

## Notice of Exemption

## Appendix E

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: Humboldt

825 5th street #5

Eureka CA 95501

From: (Public Agency): Westhaven Community Services  
Po Box 2015 Trinidad CA 95570-2015  
prosenblatt.wcsd@suddenlinkmail.com

(Address)

**FILED**

County of Humboldt  
Juan P. Cervantes  
County Clerk

**12-2023-052**

**03/30/2023**  
**sc**

Project Title: Westhaven Emergency Waterline Replacement Project

Project Applicant: Westhaven Community Services District

Project Location - Specific:

Kay/Highland/Kahlstrom/6th/7th Avenues, Tepona & Spring Ln, Haven Wy, Driver Rd

Project Location - City: Westhaven Project Location - County: Humboldt

Description of Nature, Purpose and Beneficiaries of Project:

To address significant water leaks in waterlines installed in the late 1960's, Westhaven CSD is seeking a Coastal Development Permit to replace approximately 5,650 feet of existing waterlines located in roadways, where construction would be located within the footprint of the existing waterlines.

Name of Public Agency Approving Project: Humboldt County

Name of Person or Agency Carrying Out Project: Westhaven Community Services District

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: 15302(c) (Replacement and Reconstruction)
- ☐ Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

The project is for the replacement of water lines in the same location and for the same purpose as the original lines. The replacement is for existing utility system facilities and involves negligible or no expansion of capacity. None of the exceptions to the exemptions (CEQA Guidelines Section 15300.2) apply to the project. The project is not in an environmentally sensitive habitat area, will not result in a cumulative impact, or significant affect. The project is not located on a scenic highway or listed hazardous waste site. The project will not have an effect on a historical resource.

Lead Agency  
Contact Person: Paul Rosenblatt Area Code/Telephone/Extension: 707-677-0798

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: March 28th 2023 Title: General Manager

■ Signed by Lead Agency    Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

## **BACKGROUND**

**Westhaven Community Services District.** The Westhaven Community Services District (District) was formed to provide water service to the community of Westhaven and has an approximately 0.60 square-mile district boundary located mostly within the Coastal Zone just north of Moonstone Beach and south of Luffenholtz Creek. The Westhaven Mutual Water Company (MWC) petitioned the Humboldt Local Agency Formation Commission (LAFCO) on May 17, 1988, to form the district because the MWC was not eligible to apply for grant funding and to allow the district to establish other ongoing funding sources to support the water service.

The District provides water service to approximately 467 residents through 232 connections of which 229 are residential and 3 are public facility/commercial. The District's water system is comprised of approximately 7.5 miles (39,600 feet) of distribution lines, of which approximately 52% (19,340 feet) consists of 6-inch or 4-inch diameter C-900 PVC pipe, approximately 20% (7,920 feet) consists of 4-inch or 3-inch diameter asbestos cement pipe (AC), approximately 10% (3,690 feet) consists of schedule 40 PVC pipe, and the remaining approximately 19% (7,385 feet) is 2-inch or smaller diameter 53+ year old polyethylene pipe (HDPE). The water mains for the system were originally installed over 53 years ago by the Westhaven Mutual Water Company and are deteriorating in various places; however, approximately 6,475 feet of mains were replaced in 2016 with state grant funding, as described below.

**Trinidad Area Plan.** The Trinidad Area Plan of the Humboldt County Local Coastal Program (TAP) - the Coastal Zone segment within which the District is located has special criteria for the provision of drinking water to parcels within and adjacent to what the TAP refers to as the Westhaven Village Area. Policy 3.21.B.3 applies to the portion planned Rural Village (RV) and prohibits subdivision, requires the demonstration of adequate water supply for the development of existing parcels, including through an agreement with the District, and requires that providers of water service to 20 or more service connections to annually submit to the County Planning Commission a Public Works Plan consisting of a five-year projection of service growth and a specific plan, if any, for system expansion in the following year.

TAP Policy 3.23.B.1, Extension of Services, limits the provision of water service within the Westhaven Village Area to only the number of residential sites and other planned uses which can be developed under the adopted plan. This policy further allows service to be extended outside of the Urban Limit Line only to uses compatible with the TAP, that are solely responsible for the costs associated with the extension of service, that extended services not remove capacity necessary to serve future development on undeveloped lots within the existing serviced areas or degrade fire protection services, and that service extensions conform with resource protection policies. The TAP Land Use Map identifies the "Westhaven Service Area" (which is assumed to correlate to some degree with the Westhaven Village Area described in Policy 3.21.B.3 and 3.23.B.1) includes land planned Rural Village (RV) and Rural Residential (e), 0-1 unit per acre. The Westhaven Service Area is entirely within the District boundary which is within the Coastal Zone, except for three improved parcels located west of Scenic Drive and adjacent to the northwest District boundary. There are 12 Assessor's Parcels within the District boundary that are outside the Westhaven Service Area. At least a portion of each of these parcels is planned RR(c) (0-1 unit per 2 ½ acres), all of these parcels are improved, and two were originally connected to the Westhaven MWC system and now receive water service from the District.



**2015 Waterline Replacement Project.** In 2015, the California Coastal Commission approved a Coastal Development Permit (CDP-1-14-1659) allowing the District to replace approximately 6,475 feet of 2-inch diameter polyethylene with 4-inch diameter polyvinylchloride (PVC) in order to repair and improve its community water system, to reduce water system losses from leaking pipes and improve system efficiency. This project was located within a small area of State jurisdiction and the Commission processed a consolidated coastal development permit application.

**Recent County Approved Coastal Development Permits for Wells.** The District submitted an application to Humboldt County for a Coastal Development Permit and a Special Permit (PLN-2020-16307 which was effective 11/19/2020 and expires as of 11/19/2023) to drill two (2) temporary test wells to determine groundwater availability and quality and, drill up to three (3) geotechnical borings to characterize subsurface conditions at APNs 514-132-007, 514-132-008, 514-133-001 and 513-181-014. This permit was approved by Humboldt County and the District has filed an application for a three-year extension Extension/Modification to include conversion of the test wells to permanent a pumphouse and to extend the expiration date (PLN-2021-17505). This permit includes the voluntary merger of three parcels consisting of APNs 514-132-007, 514-132-008 and 514-133-001. Also included is a Modification of the permit to allow for 6-foot by-6 foot pumphouse's to be installed at each well location and a 16 foot by 20 foot well control building to replace the existing 8 foot by 12 foot well control building. The modification would also allow for the wells to be permanent.

The District submitted a second application for Coastal Development Permit (PLN-2020-16808 effective 5/25/2021 and expired on 5/25/2022) to drill one (1) new well, the installation of a new raw water transmission line along 1st and Transit Avenues, and replacement of existing water lines along 4th Avenue to connect the new well and existing wells located along 3<sup>rd</sup> and 4th Avenue to the existing water treatment plant at the east terminus of 4th Avenue. PLN-2020-16808 is expired and PLN-16808-MOD01 has been initiated. A test well was drilled near 1<sup>st</sup> and Transit Avenues, but it produced no water.

#### **PROPOSED PROJECT NEED**

The District water system is in urgent need of repair to address severe water distribution system leaks that result in excessive water loss which is compounded by persistent drought conditions. The majority of system leaks occur in the section of HDPE pipeline proposed for replacement that has well exceeded its useful service life.

In May 2020 the District experienced a leak which required the use of water trucks for emergency delivery to the water plant and tanks. Over 90,000 gallons of water were delivered at a cost of over \$9,000 and a boil water notice was also issued as precaution at that time. In October 2022 the district had a leak in the 2-inch HDPE that required water deliveries of 83,200 gallons for \$11,728. In January 2023, a large and difficult to locate leak consumed 68.1% of total water production and required trucked delivery of 420,100 gallons of water to prevent depressurization of the District's distribution system.

The state division of drinking water (DDW) has outlined 10 percent water loss as the upper threshold of acceptable loss. The District experiences leak-induced water loss far in excess of this upper threshold of acceptable loss. The District's recent highest monthly water losses were 58.8 percent in October 2022, 34 percent in November 2022, and 61.8 percent in January 2023.

