

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY



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Staff: Carrie A. Bluth  
Staff Report: February 24, 2005  
Hearing Date: March 17, 2005  
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-01-030

APPLICANT: Humboldt County Public Works Department

PROJECT LOCATION: West end of School Road, McKinleyville,  
Humboldt County; Mad River Mile 0.5 (APN: 508-  
021-007-000)

PROJECT DESCRIPTION: Replacement and modification of a storm-drain  
system at the west end of School Road.

GENERAL PLAN DESIGNATION: Agricultural Exclusive/Prime Lands (AEP) /  
McKinleyville Area Plan (MCAP) / Density: 60-  
acre minimum parcel size.

ZONING DESIGNATION: Agricultural Exclusive / Flood Hazard /  
Streams/Riparian Corridor Protection / Natural  
Resources combining zones.

LOCAL APPROVALS RECEIVED: Coastal Development Permit (CDP-00-59)

OTHER APPROVALS REQUIRED: U.S. Army Corp of Engineers, U.S Fish & Wildlife  
Service CA. Regional Water Quality Control Board,  
and Department of Fish & Game approvals may be  
required.

SUBSTANTIVE FILE DOCUMENTS: 1) Humboldt County Local Coastal Program; and  
2) Humboldt County CDP (CDP-00-59)

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve with conditions the coastal development permit for the proposed development. This coastal development permit application (1-01-030) seeks "after-the-fact" authorization for improvements undertaken without the benefit of an approved coastal development permit.

The development for which authorization is now sought consists of the modification of a stormdrain system which discharges into the Mad River, near the west end of School Road in McKinleyville. The jurisdictional boundary line separating the Coastal Commission's retained area of coastal development permit authority from the County's coastal development permit jurisdiction, bisects the project area. Portions of the project within the Commission's jurisdiction include the storm-drain outfall, and a portion of the new pipe leading to the outfall, as well as the overlying land, along which runs an existing pathway used by the public for river access.

The new system is replacing and upgrading an existing undersized drainage system. The old system was failing at the discharge point where runoff drained down a bluff over the Mad River, aggravating bluff erosion. The new system will collect and direct runoff from four (4) new drop inlets along School Road (outside the Commission's jurisdiction) to a system of underground pipes, which will discharge to the Mad River through a new and upgraded outfall, to be located 400 feet south (upstream) from the old one. A new drainage pipe, which directs the collected runoff to the new outfall, is buried beneath an existing pathway used by the public to access the river. Wood chips, which have been used to replace the uppermost soil matter over the buried pipe for erosion control purposes, serve to enhance the pathway.

As previously noted, the proposed development has already been completed. It has been designed and constructed in a manner consistent with applicable resource protection policies of the Coastal Act. The project has not resulted in a significant disruption to sensitive resources adjacent to the development site. The applicant ensures that specific construction procedures designed to minimize potential impacts to resources during the construction phase of the project, were utilized. As a permanent improvement, the new drainage system should help reduce localized sediment loads and turbidity in the river over that associated with the existing/old system, due to both the faulty condition of the old system and the upgraded design of the new proposal, which includes an energy dissipater. The new system should, therefore, help to maintain and enhance water quality in the river. The development enhances the existing pathway utilized by the public for river access, and does not obstruct or detract from views of the river.

Staff recommends two special conditions requiring that: 1) the permit vests upon issuance and is prevented from expiring, and 2) any future changes to the existing public access path in the project area, or its use, is subject to a coastal development 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 Humboldt County. Humboldt County has a certified LCP, but a portion of the proposed project is located within an area shown on State Lands Commission maps over which the State retains a public trust interest and is within the Commission's area of retained permit jurisdiction. 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 March 16-18, 2005 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. 1-03-045 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. Permit Expiration and Condition Compliance**

Because some of the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of chapter 9 of the Coastal Act.

**2. Future Development Affecting Public Access Path**

Any future development which may affect the existing public access path and/or use thereof, shall require an amendment to this coastal development permit, or a new coastal development permit, unless the Executive Director determines no such amendment or new coastal development permit is legally required.

