

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
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Filed: August 17, 1997
 49th Day: October 5, 1997
 180th Day: February 13, 1998
 Staff: Jo Ginsberg
 Staff Report: August 22, 1997
 Commission Hearing: September 11, 1997
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: **1-97-45**

APPLICANT: **WAGES CREEK CAMPGROUND, LLC
 JEFFREY SPRINGER, PRESIDENT**

AGENT: Ed McKinley

PROJECT LOCATION: 37700 North Highway One, Westport, APN 013-240-34.

PROJECT DESCRIPTION: Long-term, seasonal installation and removal of a small, temporary steel bridge and attached sewer line spanning Wages Creek at the Wages Creek Campground.

Lot area: 60 acres
 LCP designation: Remote Residential-20, *3
 Zoning: RMR, *3

LOCAL APPROVALS RECEIVED: Mendocino County LCP Consistency Review waived;
 Mendocino County Department of Environmental Health approval.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County Local Coastal Program; Coastal Permits 1-97-29W and 1-96-54W.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions the coastal development permit application for the proposed project on the basis that it is consistent with the policies of the Coastal Act.

STAFF NOTE

Mendocino County has a certified Local Coastal Program, and therefore has coastal permit authority within its coastal zone jurisdiction. However, the proposed project is located almost entirely within the Commission's area of original jurisdiction, so that portion of the project within the Commission's area of original jurisdiction is subject to the Coastal Commission's permit authority, and the Coastal Act is the standard of review. The County has determined that no coastal permit is necessary for the small portion of the project that is within County permit jurisdiction (the southerly bridge abutment).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will be in conformity with the provisions of the Mendocino County Local Coastal Program, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

1. State Lands Commission Review.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit to the Executive Director a written determination from the State Lands Commission that:

- a. No State lands are involved in the development; or

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- b. State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- c. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

2. Streambed Alteration Agreement.

PRIOR TO THE INSTALLATION of the bridge and sewer line each year, the applicant shall submit a copy of any necessary Streambed Alteration Agreement or other approval required by the Department of Fish and Game for the project for that season.

3. Installation Specifications.

Installation and removal of the bridge and sewer line shall be completed according to the following specifications:

- a. All work in or near the stream shall be confined to the period between March 1 and October 15 each year. No riparian vegetation habitat along the stream banks shall be disturbed. No work shall be done in the stream during high water or periods of fish passage.
- b. When the temporary sewer line is removed each year, the ends of the pipe on each bank shall be capped off and secured.
- c. When the temporary bridge is removed each year, the gravel fill used to support it shall be removed also. The bridge and the gravel fill shall be stored on the north side of the creek out of the active channel, approximately 30 feet north of the creek bank.

4. Corps of Engineers Approval.

PRIOR TO THE INSTALLATION of the bridge and sewer line each year, the applicant shall submit a copy of any necessary U.S. Army Corps of Engineers permit granting approval for the project for that season.

5. Expiration Date.

The permit shall expire on December 31, 2002, and shall not be subject to a time extension. Continued installation of the temporary bridge and sewer line after the expiration date shall require a new coastal development permit.

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IV. Findings and Declarations.

The Commission finds and declares the following:

1. Project and Site Description:

The subject site is located west of Highway One at the Wages Creek Campground, which provides tent and R.V. camping (no hookups), as well as fee day use. The proposed project is for a five-year seasonal installation and removal of a temporary steel bridge with an attached sewer line spanning Wages Creek. The bridge is installed every spring to allow pedestrian and vehicular traffic to cross the creek to reach the northern portion of the campground. The sewer line serves the north bath facility, which will be closed each season when the bridge is removed. Installation of the bridge involves the placement of up to 40 cubic yards of native gravel fill in the high, winter water area of the creek to support the bridge. The fill will be removed, stockpiled at the site, and reused each year. The bridge will be in place only between March and October, when the creek will not be subject to high water flows, and the abutments will be placed out of the water in the dry gravel portion of the creekbed. There is no riparian vegetation on either side of the creek in the immediate vicinity of the bridge crossing location.

2. Project History:

According to the applicant, the previous owners of the campground have for the past 25 years been installing and removing a seasonal bridge for access to the campsites on the north side of the creek. Most of this development has occurred without benefit of a coastal development permit.

