

**CALIFORNIA COASTAL COMMISSION**

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Staff:	Robert S. Merrill
Staff Report:	July 29, 2004
Hearing Date:	August 12, 2004
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	1-03-064
APPLICANT:	<b>William Whitehorn</b>
PROJECT LOCATION:	1251 King Salmon Avenue, King Salmon area south of Eureka, Humboldt County (APNs 305-073-005, 305-073-056, and 305-073-057)
PROJECT DESCRIPTION:	Construction of a two-story, 3,462-square-foot single-family residence with a three-story tower, an attached 960-square-foot garage, a 357-square-foot covered patio with deck above, terrace, and landscaping.
GENERAL PLAN DESIGNATION:	Residential/ Low Density (RL), 3-7 units per acre
ZONING DESIGNATION:	Residential Single Family with Flood combining zone (RS-5/F)

LOCAL APPROVALS RECEIVED:       None Required

OTHER APPROVALS:               None Required

SUBSTANTIVE FILE DOCUMENTS:   Humboldt County Local Coastal Program

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions of the coastal development permit application for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the Coastal Act.

The proposed development is the construction of a two-story, 3,462-square-foot single-family residence with a three-story tower, an attached 960-square-foot garage, a 357-square-foot covered patio with deck above, terrace, and landscaping. The project site is located in a densely developed, unincorporated residential area south of the City of Eureka adjacent to Humboldt Bay known as King Salmon. The property lies between King Salmon Avenue and Buhne Drive, which together form the main road serving King Salmon.

The primary issue raised by the proposed project is whether the development would maintain an adequate buffer around an environmentally sensitive habitat area (ESHA) on the property. An arm of Fisherman's Channel, a tidal channel that flows to Humboldt Bay, extends on to the middle portion of the property. A salt marsh wetland habitat extends around the end of the channel on the applicant's property. Staff is recommending approval of the location of the proposed residence and an adjoining terrace, which would extend as close as 30 feet and 12 feet to the edge of the wetland, as those buffer widths are as large or larger than the buffer widths of the other development along both sides of the channel and would be adequate to ensure that the proposed residential building and terrace do not degrade the sensitive habitat. However, staff is recommending that proposed yard and landscaping improvements that would extend into the buffer and would adversely affect the wetland and reduce the value of the buffer either be (1) removed from the final site and landscaping plans or (2) modified in a manner to eliminate the adverse impacts on the wetland and enhance the value of the buffer by relocating and minimizing planned pathways, eliminating potential lawn areas, removing exotic invasive species, and planting native plant species in a mix and distribution consistent with natural habitats located adjacent to Humboldt Bay. Special Condition No. 3 would require the submittal of final revised site and landscaping plans prior to issuance of the permit to accomplish these objectives. To further protect the ESHA from impacts of the development, staff is recommending three additional special conditions. Special Condition No. 8 would preclude the installation of lighting within the buffer area. Special Condition No. 7 would prohibit the planting of invasive and exotic plant species and allow only native and/or non-invasive plant species to be planted at the

site to prevent invasive exotic plant species from invading ESHA areas on the site and nearby areas. Special Condition No. 10 would impose a restriction that future development on the site that otherwise might be exempt as an improvement to an existing single family residence require a coastal development permit amendment to enable the Commission to review whether such future development would adversely affect the ESHA.

Another key issue raised by the proposed development is to protect the proposed development from the potential for flooding. The project site is designated in the County's LCP as being within a flood hazard combining zone. To ensure that the proposed residence is designed to minimize risks to life and property from flood hazards and ensure consistency with Section 30253 of the Coastal Act, staff recommends Special Condition No. 4 that requires the applicant to provide evidence of a Flood Elevation Certificate approved by the Humboldt County Building Department as being adequate to demonstrate that the finished foundation would be at least one foot above the Base Flood Elevation. Special Condition No. 9 requires the applicant to acknowledge and assume the risks of flooding to the applicant and the property that is the subject of this permit. Special Condition No. 1 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the flood hazard present at the site and the property owner's acknowledgement and assumption of the risk condition discussed above.

The proposed project would also result in an increase in impervious surface area at the site and would therefore increase the amount of potential surface runoff leaving the site and the amounts of pollutants entering the waters of Humboldt Bay. To minimize the volume and velocity of surface runoff leaving the site, reduce the discharge of pollutants, and ensure consistency with Sections 30230 and 30231 of the Coastal Act, staff recommends Special Condition Nos. 3, 5, and 6. These conditions require the applicant to (1) include in the final site and landscaping plans vegetative swales for the biofiltration of runoff from the development as proposed in the application, (2) implement a suite of proposed sedimentation and erosion control best management practices, and (3) properly store and dispose of construction materials and debris.

Finally, to ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches Special Condition No. 2, which requires that the project be reviewed and if necessary, approved by the State Lands Commission prior to the issuance of a permit.

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

**The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 4.**

**STAFF NOTES:**

1. **Standard of Review**

The proposed project is located in the Commission's retained jurisdiction. Humboldt County has a certified LCP, but the site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

2. **Commission Action Necessary**

The Commission must act on the application at the August 12, 2004 meeting to meet the requirements of the Permit Streamlining 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. 1-03-064 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. Deed Restriction

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

2. State Lands Commission Review

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director, for review and approval, a written determination from the State Lands Commission that:

- A. No State or public trust lands are involved in the development; or
- B. State or public trust lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- C. State or public trust 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.

3 **Final Revised Site and Landscaping Plans**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and written approval of the Executive Director, a final revised site and landscaping plans that substantially conforms with the site plan dated May, 2003 and revised December 4, 2003, submitted as part of the application and entitled "*Whitehorn Residence, King Salmon CA, 1251 King Salmon Avenue, Site Plan/Cover Sheet,*" prepared by Crow/Clay & Associates, except that the plans shall be revised to be made consistent with the following requirements:
- i. All runoff from impervious surfaces shall be conveyed to the proposed stormwater collection swales and the swales shall be planted with native grasses or other native vegetation to maximize biofiltration of the runoff.
  - ii. To prevent impacts that would significantly degrade the wetland environmentally sensitive habitat area (ESHA) on the property, the landscaping and other development proposed within the ESHA buffer area, which includes all portions of the subject property west of a line extending north and south across the property coinciding with the western end of the proposed terrace, shall be modified to either:
    - a. eliminate all proposed landscaping and other development except for installation of (1) the picket fence along Buhne Drive and the northern property line, and (2) the stormwater collections swales and the associated battered dry stack rock wall; or
    - b. enhance the protective value of the buffer by (1) reducing the width of the proposed decomposed granite pathways to a maximum of 24 inches and relocating the portions of the pathways on parcels 305-073-56 and 305-073-057 close to the northern and western property boundaries, (2) removing all existing invasive exotic plant specimens and their root balls including but not limited to all Himalaya berry and pampas grass, and (3) landscaping only with native plant species in a mix and distribution consistent with a mix and distribution of native plant species that would be found in natural areas adjacent to the tidelands of Humboldt Bay.
- B. The permittees shall undertake development in accordance with the approved final revised site and landscaping plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission approved amendment to this

coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Flood Elevation Certificate**

The finished foundation shall be constructed at least one foot above the Base Flood Elevation. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the applicant shall provide to the Executive Director a copy of a Flood Elevation Certificate, prepared by a qualified, registered land surveyor, engineer, or architect, and approved by the Humboldt County Building Department demonstrating that the finished foundation of the residence would be at least one foot above the Base Flood Elevation. The applicant shall inform the Executive Director of any changes to the project required by the Humboldt County Building Department. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

5. **Erosion and Sediment Control**

The applicant shall implement the erosion and sediment control measures listed on Plan Sheet CS2 of the plans dated May, 2003 and revised December 4, 2003, submitted as part of the application and entitled "*Whitehorn Residence, King Salmon CA, 1251 King Salmon Avenue, Site Section, Notes and Details,*" prepared by Crow/Clay & Associates, except that the proposed driveway may be concrete instead of gravel.

6. **Construction Responsibilities and Debris Removal**

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to entering the wetland area surrounding the end of the tidal channel on the property.
- (b) No machinery shall be allowed at any time in the tidal and wetland areas of the property;
- (c) Any and all excess material resulting from construction activities that is not utilized for the development approved pursuant to this authorization shall be removed and disposed of at a disposal site outside the coastal zone or placed within the coastal zone pursuant to a valid coastal development permit;

7. **Landscaping Restriction**

Only native and/or non-invasive plant species shall be planted at the site. No invasive exotic plant species shall be planted anywhere on the site.

8. **Lighting Limitations**

No lighting shall be installed within the portions of the subject property west of the approved terrace to avoid disturbance of the wetland habitat area and the value of its adjoining buffer area.

9. **Assumption of Risk**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

10. **Future Development Restriction**

This permit is only for the development described in coastal development permit No. 1-03-064. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit No. 1-03-064. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 1-03-064 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.



**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**1. Site & Project Description**

The applicant proposes to construct a two-story, 3,462-square-foot single-family residence with a three-story tower, an attached 960-square-foot garage, a 357-square-foot covered patio with deck above, terrace, and landscaping. The subject property is located at 1251 King Salmon Avenue, in the unincorporated community of King Salmon, along the Humboldt Bay shoreline approximately two miles south of Eureka in Humboldt County (See Exhibits 1-3).

**A. Site Description**

The King Salmon subdivision consists of former tidelands that were partially filled during the mid-1900's and later subdivided, mostly into 25-foot-wide lots that were originally used for resort cabins. The tidelands were filled in a manner that created interior tidal channels within the subdivision, all of which connect to Fisherman's Channel which ultimately leads to the open waters of Humboldt Bay. Many of the lots within the subdivision include shoreline along the tidal channels. Most of the lots in the residentially zoned neighborhood have been developed with single-family residences of varying sizes that display a variety of architectural styles. The main road serving the subdivision is King Salmon Avenue, which turns into Buhne Drive. Buhne Drive flanks the northwest side of the subdivision, separating the subdivision from a mudflat and dune area that borders the open waters of Humboldt Bay. This dune and Humboldt Bay shoreline area is accessible to the public. Very little public access is available to the tidal channels within the interior of the subdivision.