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

**A. Project and Site Description/Background**

The development for which authorization is now sought consists of the replacement and modification of a storm-drain system which discharges into the Mad River, near the west end of School Road in McKinleyville (see Exhibits Nos. 1-3). School Road ends about 20 feet from a bluff, which is approximately 22 feet high, over the Mad River. The area north of School Road from the west end to Ocean Drive is residential. The area south of the road is grazed pastureland.

The jurisdictional boundary line separating the Coastal Commission's retained area of coastal development permit authority from Humboldt County's coastal development permit jurisdiction bisects the project area. Accordingly, the County's Planning

Commission approved a coastal development permit for the portion of the proposed development within the County's jurisdiction, on August 2nd, 2001 (CDP-00-59). Portions of the project within the Commission's jurisdiction include the storm-drain outfall, and a portion of the new pipe leading to the outfall, as well as the overlying pastureland, along which runs an existing pathway used by the public for river access.

The proposed development redirects storm-water runoff that had been draining into the Mad River through a deteriorating 18-inch diameter pipe located at the west end of School Road, to a new drainage system. The new system collects runoff from four (4) drop inlets, located at the intersections of School Road with Verwer Court and Ocean Drive, and directs the runoff to a new 48-inch pipe, which discharges into the Mad River through an outfall 400 feet south (upstream) from the existing discharge point (see Exhibit Nos. 3 - 5). The drop inlets are to be stenciled with an advisory indicating that dumping is prohibited and that the system drains directly to the Mad River.

The previously existing 18-inch-diameter pipe was undersized and failing at its outlet, where it directed runoff down a 22-foot bluff. Localized flooding and severe erosion of the bluff resulted. Replacing the system in the existing location was ruled out because of the height and sharp angle of the bluff, coupled with existing bank instability. The new outfall location is 400 feet upstream, at a place where the bank is less steep, and more stable.

The development has involved blocking off the west end of the existing 18-inch-diameter pipe with concrete, and abandoning it in place. A new pipe has been installed parallel to the old one, under School Road. The west end of the pipe is slightly elevated so that the drainage will run against grade, directing runoff into the new 48-inch-diameter pipe. The new pipe crosses diagonally under vacant pastureland owned by the McKinleyville Community Services District (MCSD), south of School Road. The pipe discharges runoff through a new outfall, which consists of a rock lined drainage structure approximately 60 feet long from the end of the pipe, and 30 feet wide at the base (at Mad River), designed to dissipate flow energy (see Exhibit No. 5).

The outfall is constructed of one-ton rock, with four-ton boulders placed on the river edge of the outfall structure. The outfall does not extend into the water, but rather terminates at the edge of the bank (see Exhibit Nos. 3 - 5). No rock was placed in the riverbed or the water. The outfall has been fenced off with cyclone style material for protection and safety purposes. The fence is three sided (open on the west, to prevent drainage obstruction to the river), is 8-feet high and encloses an area 40 feet wide x 70 feet long. In replacing earthen matter over the pipe running under the pastureland owned by MCSD, the top four inches of fill consists of wood chips, six feet in width running the length of the buried pipe, which will help control erosion and enhance the path which is currently used by the public for river access. The applicant included this last measure at the request of MCSD, who made this a condition of the easement granted to the County for the project. The County is not proposing to develop or maintain a permanent river access trail

at this location, but rather solely to place the wood chips on the backfill over the pipe as specified above, for erosion control purposes. Nonetheless, as proposed, this measure will have the effect of enhancing the physical integrity of the path, and serve to visually distinguish the trail from surrounding pastureland.

**B. Environmentally Sensitive Habitat Area / Water Quality**

Section 30107.5 of the Coastal Act defines "environmentally sensitive habitat area (ESHA)" as:

*..any area 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.*

Section 30240 (b) of the Coastal Act addresses development adjacent to ESHA, stating that:

*Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30231 of the Coastal Act addresses Water Quality, stating, in part, that:

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

Although the riverbank in the project area does not support sensitive riparian vegetation, and adjoins, on the east side, grazed pastureland, the west side of the proposed development is directly adjacent to the Mad River, which is considered an environmentally sensitive habitat area (ESHA) under Section 30107.5 of the Coastal Act, as it is rare or especially valuable habitat, easily disturbed by man. The lower Mad River provides habitat for several federally listed species of fish, and is designated as a critical habitat area for the Tidewater Goby, Coastal Chinook Salmon, and Coho Salmon. Also, while the project area itself reportedly does not contain suitable habitat for Bald Eagles, and Brown Pelicans, these species are assumed to occasionally feed in the area.