The district is currently operating essentially under a state of emergency and time is limited for available assistance funding which is until December 2023. The District has been depleting reserve funds having spent \$19,665 on leak repairs, not including parts, since December of 2021 and, since October 2022, \$27,069 on emergency water deliveries. These unbudgeted expenses have prevented the District from contributing its budgeted amount to reserves for the past two years. In addition, addressing these emergencies has consumed enormous amounts of staff time.

In 2016, one mile of failing 2-inch polyethylene (HDPE) pipe was replaced pursuant to Coastal Commission CDP-1-14-1659. However, the District continues to maintain an additional mile of this original pipeline. Since 2017 this remaining HDPE pipe has been the source of at least 50 leaks.

Significant waterline leaks continue to exist within the following County or non-County maintained roadways:

- Kay Avenue (non-County Maintained),
- Tepona Lane (non-County Maintained),
- 6th Avenue (County Maintained) between Westhaven Drive and Kahlstrom,
- Highland Avenue (non-County Maintained),
- Spring Lane (non-County Maintained), and
- Kahlstrom Avenue (County maintained) between Westhaven Drive and 7<sup>th</sup> Avenue,
- 7<sup>th</sup> Avenue (non-County Maintained),
- Haven Way (non-County Maintained) between 1<sup>st</sup> Avenue and Driver Road,
- Driver Road (County maintained) between Haven Way and Westhaven Drive

Department of Water Resources, through the Small Community Drought Relief program, has granted the District funds to replace nearly all of the remaining 2-inch HDPE pipe remaining from 1968 and 1969, over 5,500 feet, and the project must be completed by December of 2023. It is of the utmost urgency that this project is issued an emergency permit to replace the waterlines, all of which are located within the county owned right of way. Minimal disturbance will occur as a result of this project. The district is currently operating essentially under a state of emergency and time is limited for the funds to be available

#### **PROPOSED PROJECT**

The District is planning to replace approximately 5,650 feet of failing 2-inch polyethylene (HDPE) water mains originally installed in 1968, with 4-inch and 6-inch C900 pipe to reduce the excessive water loss. This project includes replacement and installation of typical waterline appurtenances such as thrust blocks, shut off valves, air vacuum valves and 9 fire hydrants intended to increase firefighting capacity and flushing capabilities. A total of 33 existing service laterals along the alignment will be replaced with new meters that will allow remote reading and help the District more rapidly identify water leaks within a customer's pipes. An emergency intertie with the neighboring Moonstone Heights Mutual Water Association is also proposed. The project activities are located within the county owned right of way and minimal disturbance is expected as a result of this project.

The Department of Water Resources, through the Small Community Drought Relief program, has granted the District funds to address this emergency and to minimize water loss and implement the pipeline replacement project and must be completed by December 2023.



The District is seeking approval of an emergency Coastal Development Permit for the project described herein.

#### **Project Description**

The following table describes proposed size and location of the replacement waterlines.

Pipe Location	Length
Tepona Lane	850 feet (4 inch)
Driver Road, between Haven Way and Westhaven Drive	1,800 feet (6 inch)
Haven Way, between 1st Avenue and Driver Road	530 feet (6 inch)
6 <sup>th</sup> Avenue, between Westhaven Drive and Kahlstrom	1,200 feet (6 inch)
Kahlstrom Avenue, between Westhaven Drive and 7 <sup>th</sup> Avenue	425 feet (6 inch)
Spring Lane	425 feet (6 inch)
Highland Avenue	420 feet (6 inch)
Total	5,650 feet

#### **Pipeline Requirements**

The replacement of existing 2-inch water lines with 4-inch and 6-inch water lines is not intended to increase the capacity of the system for development purposes. The District's water delivery capacity is constrained not by the current distribution system, but rather by the amount of water that can reliably be produced from available sources. The proposed larger water lines are needed (1) to comply with minimum California water works standards; and (2) to allow the District water system to better meet minimum fire flow requirements and California Fire Code, and (3) to improve system efficiency. Under 22 CCR § 64573 (Minimum Water Main Size for Community Water Systems), newly installed water mains in a community water system shall have a nominal diameter of at least six inches with four inches minimum for branch lines. According to the American Water Works Association (Distribution System Requirements for Fire Protection, AWWA Manual M31, 2008) the minimum pipe size in a looped system to provide water for fire protection is 6-inch. Given these standards, 6-inch pipes are to be used to replace leaking pipes where waterlines are looped, and 4-inch pipes are to be installed along dead-ends.

The replacement of 2-inch diameter water main mains with at least 6 and 4-inch diameter mains would allow the District to comply with State mandated minimum water main size requirements. Because the District has a gravity flow distribution system, water mains must have a diameter of at least 6 inches in order to allow the necessary firefighting flow volumes of 500 gallons per minute. The water mains along Westhaven Drive, and those that form loops from these mains, are designed to be 6-inch to support fire flow requirements. The District has conducted tests on the gravity flow six-inch mains and found that 500 gallons per minute is the maximum fire flow available on any existing hydrant.

#### **Emergency Intertie**

An emergency intertie is proposed to be installed between the District water distribution system and the Moonstone Heights Mutual Water Association (MWA) system along the alignment of the waterline replacement in the area of 55 Haven Way. The Moonstone Heights MWA is non-profit corporation that is located entirely within the District boundary and provides water at cost only to its shareholders who are owners of property within an old subdivision. Moonstone Heights MWA has 15 service connections.

Due to the proximity of the pipeline replacement, minimal additional excavation will be required to accomplish the intertie. The state of California encourages emergency water interties between small water systems as a way to provide system redundancy and drought resiliency. AB 552 requires that by January 1, 2027, small water providers have at least one backup source of water supply, or a water system intertie, that meets current water quality requirements and is sufficient to meet average daily demand. The intertie will not result in additional water supply capacity for either system, as it will only be used as a temporary backup water supply in the event of an emergency.

#### *Construction Activities*

Construction would occur within the existing travel ways of county-maintained road rights-of-way, on non-county-maintained roads, and within existing road shoulders. The installation of replacement service laterals and water meters would involve additional trenching along the alignment of the existing service laterals from the edge of the waterline trench to the backside of the existing water meter. Water meters are typically located within 15 to 25 feet from the main waterline. The emergency intertie with the Moonstone Heights MWA system would involve 15 to 25 feet of additional trenching within the road and road shoulder and the installation of piping to connect the systems, a bi-directional meter, and isolation valves.

The Westhaven CSD would be required to secure encroachment permits for construction within county-maintained roads, carry out construction activities pursuant to existing easements, and secure access agreements for construction where easements/agreements are not currently present. County encroachment permits will likely require the submission of traffic plans to protect the motoring public in accordance with and minimize inconvenience to the public. Westhaven CSD encroachments would be designed and carried out to comply with County regulations regarding the laying or maintaining of water pipelines or other underground utilities.

Installation of the replacement water main segments and service laterals would involve open trenching along approximately 5,000 feet of the existing waterline alignment and the excavation of approximately 1,000 cubic yards of material. The trenches would be excavated in a "T" shape 38-inches deep, 24-inches wide at the bottom, and 36-inches wide at the top to provide for adequate road surfacing over the trench after pipe installation. The top of the new water mains would be installed 30-inches below the existing grade. Following completion of daily construction activities, trenched areas would be filled and compacted to 90% compaction as specified in construction documents. The existing water mains would be abandoned in place by cutting and capping the pipes with a permanent plug, such as concrete reaction block or flowable fill.

The proposed project includes the installation of water shut-off valves to facilitate future maintenance and repair, air-vacuum valves to protect the water mains from possible damage, and ten new fire hydrants to protect life and property. These installations would be done in the same location as the water main replacements and will not require additional areas of disturbance. The existing water system lacks shut off valves and air vacuum valves.

Approximately 650 feet of new pipeline is proposed along Driver Road in order to address water quality problems caused by the Driver Road waterline dead end, to provide a system loop that will improve water system performance, and improve flow for firefighting. This new pipeline will increase distribution system redundancy and flexibility by providing a second route of water delivery to the



Moonstone Beach subdivision portion of the District (Metsko, Rayipa and Seadrift Lanes). Currently, there is only one 53-year old pipeline to convey water to the Moonstone Beach subdivision. This is important because the current waterline is at great risk of a failure due to ongoing erosion along the 4th avenue trail where it is located. The proposed new waterline cannot induce growth because there are no vacant and developable parcels along the proposed new section of waterline, except for parcels adjacent to U.S. 101 owned by the state of California. All other parcels along the alignment are developed and either connected to the District system or served by on-site water systems. Moreover, as stated above, the District's ability to deliver water is constrained by source capacity, not by the District's distribution system.

