



CITY OF EUREKA  
DEVELOPMENT SERVICES DEPARTMENT  
Rob Holmlund, AICP, Director

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**CITY OF EUREKA**

**NOTICE OF AVAILABILITY OF DRAFT  
LOCAL COASTAL PROGRAM AMENDMENT  
and  
Notice of City Council Public Hearing**

NOTICE IS HEREBY GIVEN that the City is providing “Notice of Availability of draft Local Coastal Program amendment.” The draft Local Coastal Program (LCP) Amendment is available for review and includes an amendment to the Land Use Plan map.

**Project Title:** Brainard Urban Limit Line Local Coastal Program Amendment

**Project Applicant:** California Redwood Company/City of Eureka

**Case No.:** LCP-18-0004

**Applicability:** Urban Limit Line at the north edge of the City limits near Brainard and Indianola Road

**Project Description:** The City of Eureka is reconfiguring the urban limit line on the north edge of the City limits to incorporate the recently approved Brainard Annexation area (ANX-16-0001) by amending the Land Use Plan map of the adopted and certified Local Coastal Program.

FURTHER, NOTICE IS HEREBY GIVEN the Eureka City Council will hold a public hearing on Tuesday, September 18, 2018, at 6:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chamber, Eureka City Hall, 531 “K” Street, Eureka, California, to consider the draft Local Coastal Program amendment.

The City of Eureka is the applicant for the LCP Amendment and will carry out the amendment in accordance with the Coastal Act. Pursuant to the Coastal Act, final action by the City Council on the LCP amendment will not occur prior to six weeks after publication and mailing of this “Notice of Availability of draft Local Coastal Program Amendment”. The LCP amendment will take effect automatically upon Coastal Commission approval.

Environmental: Pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission’s review and development process for LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by the California

Environmental Quality Act (CEQA). Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments. Therefore, based on the Public Resources Code Sections cited above, the City of Eureka exempts from CEQA the *Urban Limit Line LCP Amendment*.

All interested persons are invited to comment on the draft amendment either in person at the scheduled public hearing, or in writing. Written comments on the draft amendment may be submitted at the hearing or prior to the hearing by mailing or delivering them to the Community Development Division of the Development Services Department, 531 "K" Street, Eureka, CA 95501; or by emailing them to [kgoetz@ci.eureka.ca.gov](mailto:kgoetz@ci.eureka.ca.gov).

Americans with Disabilities Act: Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting.

Notes: If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The draft amendment is available for review at the Development Services Department Community Development Division, Third Floor, City Hall. If you have questions regarding the draft amendment to the Local Coastal Program or this notice, please contact Kristen M. Goetz, Senior Planner, phone: (707) 441-4166; fax: (707) 441-4202; e-mail: [kgoetz@ci.eureka.ca.gov](mailto:kgoetz@ci.eureka.ca.gov)



**AGENDA SUMMARY  
EUREKA CITY COUNCIL**

**TITLE: Brainard Urban Limit Line Local Coastal Program Amendment**

**DEPARTMENT: Development Services**

**PREPARED BY: Kristen M. Goetz, Senior Planner**

**PRESENTED FOR:**      Action      Information only      Discussion

**RECOMMENDATION**

- 1. Hold a Public Hearing**
- 2. Adopt a Resolution of the City Council approving an amendment to the Land Use Plan Map of the Local Coastal Program modifying the Urban Limit Line for the Brainard Annexation; and**
- 3. Adopt a Resolution of the City Council transmitting the Urban Limit Line Local Coastal Program Amendment to the Coastal Commission for certification.**

**FISCAL IMPACT**

No Fiscal Impact      Included in Budget      Additional Appropriation

**COUNCIL GOALS/STRATEGIC VISION**

**DISCUSSION**

Urban Limit Line

The City of Eureka is reconfiguring the urban limit line at the northeasterly edge of the City limits to incorporate the conditionally approved Brainard Annexation area (ANX-16-0001) by amending the Land Use Plan map of the City's adopted and certified Local Coastal Program.

In October, 2017, Council approved the submittal of California Redwood Company's Brainard Annexation application to the Local Agency Formation Commission (LAFCo) for action. California Redwood Company (CRC) proposed to annex four Assessor's parcels of unincorporated land (three parcels in their entirety and a portion of one additional parcel) into the City, along with a portion of the California Department of Transportation (Caltrans) right-of-way (ROW) along State Highway 101 (Highway 101),

totaling approximately 101.1 acres in size. The parcels are directly adjacent to the City of Eureka (City) city boundary on three sides, and within the City's Sphere of Influence.

In January, 2018, LAFCo imposed a condition of approval on the annexation that requires the relocation of the City's Urban Limit Line.

The City's Urban Limit Line identifies area within the City's coastal zone where development of vacant land is the preferred economic and environmental means of residential, commercial, or industrial growth. In most areas, the urban limit line is coincident with the city limit line. However, there are a few areas within the City limits where the urban limit line is not coincident with the city limit line, most often for area identified as "rural". The rural areas are vacant land within the City that is not preferred for development, and is usually agriculture, natural resource, or Environmentally Sensitive Habitat Area (ESHA) land. One of the City's two rural areas is shown on Figure 1 along with the current configuration of the urban limit line in the Brainard area.

Extension of urban services to areas outside of the urban limit line is not allowed under City of Eureka Municipal Code Section 10-5.2945.4, which states, "*There shall be no extension of urban services (sewer and water) beyond the urban limit line as designated in the Local Coastal Program...*" Brainard is currently outside of the City's urban limit line, and even though the city limit line will move as a result of the annexation, an amendment to the Land Use Plan Map is required to move the urban limit line to incorporate the Brainard site.

### Local Coastal Program Amendment

The Local Coastal Program (LCP) is the foundational policy document for areas of the City located in the coastal zone. It establishes farsighted policy that forms the basis for and defines the framework by which the City's physical and economic resources in the coastal zone are to be developed, managed and utilized. The LCP is divided into two components: the first component is the Land Use Plan (LUP), which is basically the General Plan in the coastal zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan land use map. The second component of the LCP is the Implementation Plan (IP), which includes zoning regulations and the zoning map for land in the coastal zone, and specific coastal zone ordinances necessary to implement the policies of the LUP.

The Urban Limit Line is shown on the Land Use Plan Map of the Local Coastal Program, and adoption and certification of this amendment will result in modification of the Urban Limit Line as shown on Figure 2.