The subject property is approximately 50 feet-wide and approximately 200 feet long, covering a total of approximately 10,500 square feet of area (approximately one quarter of an acre) with the east end of the property fronting on King Salmon Avenue and the west end bordering Buhne Drive. King Salmon Avenue turns into Buhne Drive as the roadway arcs around the four parcels within the subdivision to the north of the subject property and continues southwest past the west end of the subject property. The property encompasses the northern end of one of the interior tidal channels of the subdivision. Although the banks along the sides of the tidal channel as it meanders through the subdivision are relatively steep, the shoreline at the end of the channel on the subject property rises more gradually. As a result, the portion of the channel on the subject property includes an area of open water and an adjoining wetland that is inundated by the tides to varying degrees. The lower portions are frequently inundated while the upper portions are rarely covered. An August, 2003 wetland delineation mapped the upper edges of the wetland area surrounding the end of the channel using the definition of wetlands in the Coastal Act and the Commission's regulations. The extent of the channel

and wetland area is shown in Exhibit 4. The wetland area extends approximately 40 feet across the width of the parcel to a point approximately 10 feet south of the northern property line. The edge of the wetland sets back from King Salmon Avenue a distance of approximately 130 feet and from Buhne Drive, a distance of approximately 30 feet.

The subject property consists of three separate legal parcels. The largest parcel, APN 305-073-005, covers the full width of the property and extends west from King Salmon Avenue approximately 150 feet to about the middle of the end of the interior water channel. The other two parcels, Apn's 305-073-056 and 305-073-057, split the width of the west end of the subject property and extend from APN 305-073-005 an average of 65 feet towards Buhne Street. As a significant portion of each of these relatively small lots covers the wetland at the end of the channel, there is very little buildable upland area on these two parcels within which to build a house. The applicant proposes to build the home on the largest of the three parcels and proposes to use the two parcels to the west for landscaping and a pathway.

The subject property is vacant except for an approximately 260-square-foot rectangular concrete pad near the end of the channel on the largest of the parcels. The concrete pad may be a remnant foundation of some previous structure that has long since been removed.

Most of the upland area of the subject property is composed of old imported fill materials, including gravel, dirt, and debris fill. This upland area is covered predominantly with weedy upland vegetation. The plant species mainly include sweet vernalgrass (*Anthoxanthum odoratum*), Queen Anne's lace (*Daucus carota*), Himalayan blackberry (*Rubus discolor*), common plantain (*Plantago major*) and pampas grass (*Cortaderia jubata*), and other upland grasses and forbs. The northeast corner of the property is covered with non-riparian willow trees. The deeper portions of the tidal channel on the property do not contain significant vegetation. The upper portions of the wetland are vegetated by the wetland species pickleweed (*Salicornia virginica*) and common cordgrass (*Spartina anglica*). The open water area and the surrounding wetland on the subject property area considered environmentally sensitive habitat area (ESHA).

#### B. Specific Project Description

The proposed project includes a variety of residential improvements. The proposed house would provide 3,462 square feet of interior living space within two main floors and a tower structure at the northwest corner of the building that contains an approximately 137-square-foot third floor room. The attached 960-square-foot four-car garage would front on to King Salmon Avenue and occupy slightly less than half of the ground floor of the structure. The house is approximately 24.5 feet high from finished grade to the roof ridge line. The attached three-story tower is approximately 34 feet high from finished grade to the top of the roof of the tower. An approximately 357-square-foot deck would

extend off the west side of the second story of the structure. A stairway would lead down from the deck to a covered paved patio below. The house, attached garage, deck, and covered patio would cover a total of approximately 2,503 square feet of ground area, or 24% of the total area of the subject property (all three parcels combined).

The exterior of the structure would be covered with alternating fiber-cement lap siding and fiber-cement shake siding. The tower octagonal-shaped tower structure is designed to look like a lighthouse. The top floor of the tower consists mainly of window space and is ringed by a non-functioning ornamental catwalk with a railing. The second floor balcony railing would be sided with plexi-glass panels. The main roof of the building would consist of architectural-grade composition shingles. A standing seam aluminum roof would cover the tower structure. Building material colors have not been specified.

An approximately 32-foot-long, 1,152-square-foot concrete driveway would be constructed between King Salmon Avenue and the proposed garage.

An approximately 270-square-foot terrace would be constructed to the west of the covered patio. The terrace would be equipped with a built in barbeque and sink structure. The terrace would extend to within approximately 12 feet of the edge of the delineated wetland around the end of the tidal channel.

A small 9-square-foot concrete pad to support Jacuzzi equipment would be built along the north side of the house.

The project includes a variety of landscaping improvements. Proposed site preparation work includes trimming branches from several large willow trees at the northeast corner of the property. The trunks of the willows are on the adjoining property to the north and would not be affected. These willow trees are not considered to be ESHA as they are not part of a riparian habitat. Other site preparation work includes removing the existing 260-square-foot area of pavement near the middle of the property and grading the upland area near the perimeter of the wetland to create a drainage swale that would be used for the biofiltration of runoff from the development.

A low approximately 1.5-foot-high and 1-foot-wide battered dry stack rock wall would be constructed along the outboard edge of the swale and set back a minimum of one foot from the edge of the wetland as a spillover feature. The low wall would help contain normal flows of runoff within the swale while allowing high flows exceeding the capacity of the swales to pass over the top without eroding the edge of the swale. A second swale would be graded along the north side of the property to drain runoff from the house and other impervious surfaces towards the previously described drainage swale that would extend around the end of the wetland area. A series of approximately 3-foot-wide decomposed granite pathways would extend westward from the patio through the western half of the subject property. These pathways include a horseshoe-shaped pathway to be installed landward of the drainage swale that flanks the wetland, a

connector pathway to the patio, and a connector pathway to Buhne Drive at the east end of the property.

A 3-foot-high white picket fence would be installed along the eastern frontage of the property on Buhne Drive and along the northern property line

Finally, the upland areas west of house would be landscaped with ornamental trees, shrubs, and grass. A final landscaping plan has not yet been prepared and species types have not been specified.

## 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 subject property is within a developed residential neighborhood zoned residential single-family with 5,000-square-foot minimum parcel sizes, where 3-7 residential units per acre is a principally permitted use.

The subject parcel is located in a developed subdivision with community water and sewer systems that would serve the proposed residence and thus, the area has adequate services to accommodate the proposed development.

The subject parcel is located in a designated flood-combining zone indicating potential flood hazard. As discussed in Finding No. 3 below, the proposed development has been conditioned to minimize flood hazards. Additionally, as discussed in Finding No. 4 below, the project has been conditioned to minimize adverse impacts to coastal water quality. Furthermore, as discussed in Finding 5 below, the project has been conditioned to minimize adverse impacts to ESHA.

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 has adequate water and sewer capability to accommodate it, and it will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

3. Flood Hazard

Section 30253 states in applicable part:

*New development shall:*

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

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard and neither create nor contribute significantly to erosion or geologic instability.

The primary natural hazard affecting development of the subject property is flooding. The project site is designated in the County's LCP as being within a flood combining zone. All portions of the flat site will be subject to flooding from extreme high tides. Consequently, the primary way to minimize flooding risks is to raise the structure above flood elevations. According to the County Building Department, the 100-year Base Flood Elevation (BFE) in the King Salmon area is estimated to be 6 feet NGVD. Humboldt County building permit regulations require new residences to have a finished floor elevation at least one-foot above Base Flood Elevation. The County requires the applicant to provide a Flood Elevation Certificate prepared by a registered land surveyor, engineer, or architect in accordance with Federal Emergency Management Agency (FEMA) guidelines demonstrating that the finished foundation would be constructed at least one foot above the Base Flood Elevation prior to issuance of the County building permit.

To ensure that the proposed residence is designed to minimize risks to life and property from flood hazards as required by Coastal Act Section 30253, the Commission attaches Special Condition No. 4 that requires the applicant to provide evidence of a Flood Elevation Certificate approved by the Humboldt County Building Department as being adequate to demonstrate that the finished foundation would be at least one foot above the Base Flood Elevation.

Additionally, the Commission attaches Special Condition No. 9, which requires the landowner to assume the risks of flooding hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite flooding risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards.

Furthermore, to ensure that all future owners of the property are aware of the flood hazard present at the site, the Commission's immunity from liability, and the indemnity afforded the Commission, Special Condition No. 1 requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property.

Therefore, as conditioned, the project would minimize risks to life and property from flood hazards and is consistent with Section 30253 of the Coastal Act.

#### 5. Water Quality

Sections 30231 and 30230 of the Coastal Act address the protection of coastal water quality and marine resources in conjunction with development and other land use activities. Section 30231 states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*  
(emphasis added)

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters be maintained and, where feasible, restored through among other means, minimizing adverse effects of wastewater discharge and entrainment, and controlling runoff.

As noted previously, a portion of the subject property encompasses the end of an arm of Fisherman's Channel, a tidal channel that connects to Humboldt Bay. The subject site is flat and is vegetated with a variety of ruderal grasses and shrubs, including many exotic

invasive plant species such as Himalaya berry and pampas grass. The majority of the stormwater that collects at the site currently infiltrates prior to leaving the site as surface runoff. The proposed residence and paved driveway would result in approximately 3,000-square-foot of impervious surface area at the site. The increase in impervious surface area would decrease the infiltrative function and capacity of the existing permeable land on site. The reduction in permeable surface area therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Stormwater runoff from residential areas can convey pollutants to receiving waters potentially resulting in adverse impacts to the biological productivity and the quality of coastal waters.

The applicant proposes to direct all runoff to a series of vegetated swales to allow for biofiltration of the runoff and infiltration into the ground of most flows of runoff. The main vegetated swale would be created near the perimeter of the wetland. A low approximately 1.5-foot-high and 1-foot-wide battered dry stack rock wall would be constructed along the outboard edge of the swale and set back at minimum of one foot from the edge of the wetland as a spillover feature. The low wall would help contain normal flows of runoff within the swale while allowing high flows exceeding the capacity of the swales to pass over the top without eroding the edge of the swale. A second swale would be graded along the north side of the property to drain runoff from the house and other impervious surfaces towards the previously described drainage swale that would extend around the end of the wetland area.

Therefore, as runoff from impervious surfaces would be directed to landscaped areas to provide for biofiltration and infiltration of the runoff and minimize discharge of runoff to the channel that connects to Humboldt Bay, the completed project would not result in adverse impacts to the quality and biological productivity of coastal waters.

To ensure that this water quality mitigation measure is implemented as proposed and the quality and biological productivity of the coastal waters is protected by minimizing the volume of stormwater runoff that could potentially drain to the tidal channel that flows to Humboldt Bay, the Commission attaches Special Condition No. 3. The condition requires, among other things, that the applicant include the proposed vegetated swales in the final revised site and landscaping plans to be submitted for the review and approval of the Executive Director prior to issuance of the permit.

Besides the impacts to water quality that could potentially result from the discharge of runoff from the completed development, construction activities could cause erosion and sedimentation impacts to water quality if mitigation measures are not employed to control the impact. Although there is not a substantial amount of grading proposed, the grading and construction activities to be performed under the permit will expose the soil to storm water runoff. Storm water runoff flowing across the site could entrain loose soil materials that could in turn drain out onto the adjoining wetland and tidal channel, adversely affecting water quality. In addition, if not properly stored and removed,

construction materials and debris could be transported by runoff, wind, or carelessness into the wetland and tidal channel.

