazards that may arise due to the coastal setting of the Samoa lands, and the prospect of increased sea level rise in the future, and that the present landowners have taken future sea level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development of the STMP-LUP, and further, have acknowledged the possibility that no such protective structures would secure approval for construction.

~~Prior to filing as complete a CDP application for the comprehensive division of Master Parcel 2 or other development of lands subject to the STMP LUP, a Phase II archaeological resources assessment of all known archaeological sites shall be submitted that defines the resultant boundaries of such sites if not formerly known, or if the boundaries of the sites are fully recognized, shall ensure that the former Wiyot village sites and all five of the sites noted previously by County studies or referenced in the County's environmental impact reports for the "Samoa Town Master Plan" are protected from further development and disturbance. Prior to approval of the CDP for the comprehensive division of Master Parcel 2 or other development of lands subject to the STMP LUP, the landowner and County shall confer with designated Wiyot representatives to ensure that the cultural resources identified herein are protected in accordance with the Wiyot representative's recommendations. The CDP shall be conditioned to ensure the continuing protection of the archaeological resources identified in accordance with these requirements.~~

### **Archaeological**

#### STMP (Archaeological Resources) Policy 1:

Prior to ~~the approval or issuance of the filing as a complete CDP application for the division or other any~~ development of the Master Area parcels generally depicted on ~~Exhibit 25~~ lands subject to the STMP LUP, a Phase II archaeological resources assessment of all known archaeological sites shall be submitted that defines the resultant boundaries of such sites if not formerly known, or if the boundaries of the sites are fully recognized, shall ensure that the former Wiyot village sites and all five of the sites noted previously by County studies or referenced in the County's environmental impact reports for the "Samoa Town Master Plan" are protected from further development and disturbance. Prior to approval of a CDP for any development of the lands subject to the STMP-LUP ~~undertaking any further division or other development~~, the landowner and County shall confer with designated Wiyot representatives to ensure that the cultural resources identified herein are protected in accordance with the Wiyot representative's recommendations. The Coastal Development Permit for any land division or other development that is undertaken on lands subject to the resultant restrictions shall be conditioned to ensure the continuing protection of the archaeological resources identified in accordance with these requirements.

### **STMP Master Parcel**

#### STMP Master Parcel 1 (APN 401-031-67, Samoa Processing Center) Policy 1:

The Coastal Development Permit for any future development of APN 401-031-67, Samoa Processing Center, generally depicted on Exhibit 25A as Master Area Parcel 1 shall include conditions incorporating the following requirements:

- A. Deed restriction disclosing that any further division or other development of Master Parcel 1 is subject to the requirements of the certified Humboldt County LCP,

including, but not limited to the requirements of the STMP-LUP overlay designation; and

B. Deed restriction setting forth the following disclosures,

1. Disclosure that the lands situated within Master Parcel 1 are subject to extraordinary hazards posed by earthquake and tsunamis, and by future sea level rise, which may also increase the risks posed by coastal erosion, storm surge, and wave attack; and
2. Disclosure that no shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within Master Parcel 1 against future hazards that may arise due to the coastal setting of the Samoa lands, and the prospect of increased sea level rise in the future, and that the present landowners have taken future sea level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development of the STMP-LUP, and further, have acknowledged the possibility that no such protective structures would secure approval for construction.