The 650 feet of new pipeline along Driver Road would be constructed using horizontal directional drilling (HDD) to minimize potential impacts. HDD involves digging a receiving hole and entrance pits. These pits will allow the drilling fluid to be collected and reclaimed to prevent waste. The first stage of operation is the drilling of a pilot hole on the designed path, and the second stage (reaming) enlarges the hole by passing a larger cutting tool known as the back reamer. The diameter is established according to the outer diameter of the pipe to be installed. The third stage places the pipe in the enlarged hole by way of the drill stem, which is pulled behind the reamer to allow centering of the pipe in the newly reamed path. Needless to say, this method of installing waterline minimizes surface disturbance and the amount of exposed spoils.

HDD utilizes a viscous fluid known as drilling fluid. This is a mixture of water and, usually, bentonite or polymer continuously pumped to the cutting head or drill bit to facilitate the removal of cuttings, stabilize the bore hole, cool the cutting head, and lubricate the passage of the product pipe. The drilling fluid is sent into a machine called a reclaimer which removes the drill cuttings and maintains the proper viscosity of the fluid. Drilling fluid holds the cuttings in suspension to prevent them from clogging the bore. Best management practices are used to manage and contain drilling fluids.

Mowing may be required in disturbed vegetated areas along the existing county-maintained road rights-of-way and non-county-maintained roads and on the road shoulder. No major vegetation removal is proposed. Non-traffic areas disturbed by construction will be reseeded with native grasses.

The project has been designed to minimize and mitigate potential environmental impacts to the maximum feasible extent and will incorporate best management practices and design elements to reduce potential impacts. The project replaces current waterlines along their existing alignment within existing roadways. Where the project involves the installation of a new waterline loop, this segment will be installed using horizontal directional boring to further avoid potential environmental effects. As proposed, the project follows the existing waterline alignment within existing roadways, which will have less environmental impact than any alternative alignment. The project will also incorporate design elements that further reduce impacts, including:

- minimizing the amount of excavation, abandoning the existing waterline in place by cutting and capping the ends of pipe segments with a permanent plug, such as concrete reaction block or flowable fill.
- staging materials and heavy equipment at previously disturbed locations.
- watering excavation areas as necessary, to prevent dust;

- implementing erosion, sediment, and runoff control measures in accordance with an erosion control plan, and maintaining all erosion control measures throughout the duration of construction activities;
- placing or storing construction materials, spoils, soil, debris, and waste in a manner that ensures that they will not enter coastal waters or environmentally sensitive areas;
- covering and containing on-site stockpiles of construction debris and soil or other earthen materials whenever there is a potential for rainfall in order to prevent polluted storm water runoff from the site and locating them a minimum of 100 feet from coastal wetlands, waters, concentrated storm water flows or drainage courses, and storm drain inlets;
- disposing excess material that is generated at an authorized disposal site.
- utilizing any erosion-control associated netting that is made of natural fibers (and not polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) and constructed in a loose-weave design with movable joints between the horizontal and vertical twines;
- locating construction vehicle or equipment cleaning, fueling, and/or maintenance conducted on site only within designated areas, which shall fully contain any spills of fuel, oil, or other contaminants and locating these activities at least 100 feet from coastal wetlands and waters, drainage courses, and storm drain inlets; and
- containing and removing trash from the work site on a regular basis, and properly disposing of it to avoid inadvertent contamination of habitat during construction activities.

The estimated length of the construction period would be 8-12 weeks, beginning as weather allows and ending October 15, or later as needed and as weather permits. Construction will occur Monday through Friday, from 7:00 AM to 5:00 PM. Construction will not occur on weekends. One lane traffic control using a County approved traffic control plan would be used in areas where water mains cross under roads. At no point during the project would any roads be completely closed to through traffic.

**Potential Growth Inducement.** In The Coastal Commission's prior action approving the replacement of 6,475 feet of 2-inch waterline by the District, (CDP-1-14-1659) the Commission staff report indicated that "the principal issues raised by the project are whether the additional system capacity achieved from the proposed development would induce development that is inconsistent with the planned uses for the area under the certified LCP or preclude the development of the priority uses protected by the Coastal Act." The Commission applied a special condition to address this concern:

**Special Condition 5.** Limits on Future Connections. New water service capacity resulting from the approved development shall only be used within the District's current service area and shall not be used to: (a) serve new water connections outside existing District service area boundaries; (b) provide fire-fighting capacity outside existing District service area boundaries; or (c) extend water mains into areas beyond existing District service area boundaries.

This proposed application for emergency replacement of leaking waterlines follows the approval by the County of new water wells pursuant to CDPs PLN-2020-16307 and PLN-2020-16808. The project descriptions for both well projects state that the purpose is to establish additional permanent groundwater wells so that groundwater can potentially be blended with surface water prior to treatment to reduce required chlorination levels and to reduce formation of disinfection byproducts (DBP). The wells will also increase resiliency of the District's distribution system. In December 2017, the District was issued Compliance Order No. 01-01-17R-004 by the State Water Resources Control Board



(SWRCB) for consistently exceeding maximum contamination levels of DBPs, due to minimum contamination level exceedances for total trihalomethanes and Haloacetic acids. The District is in the process of addressing these exceedances by establishing additional groundwater wells so that groundwater can be blended with surface water prior to treatment to reduce required chlorination levels and to reduce formation of DBPs and to increase resiliency and supply.

To carry out the new well installation project, the District has received funding from the State Water Board Cleanup and Abatement Account Urgent Drinking Water Need Projects for the purpose of providing a resilient water supply for the community and to address the SWRCB Compliance Order described above:

“Westhaven Community Services District (WCSD) has experienced reduced surface water flows in the last two years. Years 2020 and 2021 had reduced surface water flows of 20% and 30%, respectively. Without sufficient rainfall, the District is concerned about the available surface water flow in 2022. In addition, the District is reliant on one 30-year-old ground water well which supplies about 20-30% of consumed water in the summer and 40-55% in the winter. This well was constructed with a 0.188-inch mild steel casing and was experiencing a reduction in production prior to the drought. We are concerned it is nearing end of service life. The District has spent over \$60,000 of its own reserves to plan for construction of three new wells within the service area boundaries. The District considers conjunctive use of both surface and groundwater essential to having a resilient water supply for our community.”

There is virtually no chance that the current proposed project will increase water supply or delivery capacity in any way that might induce development that is inconsistent with the planned uses for the area under the certified LCP or preclude the development of the priority uses protected by the Coastal Act. Given current multi-year trends in groundwater availability and flow rates at the District sources of ground and surface water, and given the expected impacts of a warming climate, any concern that the current project might supply water to future development would be based on highly unlikely and speculative water supply projections. The Humboldt Local Agency Formation Commission Municipal Service Review (2021) for the District system, states that “(t)here has never been enough capacity to meet the need (water service demand from existing and planned development within the District boundary) which has led to a moratorium on connections. There are currently 70 houses on the waiting list for service, which have been in place since the District’s formation.” The State Water Resources Control Board Division of Drinking Water (DDW) annual inspection report finds that the District water system capacity from existing supply sources is potentially vulnerable to extended dry-weather periods especially in late fall until the wet-weather season begins. Given the District's limited capacity, that DDW requires that “prior to providing service to new customers, WCSD must prepare a technical report showing that there is adequate capacity. The technical report must include information necessary to demonstrate compliance with applicable water system capacity requirements and CA Waterworks Standards. The report must clearly present all data, records, etc. that served as the basis for any findings and determinations. The report shall be prepared by a professional civil engineer registered in the State of California with experience in water supply engineering.”

