

**CALIFORNIA COASTAL COMMISSION**

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# F-9a

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Staff: Melissa B. Kraemer  
Staff Report: December 19, 2008  
Hearing Date: January 9, 2009  
Commission Action:

## **STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: **1-08-001**

APPLICANTS: **Lane & Lisa Russ and Mary Anne Wilburn**

AGENT: Hunt Surveying & Forestry Inc.

PROJECT LOCATION: 2281, 2287, and 2351 Copenhagen Road, Loleta, Humboldt County (APNs 308-151-003, -004, 310-021-001, 308-141-008, -009, -010, and -014).

PROJECT DESCRIPTION: Merge and re-subdivide five parcels totaling 446.3 acres into four parcels, merging all of the property lying on the west side of Copenhagen Road into a single 417.2 acre parcel and reconfiguring the 29.1 acres on the east side of Copenhagen Road into three parcels so that the southern residence is on its own parcel, the barn and northern residence are together on one parcel, and one parcel is undeveloped.

GENERAL PLAN DESIGNATION: Agriculture Exclusive (AE), 60-acre parcel (west of Copenhagen Road) and Agriculture Exclusive Grazing (AEG), 160-acre parcel (east of road).

ZONING DESIGNATION: Agriculture Exclusive (AE) with Wetland (W), Archaeological, Transitional Agriculture, Riparian, and Flood Overlay Zones (AE 160/AWT and AE 60/WFRT).

LOCAL APPROVALS: Humboldt County Merger, Lot Line Adjustment, &  
RECEIVED Determination of Status No. LLA-06-24/DS-06-32.

OTHER APPROVALS REQUIRED: None

SUBSTANTIVE FILE Humboldt County certified Local Coastal Program  
DOCUMENTS:

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### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval with special conditions of the proposed merger and resubdivision.

The subject property is located on agricultural land in the Table Bluff area of Humboldt County, between Humboldt Bay and the Eel River Valley near Loleta, approximately 15 miles south of Eureka (Exhibit No. 1). Copenhagen Road bisects the subject property, with approximately 417 acres located to the west of the road and approximately 29 acres located to the east of the road (Exhibit Nos. 2 and 3). The western boundary of the property is bordered by McNulty Slough, and a portion of the southern boundary of the property is bordered by Hawks Slough. Both sloughs drain into the “North Bay” of the Eel River estuary. Smaller slough “fingers” bisect the western portion of the property. The property on the west side of the road is currently developed with two small barns, cattle corrals, and chutes. The majority of the property on the west side of the road constitutes grazed seasonal wetland habitat or other wetland habitat according to County resource maps. This portion of the property is used almost entirely year-round as grazing land for beef cattle. The eastern property boundary is located in the midst of hilly, grassland terrain. Two single family residences and a barn are located on the east side of the road. The undeveloped land east of the residences is used for occasional grazing and growing hay.

The proposed project area is bisected by the boundary between the retained coastal development permit jurisdiction of the Commission and the coastal development permit jurisdiction delegated to Humboldt County by the Commission through the County’s certified Local Coastal Program. The boundary roughly parallels Copenhagen Road approximately 200 feet west of the road, with the Commission’s jurisdiction to the west and the County’s to the east.

The entire property is zoned Agriculture Exclusive under the County’s certified LCP, with a minimum lot size of 60 acres for the portion of the property west of the road and a minimum lot size of 160 acres for the portion of the property east of the road.

The applicants propose to merge and resubdivide five parcels totaling 446.3 acres into four parcels, merging all of the property lying on the west side of Copenhagen Road into a single 417.2 acre parcel and reconfiguring the 29.1 acres on the east side of Copenhagen Road into three parcels so that the southern residence (currently on APN 308-141-10) would be on its own parcel, the barn and northern residence would be together on one parcel, and one parcel would be undeveloped (Exhibit No. 4). The stated purpose of the project is to correct the encroachment of an existing barn on parcel 2 onto parcel 3, follow more logical boundaries, and to facilitate placing the portion of the property lying on the west side of Copenhagen Road into an Agricultural Preserve and Williamson Act contract.

Existing parcel 4 is a mostly wetland lot containing primarily grazed seasonal wetlands west of Copenhagen Road that borders a blue line watercourse. This parcel would be merged with the remainder of the property west of the road to facilitate placing the resulting 417-acre parcel into a Williamson Act contract. Existing development on the resulting parcel would consist of two small barns, cattle corrals, and chutes, all of which are located in upland areas adjacent to the road. Existing parcel 1 on the east side of the road is an undeveloped, 3-foot-wide, L-shaped parcel, less than 1 acre in size that consists entirely of agricultural land and some wetland habitat. Resulting parcel 1 also would contain currently undeveloped land but would be 8.8 acres in size, shifted to the eastern extent of the property, consist of agricultural land, and would have only a small amount of wetland habitat (according to County resource maps).