### **Coastal Permit Appeal Jurisdiction**

#### STMP (Coastal Permit Appeal Jurisdiction) Policy 1:

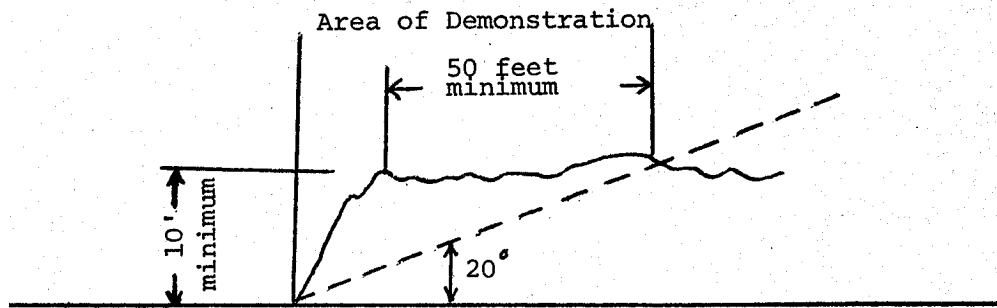
Notwithstanding any other local ordinances including, but not limited to, provisions of the County's uncertified subdivision ordinance requiring that roads within subdivisions be offered for dedication to the County, the roads developed within the STMP Overlay area depicted on Exhibit 25 shall not be accepted by the County and thereafter publicly maintained in order to ensure that, in addition to any other independent basis for appeal to the Commission, future development within the STMP overlay area will remain appealable to the Commission pursuant to Section 30603(a)(1) of the Coastal Act and 14CCR 13577(i) defining the first public road paralleling the sea.

## CHAPTER 5

## DEFINITIONS

**“AREA OF DEMONSTRATION OF STABILITY”** – As a general rule, the area of demonstration or stability (illustration A) includes the base, face and tops of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane included at a 20 degree angle from horizontal passing through the toe of the bluff or cliff, or fifty feet inland from the edge of the cliff or bluff whichever is greater. However, the county may designate a lesser area of demonstration in specific areas of known geologic stability (as determined by adequate geologic evaluation and historic evidence) or where adequate protective works already exist. The county may designate a greater area of demonstration or exclude development entirely in areas of known high instability.

ILLUSTRATION A



~~“BOUNDARY OF A TRANSITIONAL AGRICULTURAL LAND” – Either:~~

- ~~1) — the boundary of the area which would be below tidal elevations (+5 feet above mean sea level) if tide gates, dikes, or other drainage works were not in place;~~
- ~~2) — the boundary of a clearly defined slough which is periodically covered with standing water; or~~
- ~~3) — the boundary of the wetland prior to its alteration for agricultural use, as indicated by soils maps, elevation, or historic information, including maps and photographs.~~

~~Areas with drained or filled hydric soils which are no longer capable of supporting hydrophytes are not considered wetlands.~~

~~“BOUNDARY OF A WETLAND” – Either:~~

- ~~a. — the boundary between land with predominately hydrophitic cover and land with predominately mesophytic or xerophytic cover;~~
- ~~b. — the boundary between soil that is predominately hydric and soil that is predominately nonhydric; or in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not; or~~

- ~~1) the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not; or~~
- ~~2) the boundary between wetland and riparian habitats. Areas with drained or filled hydric soils which are no longer capable of supporting hydrophytes are not considered wetlands.~~

#### **“BLUFF OR CLIFF AREAS” -**

A bluff or cliff is a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass. The cliff or bluff may be simple planar or curved surface or it may be steplike in section. For the purposes of this guideline, “cliff” or “bluff” is limited to those features having vertical relief of ten (10) feet or more, and “seacliff” is a cliff whose toe is or may be subject to marine erosion.

**“BLUFF EDGE” OR “CLIFF EDGE”** ~~- is -~~ The upper termination of a bluff, cliff or seacliff. When the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

#### **“BOUNDARY OF A TRANSITIONAL AGRICULTURAL LAND” – Either:**

- a. The boundary of the area which would be below tidal elevations (+5 feet above mean sea level) if tide gates, dikes, or other drainage works were not in place;
- b. The boundary of a clearly defined slough which is periodically covered with standing water; or
- c. The boundary of the wetland prior to its alteration for agricultural use, as indicated by soils maps, elevation, or historic information, including maps and photographs.
- d. Areas with drained or filled hydric soils which are no longer capable of supporting hydrophytes are not considered wetlands.

#### **“BOUNDARY OF A WETLAND” – Either:**

- a. The boundary between land with predominately hydrophytic plant cover and land with predominately mesophytic or xerophytic plant cover;
- b. The boundary between soil that is predominately hydric and soil that is predominately nonhydric;
- c. In the case of wetlands without vegetation or soils; the boundary between land that is flooded or saturated at some time of the growing season during years of normal precipitation and land that is not; or
- d. The boundary between wetland and riparian habitats.
- e.e. Areas with drained or filled hydric soils which are no longer capable of supporting hydrophytes are not considered wetlands, unless such areas were drained or filled in violation of this Code, or other local, State or Federal law.