The purpose of the emergency water line replacement project, in conjunction with the recently approved well projects, is not to establish new service or to serve growth outside of the District boundary. Instead, the project is intended to eliminate severe water loss resulting from leaking

waterline and to improve system resilience to current and future droughts. The District may only establish service connections within its boundary, and new connections may only be established after the District demonstrates to DDW that there is adequate capacity through an engineering report.

This project also includes an emergency water system intertie between the District and the Moonstone Height MWA, as required by the state of California pursuant to AB 552. This intertie is not intended to expand the capacity of either system, rather it will only be used as a temporary backup water supply for either system in the event of an emergency.

The description of the emergency waterline replacement project above states that the replacement of existing 2-inch water lines with 4-inch and 6-inch water lines is not intended to increase the capacity of the system for development purposes, rather the increase in pipe size is solely intended to comply with California Waterworks standards and to support minimum fire flow requirements based on American Water Works Association Distribution System Requirements for Fire Protection. No new developments are proposed to be served by the emergency waterline project. To the extent that new development is proposed in the future adjacent to the emergency waterline replacement project alignment and seeks a connection to the District system, the District must demonstrate to DDW that there is adequate capacity through an engineering report, the development would need to be consistent with all TAP land use and service policies and applicable zoning, and must be consistent with Westhaven CSD ordinance 97-3, as revised, which establishes priorities for providing water service within its jurisdiction boundary. In addition, a Coastal Development Permit for the installation of the service lateral, which finds that the service connection is consistent with the TAP and Coastal Act, that is subject to the California Environmental Quality Act, is approved by Humboldt County. Finally, in conformance with Special Condition 5, any new water service capacity resulting from the approved development shall only be used within the District's current service area and shall not be used to: (a) serve new water connections outside existing District service area boundaries; (b) provide fire-fighting capacity outside existing District service area boundaries; or (c) extend water mains into areas beyond existing District service area boundaries.

However, regarding Special Condition 5(b) above, it should be noted that water for fire suppression operations in the areas adjacent to the District is almost always provided by the District water system or the City of Trinidad water system using a water tender shuttle, as there is no other source of water that can support fire suppression operations. In addition, the narrative in TAP Section 3.10, Urban Development, states that "If water service were augmented south of Trinidad, there would be an opportunity to provide a "looped" water main as an alternate to the existing single-main system. Most notable benefits of a loop system would be in the area of fire protection; fire protection within the entire planning area is currently a significant point of concern



## **REQUIRED FINDINGS**

### **Applicability of Zoning Regulations to Water Projects**

Government Code 53091(e) Zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water.

### **Findings Relating to CEQA**

The project is categorically or statutorily exempt.

The Westhaven CSD is the lead agency for this project for CEQA purposes. The Westhaven CSD filed a notice of exemption for the project on ~~March 14, 2023~~, pursuant to Section 15302(c) of the CEQA Guidelines for replacement and reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

### **Humboldt County Code Section 312-15 et seq., Required Findings for Emergency Waiver of Procedures**

#### 15.2.1.1 The location, nature and cause of the emergency:

Significant waterline leaks exist within the following County or non-County Maintained roadways:

- Kay Avenue (non-County Maintained),
- Tepona Lane (non-County Maintained),
- 6th Avenue (County Maintained) between Westhaven Drive and Kahlstrom,
- Highland Avenue (non-County Maintained),
- Spring Lane (non-County Maintained), and
- Kahlstrom Avenue (County Maintained) between Westhaven Drive and 7<sup>th</sup> Avenue,
- 7<sup>th</sup> Avenue (non-County Maintained),
- Haven Way (non-County Maintained) between 1<sup>st</sup> Avenue and Driver Road,
- Driver Road (County Maintained) between Haven Way and Westhaven Drive,

The Westhaven CSD has experienced extreme water loss from leaks in the pipelines located the roadways listed above. The following is a listing of water loss conditions:

The District has over a mile of 2-inch polyethylene pipe (HDPE) installed in 1968 and 1969. This 2-inch HDPE pipe has been experiencing many leaks in the past few years. In May 2020 the District experienced a leak which required the use of water trucks for emergency delivery to the water plant and tanks. Over 90,000 gallons of water were delivered at a cost of over \$9,000 and a boil water notice was also issued as precaution at that time. In October 2022 the district had a leak in the 2-inch HDPE that required water deliveries of 83,200 gallons for \$11,728. In January 2023, a large and difficult to locate leak consumed 68.1% of total water production and required trucked delivery of 420,100 gallons of water to prevent depressurization of the District's distribution system.

The state division of drinking water (DDW) has outlined 10 percent water loss as the upper threshold of acceptable loss. The District experiences leak-induced water loss far in excess of this upper threshold of acceptable loss. The District's recent highest monthly water losses were 58.8 percent in October 2022, 34 percent in November 2022, and 61.8 percent in January 2023.

The district is currently operating essentially under a state of emergency and time is limited for available funding. The District has been depleting reserve funds having spent \$19,665 on leak repairs, not including parts, since December of 2021 and, since October 2022, \$27,069 on emergency water deliveries. These unbudgeted expenses have prevented the District from contributing its budgeted amount to reserves for the past two years. In addition, addressing these emergencies has consumed enormous amounts of staff time.

One mile of replacement waterline was installed in 2016 replacing 2-inch polyethylene (HDPE) pipe, pursuant to Coastal Commission CDP-1-14-1659, but the District still has in place over a mile of the leak-prone late Sixties era 2-inch HPDE waterline. Since 2017 this remaining HDPE pipe has been the source of at least 43 leaks. The Department of Water Resources, through the Small Community Drought Relief program, has granted the District funds to replace nearly all of the remaining 2-inch HDPE pipe – over 5,560 feet, and the project must be completed by December 2023. It is of the utmost urgency that this project be issued an emergency permit to replace the waterlines, all of which are located within the county owned right of way. Minimal disturbance will occur as a result of this project.

15.2.1.2 The remedial, protective or preventive work required to deal with the emergency:

The pipeline identified for replacement has exceeded its useful service life. Failures occur throughout the pipeline and are not limited to specific locations and this persistent leak and water loss problem cannot be resolved by replacing individual pipe segments. Addressing the leaks requires the replacement of the entire portions of the pipelines that are now leaking or vulnerable to leaking.

The Westhaven CSD does not have adequate funding to address this problem on its own and, as indicated above, has worked diligently with available funding and resources to limit severe water losses. The Westhaven CSD recently received grant funding from the state Department of Water Resources (DWR) to address this urgent drinking water need. These grant funds are intended to be used as quickly as possible to address this emergency and must be expended, and all required grant management activities including construction must conclude, prior to December 2023.

The proposed project involves the emergency replacement of approximately 5,650 feet of existing 2-inch diameter polyethylene water lines with 4-inch and 6-inch diameter polyvinylchloride (PVC) to reduce water system losses from leaking pipes and improve system efficiency. Emergency repair work would consist of trenching to replace existing pipes and in one instance horizontal directional boring to complete a system loop with modern pipes and materials in compliance with current standards. The existing water mains would be abandoned in place by cutting and capping the pipes with a permanent plug, such as concrete reaction block or flowable fill.

Approximately 90 percent, or 5,000 feet, of the emergency replacement pipeline would involve open trenching and excavation within the footprint of the existing water pipes. The trenches would be excavated in a "T" shape 38-inches deep, 24-inches wide at the bottom, and 36-inches wide at the top to provide adequate road surfacing over the trench after pipe installation. The top of the new water mains would be installed 30-inches below the existing grade. For approximately 10 percent of the project, or 650 feet, horizontal directional drilling would be used to avoid potential environmental impacts. Construction activities would occur within existing roadways or rights-of-way on the road shoulder. Appropriate best management practices would be implemented to avoid environmentally



sensitive habitat areas, limit potential environmental impacts, and address storm water requirements. The best management practices are described in the attached Coastal Development Permit Application.

The Westhaven CSD will secure all required encroachment permits for construction within county-maintained roads, carry out construction activities pursuant to existing easements, and secure access agreements for construction where easements/agreements are not currently present. County encroachment permits will likely require the submission of a traffic plan to protect the traveling public and to minimize inconvenience to the travelling public. Westhaven CSD encroachments will be designed and carried out to comply with County regulations regarding the laying or maintaining of water pipelines or other underground utilities.