### Findings and Analysis

The following findings are required to reconfigure the urban limit line for the Brainard Annexation Area, as enumerated in Eureka Municipal Code Title 10, Chapter 5, Section 10-5.2946.3 (Extension of urban limit.) The urban limit line is delineated on the Land

Use Plan Map of the Local Coastal Program (LCP). Reconfiguration of the line on the map requires an Amendment to the Land Use Plan Map, which is an amendment to the Local Coastal Program. Therefore, Council is also required to make a specific finding that the proposed reconfiguration is consistent with the objectives of the City's Coastal Zoning Regulations. Analysis and supporting information is included below each finding.

- **Required Finding No. 1:** Sufficient public services capacity is available to serve any development proposed for the area that is to be included in the extended urban limit area, while assuring that capacity is available for priority uses consistent with Local Coastal Program Policy 10.4. The reference to Policy 10.4 is now Policy 4.B.1, which states:

*To the extent feasible, within the Coastal Zone, the City shall preserve water system capacity needed for priority uses. These uses and their order of priority are as follows:*

- a. Coastal-dependent uses;*
- b. Essential public services;*
- c. Basic industries vital to the economic health of the region, state or nation;*
- d. Public recreation;*
- e. Commercial recreation; and*
- f. Visitor-serving uses.*

### **Water Infrastructure**

While the majority of the parcels within the Annexation Area are currently developed, they are not connected to the City's water system. The Annexation Area includes two APNs developed with railroad tracks (APNs 017-081-002 and portion of 404-141-003), two APNs comprising the Brainard site (APNs 017-081-001 and 404-141-004), and a portion of the Caltrans ROW along Highway 101. Therefore, it is assumed that City water service would only be extended to the Brainard site if required, which currently utilizes one on-site well on the eastern parcel (APN 404-141-004) for the site's domestic water and one on-site well for fire suppression. An additional well is currently located on-site, but is abandoned. While there are no immediate plans for City water service at this site, City water service would be extended from an existing connection in the future as required to serve new development. One possible connection would be the east end of Jacobs Avenue; however, once future development is proposed at the site, potential connection options will be fully evaluated to determine the most feasible option.

As noted in the 2014 Municipal Service Review (MSR) prepared by the Humboldt LAFCo and adopted January 15, 2014 by the City of Eureka, the City's water distribution system has normal deficiencies for a system of its age, including an aging piping system and low-pressure and fire-flow issues; as such, water distribution system improvements within the City are planned to address these issues. The Humboldt Bay Municipal Water District (HBMWD), which provides potable water to the City, has indicated that there is sufficient supply for the level of development forecasted in the General Plan; however, the City may

require project-specific analysis of the water system for any future substantial development. Such analysis may indicate that improvements should be made to water lines, pumping stations, or storage facilities.

Adequate water service can be provided through connection to and extension of the existing 12-inch line, located at the eastern terminus of Jacobs Avenue. The existing dead-end 12-inch system could be extended approximately one mile parallel to the Caltrans ROW along Highway 101 to the north to reach the eastern entrance to the Brainard site. However, assuming the site is located at the terminus of an approximately two mile long dead-end water system, service to the Brainard site may be somewhat limited and is unlikely to yield adequate fire flow. As such, continued use of a dedicated fire well, 500,000 gallon fire reservoir, and possibly increased on-site emergency water storage is likely to be required indefinitely.

### **Wastewater Infrastructure**

The parcels within the Annexation Area are not connected to the City's sewer system. Since development is anticipated at the Brainard site in the future, it is assumed that City sewer service would only be extended to the Brainard site, which has an existing septic system comprising four existing septic tanks on-site. While there are no immediate plans for City sewer service at this site, City sewer service would likely be extended from the existing connection located at the east end of Jacobs Avenue as required to serve future development.

As noted in the 2014 MSR, the City operates the Elk River Wastewater Treatment Plant (WWTP), which serves customers within the City limits and also treats wastewater from the surrounding unincorporated areas served by the Humboldt Community Services District (HCSD). The WWTP was designed such that its treatment capacity could be increased in the future as needed to accommodate both the City's planned growth within its SOI and the projected HCSD growth. The City's wastewater collection system is experiencing deficiencies that are typical of a collection system of its age, including: Inflow and Infiltration (I/I), pipe condition deterioration (with a majority being clay pipe), aging pumping systems, and some capacity limitations occurring at a few locations in the collection system during significant rain events. The City has several WWTP and collection system upgrades planned to address these deficiencies. Based on population growth projections for the entire area served by the WWTP, the City estimates adequate capacity at the WWTP to serve the projected development; however, the City may require project-specific analysis of the wastewater system for any future substantial development. Such analysis may indicate that improvements should be made to collection lines, lift stations, or treatment capacity.

Several wastewater infrastructure improvements, including wastewater collection and conveyance components, within the City of Eureka were recently completed under the Martin Slough Inceptor Project in order to increase reliability of the system, avoid wastewater overflows, and convey wastewater more efficiently to the WWTP, thereby improving the cost-effectiveness of system operations. As provided in the Environmental Assessment for the Martin Slough Interceptor Project, dated April 2005, specific

improvements included installation of new collector lines to connect existing lift stations to a new gravity wastewater collector pipeline, a new pump station, a new force main, and appurtenant improvements, such as manholes and access roads for improvements, and were designed to accommodate the predicted future population in the project's service area.

Adequate sewer service can be provided through the installation of a new sewer line parallel to the Caltrans ROW, and could be extended from the existing connection located at the east end of Jacobs Avenue. The nearest lift station is located in the intersection of Jacobs Avenue and Cole Avenue, which is located approximately 0.8 miles southwest of the Brainard site. Future development at the Brainard site may merit upgrades to the existing lift station.

### **Storm Drainage Infrastructure**

Stormwater and drainage at the Brainard site is managed with an existing levee and inboard drainage system. Site drainage exists at the southeast corner of the Brainard site, which runs under Highway 101 from west to east. Impervious surfaces in the Annexation Area generally flow to drainage ditches leading to Cutoff Slough on the east side of Highway 101 and from there to Humboldt Bay.

As noted in the 2014 MSR, much of the City's existing storm drainage network is old and undersized, depending upon inadequate gutter flow and undersized pipes and drop inlets, and street flooding occurs during the rainy season. Some of the City's sloughs and gulches, serving as natural drainage networks, have been filled, restricted, and/or altered. Most of the natural networks are unimproved, relatively deep, and have adequate capacity for a 100-year storm event; however, due to erosion and siltation, resulting in reduced capacity at some drain inlets and outlets, a few of the gulches experience flooding. No actual drainage easements exist for many of the City's natural drainage networks. As such, due to lack of access, maintenance and replacement within these gulches can be difficult. However, given the location of the Annexation Area, which is surrounded by Humboldt Bay and Highway 101, and its distance from the City proper (approximately 1.3 miles), the Annexation Area would remain unconnected to the City's existing storm drainage network. Any future development at the Brainard site would not affect the City's storm drainage system.