Section 30240 (b) of the Coastal Act addresses development adjacent to sensitive habitat areas, and requires that development be sited and designed in a manner that protects sensitive coastal resources from adverse impacts, which could significantly degrade those areas, and that it be compatible with the continuance of those habitat and recreation areas. Since constructing the project does not require destruction of sensitive riparian habitat, and there is no development proposed in the water, the main impacts of concern with respect to the adjacent environmentally sensitive habitat area of the river, are associated with project impact on water quality, both during construction and post-development.

Section 30231 of the Coastal Act mandates that the biological productivity and quality of coastal waters and streams be maintained, and where feasible restored through, among other means, controlling runoff. The Mad River is listed by the State Water Resources Control Board as an impaired body of water based on three factors: sediment, turbidity, and temperature. The new drainage system should help reduce localized sediment loads and turbidity over that associated with the existing/old system due to both the condition of the old system and the design of the new proposal. As discussed in the Project Description/Background section of this report, the new system will replace a faulty and undersized system. The old discharge pipe was failing at the outfall resulting in severe bluff erosion, which can result in excess sediment being carried into the river. Further the old pipe discharged water directly over a 22-foot bluff with no dissipation device. The proposed development features an energy dissipater (rock lined channel), which will aid in reducing the velocity of flow entering the river thereby minimizing turbidity. Additionally, as a permanent best management practice, the four new drainage inlets are proposed to be stenciled to advise the public that dumping into the storm-drain system is prohibited and that the system drains directly to the Mad River.

Further, the applicant ensures that specific construction procedures designed to minimize potential impacts to resources during the construction phase of the project, were utilized. Precautionary measures intended to address potential impacts such as increased turbidity from suspended sediments, introduction of petroleum products from machinery, and construction related noise included the following: 1) construction occurred during the summer (2004) when river flows were low, thus reducing the likelihood that adult salmonids would be present; 2) equipment was to be steam cleaned and checked for leaks prior to work, and maintained during construction activities; 3) equipment was to be moved from the project area for fueling and maintenance; 4) a silt fence was placed around excavation areas; 5) a berm of bank material 15-feet-thick was to be left in place during construction to reduce the possibility of excavated material entering the river (when the berm was removed a sliver of bank remained); 6) excavation and construction activity was to take place during low tide periods, and no work was done in the water; and 7) following construction, the entire area was hydro-seeded with a fast-growing erosion control grass seed mix. Therefore, the construction phase of the project, as proposed, was designed to be carried out in a manner consistent with Coastal Act policies requiring protection of sensitive resources.

The Commission, therefore, finds that the proposed project is consistent with Section 30240 (b) of the Coastal Act, as the project would not result in a significant disruption to adjacent ESHA and would help to maintain and enhance the quality of water in the river in accordance with Section 30231 by improving the previous drainage system, which should help reduce localized sediment discharge and turbidity resulting from the old faulty system.

**C. Public Access**

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. 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 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 these sections of the Coastal Act, 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.

Although the project is located between the first public road and the sea (Mad River is considered an "arm" of the sea pursuant to Coastal Act Section 30115) the project does not block or otherwise interfere with existing public access. The project has not created any new demand for public access, or otherwise created any additional burdens on public access. Furthermore, the terrain comprising a path currently used for public access will be enhanced as a result of the project.