~~**“COMMERCIAL RECREATIONAL FACILITIES”** means facilities serving recreational needs but operated for private profit, (e.g., riding stable, chartered fishing~~

~~boats, tourist attractions and amusement or marine parks.)~~

**“COASTAL COMMERCIAL TIMBERLAND”** – means:

- 1) Within a Timberland Preserve Zone (TPZ), privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.
- 2) Outside a TPZ, land, other than land owned by the federal government or land designated by the Board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce timber and other forest products including Christmas trees (Public Resources Code Section 4526).

**“COASTAL-DEPENDENT DEVELOPMENT OR USE”** – means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

**“COASTAL-RELATED DEVELOPMENT”** – ~~means a~~Any use that is dependent on a coastal-dependent development or use.

**“COMMERCIAL-RECREATIONAL FACILITIES”** – ~~means f~~Facilities serving recreational needs but operated for private profit. (e.g., riding stable, chartered fishing boats, tourist attractions and amusement or marine parks.)

**“DEEPWATER CHANNEL”** – The federal navigation channel maintained by the U.S. Army Corps of Engineers. The depth of the dredged channel ranges from forty-eight (48) feet at the entrance to Humboldt Bay to twenty-four (24) feet at its shallowest point.

**“DEVELOPED”** – Developed with a structure that is a principle or conditional use permitted under a parcel’s land use designation in the applicable are plan.

**“DEVELOPMENT”** – ~~means, e~~On land, in or under water:

- a. ~~t~~The placement or creation of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste;
- b. ~~g~~Grading, removing, dredging, mining or extraction of any materials;
- c. ~~e~~Change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66-410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use;
- d. ~~e~~Change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and
- a-e. ~~t~~The removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to Public Resources Code Section 4511 and following the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

**“DIKES”** – A bank constructed to control or confine tidal waters.



**“DISADVANTAGED, MARGINALIZED, UNDERSERVED”** – The terms “disadvantaged”, “marginalized” and “underserved” are used interchangeably throughout this document. It intends to encompass not only the definitions contemplated by SB 1000 (2018), but also to include other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.

**“ENVIRONMENTAL JUSTICE”** - Per California Government Code Section 65040.12 (e), or any successor provision thereto, with which it is intended that the following definitions be consistent, “Environmental justice” means the fair treatment and meaningful engagement of people of all races, cultures, incomes, and national origins with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. “Environmental justice” includes, but is not limited to, all of the following:

- a. The availability of a healthy environment for all people.
- b. The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
- c. Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.
- d. At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

Consistent with subdivision (e) of Section 65040.12 of the Government Code

**“ENVIRONMENTALLY SENSITIVE HABITAT AREAS”** —~~means a~~Also referred to know as ESHA or “Environmentally Sensitive Areas”. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments ~~(Coastal Act Section 30107.5),~~ including:

- a. ~~a~~Areas of special biological significance as identified by the State Water Resources Control Board;
- b. ~~r~~Rare and endangered species listed in Sections 670.2 or 670.5 of Title 14 of the California Code of Regulations, or Sections 17.11 or 17.12 of Title 50 of the Code of Federal Regulations, pursuant to the Federal Endangered Species Act as rare, threatened or endangered~~habitat identified by the State Department of Fish and Game;~~
- c. ~~a~~All coastal wetlands and lagoons;
- d. ~~all marine, wildlife and education and research reserves; nearshore reefs;~~  
†Tidepools and near-shore reefs;
- e. ~~s~~Sea caves;~~islets and offshore rocks;~~
- f. ~~k~~Kelp beds;
- g. ~~i~~Indigenous dune plant habitats;
- h. Federally designated~~and~~ wilderness and primitive areas;
- i. Rivers, creeks, and associated riparian habitats; and
- a-j. Rookeries for herons and egrets.