As the Brainard site is nearly entirely paved, additional development is not likely to increase storm drainage volumes; however, the existing system may need to be upgraded to meet current water quality standards and/or to facilitate on-site percolation. Additionally, new development on the Brainard site would require conformance with the City's Low Impact Development (LID) requirements, which may require converting a portion of the impervious surface to drainage swales and rain gardens to allow percolation on-site and to provide for natural filtration. Any necessary improvements will be the responsibility of each parcel's property owner when development occurs.

## Roads

No additional requirements for road capacity within the City limits or to Highway 101 are anticipated as a result of the annexation. The Annexation Area is adjacent to Highway 101, which appears to be in good repair and adequate for current and potential future uses. The Brainard site contains two ingress/egress points that connect directly with Highway 101 and considerable paved areas, in addition to an internal private road network. The driveways contain an uncontrolled railroad crossing, although the railroad is not currently operational, and cross a manmade inboard ditch that runs along the southeastern edge of the railroad grade. Traffic exiting the driveway to Highway 101 is controlled by a stop sign.

Frontage improvements may be required for future development of each affected parcel. These improvements would be the responsibility of each parcel's property owner when development occurs and would not be associated with the annexation process.

Maintenance of Highway 101 would remain the responsibility of Caltrans; the ingress/egress points and internal road network at the Brainard site would continue to be maintained by the property owner.

## Police Service

The Annexation Area is currently served by the Humboldt County Sheriff's Office and the California Highway Patrol (CHP). Following completion of the annexation, police services from the Eureka Police Department (EPD) would extend to include these parcels for primary response, while the CHP would continue to have jurisdiction over Highway 101. A significant increase in demand for police services resulting from the annexation is not anticipated. The impacts of any future development on police services would be fully evaluated when future development is proposed. The Eureka Police Department has been consulted regarding this topic and has not submitted any concerns or objections.

## Fire Protection

The Annexation Area is currently served by the Arcata Fire Protection District (AFPD) and a mutual aid agreement with Humboldt Bay Fire (HBF). Following completion of the annexation, fire protection services would be provided by HBF. The nearest station to the Brainard Site is Fire Station No. 4 at Myrtle Avenue and Cousins Street, located approximately 1.7 miles southwest of the Brainard site. The annexation is not expected to impact demand for fire protection services in excess of current levels. If and when future development is proposed within the Annexation Area, the impacts of these developments on fire protection services would be evaluated to ensure fire protection services are adequate to support any proposed development. The Humboldt Bay Fire Department has been consulted regarding this topic and has not submitted any concerns or objections.

## Finding 1: Sufficient Public Services Capacity Exists

Although no new development is currently proposed, it is anticipated that further development of the approximately 75 acre Brainard site will occur in the future. Adequate

public services could be provided to the Brainard site through physical upgrades such as a connection to and extension of the existing 12-inch line, located at the eastern terminus of Jacobs Avenue, to provide water services; connection and extension of wastewater services at the same junction; and site improvements such as additional water storage for fire suppression. These physical upgrades would be evaluated at the time development is proposed on-site and potential service connections will be evaluated to determine the most feasible option. Public services such as Police Service and Fire Protection can be adequately accommodated by the Eureka Police Department and Humboldt Bay Fire Department, respectively. Additionally, pursuant to Finding 1, if and when future development is proposed at the Brainard site, it is anticipated that sufficient public services capacity will remain available for the specific “priority uses” listed under Finding 1 in Section 2, above, but will be further evaluated once a specific development plan is proposed.

- **Required Finding No. 2:** The extension, or any development proposed for the area that is to be included in the extended urban limit area, will not have a significant adverse effect on prime agricultural land, timberland, or environmentally sensitive habitat areas.

### Timber Resources

As described within the Annexation Policy Paper found in the City of Eureka General Plan Update, *“This community (referencing parcels situated entirely within the Coastal Zone) does not feature any TPZs (Timber Production Zones) and is not subject to the requirements of the Forest Practice Act or the Timberland Productivity Act.”* As such, no loss in Timber Resources would occur as a result of future anticipated development within the Annexation Area.

### Agricultural Resources

Given that the Brainard site has historically been utilized for industrial purposes with past developments in conformance with industrial needs, and that no area within the Annexation Area is mapped as Prime Agricultural Soils or Agricultural Soils, no loss in agricultural resources is expected with foreseeable future development on the Brainard site (WebGIS).

### Environmentally Sensitive Habitat Areas (ESHA)

The Annexation Area potentially includes Environmentally Sensitive Habitat Areas (ESHAs), including eelgrass along the northern portion of Humboldt Bay along with Fay Slough across Highway 101 and wetland areas within the Annexation Area, which are defined in the City’s General Plan as ESHAs. Eelgrass beds are considered essential fish habitat under the Magnuson-Stevens Act. In regards to wetland areas on and near the Annexation Area, the margins of the property nearest Humboldt Bay and on the outboard side of the levee, as well as the roadside ditches and median grassy areas are presumed to include some coastal wetland areas, meeting at least one of the three designated wetland parameters. Review of available information on the Humboldt County Web GIS and the United States Fish and Wildlife Service’s (USFWS) National Wetlands Inventory indicate wetland areas on the northern and northeastern-most edge of the Annexation

Area, in addition to immediately adjacent to the east of the Annexation Area. Additionally, starting approximately 40 feet south of the southernmost boundary of the Annexation Area, the majority of the land south of the Annexation Area is considered as wetland.

There are no significant disturbances expected to these ESHAs as a result of the Brainard Annexation. Additionally, the Brainard site is an approximately 75-acre developed site previously utilized as a lumber mill and air dry yard, with administrative offices, and improved impermeable surfaces across much of this area utilize engineered drainage to minimize potential environmental effects in the surrounding habitats. Future development at the site would need to evaluate any further impacts on the above listed or future designated ESHA areas located on or surrounding the site and would be required to be meet all setbacks and development regulations, which would minimize potential impacts on ESHAs.