The proposed project includes a suite of erosion and sediment control measures to avoid water quality impacts from construction activities. The suite of measures include, among others, the installation of silt fencing, covering temporary stockpiles, installing check dams on drainage courses, covering exposed bare ground with mulching, jute mat, or other erosion control blankets, and monitoring before and after significant rainfall events to verify that the erosion control measures are still in place and properly functioning.

The proposed measures would serve to reduce potential storm water runoff related water quality impacts of construction and are generally consistent with measures the Commission has required in other projects to mitigate significant adverse water quality impacts and ensure consistency with Sections 30230 and 30231 of the Coastal Act. However, even though the proposed measures would help mitigate potential storm water runoff related impacts, several other best management practices could feasibly be employed during the development construction phase that would further reduce potential water quality impacts and ensure greater consistency with Sections 30230 and 30231. For example, all construction materials and debris could be placed or stored where it would not be subject to entering the wetland. In addition, all excess construction material could be removed and disposed of at a disposal site outside the coastal zone or within the coastal zone in a permitted location.

Therefore, the Commission attaches Special Condition Nos. 5 and 6. Special Condition No. 5 requires the applicant to implement the proposed erosion and sediment control measures to ensure that the value of these measures in minimizing erosion and sedimentation impacts are actually realized. Special Condition No. 6 requires that construction materials, demolition debris, and other wastes be temporarily placed or stored so that no such materials are allowed to enter the wetland and that all excess construction materials and debris removed from the project site and disposed of in an upland location outside of the coastal zone or at an approved disposal facility.

Therefore, as conditioned, the Commission finds that the proposed development as conditioned is consistent with the requirement of Coastal Act Sections 30230 and 30231 that the quality of coastal waters, streams, wetlands, and estuaries be maintained

## 6. 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 proposed single-family residence is located in a densely developed residential area. The only public view of the Bay or shoreline afforded through the property is a narrow view from King Salmon Avenue for people traveling westbound. The view looks through the subject parcel and across Buhne Drive towards the Bay. However this view is very limited, as the property is only 50 feet wide and the view is partially obscured by willow tree branches. Much more expansive views of Humboldt Bay are available for motorists a few hundred yards down the road as King Salmon Avenue turns into Buhne Drive and loops around the property and several adjoining parcels before heading in a southwesterly direction around the west side of the subdivision. In that location, the view of the Bay from Buhne Drive is unobstructed by any intervening development. In addition, one can park along the street and walk out onto the adjoining dunes to view the Bay. The dunes are open and available for public access use. Therefore, the proposed development would not have a significant adverse impact on views to or along the shoreline.

The project would require a small amount of grading to form drainage swales and establish finished grades. However, the site is relatively flat and does not require significant grading that would change the basic topography of the site. Therefore, the project would minimize the alteration of natural landforms.

The proposed residence would be visible from King Salmon Avenue and Buhne Drive, from the tidal channel within the interior of the subdivision, and to some degree from the open waters of Humboldt Bay. Thus, the Commission must consider whether the proposed development would be compatible with the character of the surrounding area. The character of the King Salmon area is largely defined by a diversity of architectural styles and sizes of residences ranging from small cabins and manufactured homes to larger two and even a few three-story homes. The proposed two-story residence with its cement fiber shakes and lap siding would be of similar size, scale, and architectural style to some of the other development in this neighborhood of diverse structures. Thus, the project would also be visually compatible with the residential character of the surrounding area.

Therefore, the project would be consistent with Section 30251, as the project would not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

#### 7. 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 proposed project would not adversely affect public access. The project site does not front directly on Humboldt Bay, as it is separated from the Bay shoreline by Buhne Drive. As noted previously, the entire bay front of the subdivision, along the west side of Buhne Drive, is open and available for public access use. Although the end of an interior tidal channel of the subdivision that connects to Humboldt Bay extends on to the property, no evidence has been presented to suggest that an implied dedication of a public access easement to or along the channel shoreline of the property has occurred. Therefore, the proposed project would not adversely affect any existing rights of access that may have been acquired through use, as no existing public access would be blocked by the proposed development.

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.

**8. State Waters.**

The project site is located in an area subject to the public trust. Therefore, to ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches Special Condition No. 2, which requires that the project be reviewed and where necessary approved by the State Lands Commission prior to the issuance of a permit.

**9. California Environmental Quality Act.**

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be 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 conformity with the Chapter 3 policies of the Coastal Act at this point as if set forth in full. 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. As discussed herein, in the findings addressing the consistency of the proposed project with the Chapter 3 policies of the Coastal Act, the proposed project has been conditioned to be found consistent with the Coastal Act. Mitigation measures, which will minimize all adverse environmental impacts 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 may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

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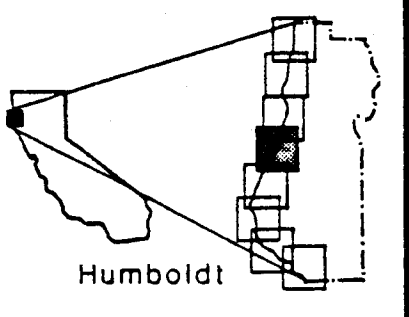
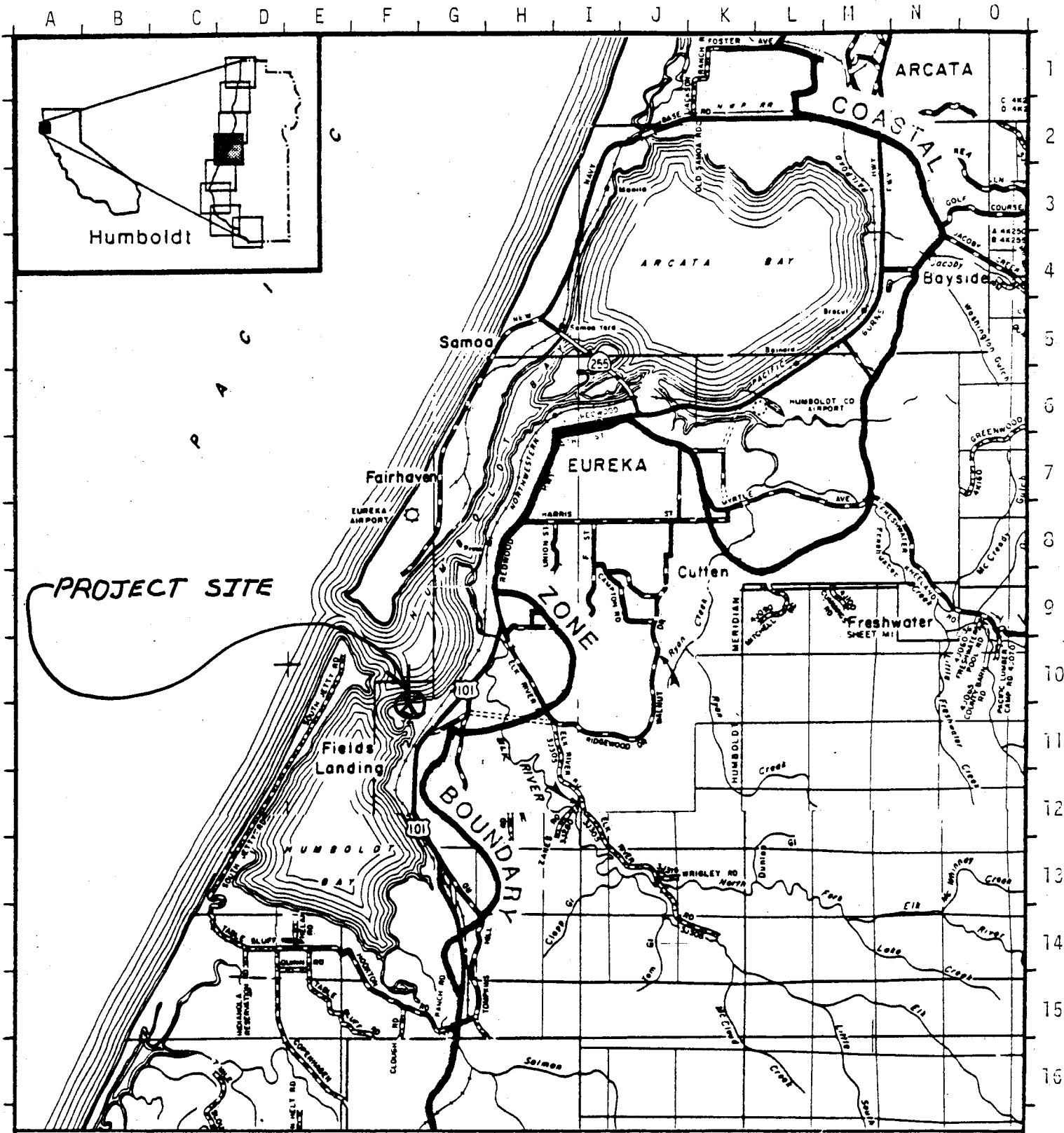
### **Exhibits**

1. Regional Location
2. Vicinity Map
3. Parcel Map
4. Wetland Map
5. Site Plan
6. Site Section
7. Elevations
8. Floor Plans
9. Rock Wall Detail
10. Wetland Assessment (Excerpts)

ATTACHMENT

Standard Conditions:

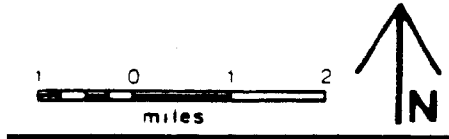
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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.



