

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE

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Date Filed: September 9, 2002  
49th Day: October 28, 2002  
180<sup>th</sup> Day: March 8, 2003  
Staff: Tiffany S. Tauber  
Staff Report: November 22, 2002  
Hearing Date: December 13, 2002  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: **1-02-142**

APPLICANT: **THE ELEUTHERIAN  
PAN-COMMUNION OF ADIDAM**

PROJECT LOCATION: On the property directly adjacent to the north of 1512 Stagecoach Road, north of Trinidad, Humboldt County, (APN 517-011-04)

PROJECT DESCRIPTION: (1) Construct an approximately 35-foot-long, 15-foot-wide temporary gravel access road to and from the drill site, (2) drill an approximately 280-foot-deep domestic water well, and (3) remove the gravel access road and replant native vegetation.

GENERAL PLAN DESIGNATION: Rural Residential, 5-acre minimum

ZONING DESIGNATION: Rural Residential, Non-Certified Area

LOCAL APPROVALS RECEIVED: Humboldt County Environmental Health Dept.

OTHER APPROVALS REQUIRED: None

SUBSTANTIVE FILE DOCUMENTS: CDP File No. 1-83-96 (Knight)

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions of construction of a temporary access road and drilling of a water well at a vacant parcel located directly adjacent to the north of 1512 Stagecoach Road, on the west side of Stagecoach Road approximately ¼ mile south of the northern intersection with Patricks Point Drive and approximately 2.2 miles north of Trinidad.

The site is located in an area of low-density, rural residential development in an area characterized by a densely vegetated, narrow road corridor. The proposed project involves drilling an approximately 280-foot-deep domestic water well to serve the adjacent lot to the south (1512 Stagecoach Road), which is owned by the same property owner and is developed with a single-family residence built pursuant to a coastal development permit approved by the Commission in 1983 (CDP No. 1-83-96, Knight). The existing residence is currently served by a water source under agreement with a neighboring property owner. The proposed well would allow the applicant to have an independent source of water to serve the residence.

Construction of the temporary access road to allow the drilling equipment to access the site requires approximately 420 square feet of vegetation removal adjacent to Stagecoach Road, a public road. A portion of the temporary access road has been constructed without benefit of a coastal development permit. To ensure that the access road is restored to pre-project conditions following construction to minimize visual impacts, staff recommends Special Condition No. 1 that requires the applicant to submit, prior to the issuance of the coastal development permit for review and approval of the Executive Director, a revegetation plan for all areas disturbed by construction of the temporary access road. The condition requires the plan to provide for (1) the complete removal of all gravel, (2) replanting the disturbed area with native vegetation within 30 days of project completion, and (3) details of the type and size of all plants to be planted in the disturbed area.

A portion of the temporary access road would be constructed in the County's road right of way and the Humboldt County Public Works Department requires an encroachment permit for any development located within the County's road right of way. Therefore, staff recommends Special Condition No. 2 that requires the applicant to submit prior to commencement of construction, evidence of an encroachment permit or exemption from Humboldt County Public Works Department that demonstrates the ability of the applicant to develop a temporary access road within the County road right of way.

As conditioned, staff believes that the project is fully consistent with the Chapter 3 policies of the Coastal Act.

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**STAFF NOTES:**

1. **Standard of Review**

The proposed project is located on the west side of Stagecoach Road north of the City of Trinidad in Humboldt County. Humboldt County has a certified LCP. However, the project is located in an area of deferred certification (ADC). Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

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**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve Coastal Development Permit No. 1-02-142 pursuant to the staff recommendation.

**Staff Recommendation of Approval:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve the Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS: See Attachment A.**

**III. SPECIAL CONDITIONS:**

**1. Removal and Revegetation of Temporary Access Road**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and approval of the Executive Director, a revegetation plan for all areas disturbed by construction of the temporary access road. The plan shall provide for (1) the complete removal of all gravel, (2) replanting the disturbed area with native plants or shrubs planted on at least three-foot centers throughout the disturbed area, and (3) maintenance of the plants in good growing condition throughout the life of the project and provide for replacement of plants that die. No non-native plants shall be included in the revegetation plan.