### **Finding 2: No Significant Adverse Effect on Prime Agricultural Land, Timberland, or Environmentally Sensitive Habitat Areas**

The Brainard site is an approximately 75-acre developed site previously utilized as a lumber mill and air dry yard, with administrative offices, and improved impermeable surfaces across much of the site. Brainard utilizes engineered drainage to minimize potential environmental effects in the surrounding habitats. There are no Timber or Agricultural Resources mapped at this location that would require additional consideration should future development at the site be proposed. Although there are Environmentally Sensitive Habitat Areas (ESHAs) noted on and within relative proximity to the Annexation Area, future development at the Brainard site would require additional studies in accordance with the proposed development to ensure proper mitigation and protection is undertaken of these ESHA locations.

- **Required Finding No. 3:** The Council shall make a specific finding as to whether the change is consistent with the objectives of this chapter prescribed in § 10-5.102 of this chapter, which states:
  - (A) *The zoning regulations are adopted pursuant to the City Charter to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare.*
  - (B) *More specifically, this chapter is adopted in order to achieve the following objectives:*
    - 1) *To provide a precise guide for the physical development of the city in such a manner as to achieve progressively the arrangement of land uses depicted in the general plan adopted by the Council;*
    - 2) *To foster a harmonious, convenient, workable relationship among land uses;*
    - 3) *To promote the stability of existing land uses that conform with the general plan and to protect them from inharmonious influences and harmful intrusions;*

- 4) *To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole;*
- 5) *To prevent excessive population densities and overcrowding of the land with structures;(6)*
- 6) *To promote a safe, effective traffic circulation system;*
- 7) *To foster the provision of adequate off-street parking and off-street truckloading facilities;*
- 8) *To facilitate the appropriate location of community facilities and institutions;*
- 9) *To promote commercial and industrial activities in order to strengthen the city's tax base;*
- 10) *To protect and enhance real property values; and,*
- 11) *To safeguard and enhance the appearance of the city.*

Additionally, because the Annexation Area is located within the coastal zone and is subject to the City's Coastal Zoning Regulations, the Council will also need to find that the proposed change is consistent with the objectives prescribed in Title 10, Chapter 5, Article 29, Section 10-5.2902 (Objectives and Purposes) which states:

*The purposes of this article are to:*

- *Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and human-created resources.*
- *Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this city, the region, state, and nation.*
- *Maximize public access to and along the Humboldt Bay shoreline, and maximize public recreational opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners.*
- *Assure priority for coastal-dependent and coastal-related development over other developments on the shoreline.*
- *Provide a definite plan for development so as to guide the future growth of the city within the coastal zone.*
- *Protect the social and economic character and stability of residential, commercial, agricultural and industrial areas within the city.*

### **Objectives and Purpose**

The proposed LCP Amendment is consistent with the objectives and purposes of Sections 10-5.102 and 10-5.2902, of the Eureka Municipal Code. As previously described, the proposed LCP Amendment seeks to modify the City of Eureka's Urban Limit Line to incorporate a condition of approval of the Brainard Annexation, as a compliment to the City's Economic Development strategy, as the City currently has limited land available for industrial development. Additionally, CRC seeks to enhance the potential value and marketability of the site by annexing the site into the City of Eureka

and, in cooperation with the City and neighboring property owners, are exploring options for the extension of water and wastewater infrastructure to the site, requiring an amendment to the Local Coastal Program to extend the urban limit line.

**Finding 3: Amendment is Consistent with Objectives of §10-5.102 and 10-5.2902**

No new development is proposed under the project, although future development at the Brainard site is anticipated. Due to the Annexation Area's location adjacent to Humboldt Bay and Highway 101, historical use, the zoning and land use designations, and the slow growth rate of the region and the Annexation Area, the Brainard site is not likely to be completely developed with non-priority uses, such as residential development. Furthermore, the approval of this amendment would allow for future development in line with these objectives as public services would have the option to be extended to the site per future development needs, which is not currently an option. As a result, there are no elements of the project that would conflict with the goals, objectives, or purposes outlined in 10-5.102 and 10-5.2902 of the Eureka Municipal Code.

**Conclusion:**

The Brainard Urban Limit Line LCP Amendment conforms with and meets all of the requirements specified in Findings 1-3, as discussed above. The project seeks to reduce a shortage of industrial lands within the current City boundaries as outlined by the City's Economic Development strategy, through the addition of more industrial space (approximately 75 acres) available for future development at the Brainard site. Sufficient public service capacity has been evaluated with consideration for priority uses consistent with Local Coastal Program Policy 10.4 (4.B.1). Potential future development at the site will not negatively impact or reduce the potential for timber or agricultural resources; however, any future development(s) will require additional surveying and assessment of ESHA locations adjacent to the site to ensure these areas are appropriately managed and any possible impacts are mitigated as needed. Additionally, pursuant to Finding 1, if and when future development is proposed at the Brainard site, it is anticipated that sufficient public services capacity will remain available for the specific "priority uses" listed under Section 2.0, but will be further evaluated once a specific development plan is proposed. Furthermore, since no new development is proposed under the annexation, there would be no elements of the project that would create dissonance with the goals and objectives outlined in the Eureka Municipal Code §§ 10-5.102 and 10-5.2902. This LCP Amendment meets all requirements previously discussed, and serves to benefit the City's infrastructure and development in an intelligible and thoughtful manner.

**Planning Commission:**

At their August 13, 2018 meeting, the Planning Commission unanimously adopted Planning Commission Resolution 2018-09 recommending the City Council approve the amendment of the Land Use Plan Map to reconfigure the urban limit line at Brainard.