In September of 1996, the Commission granted a waiver (Coastal Permit No. 1-96-54W) to the previous owners of the campground to replace an existing damaged sewer line with a new line placed underground through the creek bed. Heavy storms in January of 1997 caused an unusually deep scouring of the creek bed and subsequently washed out the new sewer line. In May of 1997, the Commission issued a waiver (Coastal Permit No. 1-97-29W) to the owners of the campground for the temporary installation of a small bridge, with an attached temporary steel sewer line, across Wages Creek for the 1997 summer season.

The current application is for long-term (five-year) seasonal installation and removal of a temporary bridge and attached sewer line across Wages Creek. The applicants have indicated that a permit application will be submitted to the Commission and to the County in the near future for additional development and improvements at the campground, including a proposal for a permanent, year-round bridge with attached sewer line.

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3. Planning and Locating New Development:

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed project, which includes seasonal installation of a temporary sewer line to serve the north bath facility of the Wages Creek Campground, has been approved by the Mendocino County Department of Environmental Health. Because the sewer line will be attached to the temporary bridge, installation of the line will not require digging or filling within the stream channel and therefore will have no significant adverse effects on coastal resources. The Commission thus finds that the proposed project is consistent with Coastal Act Section 30250(a) to the extent that it will be located where it will not have significant adverse effects on coastal resources.

4. Public Access:

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. The proposed project is located west of Highway One within the Wages Creek Campground, a private fee campground open to the public for both camping and day use. The site provides ocean beach access as well as access to the creek. The proposed project, which consists of seasonal installation of a temporary bridge with an attached sewer line across Wages Creek, will improve public access within the campground, as it will provide for pedestrian and vehicular access to the campsites and beach on the north side of the creek.

The Commission thus finds that the proposed project, which will improve public access, is consistent with the public access policies of the Coastal Act.

5. Environmentally Sensitive Habitat Areas/Marine Resources:

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas, and that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30231 of the Coastal Act states that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored.

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The proposed project includes seasonal installation and removal of a temporary bridge and sewer line across Wages Creek. The creek itself constitutes environmentally sensitive habitat, but the proposed project will not be located within the ESHA, as the bridge will span the creek and not require the placement of fill in the water or nearby riparian areas. The bridge will be in place only between March and October, when the creek will not be subject to high water flows, and the abutments will be placed out of the water in the dry gravel portion of the creekbed, where impacts to the creek will be minimal. Further, there is no riparian habitat located along the creek in the immediate vicinity of the proposed project, although riparian vegetation exists nearby. The California Department of Fish and Game has in the past, including as recently as this past spring (1997 season), approved 1603 streambed alteration agreements for the bridge installation and removal, finding that the development, as conditioned, would not have significant adverse impacts on the stream habitat.

To ensure that impacts to the stream habitat are minimized, the Commission attaches Special Condition No. 3, which requires that installation and removal of the bridge and sewer line be completed to certain specifications, such that all work in or near the stream be confined to the period between March 1 and October 15 each year; that the work not disturb nearby riparian vegetation areas; that when the temporary sewer line is removed each year, the ends of the pipe on each bank be capped off and secured; and that when the temporary bridge is removed each year, the gravel fill used to support it will be removed also, and that the bridge and the gravel fill will be stored on the north side of the creek out of the active channel. In addition, the Commission attaches Special Condition No. 2, which requires that prior to installation of the bridge and sewer line each year, the applicant shall obtain approval from the State Department of Fish and Game, to ensure that any recommendations from the Department to protect habitat are followed.

The Commission thus finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30231 and 30240, as it will maintain the biological productivity and quality of coastal streams, and will be sited and designed to prevent impacts that would significantly degrade adjacent environmentally sensitive habitat.

6. State Lands Commission Review:

The proposed project is located along Wages Creek, between the ordinary high water marks, in an area that has been identified on State Lands Commission maps as being either historic tidelands or subject to the public trust. As such, the State of California may hold a public trust easement and other property interests in the site. Any such property interest of the State would be administered by the State Lands Commission. To assure that the applicant has a sufficient legal property interest in the site to carry out the project

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and to comply with the terms and conditions of this permit, the Commission attaches Special Condition No. 1, which requires that the applicant submit evidence that any necessary authorization from the State Lands Commission has been obtained prior to issuance of the permit.