15.2.1.3        The circumstances during the emergency that appear to justify the waiver of procedural requirements, including the probable consequences of failing to take immediate corrective action.

As described above, the Westhaven CSD is experiencing severe water loss due to failures of antiquated 2 inch HDPE water pipe. These failures are not limited to specific locations, rather they are widespread throughout the system. The losses of water are substantial, continuous, and are compounded by ongoing severe drought conditions that affect the region. The Westhaven CSD has done its best in recent years to limit losses using limited District funds and resources, which are not adequate to address this emergency. If the Westhaven CSD fails to replace the portions of pipe that are currently leaking and the antiquated pipes which are prone to leak, the community may require continuous delivery of potable water at great expense. County-wide drought and wildfire conditions may also limit the availability of water hauling trucks. There are three potable water haulers in the north of Humboldt County, one has three 1,650-gallon trucks; one has one 1,650 gallon truck; and the third has one 5,500 gallon semi-trailer which is committed during fire season to fire camps in the region. The typical cost for one delivery is \$180 for each trip.

The District has received grant funding from DWR to address this emergency, which must be fully expended by December 2023. The combination of the ongoing and significant water losses and drought and the limited period within which grant funding must be expended requires that certain Coastal Development Permit procedures be waived, in particular the amount of time that it takes to approve this project.

15.4.1        An emergency exists that requires action more quickly than permitted by strict adherence to procedural requirements.

The Westhaven CSD is experiencing severe potable water loss due to failures caused by leaks in antiquated HDPE water pipe. These failures are not limited to specific locations, rather they are widespread throughout the system. The losses of water are substantial, continuous, and are compounded by ongoing severe drought conditions that affect the region. The Westhaven CSD has done its best in recent years to limit losses using limited District funds and resources, which are not adequate to address this emergency. If the Westhaven CSD fails to replace the portions of pipe that are currently leaking and the antiquated pipes which are prone to leak due to their age and material

properties, it may be necessary for Westhaven CSD to have potable water trucked in to supply drinking water for the ratepayers at great expense to the rate payers. Moreover, the availability of licensed potable water trucks is not assured due to the entirety of Humboldt county being in Severe Drought or worse during most of 2021-2022. The National Oceanographic and Atmospheric Administration projects that the drought may persist over most of the west, with equal chances for the north coast. The Westhaven CSD cannot risk a protracted permit process that may extend into the next construction season, limiting the time in which work can occur and limiting the field of available contractors because qualified contractors may already be engaged in work for the 2023 season. In addition, the Westhaven CSD has just over one year to expend all emergency grant funds, and any delays due to permitting and its effect on the available construction season, and reduced availability of contractors could mean that the Westhaven CSD must forfeit unspent fundings.

15.4.2 Public comment received on the emergency action proposed, if any, has been reviewed and considered.

The Westhaven CSD has held several regular Board meetings regarding the emergency waterline replacement project at which the public is invited to attend and provide comments. Please see the attached Board agendas and meeting minutes of March 15<sup>th</sup>, 2023. No public comments relating to this project have been received.

15.4.3 The emergency action would be consistent with the policies of the adopted County General Plan and the regulations of this zoning ordinance.

The Westhaven CSD has provided a complete application that is intended to address Coastal Act and Coastal Development Permit related findings, including applicable Supplemental Findings from the Humboldt County Zoning Regulations, which demonstrate consistency with the Coastal Act, the Trinidad Area Plan of the Humboldt County certified Local Coastal Program.

15.4.4 The proposed work can and will likely be completed within twenty (20) working days, unless otherwise specified by the Director

It is the intent of the Westhaven CSD to correct the problem that has caused the emergency, the replacement of leaking pipes, and not waste time, resources, and funding on stop-gap measures that will not correct the conditions that have caused this emergency. The proposed work cannot be completed within twenty (20) working days. Once a permit is granted, the construction period would span 8-12 weeks. The Westhaven CSD requests that the approval of a waiver of normal procedural requirements to allow an emergency permit to be approved that reflects that the actions necessary to address the emergency will take up to several months.

15.4.5 For emergency development located within the Coastal Zone, the proposed work does not fall within the permit jurisdiction of the Coastal Commission pursuant to the Public Resources Code Section 30600.5.

The project area, as shown on the attached map(s), lies entirely within Humboldt County Coastal Zone "Local" or "Appeal" jurisdiction and is therefore not within the permit jurisdiction of the Coastal Commission. A table listing the Assessor's Parcel Numbers that received service from, or are adjacent



to, the existing waterlines containing each parcels Land Use Designation and Zoning Classification is attached to this petition.

**Required Findings Within Riparian Corridors.**

312-39.13.1.1 There is no less environmentally damaging feasible alternative.

A biological resources survey was prepared for this project to determine whether the proposed project area contains sensitive biological resources, including special status plant and wildlife species, and Environmentally Sensitive Habitat Areas (ESHA) on November 4, 2022. The report finds that (Page 3 of 9) the portion of the project that is located at the terminus of Highland Avenue:

“the project is proposed to occur within approximately 38 feet of Jolan Creek, a Class II stream that is also considered an ESHA per the Trinidad Area Plan, where the existing waterline and a hydrant are proposed to be replaced in their current locations within the roadway and the maintained road shoulder. This does not create any additional new disturbance. Please note the stream transition line is entirely altered by utility pole and roadside clearing; therefore, the only distance we can measure is from the live stream channel, which was found to be 38 feet. The existing waterline, hydrant, road shoulder, and a PG&E power pole are located within the 100-foot riparian buffer of Jolan Creek. However, all construction will occur within the existing disturbed area and no construction activities will occur between the current location of the pipeline and hydrant and the existing stream bank.

The existing electric power pole is situated between the location of the existing hydrant that is to be replaced and Jolan Creek, and is located approximately 23 feet away from the live channel of Jolan Creek. No riparian vegetation exists in the area of the waterline and hydrant that are proposed to be replaced or power pole. The area where the waterline and hydrant replacement will occur comprises road shoulder and base rock. The base of the power pole and driveway extension off the end of Highland Avenue has been cleared to remove all streamside vegetation and native soils, and the area near the power pole is regularly maintained and kept clear by PG&E. Additionally, the area is not a wetland, as it comprises non-hydric plant species, non-hydric soils (base rock), and non-hydric hydrology (i.e., groundwater was not found within 10 inches of the ground surface). Within 50 feet of the proposed construction is mature red alder canopy trees and other sub-canopy riparian species; however, they occur opposite the construction site across the Highland Avenue access and will not be impacted by the project.

The remaining proposed pipeline installation will occur within existing roadways adjacent to long established small private residences. No significant native natural habitats are present. Construction equipment will use the roadway shoulder for staging and travel, which are comprised primarily of non-native ruderal vegetation, including the proposed yard bypass along Spring Lane.”

**Page 7 of 9 Section 5.3 Environmentally Sensitive Habitat Areas.**

“As previously described, Jolan Creek (a Class II watercourse) is ESHA, pursuant to Trinidad Area Plan Policy 3.30B(1) and is located near the proposed improvements. The existing waterline and fire hydrant that are to be replaced are located within the Jolan Creek riparian buffer. However,

the water line and hydrant are located in a road shoulder comprising base rock fill and streamside vegetation and native soils are no longer present. No riparian vegetation is present in the construction area and all construction adjacent to Jolan Creek is proposed to occur within the preexisting roadbed and shoulder. Additionally, best management practices (BMPs; described below) will be employed to ensure there are no impacts to the nearby riparian area. As a result, no loss of habitat or impacts to any identified ESHA will occur under the project."