California Coastal Commission

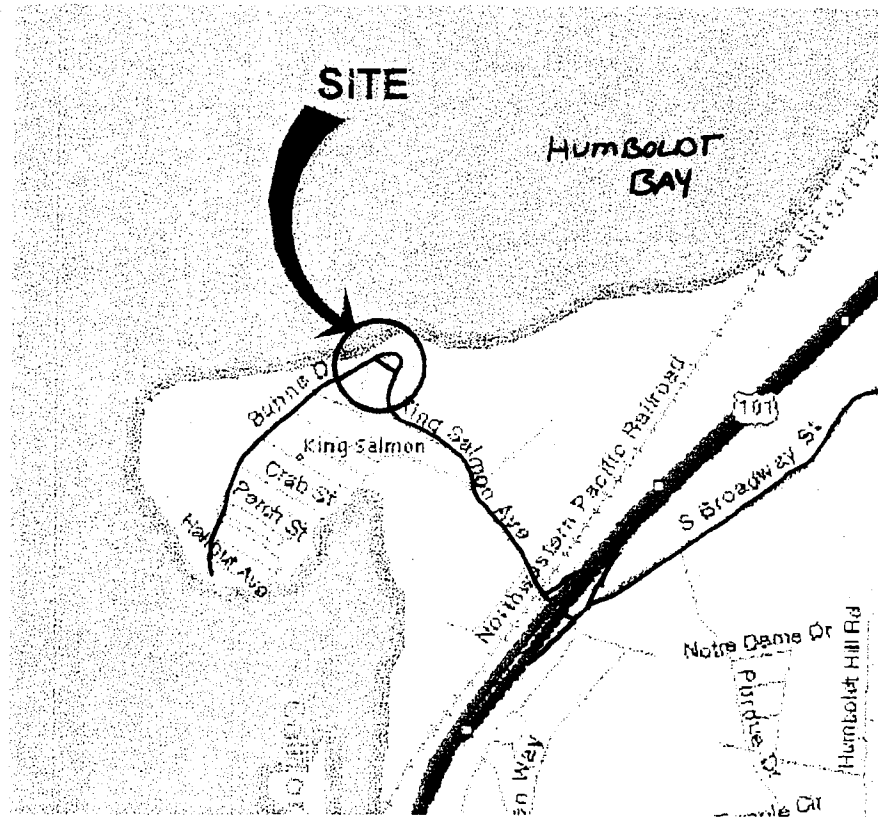
County of Humboldt

**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 1-03-064  
 WHITEHORN  
 REGIONAL LOCATION



Sheet 4 of 8

# VICINITY MAP



NOT TO SCALE

**EXHIBIT NO. 2**

**APPLICATION NO.**

1-03-064

WHITEHORN

VICINITY MAP



SUBJECT PROPERTY

305-161-001  
PARK

305-131-035  
(PGE POWER PLANT)

16

13

073

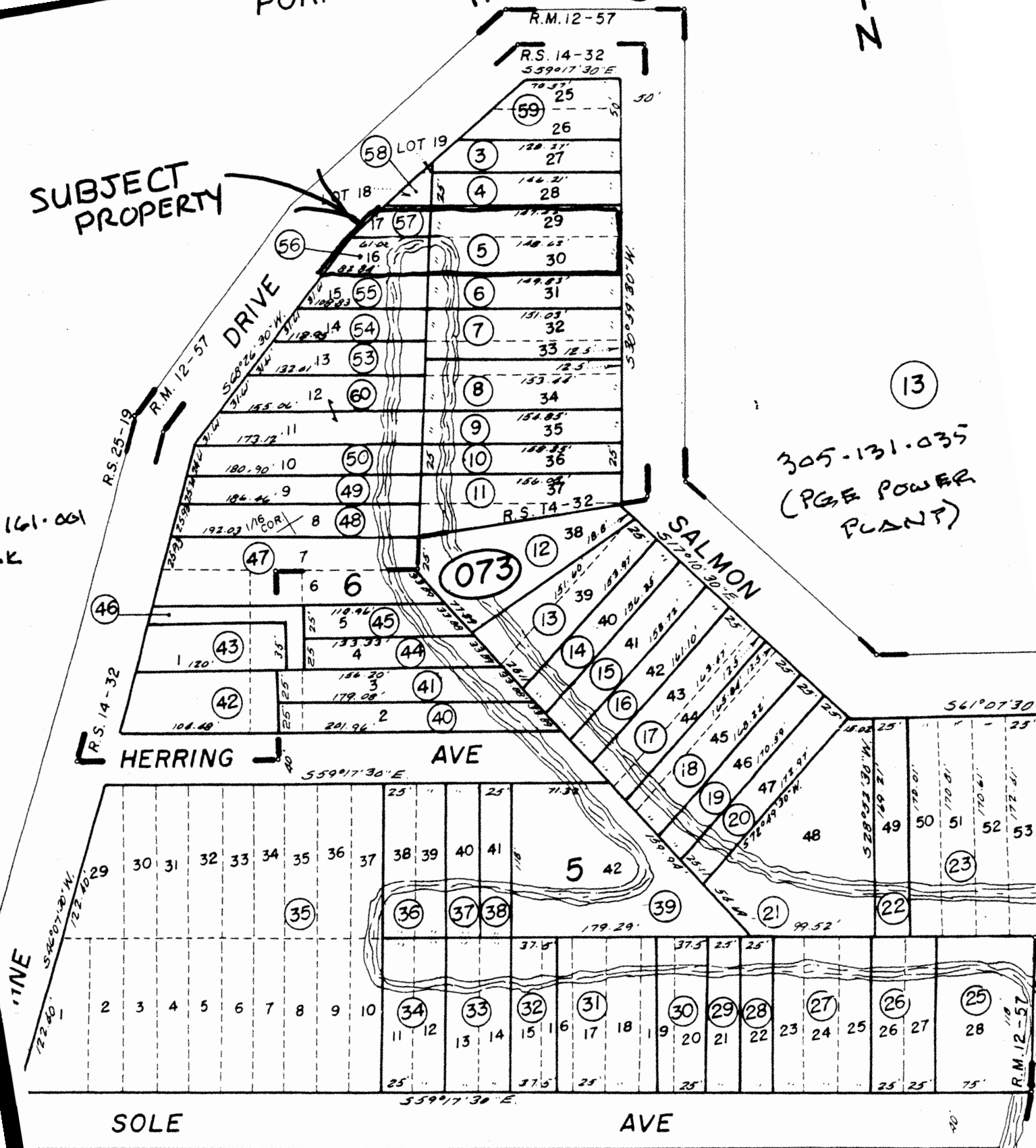
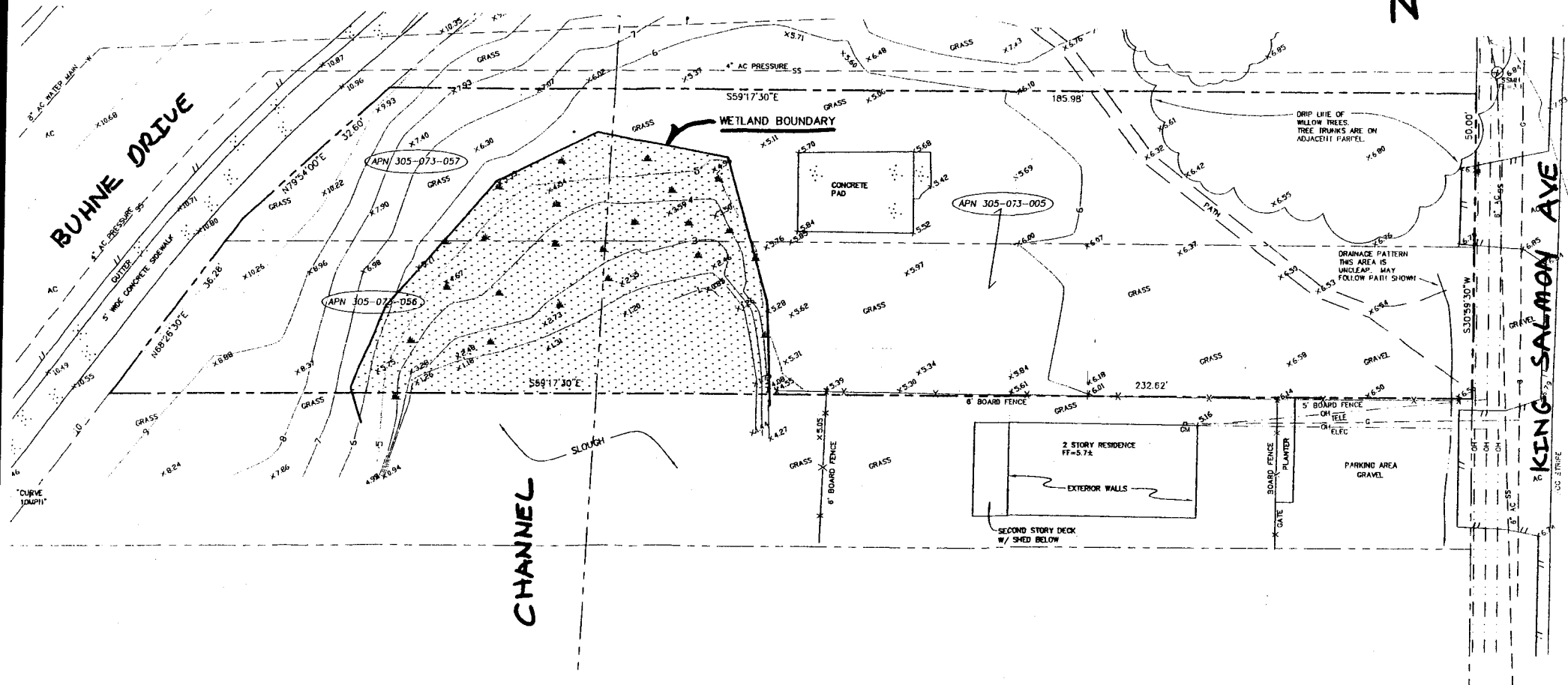
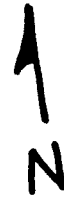


EXHIBIT NO. 3  
 APPLICATION NO.  
 1-03-064  
 WHITEHORN  
 PARCEL MAP

R.M. Bk. 12, Pg. 57 - 59

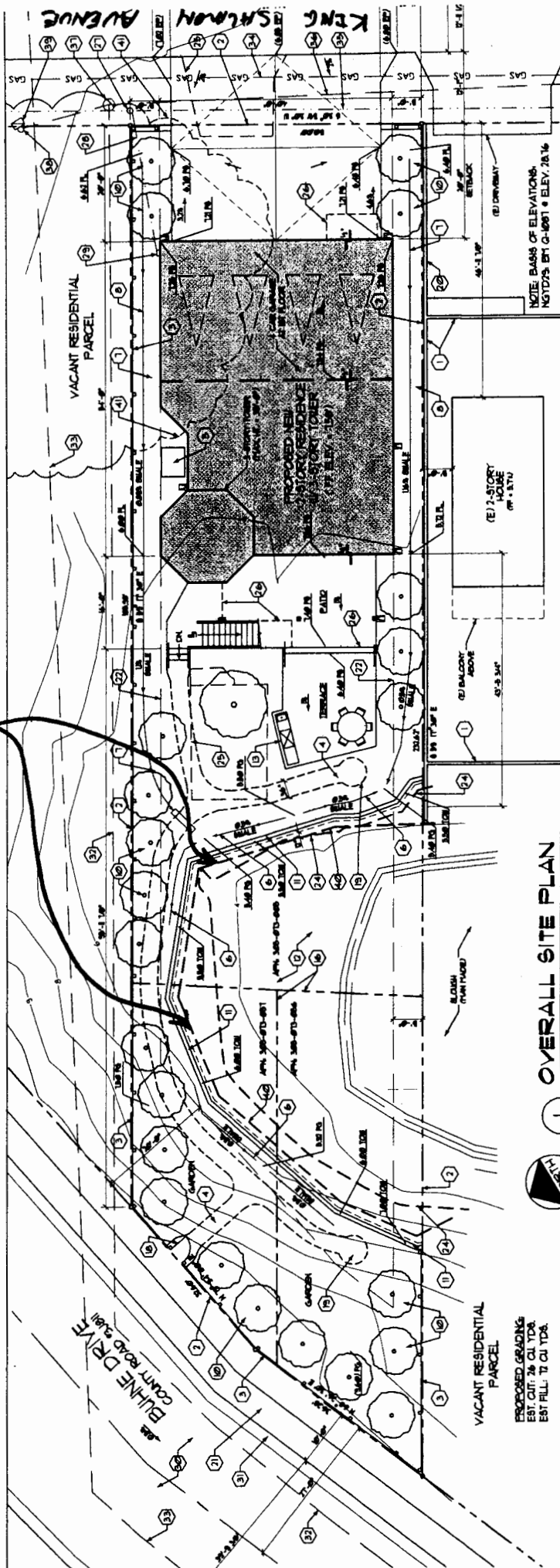
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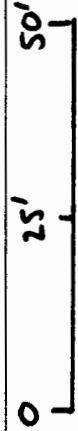
<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b> 1-03-064
<b>WHITEHORN</b>
<b>WETLAND MAP</b>