The submitted plan shall include the following details:

- (a) A planting plan detailing the specific locations where individual plants and shrubs would be planted;
  - (b) Specifications of the plant and shrub species to be used including species type, size at planting, height at maturity, and establishment techniques (e.g., irrigation, fertilization, etc.);
  - (c) A schedule for installation of the plants; and
  - (d) Maintenance provisions.
- B.** The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**2. Encroachment Permit**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION,** the applicant shall submit to the Executive Director for review and written approval, evidence of an encroachment permit or exemption from Humboldt County Public Works Department. The encroachment permit or exemption shall evidence the ability of the applicant to develop a temporary access road within the County road right of way as conditioned herein.

3. **Condition Compliance**

**WITHIN 90 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT APPLICATION**, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. **FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

1. **Site Description & Project Description**

The project site is a vacant lot located on the west side of Stagecoach Road approximately ¼ mile south of the northern intersection with Patricks Point Drive and approximately 2.2 miles north of Trinidad (Exhibit Nos. 1 & 2). The site is a blufftop lot located approximately 200 feet above sea level in an area of low-density, rural residential development along a densely vegetated, narrow road corridor. The site and surrounding area is vegetated with a spruce forest community containing spruce, alder, wax myrtle, ferns, huckleberry, salal, and related undergrowth species.

The proposed project involves drilling an approximately 280-foot-deep domestic water well to serve the adjacent lot to the south (1512 Stagecoach Road), which is owned by the same property owner and is developed with a single-family residence built pursuant to a coastal development permit approved by the Commission in 1983 (CDP No. 1-83-96, Knight). The existing residence is currently served by a water source under agreement with a neighboring property owner. The proposed well would allow the applicant to have an independent source of water to serve the residence.

The project also involves the construction of a temporary, gravel access road to allow drilling equipment to access the site (Exhibit No. 3). A portion of the access road has been constructed without benefit of a coastal development permit and the permit application includes after-the-fact approval of the road. The access road would be approximately 35-feet-long by 12-feet-wide and would be located approximately 123 yards north of the property boundary with the property known as 1512 Stagecoach Road. Construction of the temporary access road would require removal of vegetation within the limits of the road dimensions. The vegetation to be removed consists of shrubs and undergrowth and no trees would be removed. The applicant proposes to remove the road and restore it to its pre-construction condition by removing the gravel and planting native vegetation following construction of the well. The project site does not contain any environmentally sensitive habitat areas.

## **2. Locating and Planning 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 in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The proposed project involves construction of a domestic water well on an undeveloped parcel. The subject property is within a developed residential neighborhood zoned rural residential with a five-acre minimum parcel size. The well is intended to serve the existing single-family residence located directly to the south of the subject property. The applicant owns both parcels and the well is intended to provide the residence with an independent water source. The applicant has received approval from the Humboldt County Health Department to construct the well. No other development of the subject parcel is proposed or authorized at this time. Therefore, construction of the well would not result in a change of use of the subject property, or increase the intensity of development in the area. As discussed in the Visual Resources finding below, the proposed development has been conditioned to minimize visual impacts from the temporary construction of the gravel access road by requiring that the road be removed and restored to pre-project conditions following construction as proposed by the applicant.

As the proposed water well would not allow for increased density, the project would not result in a greater demand on coastal resources. Therefore, the Commission finds that as conditioned, the proposed development is consistent with Coastal Act Section 30250(a) in that it is located in a developed area, it is intended to serve an existing single-family residence in a zoned residential area, and it will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

## **3. Visual Resources**

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The site is located on the west side of Stagecoach Road in an area of low-density, rural residential development on heavily forested lots. Stagecoach Road is a narrow, densely vegetated travel corridor that provides public access to several coastal recreation areas including Trinidad State Beach to the south and Patricks Point State Park to the north.