The proposed emergency waterline replacement project is intended to correct significant and ongoing water loss due to leaking water pipes. The project replaces existing waterlines along their existing alignment within existing roadways. Where the project involves the installation of a new waterline to improve drinking water quality, system function and resiliency, this segment will be installed using horizontal directional boring. This will minimize surface disturbance and thus avoid potential environmental effects. As proposed, the project follows the existing waterline alignment within existing roadways, which will have fewer potential adverse environmental effects than any alternative alignment. The project will also incorporate design elements to further reduce impacts, including:

- minimizing the amount of excavation, abandoning the existing waterline in place by cutting and capping the ends of pipe segments with a permanent plug, such as concrete reaction block or flowable fill;
- staging materials and heavy equipment at previously disturbed locations.
- watering excavation areas as necessary, to prevent dust;
- implementing erosion, sediment, and runoff control measures in accordance with an erosion control plan, and maintaining all erosion control measures throughout the duration of construction activities;
- placing or storing construction materials, spoils, soil, debris, and waste in a manner that ensures that they will not enter coastal waters or environmentally sensitive areas;
- covering and containing on-site stockpiles of construction debris and soil or other earthen materials whenever there is a potential for rainfall in order to prevent polluted storm water runoff from the site and locating them a minimum of 100 feet from coastal wetlands, waters, concentrated storm water flows or drainage courses, and storm drain inlets;
- disposing excess material that is generated at an authorized disposal site;
- utilizing any erosion-control associated netting that is made of natural fibers (and not polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) and constructed in a loose-weave design with movable joints between the horizontal and vertical twines;
- locating construction vehicle or equipment cleaning, fueling, and/or maintenance conducted on site only within designated areas, which shall fully contain any spills of fuel, oil, or other contaminants and locating these activities at least 100 feet from coastal wetlands and waters, drainage courses, and storm drain inlets; and
- containing and removing trash from the work site on a regular basis, and properly disposing of it to avoid inadvertent contamination of habitat during construction activities.

12-39.13.1.2 The plan includes the best mitigation measures feasible; and

See above.

312-39.13.1.3 The vegetation removal will result in no significant adverse impacts to habitat values.



No major vegetation removal is proposed as part of the project and based on the Biological and Rare Plant Survey for the District's New Water Well/New and Replacement Water Distribution Line Project, as summarized above, the project will result in no significant adverse impacts to habitat values.

No major vegetation removal is proposed; however, mowing may be required in disturbed vegetated areas along road rights-of-way or road shoulder. Non-travel way areas disturbed by construction will be reseeded with native grasses. Only drought tolerant native plant species obtained from local genetic stocks shall be planted as part of the project reseeded, or if local genetic stock is not available, native vegetation obtained from genetic stock outside of the local area may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or listed as a "noxious weed," shall be planted within the project site.

**Required Findings Within Coastal Scenic Areas.**

**312-39.13.2.1 The visual effects of the vegetation removal will be subordinate to the character of its setting.**

**Scenic Views.** Based on the TAP resource maps, Coastal Scenic Views are available to the west and east of Scenic Drive and all assessor's parcels adjacent to Scenic Drive are designated as Coastal Scenic Areas. A small portion of the south side of Kay Avenue as it turns west to meet Tepona Lane, what appears to be approximately 60 feet of the Kay Avenue frontage of APN 515-041-022, is identified as a Coastal Scenic Area. This is likely due to that fact this parcel also touches the east side of Scenic Drive. Scenic Drive is designated as having Coastal Scenic Views and is located approximately 350 feet west of Tepona Lane.

Project related activities would involve the replacement of existing waterlines, consisting of trenching and some horizontal boring to install new water pipes and abandon leaking water pipes as well the replacement of valving and existing service connections and meters, all of which are below ground level and would involve temporary ground disturbance. The only above-ground structures associated with the proposed emergency water line replacement project will be the installation of 10 new fire hydrants, one of which is to be located at the intersection of Kay Avenue and Tepona Lane and near mapped Coastal Scenic Views and Coastal Scenic Views. However, due to Scenic Drive being located approximately 250 feet below the intersection of Kay Avenue and Tepona Lane and the presence of large trees between Scenic Avenue and the project site, no part of project alignment along Kay Avenue and Tepona Lane is visible from Scenic Drive.

Construction equipment, materials, and workers would be located along the proposed emergency water pipeline replacement alignment, including along Kay Avenue and Tepona Lane. The temporary presence of the construction materials and workers, as well as the construction activities, would not adversely affect views of the Pacific Ocean along Scenic Avenue. In addition, in-road construction along Kay Avenue and Tepona Lane would be temporary and within areas of existing development, existing roadbeds and the area between the road and existing water meters. These changes to Scenic Views would be minor, temporary, and would generally be visible only to the public in the immediate vicinity of the active portion of construction. Furthermore, project construction would not affect natural landforms or features, would follow standards for siting and design, and would be consistent with the TAP Section 3.40 Visual Resource Protection, B. Development Policies. In addition, the project would be subject to the "D" combining zone design review requirements to ensure the conformance of new

development with the policies and standards of the TAP. The temporary impact on the scenic views and scenic area and the visual character of the site and surroundings during construction would be less than significant.

#### **Required Findings for All Permits and Variances**

**312-17.1.1 The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program (CO-IM5).**

The Trinidad Area Plan and Chapter 2 and 3 of the Zoning Regulations are the Open Space Plan for the project area. The proposed project does not involve new development or changes in development. Instead the project is the emergency replacement of existing waterlines and appurtenant components, such as valves, replacing existing service laterals and water meters along the alignment to be replaced, the installation of a loop to address a dead-end water line to improve overall water system performance and water quality, and the installation of nine fire hydrants.

The existing waterlines serve planned development consistent with TAP Section 3.23 B.1.A, because the waterlines are appropriately "sized so as not to exceed that which would be necessary for domestic use and fire protection based on the planned density for the area, and was limited to within the service area." As described above in the "Required Findings Within Riparian Corridors" and for Required Findings Within Coastal Scenic Areas," the construction will occur within existing developed areas - roadways, there is no less environmentally damaging feasible alternative; the plan includes the best mitigation measures feasible; the vegetation removal will result in no significant adverse impacts to habitat values; and the visual effects of the vegetation removal will be subordinate to the character of its setting.

**312-17.1.2 The proposed development is consistent with the purposes of the existing zone in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone.**

The proposed project involves the emergency replacement of existing waterlines and the waterlines serve planned development consistent with TAP Section 3.23 B.1.A, because the waterlines are appropriately "sized so as not to exceed that which would be necessary for domestic use and fire protection based on the planned density for the area, and [are] limited to within the service area." The proposed project is located entirely within the Westhaven Service Area as identified on the TAP Land Use Map. Water distribution pipes and appurtenant structures are permitted with a Use Permit in the RS: Residential Single Family and RA: Rural Residential Agriculture zones, however the waterlines were originally installed prior to the Coastal Act and the certification of the TAP.

**312-17.1.3 The proposed development conforms with all applicable standards and requirements of these regulations.**

All waterlines that are to be replaced are existing and as Essential Services are allowable in the RS: Residential Single Family and RA: Rural Residential Agriculture zones. The Development Standards of these zones are inapplicable to water distribution pipelines, fire hydrants, and appurtenant structures. The analysis contained in the "Required Findings Within Riparian Corridors" and for "Required Findings Within Coastal Scenic Areas," demonstrate that the proposed emergency waterline replacement project is consistent with TAP Section 3.30, Natural Resource Protection Policies and Standards relating to



riparian corridors and environmentally sensitive habitat area (see complete discussion above in "Required Findings Within Riparian Corridors") and Section 3.40, Visual Resource Protection, for the protection of Coastal Scenic View and Coastal Scenic Areas see complete discussion above in "Required Findings Within Coastal Scenic Areas").

312-17.1.4 The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

The purpose of a public water system is to provide drinking water to customers in a manner that promotes public health, safety, or welfare. The Westhaven CSD is regulated by the California Water Boards, Division of Drinking Water (DDW). The proposed project incorporates design parameters to design elements to reduce potential impacts to the environment.

312-17.1.5 The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:

There are no parcels identified in the County's Housing Element housing inventory within the Westhaven CSD boundary. Therefore, the proposed project does not involve a change in land use or a development that would reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

312-17.1.5.1 The reduction is consistent with the adopted general plan, including the housing element, and

The proposed project does not involve a change in land use or a development that would reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

312-17.1.5.2 The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and

The proposed project does not involve a change in land use or a development that would reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

312-17.1.5.3 The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

The nature of the proposed project for the emergency repair of a water distribution line does not involve residential development that necessitates consideration of clustering.