7. Department of Fish and Game Review:

The project requires periodic 1603 streambed alteration agreements from the Department of Fish and Game. The applicant has already received an agreement for the 1997 bridge installation and removal, but will need future approvals from Fish and Game. Therefore, to ensure that the appropriate streambed alteration agreements are obtained from the Department of Fish and Game, the Commission attaches Special Condition No. 2, which requires that prior to the installation of the bridge and sewer line each year, the applicant shall submit a copy of any necessary Streambed Alteration Agreement or other approval required by the Department of Fish and Game for the project for that season.

8. U.S. Army Corps of Engineers Review:

The proposed project is subject to review by the U.S. Army Corps of Engineers (Corps). Pursuant to the Federal Coastal Zone Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the U.S. Army Corps of Engineers, the Corps will not issue a permit until the Coastal Commission approves a federal consistency certification for the project or approves a permit. To ensure that the project ultimately approved by the Corps is the same as the project authorized herein, the Commission attaches Special Condition No. 4, which requires that prior to the installation of the bridge and sewer line each year, the applicant shall submit a copy of any necessary U.S. Army Corps of Engineers permit granting approval for the project for that season.

9. Mendocino County LCP:

As noted above, Mendocino County has a certified Local Coastal Program, and therefore issues its own coastal permits for those areas within its coastal zone jurisdiction. However, most of the proposed project is located within the Commission's area of original jurisdiction, so the portion of the project within the Commission's area of original jurisdiction is subject to the Coastal Commission's permit authority, and the Coastal Act is the standard of review. The certified LCP is merely advisory. Nonetheless, the Commission finds the proposed project to be consistent with the policies of the LCP, as described below.

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The subject site is designated Remote Residential-20, *3, meaning that the minimum allowable parcel size is 20 acres, and that a campground or R.V. park is allowed on the site as a principal permitted use, with ten campsites per acre permitted. The subject property, which is 60 acres and contains a campground with approximately 175 campsites, is a legal conforming parcel.

Policy 3.9-1 of the Mendocino County LUP states that new development shall be located in or in close proximity to existing areas able to accommodate it, and shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources. The proposed project has been sited on a portion of Wages Creek where no riparian habitat exists, and so impacts to the river habitat are minimized. The Commission thus finds that the proposed project, as conditioned, is consistent with LUP Policy 3.9-1, as it will have no adverse impacts on coastal resources.

Zoning Code Section 20.500.010 states that new development in the coastal zone shall minimize risk to life and property in areas of high geologic, flood, and fire hazard. The proposed project seeks to authorize seasonal installation and removal of a small temporary bridge and sewer line across Wages Creek. Special Condition No. 3 requires that all work in the river shall take place between March 1 and October 15. Since the bridge will be removed during periods of possible high water, the potential for the bridge washing out during a flood is minimized. The Commission thus finds that the proposed project, as conditioned, is consistent with Zoning Code Section 20.500.010.

Policy 3.1-10 of the LUP states that no structure or development, including dredging, filling, vegetation removal and grading, which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the Riparian Corridor, except for some specialized uses such as permitted channelization for flood control, pipelines, etc. Zoning Code Section 20.496.035 reiterates this policy and states that development in riparian habitat areas is only allowed if no other feasible, less environmentally sensitive alternative exists.

As noted above, the proposed project has been sited such that the bridge will span Wages Creek, rather than be located within it. The bridge will be in place only between March and October, during low water, so the abutments will never be in the water. As a result, impacts to the river habitat will be minimized. In addition, there is no riparian habitat located on the banks of the creek in the immediate area of the proposed project. To ensure that significant adverse impacts to the creek habitat are minimized, the Commission attaches Special Condition No. 3, which requires that the project be developed according to specific criteria, including that the bridge will be in place only between March 1 and October 15, when there is no high water flow. The Commission finds, thus, that the proposed project is consistent with LUP Policy 3.1-10 and Zoning Code Section 20.496.035, as there will be no

development within the ESHA, and the development adjacent to the ESHA has been sited and design to minimize impacts to sensitive habitat.