**“EXISTING DEVELOPED AREAS”** — that may be appropriate for infilling and redevelopment include: lands upon which urban development presently exists; lands generally developed to a density of two or more units per acre; and lands within rural communities that constitute distinct, identifiable towns or villages because they are substantially more developed than surrounding lands and contain a variety of services common to rural centers which serve large surrounding areas (such as a post office, stores, restaurants, bars and service stations).

Other areas that may be appropriate for carefully phased expansion from such developed areas include lands adjacent or closely proximate to developed areas where development would provide a logical, resource conserving extension of the present developed area because

- (1) — coastal resources within the expansion area would be permanently protected;
- (2) — the lands are relatively near employment centers;
- (3) — adequate necessary services (i.e. roads, water, sewage disposal) are either available or can be provided without significant damage to coastal resources or to access to the coast by the general public;
- (4) — alternative sites for urban development would involve greater damage to natural resources, coastal or inland; and
- (5) — development proposed for the area is consistent with other Coastal Act requirements.

**“FEASIBLE”** — means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**“FEED LOT”** — A large yard with pens or stables, other than those part of a typical livestock ranch, where cattle, sheep, ~~etc.~~ or other similar animals are kept for finishing, shipment, or slaughter.

**“FILL”** — ~~means~~ Earth or other substance or material, including piling placed for the purpose of erecting structures thereon, placed in a submerged area. Also referred to as “Fill of Wetlands”.

**“FIRE HAZARD AREA”** — ~~No acceptable definition in common use. Local planners should use the~~ As identified on the Fire Hazard Severity Zone Maps Fire Hazard Severity Classification System developed by the California Department of Forestry and Fire Protection State Division of Forestry.

**“FLOOD HAZARD AREAS”** — ~~These~~ areas subject to inundation by a 100-year flood event as identified on the Federal Insurance Administration’s Federal Insurance Rate Maps (FIRM) for Humboldt County. Tsunami runup areas identified on U.S. Army Corps of Engineers 100-year recurrence maps, by other scientific or historic studies and other known areas of tsunami risk.

**“GEOLOGIC HAZARDS”** — ~~include~~ any of the following:

- a. ~~s~~ Seismic hazard areas delineated on fault maps as subject to potential surface rupture, on soil maps indicating materials particularly prone to shaking or liquefaction and in local and regional seismic safety plans;

- ~~b. Landslide hazard areas delineated on slope stability maps and in local and regional geologic or safety plans;~~
- ~~c. Beach areas subject to erosion; and~~
- ~~d. Other geologic hazards such as expansive soils and subsidence areas.~~
- ~~e. Tsunami runup areas identified on U.S. Army Corps of Engineers 100-year recurrence maps, by other scientific or historic studies and other known areas of tsunami risk based on the best available science and other known areas of tsunami risk, and as identified on California Geological Survey (CGS) maps, including:~~

- ~~• 475-year average return period (ARP) (10% chance of exceedance over a 50-year period)~~
- ~~• 975-year ARP (5% chance of exceedance over a 50-year period)~~
- ~~• 2,475-year ARP (2% chance of exceedance over a 50-year period);~~

~~2)1) landslide hazard areas delineated on slope stability maps and in local and regional geologic or safety plans;~~

~~3)1) beach areas subject to erosion; and~~

~~4)1) other geologic hazards such as expansive soils and subsidence areas.~~

**“HAZARD AREAS”** – An area that may be subject to Sea level rise, Flooding, or Tsunami as defined in this chapter.

**“HAZARDOUS INDUSTRIAL DEVELOPMENT”** – ~~is a~~Any development that handles toxic, flammable, or explosive materials in such quantities that would, if released or ignited, constitute a significant risk to adjacent human populations or development.

**“HIGHLY SCENIC AREAS”** – generally include:

- 1) landscape preservation projects designated by the State Department of Parks and Recreation in the California Coastline Preservation and Recreation Plan;
- 2) open areas of particular value in preserving natural land-forms and significant vegetation, or in providing attractive transitions between natural and urbanized areas; and
- 3) other scenic areas and historical districts designated by cities and counties.

**“INCIDENTAL PUBLIC SERVICE PURPOSES”** – Includes, but is not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines, that temporarily impact the resources of a habitat area. Projects, such as burying cables and pipes, inspection of piers, etc. which temporarily impact the resources of a habitat area.