40 WETLAND BOUNDARY



OVERALL SITE PLAN



**EXHIBIT NO. 5**  
**APPLICATION NO.**  
 1-03-064  
 WHITEHORN  
 SITE PLAN (1 of 2)

PROPOSED GRADING  
 EST. CUT: 26 CU YDS.  
 EST. FILL: 71 CU YDS.



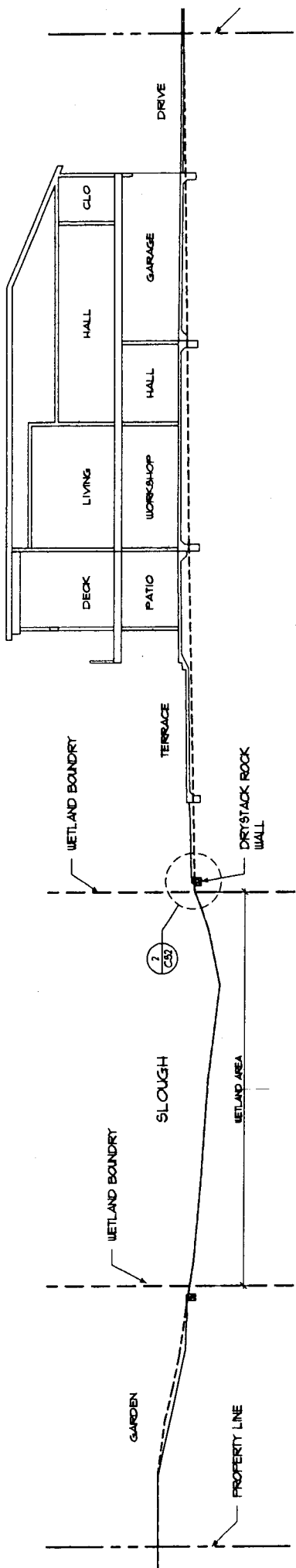
1

## SITE PLAN KEY NOTES

- |   |  |
|---|--|
| <p>1 (E) 6'-0" HIGH WOOD BOARD FENCE</p> <p>2 (E) PROPERTY LINE</p> <p>3 NEW WHITE PICKET FENCE 36" HIGH</p> <p>4 D.G. GARDEN PATH</p> <p>5 NEW CONCRETE EQUIPMENT PAD (JACUZZI)</p> <p>6 STORMWATER COLLECTION SWALE WITH SPILLOVER ROCK WALL TO CHANNEL</p> <p>7 NEW SWALE THRU LAWN / GARDEN AREAS</p> <p>8 LAWN</p> <p>9 NEW CONCRETE DRIVEWAY</p> <p>10 NEW ORNAMENTAL TREE (TYP.)</p> <p>11 18" MAX. HIGH DRYSTACKED ROCK WALL</p> <p>12 EXISTING TIDAL AREA WITH MARSHY VEGETATION</p> <p>13 OUTDOOR BBQ GRILLE, COUNTER, SINK</p> <p>14 - NOT USED -</p> <p>15 - NOT USED -</p> <p>16 EXIST. PARCEL LINES, SEE SURVEY DRAWING</p> <p>17 10" CULVERT BELOW</p> <p>18 3'-0" GATE</p> <p>19 5'-0" DIA. TURN AROUND</p> <p>20 (E.) 5'-0" HIGH WOOD BOARD FENCE</p> <p>21 (E.) 5'-0" WIDE CONCRETE SIDEWALK</p> <p>22 SETBACK LINE</p> <p>23 (E) AC PAVING</p> <p>24 INDICATES EXIST. 5.00' CONTOUR (CORPS OF ENGINEERS HIGH TIDE LINE IS APPROX. 4.49' PER SURVEYOR'S CALCULATION, MEAN HIGH WATER IS CALCULATED AT APPROX. 4.43')</p> <p>25 REMOVE EXIST. PAVING</p> <p>26 LINE OF BALCONY ABOVE</p> | <p>27 SET NEW POWER POLE FOR ELEC., CATV AND PHONE SERVICE DROPS TO ADJOINING PROPERTIES</p> <p>28 (N) U.G. ELEC., CATV AND PHONE SERVICE</p> <p>29 (N) ELEC. METER (U.G. SERVICE)</p> <p>30 (E) AC PAVING</p> <p>31 (E) CURB &amp; GUTTER</p> <p>32 (E) 4" AC PRESSURE SS</p> <p>33 (E) 8" AC WATER MAIN</p> <p>34 (E) GAS LINE</p> <p>35 (E) O.H. ELEC., CATV AND PHONE</p> <p>36 (E) 6" AC SS</p> <p>37 (E) SSMH</p> <p>38 (E) 4" SSCO</p> <p>39 (E) WATER METER</p> <p>40 APPROX. LOCATION OF WETLAND BOUNDRY</p> <p>41 APPROX. LOCATION OF DRIP LINE OF OVERHANGING WILLOW TREES TO BE TRIMMED (TREE TRUNKS ON ADJACENT PARCEL)</p> |
|---|--|

### SITE NOTES

1. NO EASEMENTS
2. PUBLIC WATER & SEWER
3. NO WORK TO ENCROACH INTO THE WETLAND AREA - LIMIT ALL CONSTRUCTION ACTIVITY TO THE UPLAND PORTION OF THE SITE
4. NO WORK TO ENCROACH OR EXTEND OVER THE MEAN HIGH TIDE LINE - NO SPECIAL PERMITS REQUIRED FROM THE HUMBOLDT BAY HARBOR CONSERVATION AND RECREATION DISTRICT



**1 SITE SECTION**

SCALE: 1" = 10'-0"