The vacant pastureland south of School Road owned by the McKinleyville Community Services District (MCSD) is used by the public to access the river. This is the section of land under which the 48-inch-diameter pipe directing drainage to the new outfall runs. The County obtained an easement from the MCSD, for the proposed development. As a condition of the easement the MCSD asked the County to replace the top four inches of soil over the buried pipe with wood chips, six feet wide in order to prevent erosion and improve the trail currently used by the public for access purposes. The County has included this measure in their project description, and implemented it on the ground, specifying however, that placement of the wood chips is for erosion control purposes only, as they do not intend to develop or maintain a permanent river access trail at this location. Nonetheless, this measure has enhanced the physical integrity of the path, and served to visually distinguish the trail from surrounding pastureland. Furthermore, as



noted above, the property owner, MCSD, allows the public to use the trail for access to the river, and the proposed development will not block or otherwise interfere with this form of existing access. To ensure that the Commission will be able to review any future proposed closure or alteration of the trail for conformance with the public access policies of the Coastal Act, Special Condition No. 2 is attached. Special Condition No. 2 provides that should any future development be proposed or undertaken, which might barricade or otherwise change the nature and/or use of this access path, an amendment to this coastal development permit, or a new coastal development permit will be required.

Therefore, the Commission finds that the project, as conditioned, will 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.

**D. Visual Resources**

Section 30251 of the Coastal Act requires that new development be sited and designed to protect views to and along the coast, minimize the alteration of natural landforms, and be visually compatible with the character of the surrounding areas. The outfall structure and surrounding fencing are the only readily visible components of the new drainage system. The new location of the outfall is on a section of the bank that is terraced and slopes more gradually down to the river. Constructing the outfall therefore required less of a cut into the bank, than constructing the outfall in a more steep location would have. The drainage structure itself does not block views of the river, and is largely composed of a rock-lined channel for energy dissipation purposes. It is surrounded on three sides (open to the west) by an eight-foot-high cyclone style fence for safety purposes. The fencing is not unlike other types of fencing utilized for agricultural purposes. With the outfall structure being located next to fenced pastureland on one side and the semi-transparent style of the barrier itself, the fencing does not adversely affect the visual setting. Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30251 as the development would not block views to and along the coast, will not involve any significant or noticeable alteration of landforms, and would be visually compatible with the character of surrounding areas.

**E. Violation**

Although construction has taken place prior to submission of the subject permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal development permit. Special Condition No. 1 ensures that this permit vests upon issuance, and that it will not expire, as development has already commenced and been completed.

**F. 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. 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 above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. 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. Area Map
2. Site Map
3. Plot Plan
4. Project Plan
5. Outfall photos

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. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. 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.
4. 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.