**“LATERAL ACCESS”** – A recorded dedication or easement granting to the public use the right to pass and repass over dedicatory’s real property generally parallel to, and up to 25 feet inland from, the mean high tide line, but in no case allowing the public the right to pass nearer than five feet to any living unit on the property.

**“LEVEE”** – A bank constructed to control or confine non-tidal floodwaters.

**“MODE”** – in any group of numbers, that number which is found most frequently is the

mode.

~~“**LOW INCOME**” — includes both “very low” and “low” income, meaning households whose income does not exceed 50% and 80%, respectively, of the median household income of the Standard Metropolitan Statistical Area (SMSA) the jurisdiction is located in, or the county where there is no SMSA, in accordance with Chapter 13339 of the California Health and Safety Code.~~

~~“**NATURE-BASED ADAPTATION STRATEGY**”- A coastal adaptation and/or erosion control method that is comprised of natural or mostly natural elements, which contributes to the persistence and enhancement of coastal processes and ecological benefits while also protecting inshore areas. Nature-based adaptation strategies can be categorized into soft strategies and hybrid armoring.~~

~~(1) Soft Strategies, which avoid fixing the shoreline with hard structures and instead use dynamic systems to attenuate coastal hazards, such as dune or wetland restoration, and,~~

~~(2) Hybrid Armoring, which combines fixing the shoreline, such as with a buried revetment or other shoreline protective device, with a nature-based feature to provide ecological and other benefits.~~

**“NEIGHBORHOOD COMMERCIAL”** – Retail services which provide convenient sales facilities to residential areas, such as coin operated laundries, food markets and variety stores.

**“NON-PRIME AGRICULTURAL”** – ~~Agricultural lands that are now in use for crops, grazing, or that are suitable for agriculture, other than Prime Agricultural Land. means other coastal agricultural lands that are now in use for crops or grazing, or that are suitable for agriculture.~~

**“NON-TIDAL SLOUGH”** – Any portion of a slough which is not inundated with sea water by the daily ebb and flow of the tides.

**“PLANNED UNIT DEVELOPMENT”** —A development which, on an individual parcel, permits variable parcel sizes but an overall density consistent with the gross densities permitted in the area plan in order to provide development compatible with environmental, geologic or topographic features of a parcel.

~~“**PORT DEVELOPMENT COMBINING ZONE (PT)**” – The Port Development combining zone (abbreviated as “PT”) applies to land within the Coastal-Dependent Industrial (MC) land use designation with direct access to the Humboldt Bay maintained navigable channel where new or expanded port-related facilities are proposed. The PORT combining zone area is intended to capitalize on the use of Humboldt Bay’s maintained navigable channels as a resource, supporting port-related facilities, while protecting and enhancing high-quality environmentally sensitive habitat areas (ESHA) and wetlands.~~

~~All use limitations and development policies for the MC land use designation shall also apply in the PORT overlay designation except insofar as they are inconsistent with the development policies set forth in the PORT overlay designation. Where a conflict arises between the policies of the PORT overlay designation and any other policies of the certified LUP, the policies of the PORT overlay designation shall take precedence.~~

**“PRIME AGRICULTURAL LAND”** – ~~(p)er California Government Code Section 51201 (c), or any successor provision thereto, with which it is intended that the following definitions be consistent means:~~

- 1) ~~a~~All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications;
- 2) ~~I~~Land which qualifies for rating 80 ~~through~~ 100 in the Storie Index Rating;
- 3) ~~I~~Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one (1) animal unit per acre as defined by the ~~U.S.D.A.~~United States Department of Agriculture;
- 4) ~~I~~Land planted with fruit or nut bearing trees, vines, bushes or crops which have a non-bearing period of less than five (5) years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200.00 per acre;
- 5) ~~land which has returned from the production of unprocessed agricultural plant products on an annual gross value of not less than \$200.00 per acre for three of the five previous years.~~

**“PRIVATE INSTITUTIONS”** – The rooming or boarding of any aged or convalescent person whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency. Private institution shall include sanitarium, rest home and convalescent home.