The character of the area is largely defined by the dense, native spruce forest and coastal scrub vegetation along the east and west sides of the road corridor. Due to the dense vegetation on the west side of the road, blue water views of the ocean from Stagecoach Road are minimal. As a result of the densely vegetated character of the area, very little development is actually visible from Stagecoach Road.

The proposed well does not involve any above-ground development other than a 3.5-foot-high wellhead and therefore, would not result in adverse visual impacts. However, the project does involve the removal of vegetation within an approximately 420-square-foot area to construct a temporary gravel access road extending from Stagecoach Road to the proposed well site to accommodate the drilling equipment. The access road would create a gap in the otherwise dense vegetation that lines Stagecoach Road and largely defines the character of the area. The Commission finds that removal of vegetation in this area would adversely affect the visual character of the area and have a visual impact as viewed from Stagecoach Road, a public road, if the vegetation were not replaced. The applicant proposes to remove the gravel access road and replant native vegetation following construction of the well. To minimize adverse visual impacts and ensure that the road is restored to pre-project conditions as proposed, the Commission attaches Special Condition No. 1. The special condition requires the applicant to submit, prior to the issuance of the coastal development permit for review and approval of the Executive Director, a revegetation plan for all areas disturbed by construction of the temporary access road. The condition requires the plan to provide for (1) the complete removal of all gravel, (2) replanting the disturbed area with native vegetation within 30 days of project completion, and (3) details of the type and size of all plants to be planted in the disturbed area.

Therefore, the Commission finds that the proposed development as conditioned is consistent with Section 30251 of the Coastal Act as the development would not block views to and along the coast, would not involve any permanent alteration of land forms, and the proposed development would not result in any change to the visual character of the area.

#### **4. Public Access**

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and

the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The project site is located between the first public road (Stagecoach Road) and the sea and would not adversely affect public access. There are no public trails that provide shoreline access through the subject property and the well, which is largely underground with the exception of the wellhead, would not result in a barrier in any way to public coastal access. Furthermore, the proposed well would not change the nature or intensity of use of the site and thus, would not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

#### **5. Encroachment Permit**

The Humboldt County Public Works Department requires an encroachment permit for any development located within the County's road right of way. As a portion of the temporary access road extending from Stagecoach Road, a county road, would be constructed in the County's right of way, the applicant is required to obtain an encroachment permit from the County. To ensure that all legal requirements are satisfied to enable the applicant to conduct the proposed project, the Commission attaches Special Condition No. 2. The condition requires the applicant to submit prior to commencement of construction, evidence of an encroachment permit or exemption from Humboldt County Public Works Department. The encroachment permit or exemption shall evidence the ability of the applicant to develop a temporary access road within the County road right of way as conditioned herein.

#### **6. Alleged Violation**

As noted above, a portion of the temporary access road was constructed at the site in an area within the Commission's jurisdiction without the benefit of a coastal development permit. Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the cited alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.



**7. California Environmental Quality Act (CEQA)**

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures which will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

EXHIBITS:

1. Regional Location
2. Vicinity Map
3. Site Plan

**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. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

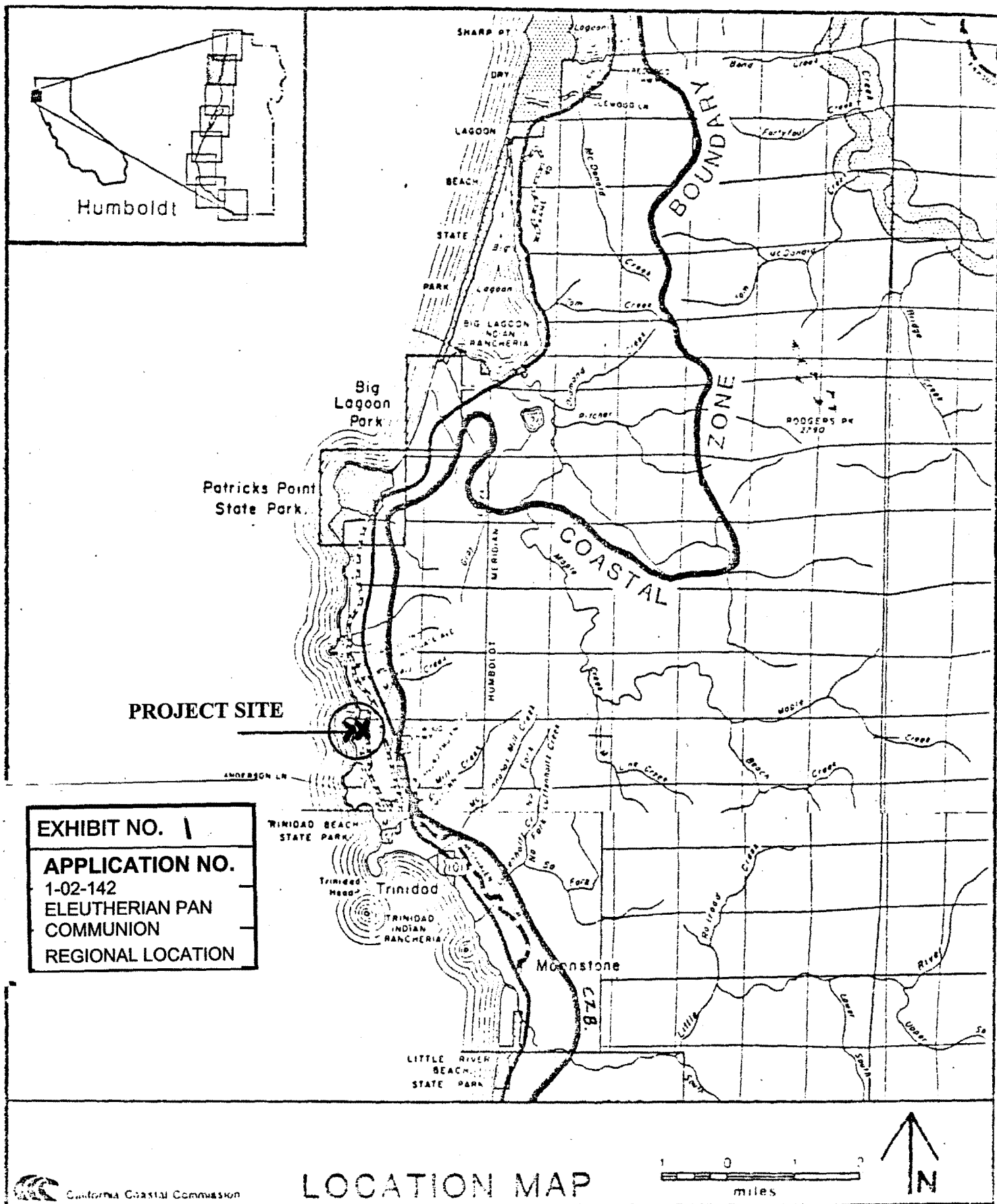


EXHIBIT NO. 2

APPLICATION NO.

1-02-142

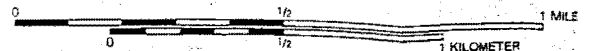
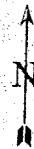
ELEUTHERIAN PAN  
COMMUNION

VICINITY MAP

SUBJECT SITE



WHITE ROCK



PACIFIC

GREEN ROCK

Trinidad State  
Beach Park

MEGUIL POINT

ELK HEAD

LEPOIL ROCK

OWENOKU POINT

PEWETOLE ISLAND

FLATIRON ROCK

- (A) Trinidad City Hall
- (B) Trinidad Fire Station
- (C) Trinidad Post Office
- (D) Saunders Shopping Center
- (E) HSU Marine Laboratory