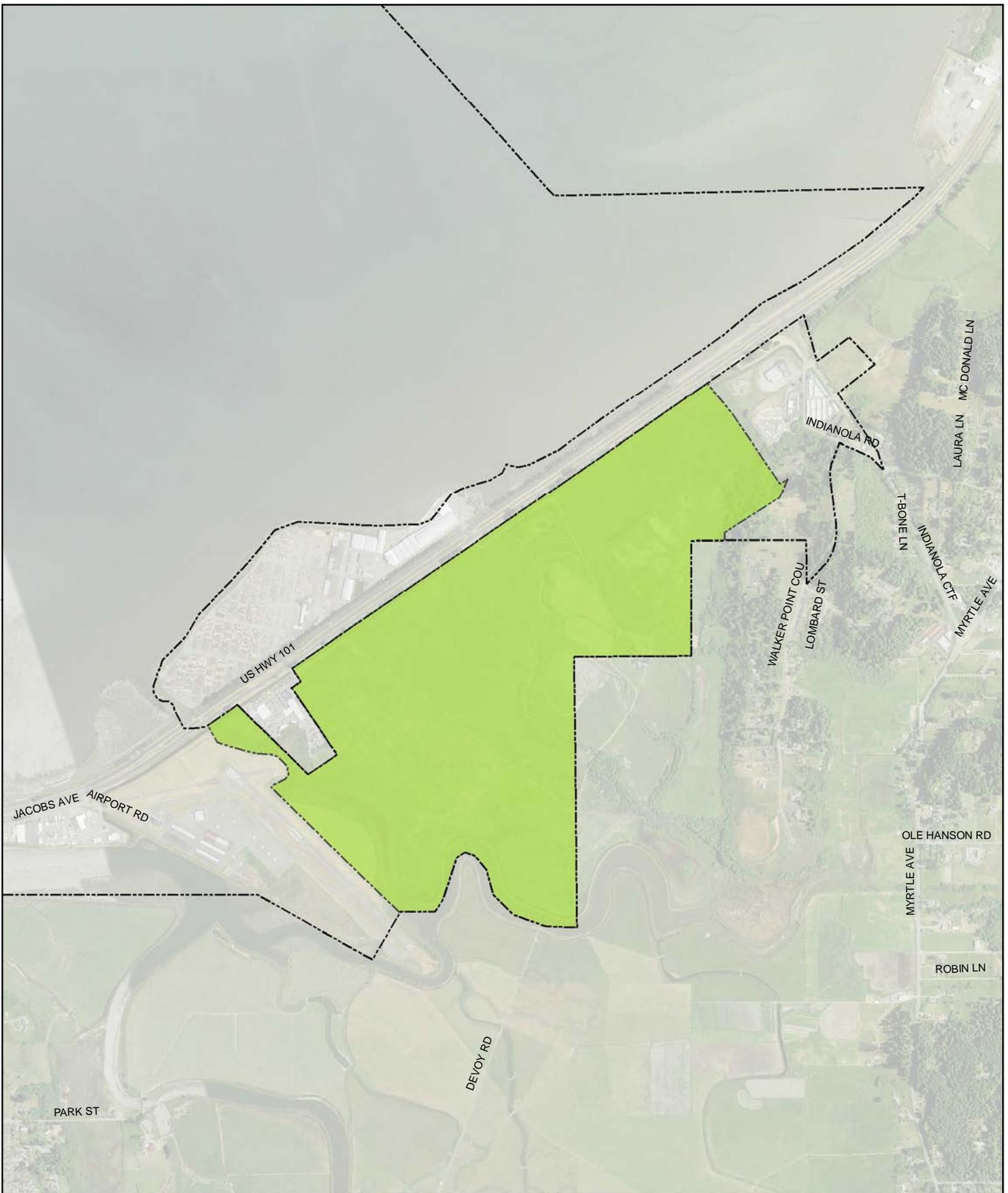
**Environmental:** Pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission's review and development

process for LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by the California Environmental Quality Act (CEQA). Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments. Based on the Public Resources Code Sections cited above, the City of Eureka exempts from CEQA the *Brainard Urban Limit Line Local Coastal Program Amendment*.

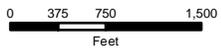
**REVIEWED AND APPROVED BY:**

- City Attorney
- City Clerk/Information Services
- Community Services
- Development Services
- Finance
- Fire
- Personnel
- Police
- Public Works

# Figure 1



Scale: 1" = 1500'



--- Existing Urban Limit Line

■ Rural Area

Existing Urban Limit Boundary  
and Brainard Area

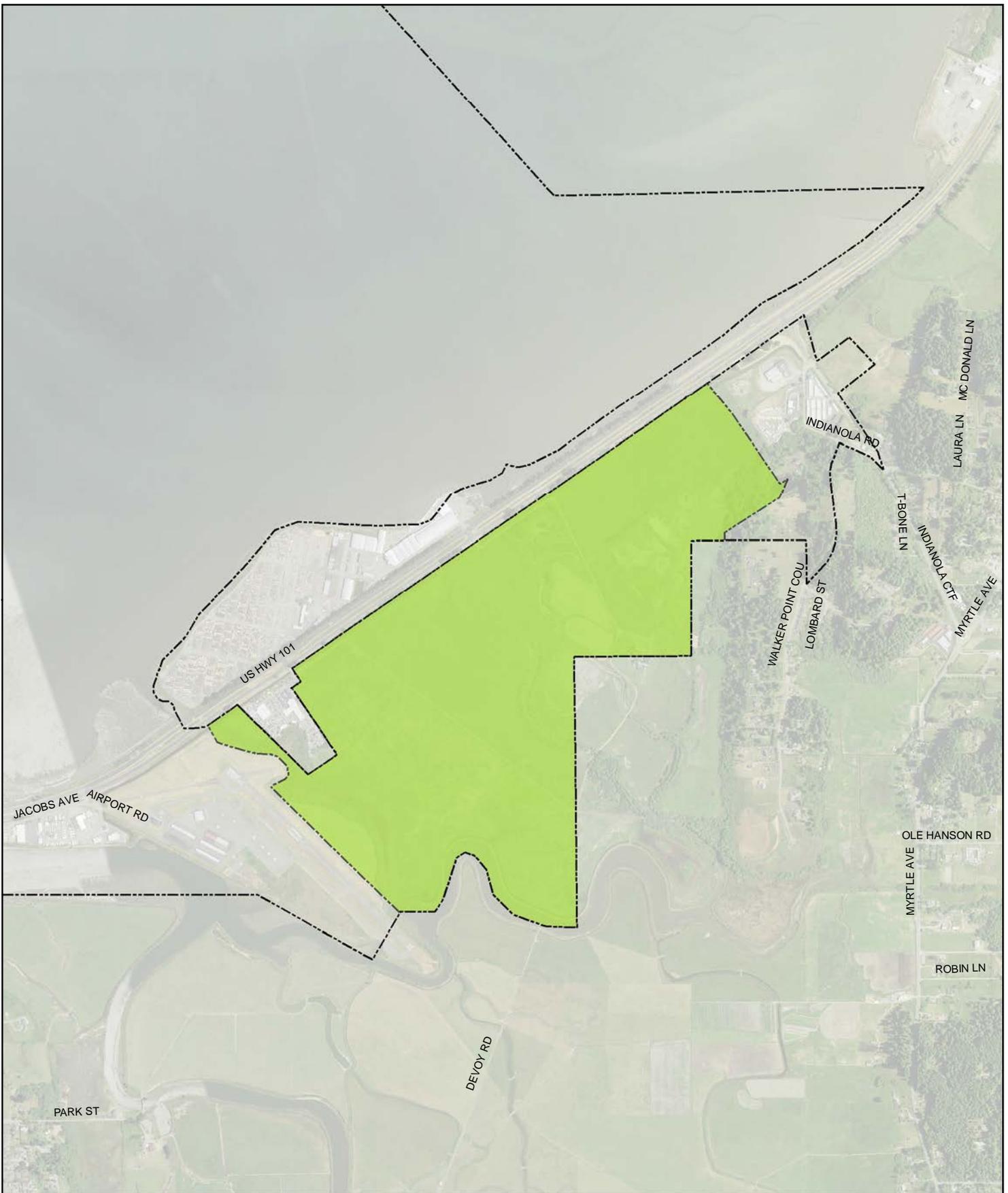


Figure 1

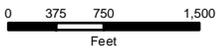
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# Figure 2