<p><b>EXHIBIT NO. 6</b></p> <p><b>APPLICATION NO.</b> 1-03-064</p> <p>WHITEHORN SITE SECTION</p>
--

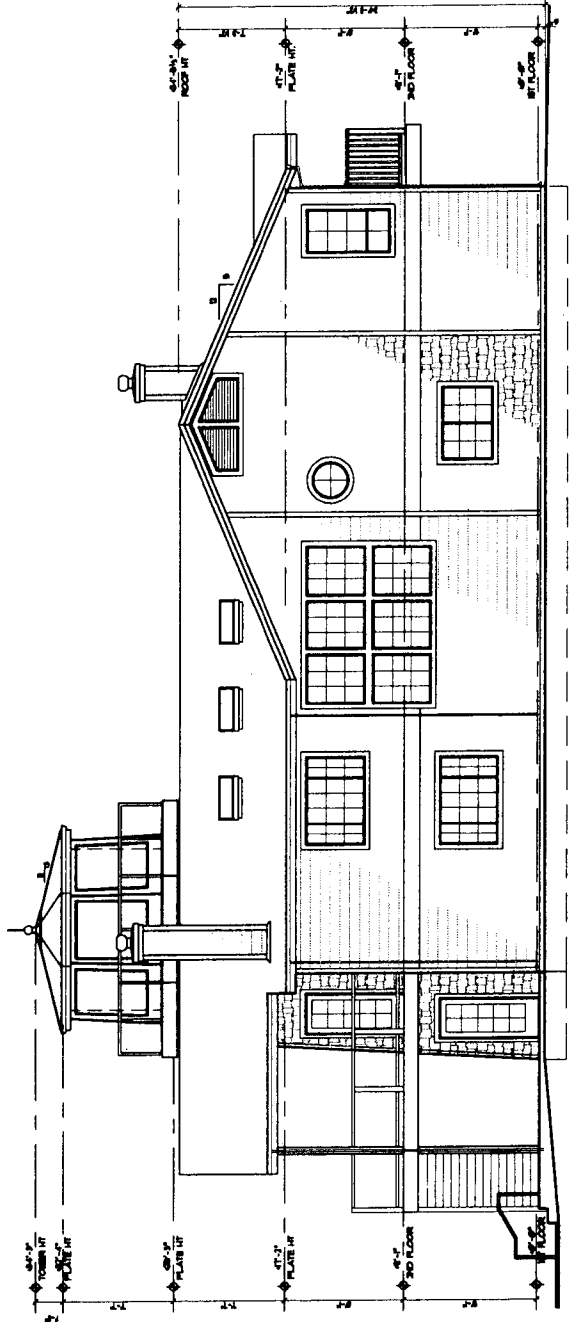


PROJECT NO. 03201

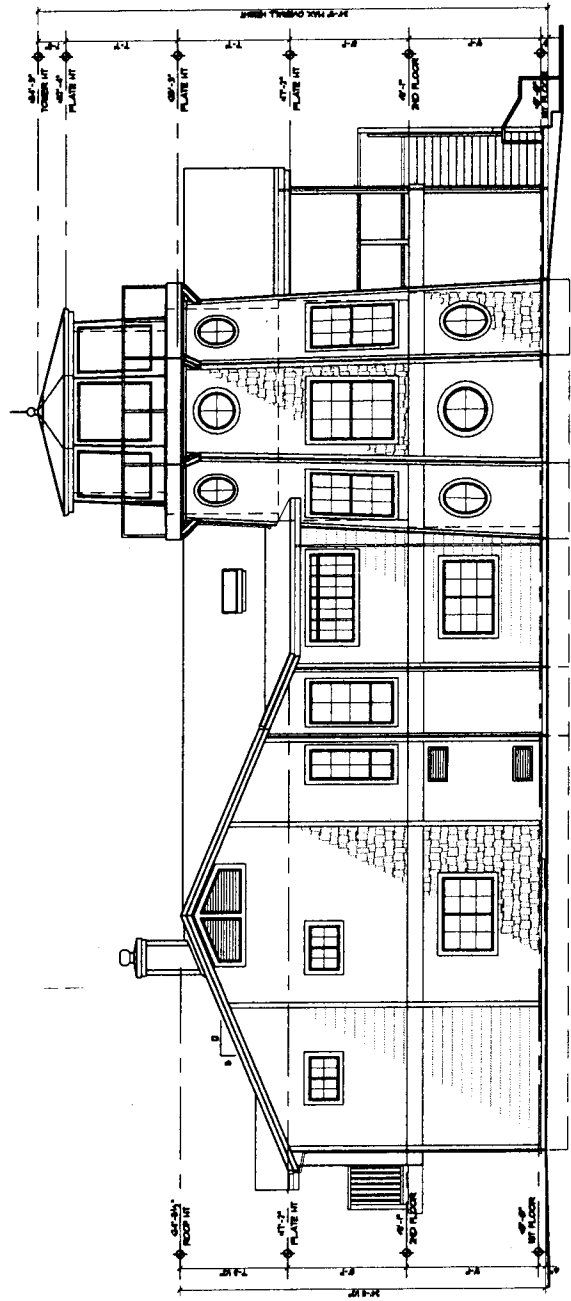
DATE	MAY 2003
NO.	001
BY	INT/ANP
CHK	INT/ANP
DATE	
SCALE	

WHITEHORSE RESIDENCE  
 KING BALTON, CA  
 1281 KING BALTON AVE  
 EXTERIOR ELEVATIONS

(P)W/DAY & ASSOCIATES INC.  
 ARCHITECTURE AND PLANNING  
 LAND USE AND INTERIORS  
 917 THIRD STREET  
 EUREKA, CA 95501  
 TEL (707) 443-2772  
 FAX (707) 443-2788  
 WWW.PWDAY.COM  
 ■ EUREKA, CA ■ COOS BAY, OR ■ PORTLAND, OR



2 SOUTH ELEVATION  
 SCALE: 1/4" = 1'-0"

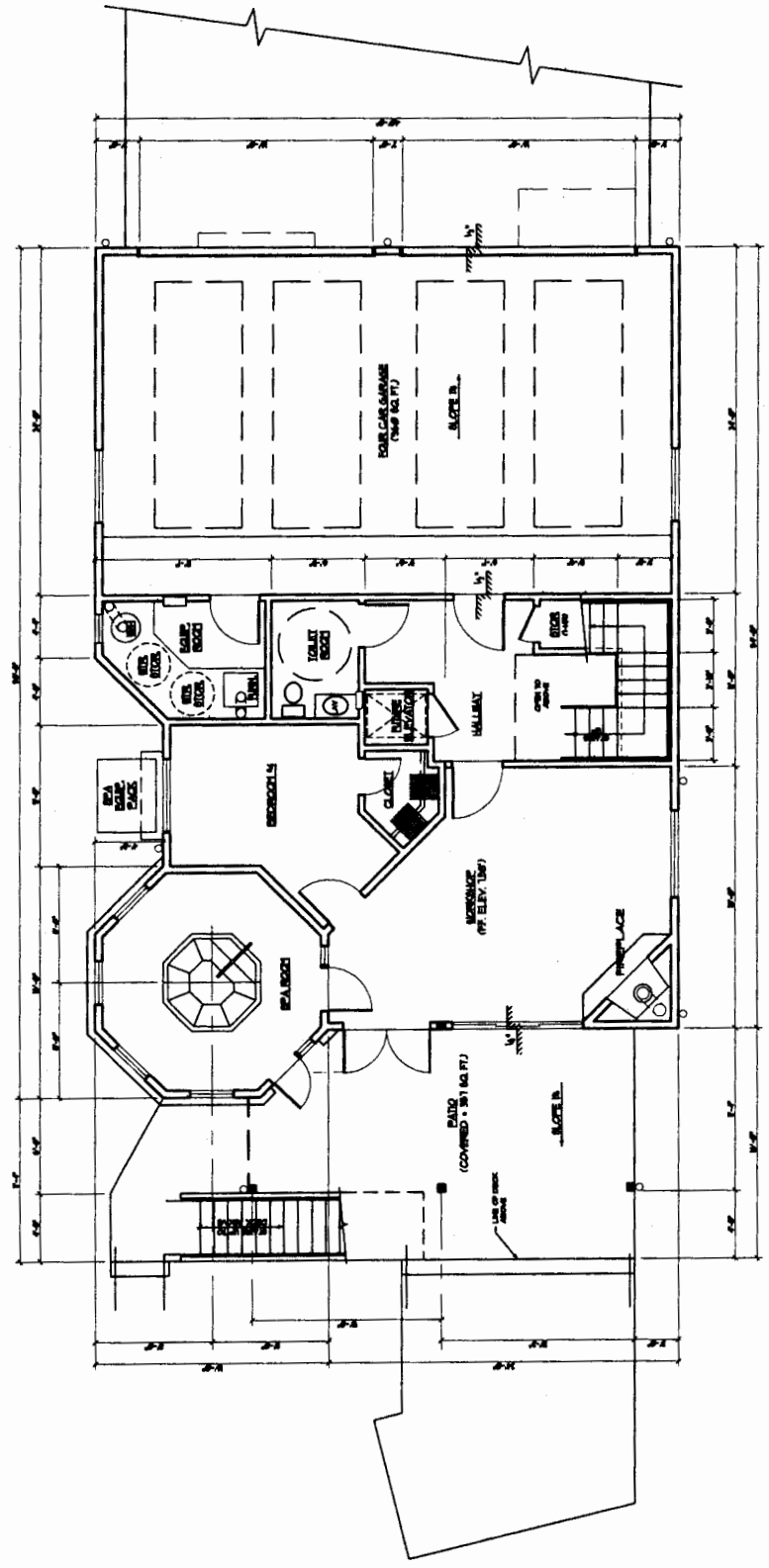


1 NORTH ELEVATION  
 SCALE: 1/4" = 1'-0"

202

DATE	MAY 2003
DESIGNER	DAVID CROWLEY
PROJECT NO.	03021
SHEET NO.	1

**A1**



**PLAN NOTES**  
 1. THESE NOTES APPLY TO THIS SHEET ONLY.  
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF EUREKA, CALIFORNIA. ALL PERMITS SHALL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK.  
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF EUREKA, CALIFORNIA. ALL PERMITS SHALL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK.  
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF EUREKA, CALIFORNIA. ALL PERMITS SHALL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK.  
 5. FUTURE ELEVATOR EQUIPMENT TO BE PLACED IN ATTIC.



**FLOOR AREA = 1,086 SQ. FT.**

**1 FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

**EXHIBIT NO. 8**  
**APPLICATION NO.**  
 1-03-064  
**WHITEHORN**  
**FLOOR PLANS (1 of 3)**

917 THIRD STREET  
 EUREKA, CA 95501  
 TEL. (707) 443-2772  
 FAX (707) 443-2775  
 WWW.CROW/CLAW.COM

**CROW/CLAW & ASSOCIATES INC.**  
 ARCHITECTURE AND PLANNING  
 LAND USE AND INTERIORS

■ COOS BAY OR  
 ■ PORTLAND OR  
 ■ EUREKA, CA

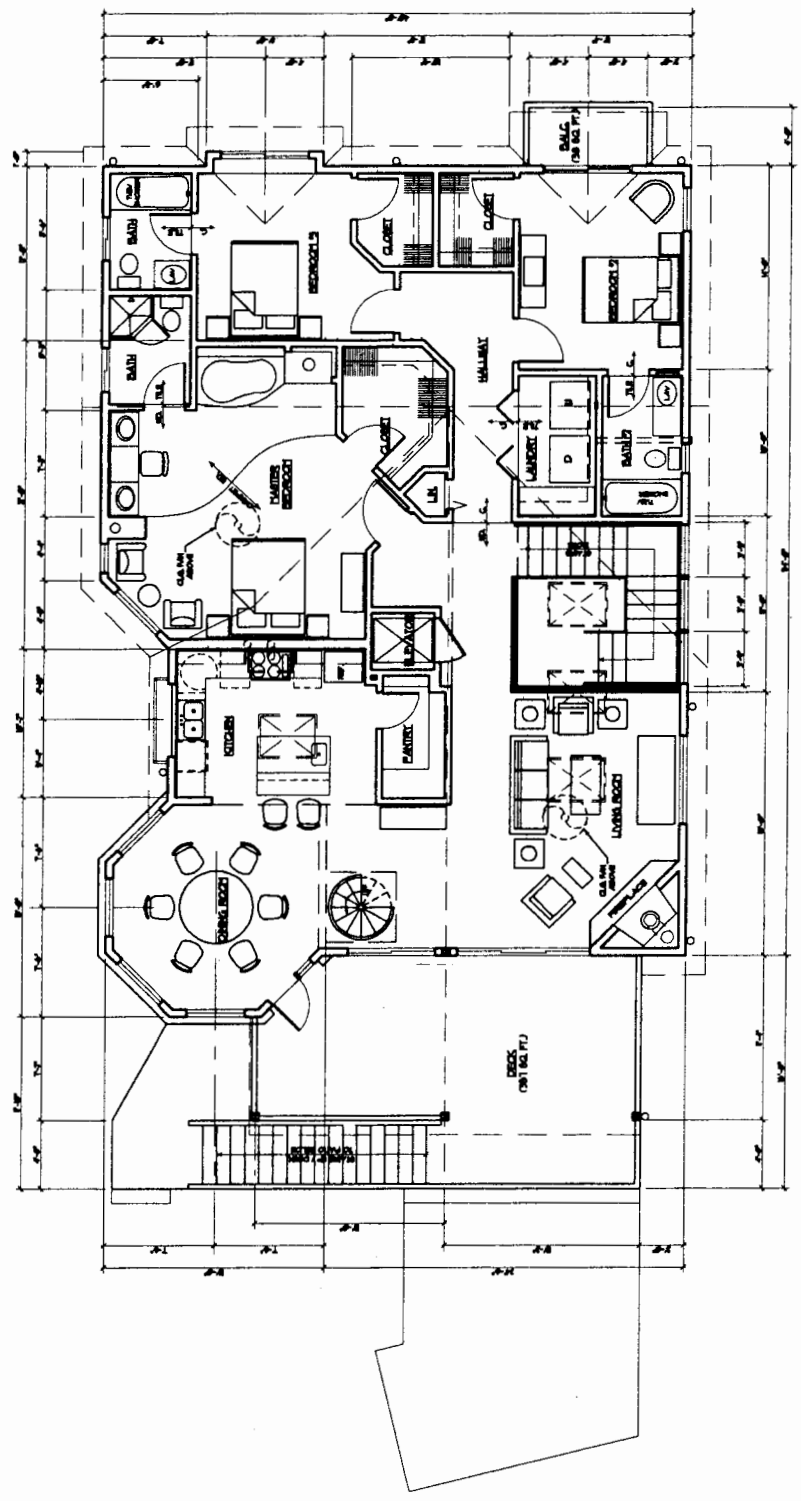
**WHITEHORN RESIDENCE**  
 KING SALMON, CA  
 281 KING SALMON AVE.  
 SECOND FLOOR PLAN