Trinidad Open Space

BLANK ROCK

TRINIDAD HEAD

U.S. Coast Guard Reservation

Trinidad Bay

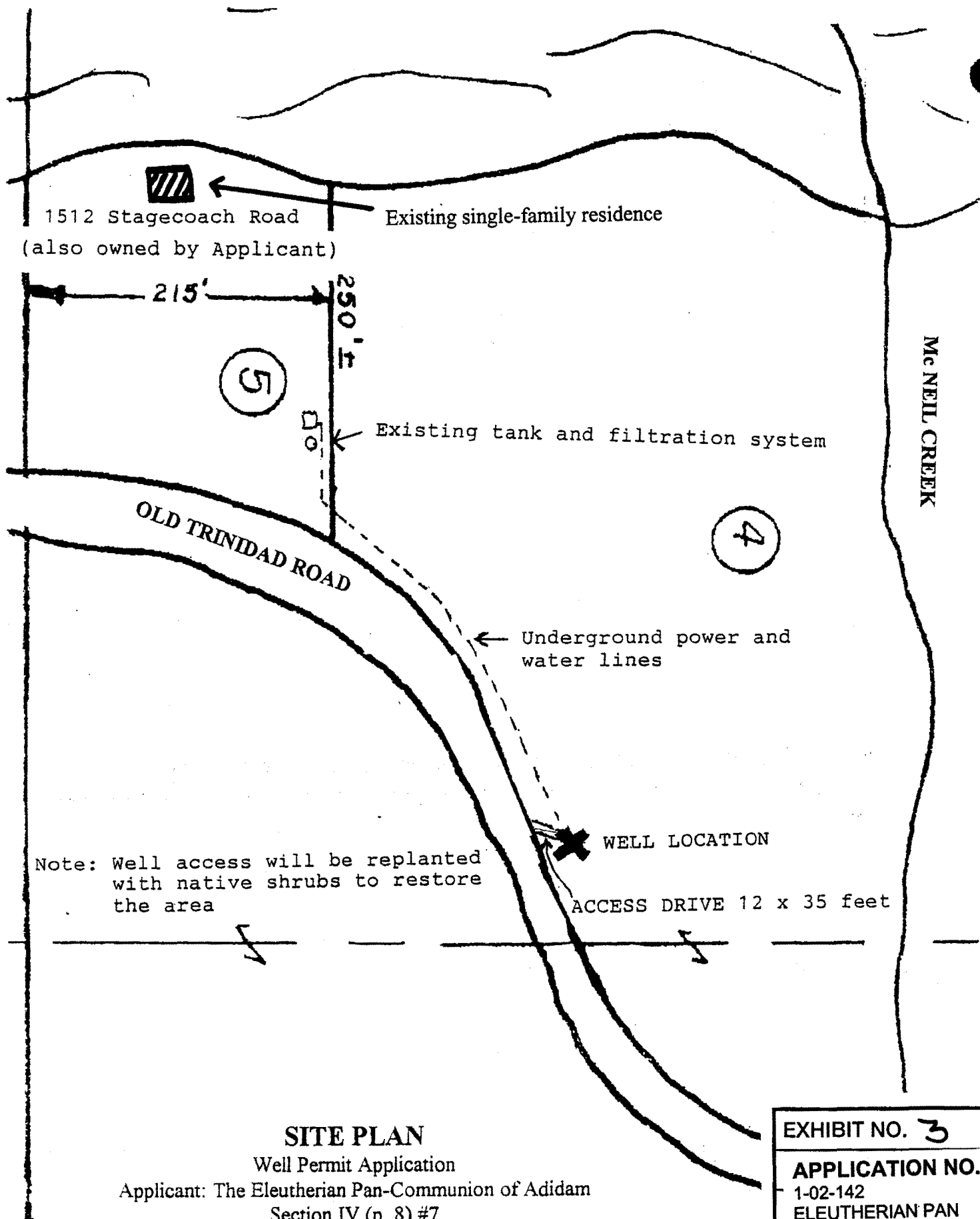
Trinidad

Ranchera

CAMEL ROCK

A

B



**SITE PLAN**

Well Permit Application

Applicant: The Eleutherian Pan-Communion of Adidam  
Section IV (p. 8) #7

EXHIBIT NO. 3

APPLICATION NO.  
1-02-142  
ELEUTHERIAN PAN  
COMMUNION  
SITE PLAN