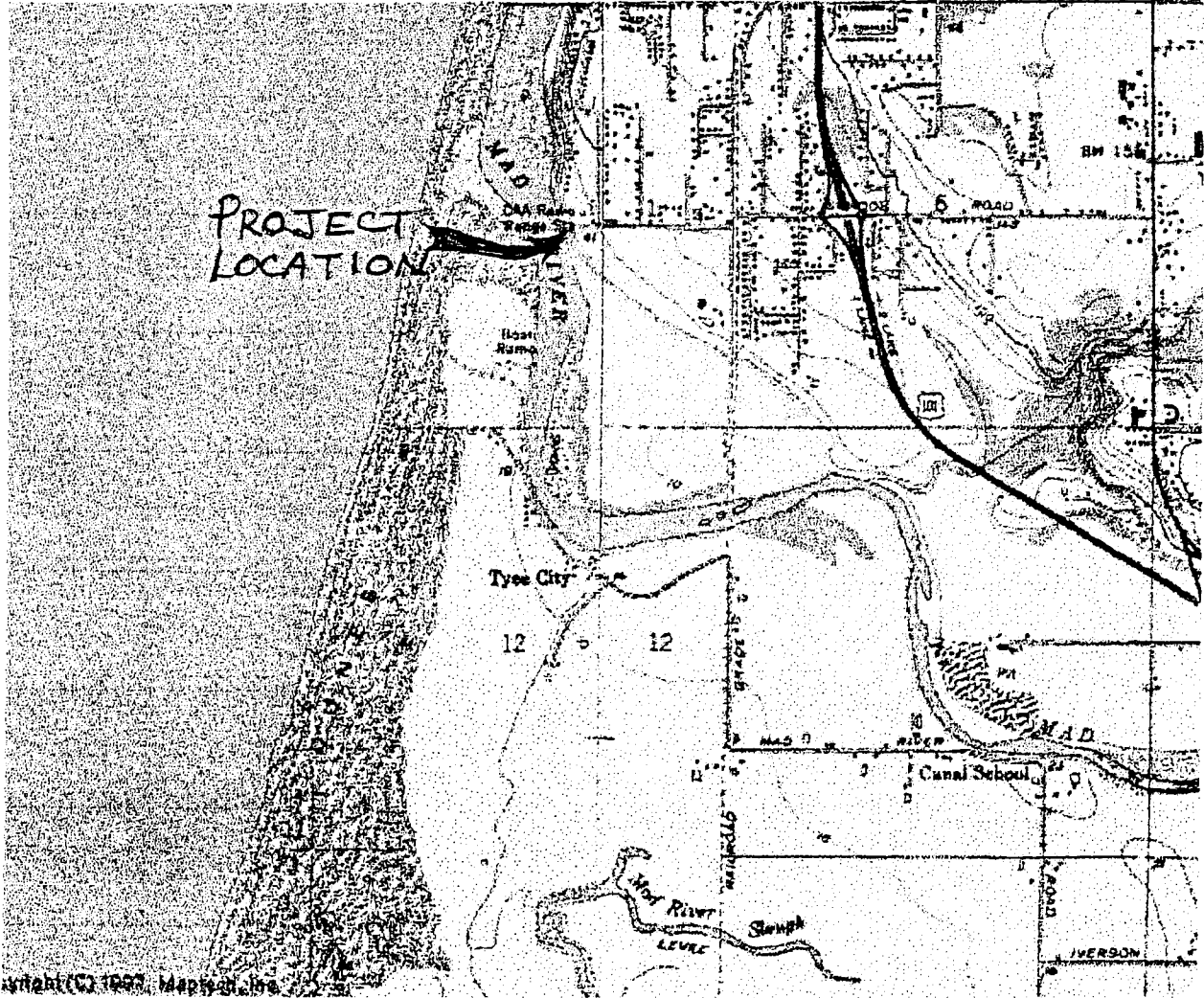
# SCHOOL ROAD STORM DRAINAGE SYSTEM

EXHIBIT NO. 1

APPLICATION NO.

1-01-030

AREA MAP



PURPOSE: SCHOOL ROAD  
DRAINAGE SYSTEM  
IMPROVEMENTS

DATUM: NAVD 88

ADJACENT PROPERTY OWNERS:  
1. MCSD 4. MANTLE  
2. NICHOLS  
3. STANLEY

## AREA MAP

0 2300 4600



SCALE: 1"=2300'