The Mendocino County LUP includes a number of policies regarding standards for providing and maintaining public access. As noted above, the subject site is located west of Highway One along Wages Creek within the Wages Creek Campground. The campground provides public beach and river access to campers and day users (for a fee). The proposed project, which seeks to authorize the seasonal installation and removal of a temporary bridge spanning Wages Creek, will improve public access by providing a creek crossing to the northern portion of the campground where there is additional beach access. Since the proposed development will improve public access to the shoreline, the Commission finds that the proposed project is consistent with the public access policies of the LCP.

The Commission thus finds that the proposed project, as conditioned, is consistent with the Mendocino County LCP.

10. California Environmental Quality Act (CEQA):

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the policies of the Coastal Act and the Mendocino County LCP. Mitigation measures, including requirements that (1) the applicant obtain appropriate clearances from the State Lands Commission, the State Department of Fish and Game (streambed alteration agreement), and the U.S. Army Corps of Engineers; (2) installation and removal of the bridge and sewer line be completed to certain specifications, such that all work in or near the stream will be confined to the period between March 1 and October 15 each year, that no riparian vegetation habitat along the stream banks will be disturbed, and that when the temporary sewer line is removed each year, the ends of the pipe on each bank will be capped off and secured, and that when the temporary bridge is removed each year the gravel fill used to support it will be removed also, and the bridge and the gravel fill will be stored on the north side of the creek out of the active channel; and (3) the permit shall expire on September 11, 2002, and shall not be subject to a time extension, and that continued installation of the temporary bridge and sewer line after the expiration date shall require a new coastal development permit, will minimize all adverse environmental impacts.

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As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

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ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