## **General Plan Conformance (Trinidad Area Plan)**

### **3.23 B.1. Extension of Services**

It is the intent of this chapter that extensive rural public service systems, such as water and sewer, not be developed. This is exclusive of such public systems such as roads, electric, gas, telephone, and fire protection systems appropriate to planned levels of development. No permit shall be issued by any agency of the County to a special district or private utility or mutual system proposing to provide such services outside an Urban Limit Line or the area identified as the Westhaven Village area; except that provision of water service shall be permitted, within the service area, if sized so as not to exceed the maximum number of residential sites and other planned uses which can be developed under the adopted plan.

The proposed project involves existing waterlines within the mapped existing water mains within Westhaven Service Area as identified on the TAP Land Use Map. The proposed Westhaven CSD emergency waterline replacement project does not involve "services outside an Urban Limit Line or the area identified as the Westhaven Village area." This project only involves the replacement of existing and leaking waterlines, the replacement of existing service laterals and meters, the installation of 10 new fire hydrants, and the looping of the existing water mains within the Westhaven Village area in order to improve system function, eliminate a dead end main, improve water quality and provide resiliency to that part of the distribution system that serves the moonstone beach subdivision. The project would also construct an emergency intertie between the Westhaven CSD and Moonstone Heights MWA water systems. The Driver Road emergency waterline replacement trenching will be within feet of the Moonstone Heights MWA distribution system and the state of California encourages emergency water interties between small water systems to facilitate system redundancy and drought resilience 552 requires that by January 1, 2027, small water providers have at least one backup source of water supply, or a water system intertie, that meets current water quality requirements and is sufficient to meet average daily demand. The intertie will not result in additional water supply capacity for either system; it will only be used as a temporary backup water supply for either system in the event of an emergency.

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

- a. service along the extension will not remove capacity necessary to serve future development on undeveloped lots within the existing serviced areas, whether within the Urban Limit Line or not, to the uses permitted in the plan;

The proposed Westhaven CSD emergency waterline replacement project does not involve the extension of water service outside of the Westhaven Village area. The replacement of leaking waterlines will not remove capacity to serve future development on undeveloped lots within the existing serviced areas consistent with the TAP.

- b. developments to be serviced are compatible with the plan;

No new developments are proposed to be served by the emergency waterline project. In the unlikely event that new service connections would be established adjacent to the emergency waterline replacement project alignment in the future, adding such service connections would need to be consistent with all TAP land use and service policy, applicable zoning, and Westhaven CSD ordinance 97-3, as revised, which establishes priorities for providing water service within its jurisdiction boundary.



- c. the extension of water service will be paid for only by the users of that service;

No new developments are proposed to be served by the emergency waterline project.

- d. the existing system is in no way degraded and that fire protection services are in no way impaired; and

The emergency waterline project is designed to improve the function and resiliency of the Westhaven CSD water distribution system and in no way will degrade or impair the water system. The replacement water lines will be sized to provide increased flow to fire hydrants. The emergency waterline project will also add new fire hydrants to the system. These improvements will upgrade fire protection services.

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

The emergency waterline project has been designed to follow the existing water system alignment to avoid potential environmental impacts and to conform with the resource protection policies of the TAP.

Note: The narrative in 3.10, Urban Development, states that "If water service were augmented south of Trinidad, there would be an opportunity to provide a "looped" water main as an alternate to the existing single-main system. Most notable benefits of a loop system would be in the area of fire protection; fire protection within the entire planning area is currently a significant point of concern (Amended by Res. 82-100, 7/27/82)."

### 3.12 Public Works B. DEVELOPMENT POLICIES. 1. Serviceable Area

- a. The serviceable area of a utility providing water or sewer service within an Urban Limit 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 foreseen 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 3.12B 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.

The proposed Westhaven CSD emergency waterline replacement project does not change the serviceable area of the existing water system. Even the proposed new waterline segment that would create a loop does not result in an increase to the existing serviceable area because it is located adjacent to U.S. 101 and parcels on the opposite side of the highway are within the existing serviceable area.

### 3.12 B 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 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 3.12 B2c. 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 above the capacity needed to provide services in the serviceable area. Where Public Works Plan has been approved, all permitted work on said utility shall conform to the Plan.

The proposed emergency waterline replacement project does not involve a change in the serviceable area, service growth, or system expansion and the Westhaven CSD does not have a specific plan for service growth or system expansion for the next five years.

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 criteria of Section 3.21B 2c.

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

(1) That the public works plan 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 Urban Limit 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 or Commercial Timber, or against any lands outside of the Urban Limit.

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

3.21 B. 2.i., Westhaven Village - RURAL VILLAGE (RV) (Amended by Res. No. 82-100, July 27, 1982)

Parcels within the 190 acre Westhaven Village area average between 2,000 and 5,000 square feet and number over 250. This area includes the community of Westhaven, Moonstone, and portions of Driver Road. Two separate water systems - the Westhaven Mutual Water Company [note: the Westhaven CSD was formed to operate the former Westhaven Mutual Water Company water system] and the Moonstone Heights Mutual Water Association - service portions of the village area. The Moonstone system, serving the Driver Road area, is currently restricted by the articles of association to a maximum of twenty residential hook-ups, all of which have been committed. The Westhaven serves 229 connections and is under a 2006 moratorium in connections from DDW. Neither water system is contemplating expansion of services, however, the Westhaven system is investigating loan opportunities to upgrade the existing system.

With the current parcelization of the area, including many small parcels well below the average parcel size of adjacent surrounding areas, both the availability of on-site water for those parcels without shares in either of the mutual systems and septic tank suitability are primary concerns. In addition, fire protection which currently depends on the combined efforts of the Westhaven Volunteer Fire Department and the City of Trinidad's Fire Department, also encounters problems with the existing water systems in that current water pressure and, at times quantity, are not adequate.

Considering these and current available methods for addressing this situation, the development policies prohibit any further subdivision of these lots, encourage lot reconsolidation and lot line adjustments, and recommend investigation into techniques for ameliorating current and potential future waste water disposal. Development on existing lots may be permitted provided a water source and approved wastewater system can be demonstrated. The planned density for this area is three (3) units per acre.

i. Suburban Westhaven - RURAL RESIDENTIAL (RR)



This area is bounded on the north by Jolan Creek (also called the South Fork of Luffenholtz Creek) and to the south by the Westhaven Village area. The total area constitutes about 27 acres and is currently divided into 9 separate parcels. Although a strict application of the Coastal Act policy regarding rural subdivision would yield a 3 acre planned density, the area is planned for one unit per one acre. The planned density in this area was increased in exchange for decreased density in the East Westhaven area. This density exchange is consistent with other policies of this plan including: water and wastewater provisions, habitat protection, and visual policies. Access to this area is from Highway 101 Frontage Road and 6th Avenue; development in this area will not increase traffic along Scenic Drive.

k. East Westhaven/Driver Road - RURAL RESIDENTIAL (RR)