Scale: 1" = 1500'



--- Existing Urban Limit Line

■ Rural Area

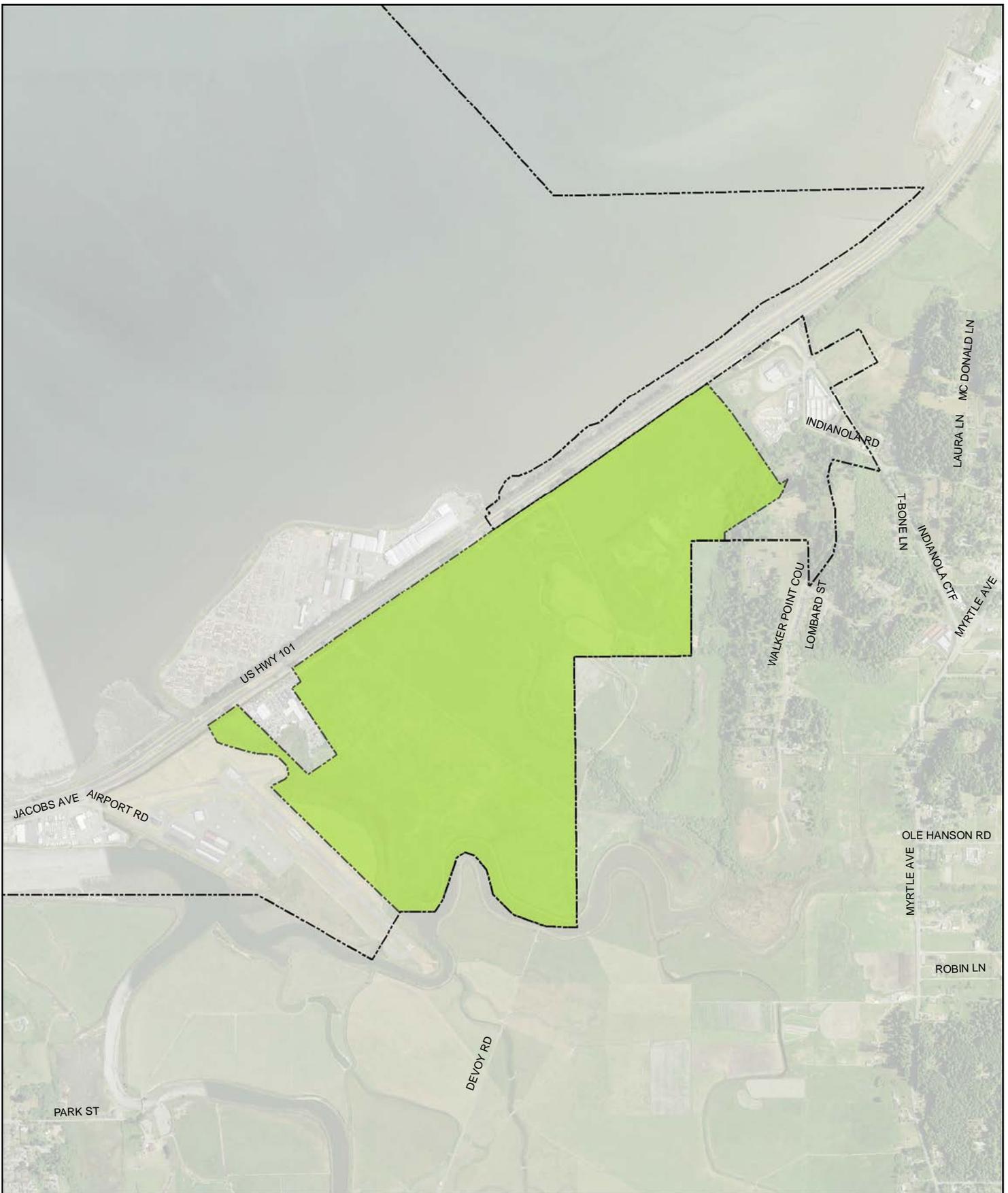
Existing Urban Limit Boundary  
and Brainard Area



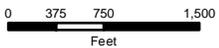
Figure 1

Date: 7/27/2018

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Scale: 1" = 1500'



Proposed Urban Limit Line

Rural Area

Proposed Urban Limit Boundary  
and Brainard Area



Figure 2

Date: 7/27/2018

Created By: rtopolewski

# Attachment A

## LUP Resolution

RESOLUTION No. 2018-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA ADOPTING AN AMENDMENT TO THE LAND USE PLAN MAP PORTION OF THE ADOPTED AND CERTIFIED CITY OF EUREKA LOCAL COASTAL PROGRAM TO RECONFIGURE A PORTION OF THE URBAN LIMIT LINE**

**WHEREAS**, Brainard, consisting of APNs 017-081-001 and 404-141-004, is an approximately 75-acre developed site previously utilized as a lumber mill and air dry yard, with administrative offices; and

**WHEREAS**, the California Redwood Company (CRC), owner of the Brainard site, is seeking to enhance the potential value, marketability, and future use of the site by annexing the site into the City of Eureka; and

**WHEREAS**, the City of Eureka currently has limited land available for industrial development, and the annexation provides industrial development opportunities and complements the City's Economic Development strategy; and

**WHEREAS**, California Redwood Company applied to annex the Brainard site into the City of Eureka; and

**WHEREAS**, the City Council of the City of Eureka approved the submittal of the annexation to the Local Agency Formation Commission (LAFCo) on October 3, 2017; and

**WHEREAS**, LAFCo conditionally approved the annexation on January 17, 2018; and

**WHEREAS**, one of LAFCo's conditions was, "The City of Eureka shall amend its Local Coastal Program (LCP) for purposes of modifying the urban limit line to allow for the extension of services to the Brainard site."; and

**WHEREAS**, the proposed LUP amendment will reconfigure the Urban Limit Line on the northeast portion of the City of Eureka as shown in Exhibit A attached hereto; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on August 13, 2018, to consider recommending the City Council approve the Land Use Plan Map Amendment of the Brainard Urban Limit Line LCP Amendment; and