HUMBOLDT COUNTY  
DEPT. OF PUBLIC WORKS  
1106 SECOND STREET  
EUREKA, CA 95501

SCHOOL ROAD DRAINAGE SYSTEM  
INTO MAD RIVER

IN: MCKINLEYVILLE

AT: SCHOOL ROAD  
HUMBOLDT COUNTY, CA

SHEET 1 OF 7 DATE: 02/06/01



Department  
1106 Second Street  
Eureka, CA 95501

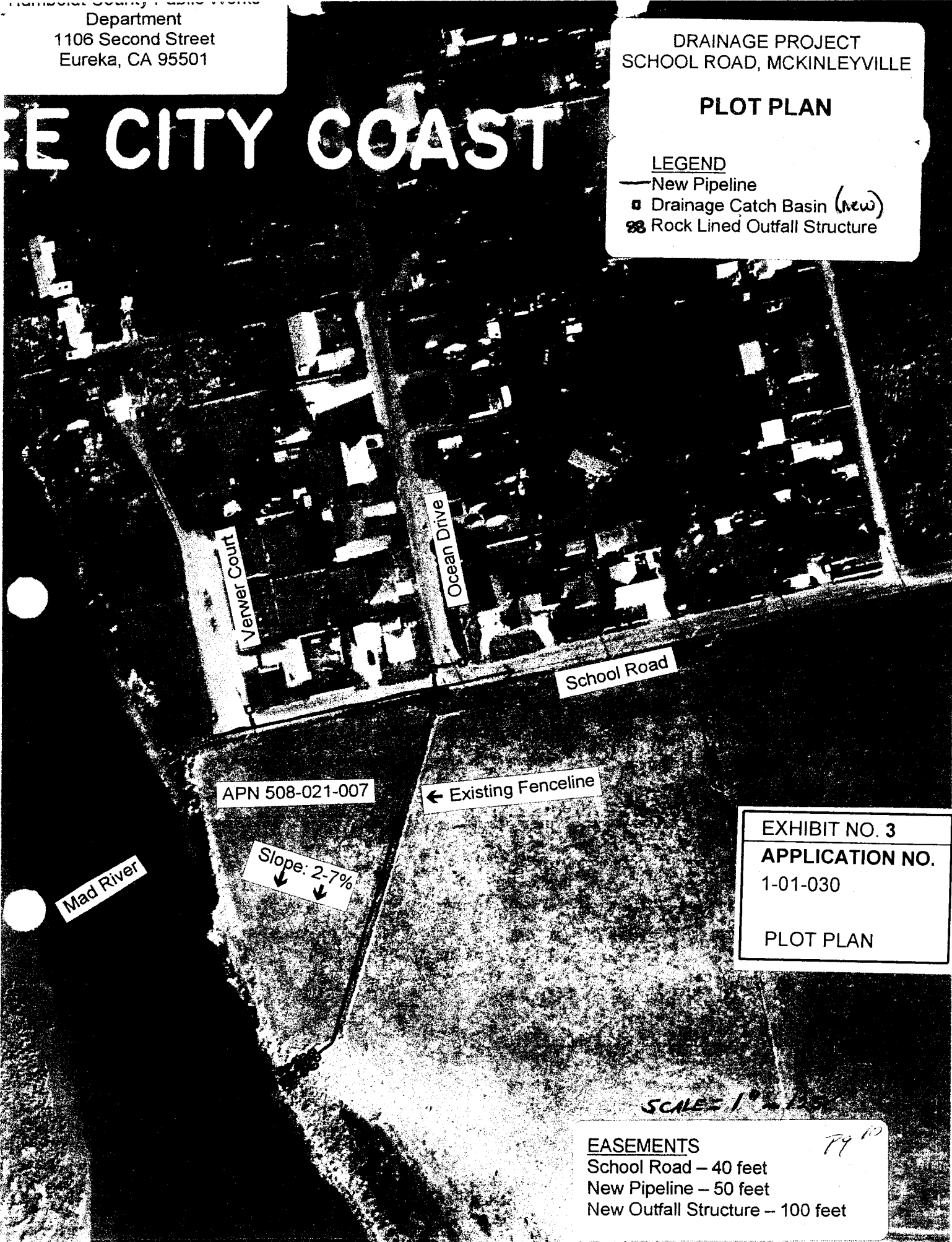
DRAINAGE PROJECT  
SCHOOL ROAD, MCKINLEYVILLE

PLOT PLAN

LEGEND

- New Pipeline
- ▣ Drainage Catch Basin (new)
- ⊗ Rock Lined Outfall Structure

# E CITY COAST



APN 508-021-007

← Existing Fenceline

Slope: 2-7%

Mad River

Vewer Court

Ocean Drive

School Road

EXHIBIT NO. 3
APPLICATION NO. 1-01-030
PLOT PLAN

SCALE = 1" = 100'

EASEMENTS

- School Road – 40 feet
- New Pipeline – 50 feet
- New Outfall Structure – 100 feet