**“PUBLIC WORKS”** – ~~means:~~ Includes: All production, storage, transmission and recovery facilities for water, sewage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities. Public Works shall further include:

- 1) ~~a~~All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, mass transit facilities and stations, bridges, trolley wires and other related facilities. ~~For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.~~
- 2) ~~a~~All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
- 3) ~~a~~All community college facilities; (Public Resources Code, Section 30114).

**“RECREATION, PRIVATE AND NONCOMMERCIAL”** – clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organizations and their guests.

**“RIPARIAN VEGETATION”** – refers to vegetation commonly occurring adjacent to stream banks and includinges, but not limited to, such plants as willows, alders, cottonwood, wax myrtle, big leaf maple, California laurel, red elderberry, etc.

**“ROAD STANDARDS”** (Appended by Reso. No. 85-55)

- 1) The “Rural Principal Arterial” system consists of a connected rural network of continuous routes which have trip length and travel density characteristics indicative of substantial statewide or interstate travel.
- 2) The “Rural Minor Arterial” road system, in conjunction with the rural principal arterial system, links cities and towns above 5,000 in

population and other major traffic generators, and forms an integrated network providing interstate and inter-county service.

- 3) “Rural Connectors” provide connections between the higher-order system and have low- volume/long trip length characteristics.
- 4) The “Rural Collector” routes generally serve travel or primarily regional importance rather than statewide importance and constitute those routes on which (regardless of traffic volume) predominant travel distances are shorter than on arterial routes. The collector road system is sub-classified into two categories:
  - a) “Major Collectors” are spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road.
  - b) “Minor Collectors” are spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road.
- 5) The “Rural Local Road” system serves primarily to provide access to adjacent land and accommodate travel over relatively short distances as compared to higher systems. (Not shown individually on circulation map.)
- 6) “Urban Principal Arterials” in conjunction with Rural Principal Arterials, provide the highest level of conventional street service to virtually all area traffic generators.

#### **“SAMOA TOWN MASTER PLAN LAND USE DESIGNATION OVERLAY (STMP-LUP)”**

– The Samoa Town Master Plan Land Use Designation Overlay (abbreviated as “STMP-LUP”) governs how development of the lands comprising the Town of Samoa will be authorized. The STMP-LUP overlay area comprises the entirety of the legal parcel(s) containing APN 401-031-036, APN 401-031-38, APN 401-031-46, APN 401-031- 55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 25.

The overlay designation directs the phased restoration and further development of the lands subject to the STMP-LUP designation and supplements the base land uses allowed under the principal land use designation. All use limitations and development policies for the principal land use designation shall also apply in the STMP- LUP overlay designation except insofar as they are inconsistent with the use limitations and development policies set forth in the STMP-LUP overlay designation. Where a conflict arises between the policies of the STMP-LUP overlay designation and any other policies of the certified LUP, including the policies of Chapter 3, “Humboldt Bay Area Development and Resource Policies,” the policies of the STMP-LUP overlay designation shall take precedence. (Amended by Res. 12-62 and Res. 12-63, 7/17/2012)

**“SEA”** – ~~means the~~ The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

~~**“SELF HELP HOUSING SPONSOR”** – an existing entity that is willing and able to assist in applying for and carrying out a grant under the Self Help Housing Program of the Farmers House Administration as provided in Section 1933.403(k), Title 7, Code~~



of Federal Regulations (Department of Agriculture).

~~“SPECIAL COMMUNITIES AND NEIGHBORHOODS” include the following:~~

- ~~1) areas characterized by a particular cultural, historical or architectural heritage that is distinctive in the coastal zone;~~
- ~~2) areas presently recognized as important visitor destination centers on the coastline;~~
- ~~3) areas with limited automobile traffic that provide opportunities for pedestrian and bicycle access for visitors to the coast;~~
- ~~4) areas that add to the visual attractiveness of the coast.~~

~~“SPILLWAYS” an alteration of a dike or levee above the level of mean higher high water for the purpose of drainage of flood waters.~~

**“SPECIAL DISTRICT”** – means any public agency other than a local government ... formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. “Special District” includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area. (Public Resources Code Section 30118).