**WHEREAS**, during the public hearing no persons provided testimony in favor of or opposed to the Local Coastal Program amendment; and

**WHEREAS**, upon closing the public hearing, the Planning Commission

considered the Local Coastal Program Land Use Plan Map amendment and took action to adopt Planning Commission Resolution No. 2018-09, “*A Resolution of the Planning Commission of the City of Eureka Transmitting a Recommendation of Approval to the City Council to amend the Land Use Plan (LUP) of the Local Coastal Program (LCP) to reconfigure the urban limit line at Brainard*”; and

**WHEREAS**, although no new development is currently proposed, it is anticipated further development of the approximately 75 acre Brainard site will occur in the future. Adequate public services are available through connection to and extension of the existing 12-inch line, located at the eastern terminus of Jacobs Avenue, to provide water services; connection and extension of wastewater services at the same junction; and site improvements such as additional water storage for fire suppression. Public services such as Police Service and Fire Protection can be adequately accommodated by the Eureka Police Department and Humboldt Bay Fire Department, respectively. Additionally, if and when future development is proposed at the Brainard site, it is anticipated that sufficient public services capacity will remain available for the specific “priority uses” listed under Local Coastal Program Policy 4.B.1; and

**WHEREAS**, there are no Timber or Agricultural Resources mapped at the Brainard site that would require additional consideration should future development be proposed. Although Environmentally Sensitive Habitat Areas (ESHAs) are noted on and within relative proximity to the Annexation Area, future development would require additional studies in accordance with the proposed development to ensure proper mitigation and protection is undertaken of these ESHA locations; and

**WHEREAS**, due to the Annexation Area’s location adjacent to Humboldt Bay and Highway 101, historical use, the zoning and land use designations, and the slow growth rate of the region and the Annexation Area, the Brainard site is not likely to be completely developed with non-priority uses, such as residential development. There are no elements of the project that would conflict with the goals, objectives, or purposes outlined in 10-5.102 and 10-5.2902 of the Eureka Municipal Code; and

**WHEREAS**, pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission’s review and development process for Local Coastal Programs and Local Coastal Program amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA.

**NOW, THEREFORE, BE IT RESOLVED BY** the City Council of the City of Eureka as follows:

**SECTION 1.** The Urban Limit Line Local Coastal Program Land Use Plan Map amendment is exempt from CEQA pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code.

**SECTION 2.** The Local Coastal Program Land Use Plan Map amendment conforms to Chapter 3 of the Coastal Act.

**SECTION 3.** Sufficient public services capacity is available to serve any development proposed for the area within the extended urban limit area and capacity is available for priority uses consistent with Local Coastal Program Policy 10.4 (4.B.1.).

**SECTION 4.** The extension of the urban limit line, or any development proposed for the area that is to be included in the extended urban limit area, will not have a significant adverse effect on prime agricultural land, timberland, or environmentally sensitive habitat areas.

**SECTION 5.** The proposed LCP Amendment is consistent with the objectives and purposes of Sections 10-5.102 and 10-5.2902, of the Eureka Municipal Code.

**SECTION 6.** Pursuant to Coastal Act Section 30510(a), the City of Eureka will carry out the Local Coastal Program Amendment in a manner fully consistent with the California Coastal Act.

**SECTION 7.** Staff is directed to transmit the adopted Local Coastal Program Land Use Plan Amendment to reconfigure the Urban Limit Line to the Coastal Commission for approval and certification.

**SECTION 6.** The Local Coastal Program amendment will take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Eureka, County of Humboldt, State of California, on the 18th day of September, 2018, by the following vote:

AYES:           COUNCIL MEMBERS:  
NOES:           COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:

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Frank J. Jäger, Mayor of the City of Eureka

*Attest:*

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Pamela J. Powell, City Clerk