79 10

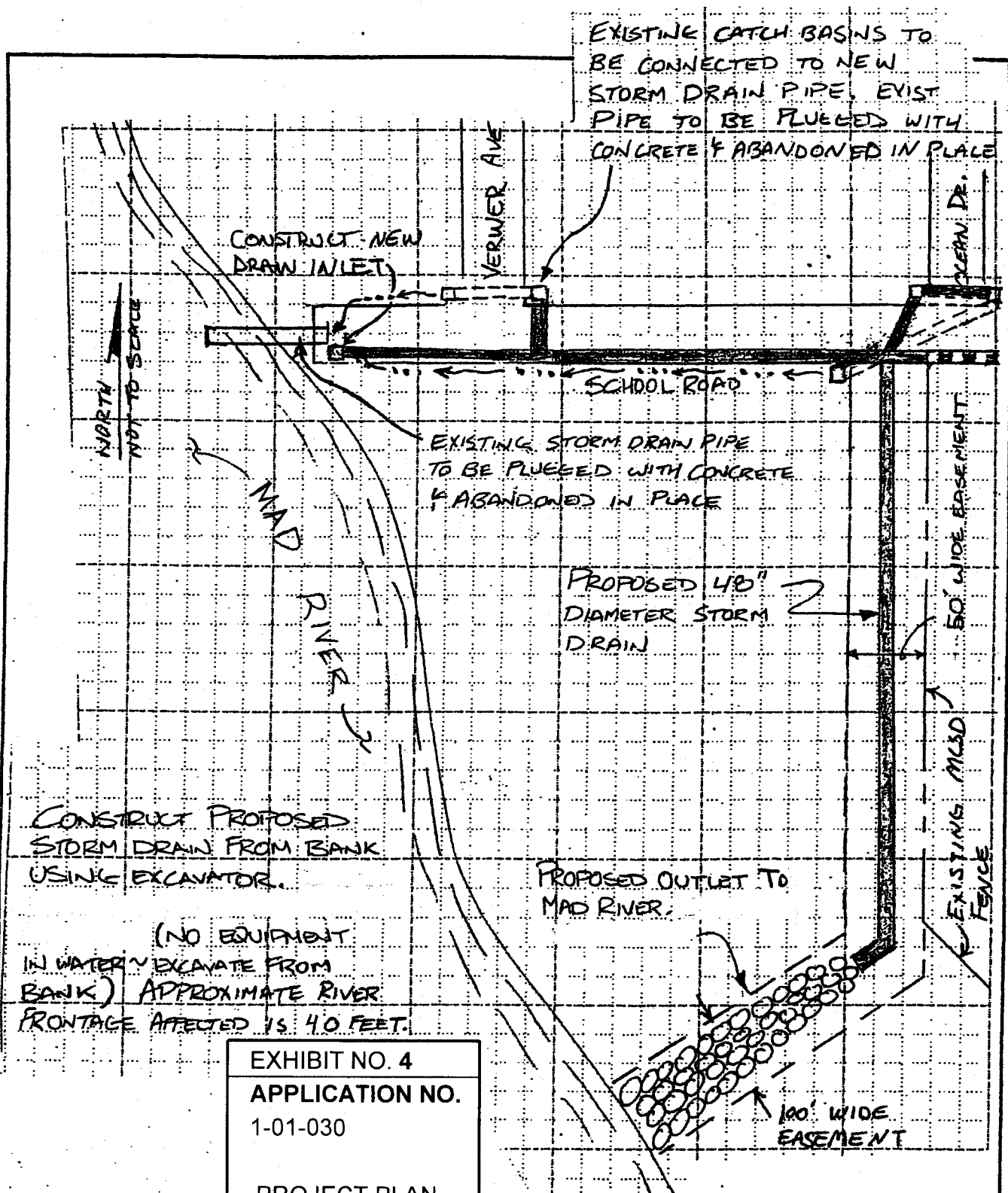


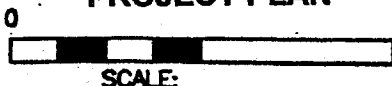
EXHIBIT NO. 4  
 APPLICATION NO.  
 1-01-030  
 PROJECT PLAN

PURPOSE: SCHOOL ROAD DRAINAGE SYSTEM IMPROVEMENTS

DATUM: NAVD83

ADJACENT PROPERTY OWNERS:  
 1. MCSD 4. MANTLE  
 2. NICHOLS  
 3. STANLEY

PROJECT PLAN



SCALE:

HUMBOLDT COUNTY  
 DEPT. OF PUBLIC WORKS  
 1106 SECOND STREET  
 EUREKA, CA 95501

SCHOOL ROAD DRAINAGE SYSTEM INTO MAD RIVER

IN: MCKINLEYVILLE

AT: SCHOOL ROAD  
 HUMBOLDT COUNTY, CA

SHEET 3 OF 7

DATE: 02/06/01





Looking Upstream at Outfall Outlet (February 10, 2005)

EXHIBIT NO. 5
APPLICATION NO. 1-01-030
OUTFALL PHOTOS



Looking East from Outfall Outlet (February 10, 2005)