DATE	MAY 2003
PROJECT NO.	03001
NO.	
REVISION	
DATE	
BY	
CHK	

**A2**

**PLAN NOTES**  
 THESE NOTES APPLY TO THIS SHEET ONLY.

1. USE HEAVY HATCHING TO INDICATE WALLS, DOOR THRESHOLS, STAIRS, BATHS, KITCHEN COUNTERS, AND FLOORING.
2. HATCHING TO INDICATE WALLS, DOOR THRESHOLS, STAIRS, BATHS, KITCHEN COUNTERS, AND FLOORING.
3. HATCHING TO INDICATE WALLS, DOOR THRESHOLS, STAIRS, BATHS, KITCHEN COUNTERS, AND FLOORING.
4. USE SQUARE TILE THROUGHOUT CLOSET AREAS.
5. USE SQUARE TILE THROUGHOUT CLOSET AREAS.

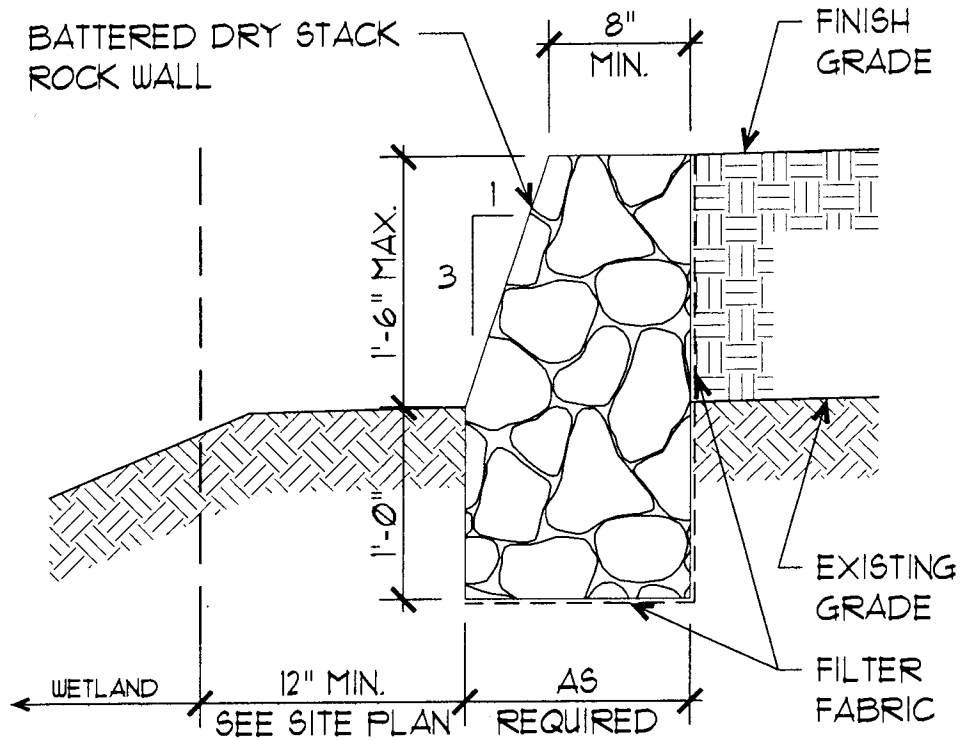


**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"  
 FLOOR AREA = 2,193 SQ. FT.

2 of 3







NOTE: ALL WORK TO BE LIMITED TO  
THE UPLAND PORTION OF THE SITE.  
DO NOT DISTURB EXISTING WETLAND

2

## ROCK WALL

SCALE: 1" = 1'-0"

ROCK WALL

EXHIBIT NO. 9

APPLICATION NO.

1-03-064

WHITEHORN

ROCK WALL DETAIL

RECEIVED

OCT 01 2003

CALIFORNIA  
COASTAL COMMISSION

# Wetland Delineation and Habitat Assessment Report

Whitehorn Property  
King Salmon, California  
APNs 305-073-005, -056, and -057

Prepared for:

William and Deborah Whitehorn

EXHIBIT NO. 10

APPLICATION NO.

1-03-064

WHITEHORN

WETLAND ASSESSMENT  
(EXCERPTS) (1 of 11)



Consulting Engineers & Geologists, Inc.

812 W. Wabash Ave.  
Eureka, CA 95501-2138  
707/44108855

September 2003

003200.100

Reference: 003200.100

# Wetland Delineation and Habitat Assessment Report

Whitehorn Property  
King Salmon, California  
APNs 305-073-005, -056, and -057

Prepared for:

William and Deborah Whitehorn  
16201 King Avenue  
Riverside, California 92504

Prepared By:



Consulting Engineers & Geologists, Inc.  
812 W Wabash  
Eureka, CA 95501  
(707) 441-8855

September 2003

QA/QC: SSL *SL*

*2 of 11*

# Table of Contents

	Page
Site Summary.....	1
Introduction.....	2
Background.....	2
Regulatory Environment.....	2
Wetland Delineation Methodology.....	3
Wetland Delineation Results and Discussion.....	5
Environmentally Sensitive Habitat Assessment.....	6
Literature Cited.....	6

## Appendices

- A. Wetland Data Forms
- B. Approximate Location of Probable Wetland Areas

## List of Illustrations

	Follows Page
Figure 1. Location Map.....	2

3 of 11

## Abbreviations and Acronyms

APN	Assessor's Parcel Number
DFG	California Department of Fish and Game
ESHA	Environmentally Sensitive Habitat Areas
FAC	Facultative Plants
FACU	Facultative Upland Plants
FACW	Facultative Wetland Plants
MHT	Mean High Tide Line
NWI	National Wetland Inventory
OBL	Obligate Wetland Plants
SHN	SHN Consulting Engineers & Geologists, Inc.
UI	soil type designation for Residential, Business, and Industrial Areas

4 of 11

## Site Summary

**Site Location:** 1251 King Salmon Avenue, King Salmon, Humboldt County, California. Site borders King Salmon Ave. to the east, Buhne Drive to the west.

**Applicant/Owner:** William and Deborah Whitehorn

**County:** Humboldt County

**Legal Description:** SW ¼ Section 17, T 4N R 1W.

**Zoning:** Residential single-family, 5,000 square foot minimum parcel size, flood zone.

**Total Lot Size:** 3 parcels total approximately 10,500 square feet.

**USGS Topographic Map:** Fields Landing, Humboldt County, California, 7.5 Minute (1959, photo revised 1972)

**Topography:** Level / Gentle slopes 0 - 5%

**Elevation:** Approximately 2 to 10 feet above mean sea level.

**Drainage Basin:** South Humboldt Bay

**Nearest Water:** Fisherman's Channel (a.k.a. King Salmon Slough), a constructed/modified tributary to Humboldt Bay.

**Soil Map Unit(s):** Residential, business, and industrial sites

**NWI Maps:** Fields Landing, California Quadrangle, 7.5 Minute (1987)

**NWI Classification:** Upland/E1UB2L (Estuarine, Subtidal, Unconsolidated Bottom, Sand)

**Proposed Land Use:** Single-Family Residence

**Current Land Use:** Vacant Residential Lots

**Adjacent Land Use:** Residential, Decommissioned Power Plant, Natural resource.

5 of 11

# Introduction

## Background

SHN Consulting Engineers & Geologists, Inc. (SHN) completed this wetland delineation on behalf of William and Deborah Whitehorn, the owners of APN # 305-073-005, -056, and -057 located at 1251 King Salmon Avenue, King Salmon, California (Figure 1). On site wetland delineation work and background research was conducted in August 2003. The Whitehorns propose to construct a single-family residence on the property that is within the California Coastal Commission's retained jurisdiction of the California Coastal Zone.

The community of King Salmon is constructed on native shoaled tideland marsh adjacent to Humboldt Bay. Artificial and modified estuarine channels provide boat access to the Bay from some lots within the community. The Whitehorn property borders the dead-end of the northernmost channel of the Fisherman's Channel canal system and lies south of Buhne Point. Most of the Whitehorn property is disturbed upland with native and imported soils, and predominantly weedy upland vegetation. Common to low-lying regions adjacent to Humboldt Bay, the tidally influenced hydrology of the channel inundates or saturates a portion of the Whitehorn property for a sufficient period of the growing season to support wetland vegetation and soils. The Whitehorn property contains state and federal jurisdiction wetlands, in addition to submerged tidelands in the central southern portion of the property, within approximately 2 to 10 feet of the ordinary high water mark of the channel.

## Regulatory Environment

### California Coastal Commission Jurisdiction

The Coastal Commission requires protection of wetlands within the California Coastal Zone. The Commission has primary permit jurisdiction over wetlands on the Whitehorn property. Section 30121 of the California Coastal Act defines wetland as lands within the coastal zone that may be covered periodically or permanently with shallow water including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. The California Code of Regulations Section 13577(b) of Title 14 further defines<sup>1</sup> wetlands to include "lands where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, waterflow, turbidity or high concentrations of salt or other substances in the substrate." Under the above definitions, a coastal wetland is any location that meets any one of the three standard wetland criteria: the presence of a predominance of hydrophytic plants, evidence of hydric soils, or wetland hydrology; or any area which would, under normal circumstances, exhibit any of these qualities. Some wet areas, such as seasonally inundated paved or riprapped drainage features may be excluded, although technically they meet the Commission's wetland definition. The Commission does not have additional written standards, guidance, or requirements for the above wetland criteria or for wetland delineation and reporting methodology.


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<sup>1</sup> The stated purpose of this definition is for establishing the edge of wetlands from which to measure wetland buffers in determining Permit and Appeal jurisdictional boundaries, and not expressly for determining the extent of Coastal Zone wetlands.