*Approved as to Administration:*

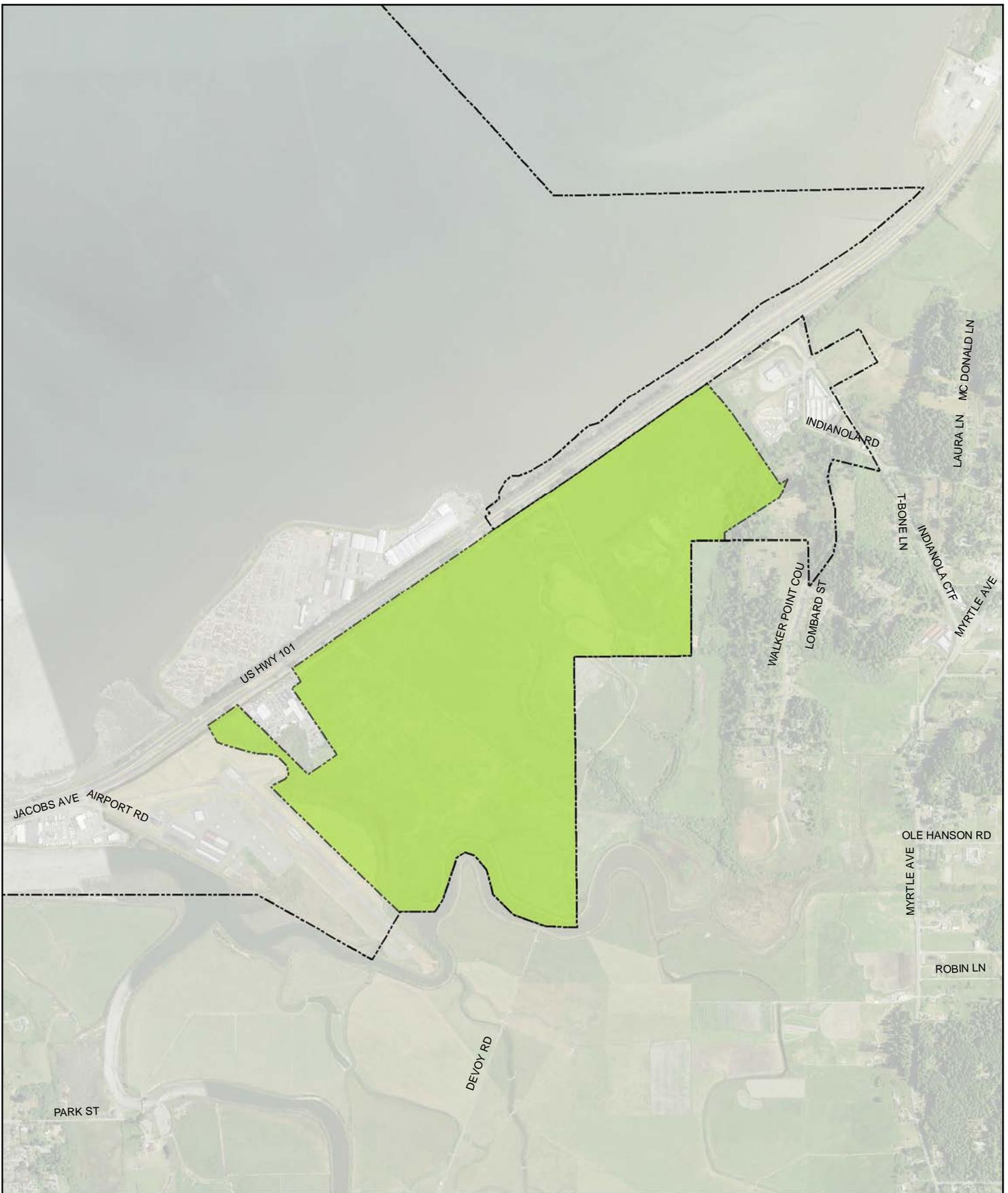
*Approved as to form:*

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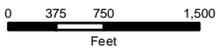
Greg L. Sparks, City Manager

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Bob Black, City Attorney



Scale: 1" = 1500'



 Proposed Urban Limit Line

 Rural Area

Proposed Urban Limit Boundary  
and Brainard Area



Exhibit A

Date: 7/27/2018

Created By: rtopolewski

Attachment B  
Transmittal Resolution

RESOLUTION No. 2018-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA  
TRANSMITTING AN AMENDMENT TO THE LAND USE PLAN MAP PORTION OF  
THE ADOPTED AND CERTIFIED CITY OF EUREKA LOCAL COASTAL PROGRAM  
RECONFIGURING THE URBAN LIMIT LINE TO THE CALIFORNIA COASTAL  
COMMISSION FOR CERTIFICATION**

**WHEREAS**, the City of Eureka desires to amend the Land Use Plan Map of the Local Coastal Program to reconfigure the Urban Limit Line for the Brainard Annexation. City of Eureka project number LCP-18-0004 was assigned; and

**WHEREAS**, the proposed Local Coastal Program Amendment will affect only the Brainard Annexation Area which includes four Assessor's parcels of unincorporated land (three parcels in their entirety and a portion of one additional parcel), along with a portion of the California Department of Transportation (Caltrans) right-of-way (ROW) along State Highway 101 (Highway 101), totaling approximately 101.1 acres in size within the coastal zone district; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, on August 1, 2018, a "*Notice of Availability of Draft Local Coastal Program Amendment and Notice of Planning Commission Public Hearing*" for the draft Amendment was mailed to 47 local, state and federal agencies; the Humboldt County Library; one newspaper of general circulation and 11 radio stations; and

**WHEREAS**, on August 3, 2018, the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

**WHEREAS**, the Notice advised of a public hearing scheduled before the Planning Commission on August 13, 2018; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, the mailings on August 1, 2018, and the publications on August 3, 2018, were at least ten days prior to the scheduled public hearing; and

**WHEREAS**, at the public hearing held by the Planning Commission on August 13, 2018, there were no persons who provided testimony in favor of or opposed to the Local Coastal Program amendment; and

**WHEREAS**, upon closing the public hearing, the Planning Commission considered the Land Use Plan portion of the Local Coastal Program Amendment and took action to adopt Planning Commission Resolution No. 2018-09, "*A Resolution of the Planning Commission of the City of Eureka Transmitting a Recommendation of Approval to the City Council to amend the Land Use Plan (LUP) of the Local Coastal Program (LCP) to reconfigure the urban limit line at Brainard*"; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, on **September \_\_\_\_, 2018**, a “*Notice of Availability of Draft Local Coastal Program Amendment and Notice of City Council Public Hearing*” for the draft Amendment was mailed to 47 local, state and federal agencies; the Humboldt County Library; one newspaper of general circulation and 11 radio stations; and

**WHEREAS**, on **September \_\_\_\_, 2018**, the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

**WHEREAS**, the Notice advised of a public hearing scheduled before the City Council on September 18, 2018; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, the publication on **September \_\_\_\_, 2018**, was at least ten days prior to the scheduled public hearing; and

**WHEREAS**, the City Council held a public hearing on September 18, 2018, to consider the Local Coastal Program Amendment. No person provided testimony either in favor or against the Local Coastal Program amendment; and

**WHEREAS**, on September 18, 2018, upon closing the public hearing, the City Council considered the Local Coastal Program Amendment and the Planning Commission’s recommendation, and took action to adopt City Council Resolution No. **2018- \_\_\_\_**, approving the Land Use Plan Map Local Coastal Program Amendment to reconfigure the Urban Limit Line; and

**WHEREAS**, Section 13515(c) of Title 14 Code of Regulations requires that there be a minimum of six weeks (42 days) between the “Notice of Public Hearing” for the draft Local Coastal Program Amendment and the City’s final action; and

**WHEREAS**, the City Council’s final action on the Local Coastal Program Amendment occurred on September 18, 2018, which is 48 days following the August 1, 2018, mailing of the Notice of Public Hearing, and 46 days following the publication of the first notice in the Times Standard.

**NOW, THEREFORE, BE IT RESOLVED BY** the City Council of the City of Eureka as follows:

**SECTION 1.** The Urban Limit Line Local Coastal Program Land Use Plan Map amendment is exempt from CEQA pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code.

**SECTION 2.** The Local Coastal Program Amendment conforms to Chapter 3 of the Coastal Act.

**SECTION 3.** Pursuant to Coastal Act Section 30510(a), the City of Eureka will carry out the Local Coastal Program Amendment in a manner fully consistent with the California Coastal Act.

**SECTION 5.** Staff is directed to transmit the adopted Local Coastal Program Land Use Plan Amendment to reconfigure the Urban Limit Line to the Coastal Commission for approval and certification.

**SECTION 6.** The Local Coastal Program amendment will take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Eureka, County of Humboldt, State of California, on the 18<sup>th</sup> day of September, 2018, by the following vote:

AYES:           COUNCIL MEMBERS:  
NOES:           COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:

\_\_\_\_\_  
Frank J. Jäger, Mayor of the City of Eureka

*Attest:*

\_\_\_\_\_  
Pamela J. Powell, City Clerk

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
Greg L. Sparks, City Manager

\_\_\_\_\_  
Bob Black, City Attorney