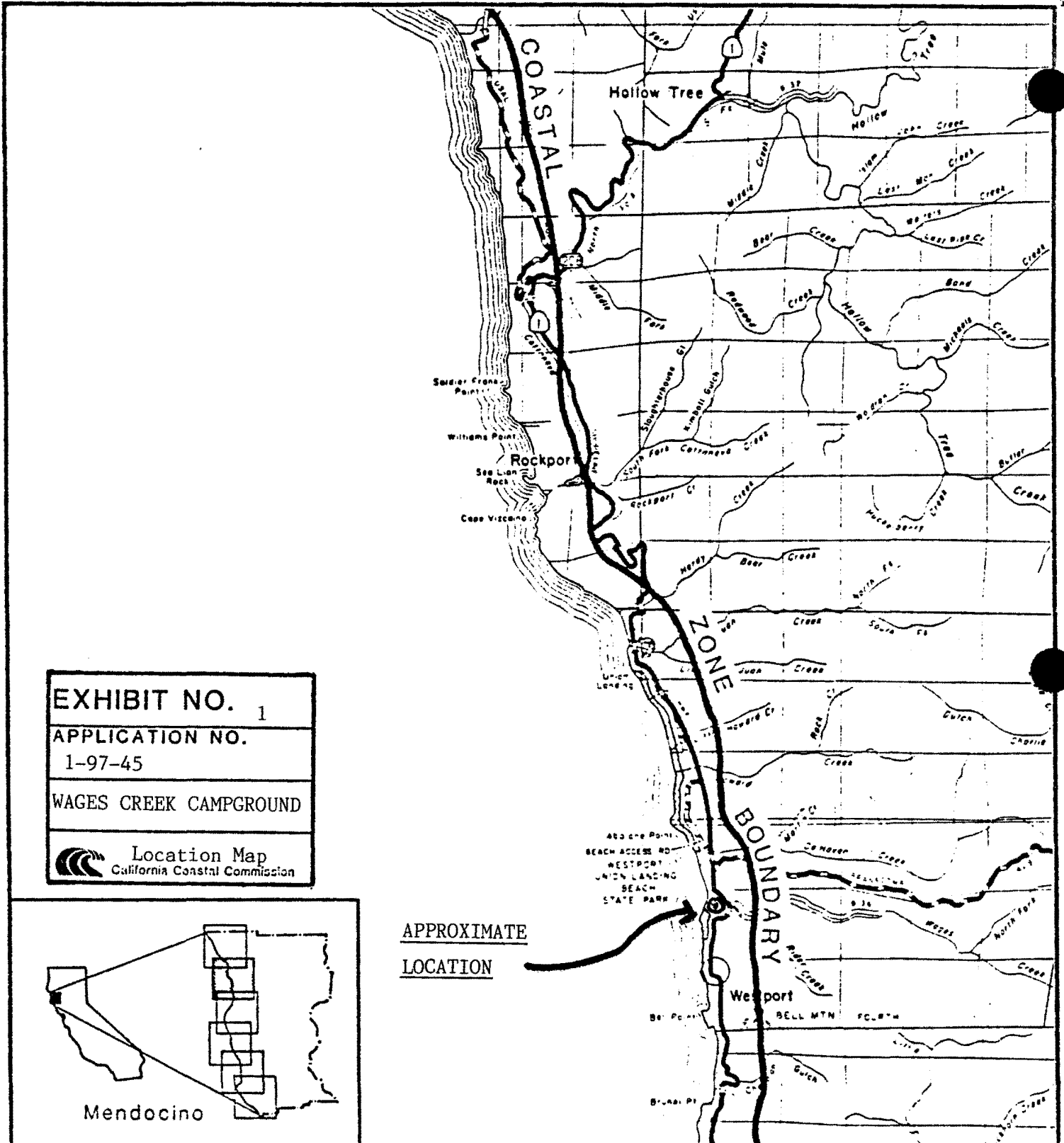


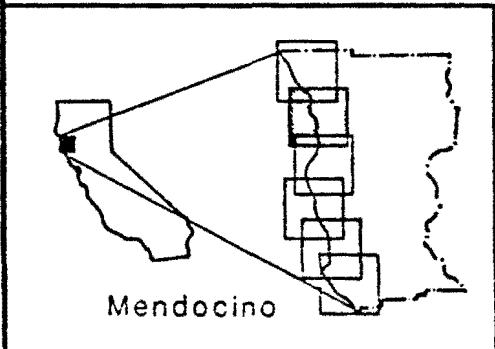
EXHIBIT NO. 1

APPLICATION NO.

1-97-45

WAGES CREEK CAMPGROUND

Location Map
California Coastal Commission



APPROXIMATE
LOCATION



WAGE CREEK CAMPGROUND

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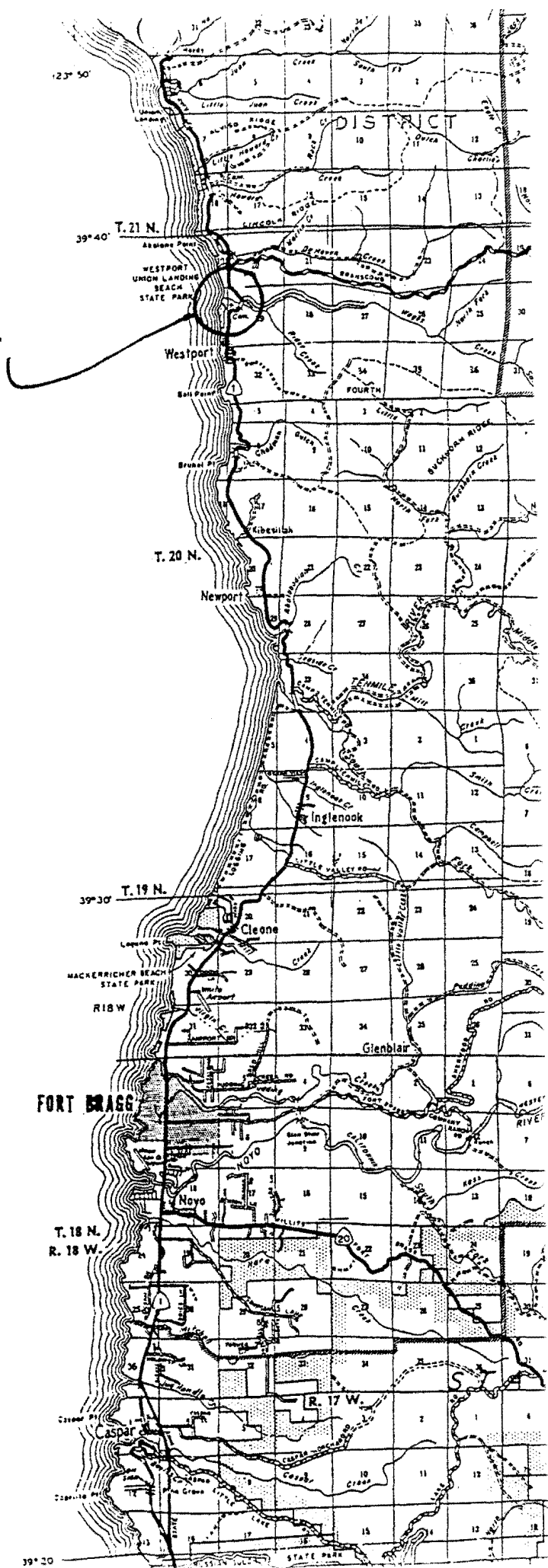