**“SPILLWAYS” – an alteration of a dike or levee above the level of mean higher high water for the purpose of drainage of flood waters.**

**“STREAM TRANSITION LINE”** – ~~that A delineation~~ line located closest to a stream where riparian vegetation is permanently established.

**“STRUCTURE”** – Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including swimming pools and signs. Recreational vehicles used for human occupation are considered structures. “Structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aquaduct, telephone line, and electrical power transmission and distribution line. (Public Resources Code Section 30106). “Structure” does not include decks and platforms thirty (30) inches or less in height, signs three (3) feet or less in height, driveways, patios, or parking spaces where the area is unobstructed from the ground up, or fences seven (7) feet or less in height.

~~**“TIMBER PRODUCTS PROCESSING”** commercial processing of raw wood and wood products, including sawmills, lumber mills and plywood mills, but not including pulp mills.~~

**“TIMBER HARVEST”** – The cutting and removal of timber or other solid wood forest products from timberlands for commercial purposes, together with all of the work incidental to the harvest. The incidental work includes, but is not limited to fire hazard abatement, and construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, and beds for the falling of trees. “Timber Harvest” does not include cutting or removal of timber for creating building pads or access to a legal building site, when such cutting or removal is approved as a part of the building and/or encroachment permit. “Timber Harvest” also does not include the removal of diseased or dangerous trees that have no commercial value. Removal or harvest of incidental vegetation from timberlands such as berries, ferns, greenery, mistletoe, herbs, and other products, which action cannot normally be expected to

~~result in a threat to forest, air, water, or soil resources, does not constitute timber harvesting or production. The cutting and removal of timber or other solid wood forest products from timberlands for commercial purposes together with all of the work incidental to the harvest including, but not limited to: construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement.~~

**"TIMBER MANAGEMENT"** – The cutting and/or removal of timber, other solid forest wood products, or other vegetation from timberlands for the purpose of improving the productivity of commercial species on the site together with all of the work incidental to this activity, such as construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, and fire hazard abatement. Timber management activities include, but are not limited to: pre-commercial thinning, removal of non-preferred species (release), pruning, site preparation, protection practices, and incidental follow-up treatments. Pruning, protection practices (including such activities as placement of protective devices around trees and trapping), and incidental follow up treatments do not constitute development as defined by the 1976 Coastal Act. (See definition of "Development").

**"TIMBER PRODUCTS PROCESSING"** – ~~commercial processing of raw wood and wood products, including sawmills, lumber mills and plywood mills, but not including pulp mills.~~

**"TRANSITIONAL AGRICULTURAL LAND"** – A wetland which has been altered for production of crops, including pasture, hay, or other forage, but where hydrophytes typical of non-farmed wetlands will predominate if farming is discontinued. In Humboldt County, these areas are typically diked former tidelands or clearly defined non-tidal sloughs used for hay or pasture.

~~**"USABLE PARCEL"** – A parcel that can be developed for the principle use permitted under its land use designation and other policies of the applicable area plan.~~

**"VISITOR-SERVING FACILITIES"** – ~~means p~~Public and private developments that provide accommodations, food and services, including hotels, motels, campgrounds, restaurants, and commercial- recreation developments such as shopping, eating and amusement areas for tourists.

**"WETLANDS"** – ~~lands~~ Lands which may be covered periodically or permanently with shallow waters, including salt marshes, freshwater marshes, swamps, mudflats, fens and transitional agricultural lands (farmed wetlands) (Coastal Act Section 30121). ~~The County will use the U.S. Fish and Wildlife Service's Classification of Wetland and Deepwater Habitats of the United States as a guide to wetland identification. In general, lands which meet the classifications definition of subtidal estuarine aquatic beds, estuarine intertidal flats and emergent habitats, and palustrine emergent and non-riparian palustrine shrub scrub and forested habitats will be considered wetlands.~~ Wetlands shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate [California Code of Regulations (CCR) §13577(b)].

**"WETLAND, FARMED"** – ~~Same as~~ See "Transitional Agricultural Land".