Leaf 11



NO SCALE 7 of 11

 <p>Consulting Engineers &amp; Geologists, Inc.</p>	<p>Whitehorn property King Salmon, California</p>	<p>Vicinity Map SHN 003200.100</p>
<p>September, 2003</p>	<p>003200-100-VM</p>	<p>Figure 1</p>



The Commission has jurisdiction over Environmentally Sensitive Habitat Areas (ESHA)<sup>2</sup> and requires that any development within or adjacent to such areas be appropriate. The Commission does not specifically have jurisdiction over wetland buffers, those areas adjacent to wetlands. Section 30107.5 of the Coastal Act defines ESHA as any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Under Section 30240 of the Coastal Act, the Coastal Commission requires that: (a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, and that (b) development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

### **US Army Corps of Engineers**

Pursuant to Section 404 of the Clean Water Act, the US Army Corps of Engineers (the Corps) requires a Section 404 Permit for any fill or dredging within jurisdictional wetlands. The Corps has jurisdiction over wetlands which meet each of the three wetland criteria (hydrology, soils, and vegetation) defined in the *U.S. Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987). The Corps does not regulate and has no jurisdiction over wetland buffers, development adjacent to wetlands, or ESHA.

In addition to the Corps' jurisdiction under the CWA, Section 10 of the Rivers and Harbors Act of 1899 places navigable waters under Corps jurisdiction, in this case defined as waters below the Mean High Tide (MHT) Line. The elevation of MHT in Humboldt Bay is defined as 2.48 feet NGVD 1929 datum (6.01 feet City of Eureka datum). All portions of the tidally influenced channel below 2.48 feet are within the Corps jurisdiction under Section 10. Construction or fill within the channel will require a Section 10 Permit from the Corps.

### **Wetland Delineation Methodology**

In August of 2003, SHN conducted a delineation of the Whitehorn property based on the regulatory requirements of the Corps and the Coastal Commission. The Coastal Commission, under guidance from the Department of Fish and Game, has jurisdiction over any area in which at least one of the three wetland criteria is met. The Corps has jurisdiction over areas that meet all three criteria. The standard wetland criteria are:

1. the presence of a predominance of hydrophytic vegetation,
2. predominately hydric soils, or
3. flooding or saturation during years with normal precipitation.

Although no standards for evaluating the above criteria are included in the Coastal Act, each of the three criteria were evaluated on the site based the commonly used Routine Determination Method described in the *U.S. Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987). The Routine Determination Method uses each of the above three criteria to

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<sup>2</sup> It should be noted that neither the Coastal Act nor the California Code of Regulations states any relationship between ESHA and wetlands. Within the Commission's jurisdiction wetlands that are neither rare nor especially valuable as described in Coastal Act Section 30107.5 do not meet the definition of ESHA.

determine if wetlands exist in a given area. Evidence of a minimum of one positive wetland indicator from one of the three parameters (hydrology, soil, and vegetation) was used to make a positive wetland determination.

Prior to conducting a site visit, SHN reviewed existing information to assist with the determination of wetland boundaries on the project site. This review included the "Soils of Western Humboldt County California," "Hydric Soils List," National Wetland Inventory maps, USGS Topographic Quadrangle maps, historic Fields Landing maps, and aerial photographs.

To conduct the wetland delineation, SHN established several data observation points within the project area that corresponded with the terrain features, vegetation patterns, and hydrologic indicators. SHN characterized the vegetation, soils, and hydrology at each of the observation points and used the information gathered as a basis for making the wetland determinations. Although numerous data observation points were established to make the wetland determinations, the small size of the property and uniformity of wetland boundary conditions justified 2 formal data observation points representative of the overall site. Based on indicators observed at these points, the wetland boundaries were extrapolated to other similar habitat.

Vegetation on the site was compared to the *National List of Plant Species that Occur in Wetlands: 1988 - California (Region 0)* (Reed, 1988) to determine plant wetland indicator status. This list places plants into four categories:

1. *Obligate Wetland Plants (OBL)* -- plants likely to occur in wetlands greater than 99 percent of the time.
2. *Facultative Wetland Plants (FACW)* -- plants likely to occur in wetlands 67 to 99 percent of the time.
3. *Facultative Plants (FAC)* -- plants equally likely to occur in wetland and non-wetland areas (34-66 percent of the time).
4. *Facultative Upland Plants (FACU)* -- plants that only occur in wetlands 1 to 33 percent of the time.

Hydrophytic vegetation is comprised of macrophytic plants that occur in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present. The vegetation occurring in a wetland may consist of more than one plant community. Hydrophytic vegetation is present when more than 50 percent of the dominant species have an indicator status of OBL, FACW, and/or FAC.

Hydric soils are classified into two broad categories: organic and mineral. Organic soils (histosols) develop under conditions of nearly continuous saturation and/or inundation. Organic hydric soils are commonly known as peats and mucks. All other hydric soils are mineral soils. Mineral soils have a wide range of textures (sandy to clayey) and colors (red to gray). Mineral hydric soils are those periodically saturated for sufficient duration to produce chemical and physical soil properties associated with a reducing environment. They are usually gray and/or mottled immediately below the surface horizon, or they have thick, dark-colored surface layers overlying gray or mottled subsurface horizons.

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The project site was examined for areas of evident wetland hydrology characteristics. These include areas where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and reducing conditions, respectively. Such characteristics are usually present in areas that are inundated or have soils that are saturated to the surface for sufficient duration to develop hydric soils and support vegetation typically adapted for life in periodically anaerobic soil conditions.

Wetland boundaries delineated by SHN are subject to verification and approval by the Corps, California Department of Fish and Game (DFG), and the Coastal Commission. The Corps regulates fill within all jurisdictional wetlands. The Commission regulates impacts to wetlands and ESHA.

## Wetland Delineation Results and Discussion

The Soil Survey of Western Humboldt County California, published in 1965, maps the developed portion of King Salmon as the soil type Residential, Business, and Industrial Area (UI), suggesting that this area was developed at the time of the soil survey. The soil samples from within the property were consistent with the mapped soil type. This soil type is not listed in the Hydric Soils List but is generally considered to be an upland soil type. The National Wetland Inventory (NWI) map classifies the property as Upland, with the exception of the channel. The channel and Humboldt Bay are classified as E1UB2L (Estuarine, Subtidal, Unconsolidated Bottom, Sand) wetland. Site characteristics are consistent with the NWI mapping of the area.

Most of property is disturbed upland with native and imported fill. The fill history of the site was not researched, but likely dates to the middle or late 1800s, when the historic town of Humboldt was located within the general area of the present community of King Salmon. Additional fill was likely imported during the construction of the channels and upland lots. The upland soils of the property consist predominantly of compacted gravel/dirt/debris fill with dense ruderal upland vegetation. Within the upland portions of the site, the soils are a very sandy loam soil with a hue of 10YR 4/3 (brown) with no mottles. Within the unvegetated portion of the channel, the soils are hydric silty clay and sandy clay with a 3/10Y (dark greenish gray) hue to approximately 3 inches and Gley 1 3/10Y with Gley 2 5/5PB (bluish gray) mottles below 3 inches. The soils within the wet area adjacent to the channel are hydric sandy loam with a 10YR 2/1 hue to 6 inches. The wet area meets the Corps and Coastal Commission criteria for hydric soils.

The tidal channel within the property and the portion of the property adjacent to the channel exhibit wetland characteristics. Tidal action within Humboldt Bay and Fisherman's Channel provides wetland hydrology to the wet portion of the property. Additional hydrology within the wet area adjacent to the channel may be provided by runoff from the property. Wetland hydrology within the area adjacent the channel has lead to algal matting, leaf staining, wetland drainage patterns, and detritus drift lines. The hydrology of the wet area is sufficient to support a predominance of wetland plants and the formation of hydric soils. The wet area meets the Corps and Coastal Commission criteria for wetland hydrology.

The vegetation of the site is primarily ruderal upland vegetation. The dominant plants within upland portions of the site include sweet vernalgrass (*Anthoxanthum odoratum*, FACU), Queen Anne's lace (*Daucus carota*, upland plant not listed), Himalayan blackberry (*Rubus discolor*, FACW), common plantain (*Plantago major*, FACW-), and pampas grass (*Cortaderia jubata*, upland plant not listed), and other upland grasses and forbs. The wetland within the lower elevation portions of the

channel does not contain vegetation. The higher portions of the wetland are vegetated by the wetland species *Salicornia virginica* (pickleweed, OBL) and common cordgrass (*Spartina anglica*, OBL). The wet area meets the Corps and Coastal Commission criteria for hydrophytic plants.

Based on the review of existing information and the on-site visit, one wetland on the project site was delineated (Appendix B). Wetland boundaries have been flagged in the field by SHN. It should be noted that the Corps, the Coastal Commission, and the Department of Fish and Game have the final authority in determining the wetland boundaries. Therefore, it is recommended that this delineation report be submitted to these agencies for concurrence prior to starting any development activities that would impact wetland areas and/or potential regulated wetland or habitat buffers on this site.

## Environmentally Sensitive Habitat Assessment

The King Salmon area is in a biologically rich portion of the Humboldt Bay area. The confluence of estuarine and freshwater wetlands and water bodies, together with the bay dune and coastal scrub shrub habitats, create diverse habitat throughout the vicinity. The developed urban portion of the community, however, provides relatively little valuable habitat. Portions of the community are paved and otherwise covered with impervious development. Plantings are generally sparse and nonnative, and therefore provide little valuable habitat. The channels that run through the community provide sheltered estuarine habitat for marine life. The estuarine channels may be considered ESHA by the Coastal Commission.

The Whitehorn property is predominantly disturbed habitat with estuarine/wetland habitat within the channel. No wildlife use of the property was observed during the site visits. No marine life was observed within the channel. With the exception of the channel and the wetland, the property does not appear to warrant any special biological protection beyond standard erosion control and best management practices during construction. Development throughout the community of King Salmon appears to provide relatively little setback between the channel and structures on the building lots. The presence of several new homes with little or no remaining natural buffer between the homes and the channel is presumed to indicate that the channel has not been protected by a buffer in other development and does not warrant the protection of a buffer. If the wetland and the channel are not subject to direct impacts and any additional storm water runoff is allowed to flow naturally through the wetland, development of a residence on the Whitehorn parcel is not likely to significantly alter the habitat value of the wetland or the estuarine channel.

## Literature Cited

- Department of the Army. (1987). *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1. Vicksburg: U.S. Army Engineer Waterways Experiment Station.
- Kollmorgen Instruments Corporation. (1990). *Munsell Soil Color Charts*. Baltimore: Macbeth Division of Kollmorgen Instruments Corporation.
- Reed, P.B., Jr. (1988). *National List of Plant Species That Occur in Wetlands: California (Region 0)*. NR: U.S. Department of Commerce, National Ecology Research Center.
- University of California, Davis: Department of Soils and Plant Nutrition. (1965). *Soils of Western Humboldt County California*. Davis: UC Davis.