EXHIBIT NO. 2
APPLICATION NO. 1-97-45
Wages Creek Campground
Vicinity Map

PACIFIC

OCEAN

UNION LANDING
STATE BEACH

ZONE BREAK

ZONE A

16

17

Howard

TRAIL

ZONE A

DE HAVEN

19

20

ZONE BREAK

ZONE V

WESTPORT
UNION LANDING
STATE BEACH

ZONE BREAK

ZONE A

30

Wages

29

WESTPORT

ABALONE RD

SEAVIEW DR

32

31

Creek

Martin

De Haven

Rider

FIRM

panel #

060183 0300 B

EXHIBIT NO. 3

APPLICATION NO.

1-97-45

Wages Creek
Campground

Area Map

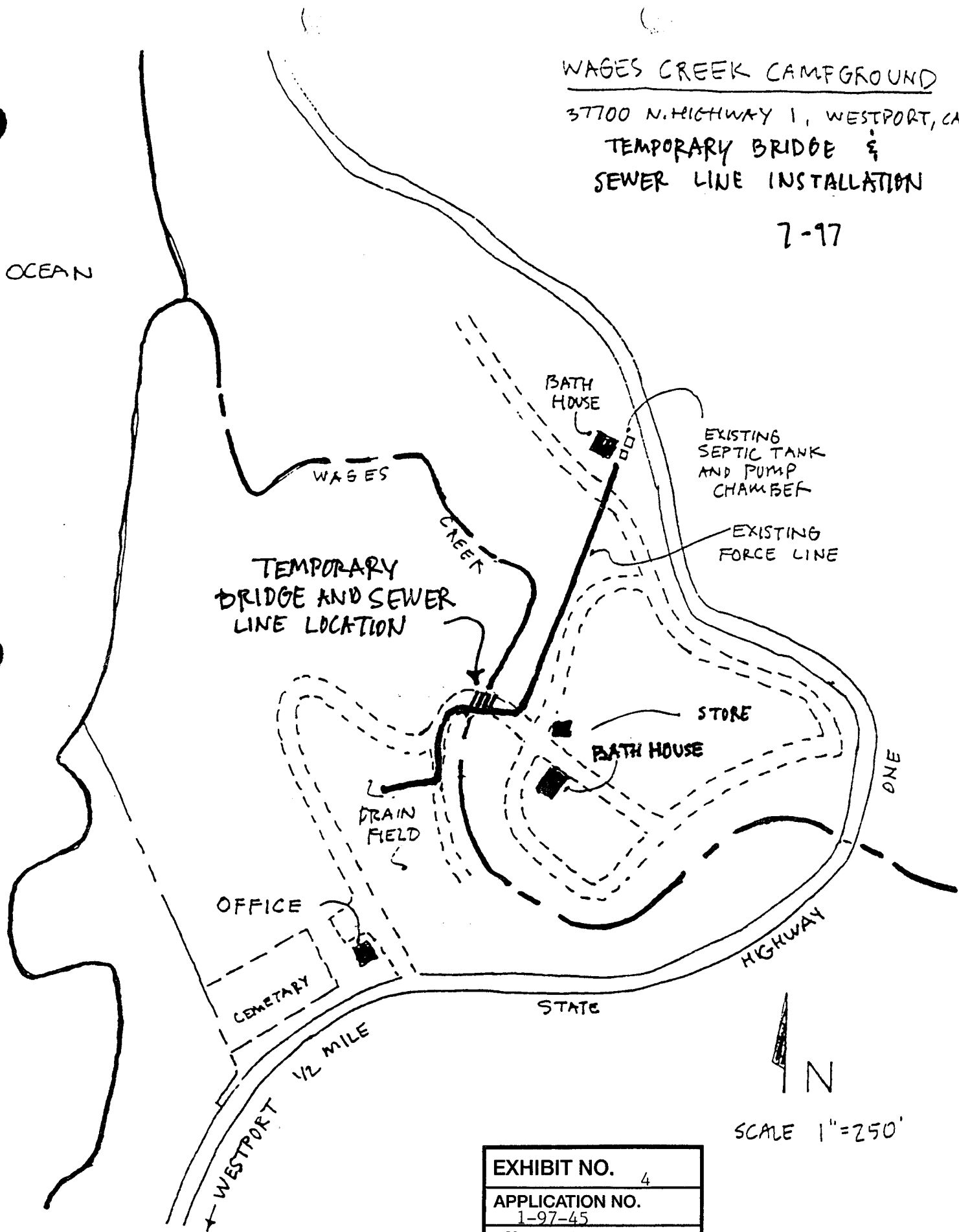
WAGES CREEK CAMPGROUND