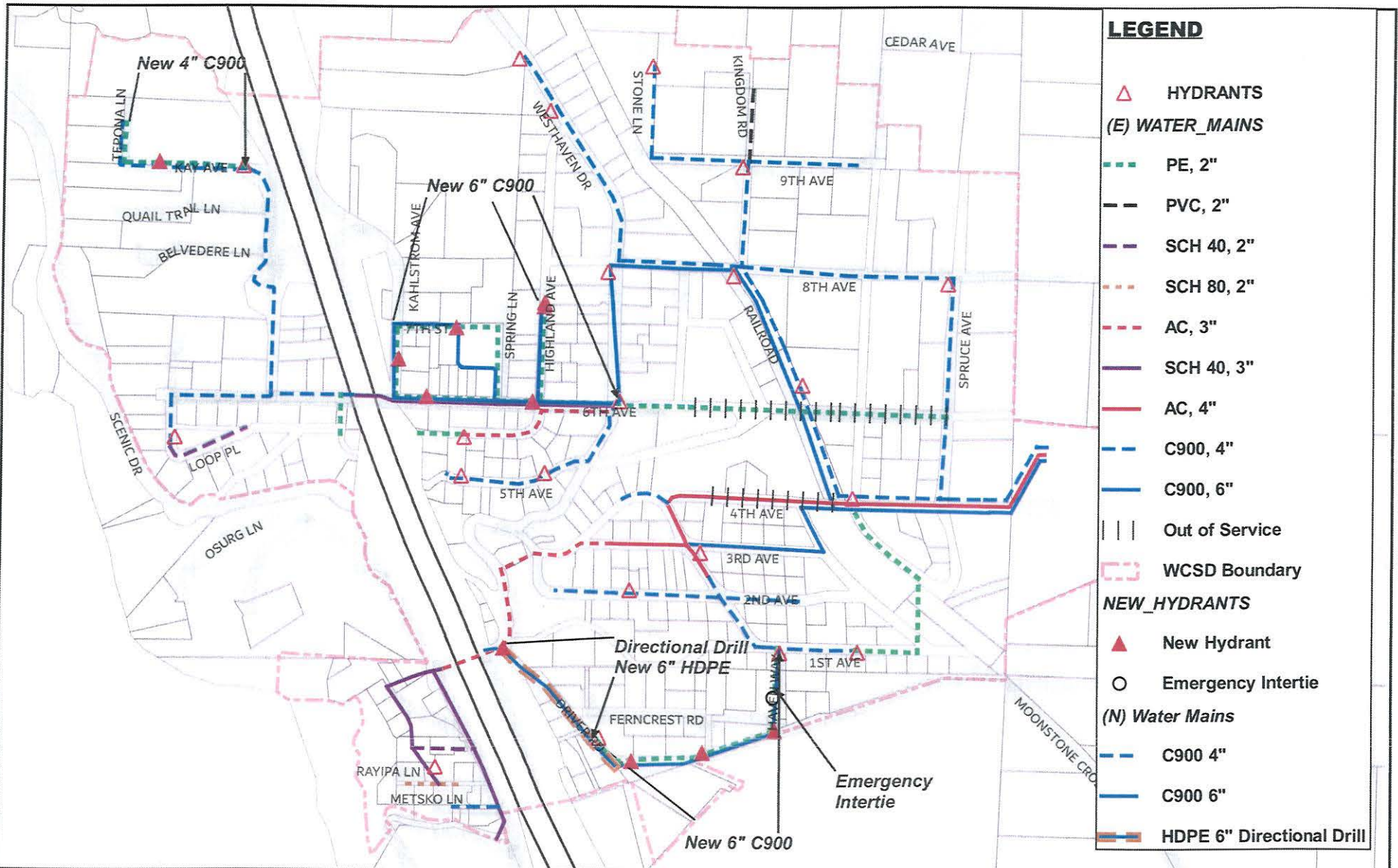
Just east of the southern end of the Westhaven Village area, this area includes about 30 acres and presently, about 5 parcels. The planned density is one unit per 5 acres. Segmented from surrounding residential areas, application of the rural subdivision requirements would yield a greater density.

3. Westhaven Village Area - RURAL VILLAGE (RV)

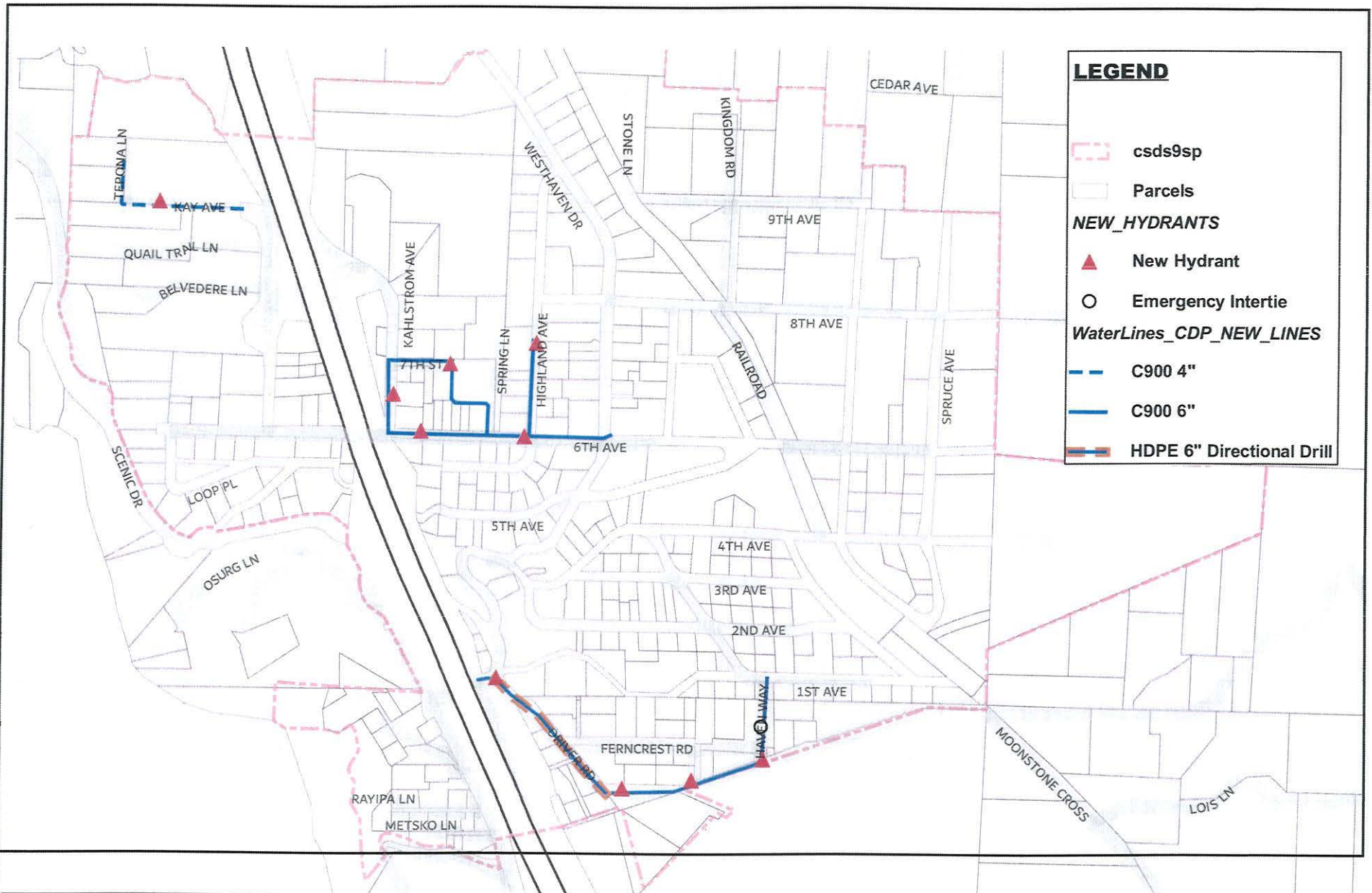
The following specific policies apply within the Westhaven Village as designated on the Land Use Plan Map:

3.21 B.3.

- a. No subdivision of parcels within this area shall be permitted except that lot consolidations and lot line adjustments to facilitate parcel boundary reconfiguration shall be permitted with a minimum parcel size of 14,500 square feet.
  - b. Development of existing vacant parcels shall be permitted but shall be contingent on demonstration of adequate water supply, either on-site or through agreement with the Westhaven Mutual System or the Moonstone Heights Mutual System, and wastewater disposal commensurate with the requirements of the Humboldt-Del Norte Department of Public Health and the Regional Water Quality Control Board.
  - c. The County in cooperation with the community, shall investigate and encourage opportunities to form a septic system maintenance district or alternate system to ameliorate existing wastewater disposal problems.
  - d. All special district 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 20 or more residential- equivalent connections, shall annually submit to the County Planning Commission a Public Works Plan consisting of: a 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 of the plan to the Board of Supervisors, based on criteria of Section B. 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 (see Map 6). Where a Public Works Plan has been approved, all permitted work on said utilities shall conform to the Plan.
- (1) 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 criteria of Section B.
  - (2) Criteria for approval of a Public Works Plan shall be:







## Westhaven Community Service District

## Water Main Replacement 2023-2024

Proposed Hydrants and Water Main Type and Diameter.  
Location approximate, not from survey.



0 500 1,000 ft

Parcel Data: Humboldt County GIS