37700 N. HIGHWAY 1, WESTPORT, CA

TEMPORARY BRIDGE &
SEWER LINE INSTALLATION

7-97

OCEAN



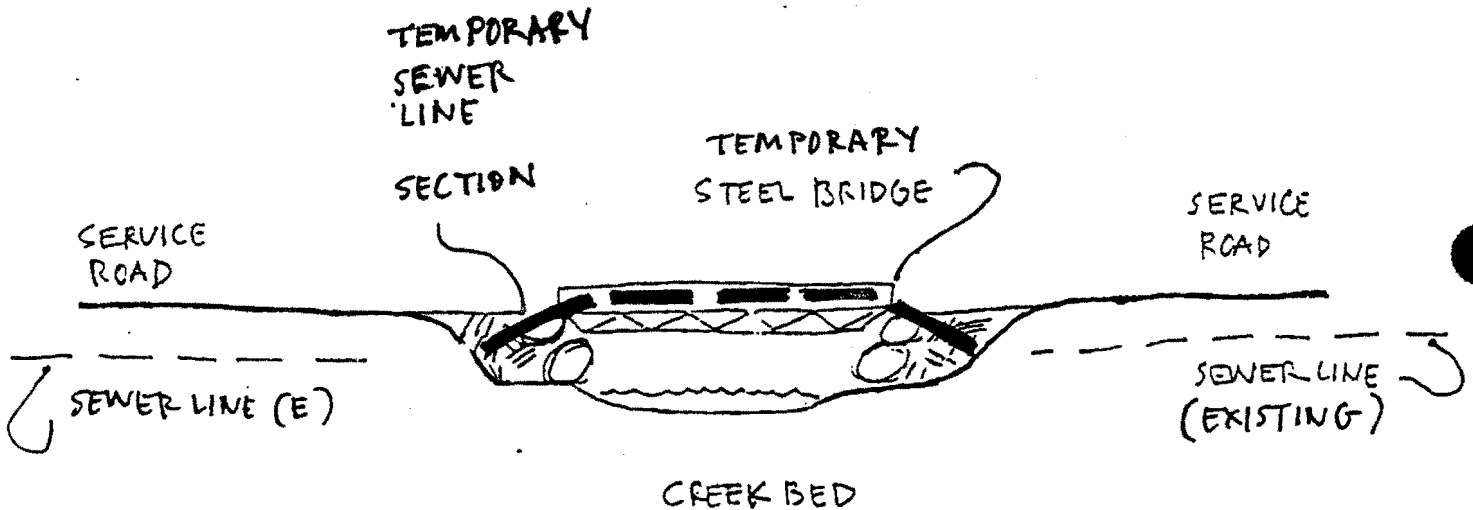
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SCALE 1"=250'

EXHIBIT NO.	4
APPLICATION NO.	1-97-45
Wages Creek Campground	
Site Plan	

WAGES CREEK CAMPGROUND

TEMPORARY BRIDGE &
SEWER LINE INSTALLATION 7/97

ED MCKINLEY
237 MORROW STREET
FORT BRAGG, CA 95437



CREEK BED DEPTH
BELOW ROAD SURFACE
APPROX. 6'

EXHIBIT NO.	5
APPLICATION NO.	1-97-45
Wages Creek Campground	
Project Plans	