Staff believes that the proposed parcel sizes of the four lots to be created by the merger and resubdivision are consistent with the rural land division criteria of Section 30250(a) of the Coastal Act because the subject property is located within an area where 50 percent or more of the usable parcels have been developed, and except for resultant parcel 3, the newly created parcels would be no smaller than the average size of the surrounding parcels. Creation of resubdivided parcel 3 is needed to move a boundary between parcels 2 and 3 that currently bisects an existing barn so that the entire barn will be on a single parcel (on proposed parcel 2). Even though the 1.7-acre parcel would be smaller than both the mean and median parcel sizes calculated in the parcel size analysis (see Table 2 and Exhibit No. 5), staff believes that the overall merger and resubdivision is consistent with the rural land division criteria of Section 30250, because the resubdivision would (1) decrease the number of existing lots, (2) decrease the number of undeveloped lots, (3), would not increase the development potential of resultant parcel 3 over existing parcel 3, (4) would not result in a loss of agricultural productivity or open space, and (5) would benefit agricultural production. Both existing parcel 3 and proposed parcel 3 are relatively small and are located in the same area of the subject property; essentially only the western boundary of existing parcel 3 is proposed to be adjusted, with an eastward shift to result in the existing barn being located on parcel 2. Additionally, both existing and proposed parcel 3 are already developed with a single family residence, and the proposed project would not affect the development potential of either parcel 3 or parcel 2. Furthermore, locating the barn on a single parcel would eliminate potential future disputes over the ownership and use of the barn, thereby simplifying its use for agricultural production. Finally, the overall resubdivision would benefit agriculture by

consolidating the most productive farmland west of Copenhagen Road into one large more economically viable agricultural parcel.

Overall, staff believes that the proposed project would benefit agricultural resources consistent with Sections 30241 and 30242. First, the proposed project would merge existing parcel 4, which is undersized (3 acres) for the minimum zoning designation (60 acres) and not independently suitable for agricultural use, with the surrounding property west of the road to create a single 417-acre parcel. Likewise, existing parcel 1, which a 3-foot-wide L-shaped parcel less than one acre in size, would be reconfigured and increased in size to 8.8 acres, making it better capable of supporting agricultural operations than the existing size and configuration of the parcel. Furthermore, the proposed merger would create a single, large, 417-acre lot that is capable of supporting a productive agricultural use and is proposed to be placed in a Class C Agricultural Preserve and Williamson Act contract. The 417-acre resultant parcel would encompass all of the area of the subject property that is used year-round and most intensively for agricultural production. Although parcel 3 would be slightly reduced in size (by about a half acre), the proposed reduction of this already undersized parcel is intended to remedy encroachment of an existing barn on parcel 2 onto existing parcel 3. Thus, the amount of lot area to be reconfigured between parcels 2 and 3 consists primarily of existing agricultural development (barn), and both parcels already are developed with single family residences.

To ensure that all future owners of the property are aware of the requirements of the Coastal Act that future development of the subject property will require additional coastal development permit authorization, staff recommends inclusion of Special Condition Nos. 1 and 2. Special Condition No. 1 would inform the applicants and subsequent owners that a permit is required for all development as defined in Public Resource Code section 30106, including development of a residence, further division of the subject property, or other changes in the density or intensity of use land, except for development that is specifically exempted from the need for a Coastal Development by the provisions of Section 30610 of the Coastal Act and the Commission's regulations. Special Condition No. 2 would require that the applicants record and execute a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. Special Condition No. 2 would also help assure that future owners are aware of these CDP requirements applicable to all future development.

Staff believes that the proposed project, as conditioned, is consistent with all applicable Coastal Act policies and **recommends adoption of the recommendation of approval with conditions found on pages 5-6.**

## STAFF NOTES

### 1. Jurisdiction & Standard of Review

The proposed project area is bisected by the boundary between the retained coastal development permit jurisdiction of the Commission and the coastal development permit jurisdiction delegated to Humboldt County by the Commission through the County's certified Local Coastal Program. The boundary roughly parallels Copenhagen Road approximately 200 feet west of the road, with the Commission's jurisdiction to the west and the County's to the east.

The Coastal Act was amended by Senate Bill 1843 in 2006, effective January 1, 2007. The amendment added Section 30601.3 to the Coastal Act. Section 30601.3 authorizes the Commission to process a consolidated coastal development permit application when requested by the local government and the applicant and approved by the Executive Director for projects that would otherwise require coastal development permits from both the Commission and from a local government with a certified LCP. In this case, the Humboldt County Board of Supervisors adopted a resolution and both the applicants and the County submitted letters requesting consolidated processing of the coastal development permit application by the Commission for the subject project, which was approved by the Executive Director.

The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3. The local government's certified LCP may be used as guidance.

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## STAFF RECOMMENDATION

### I. MOTION, STAFF RECOMMENDATION, & RESOLUTION

The staff recommends that the Commission adopt the following resolution:

**Motion:**

*I move that the Commission approve Coastal Development Permit No. 1-08-001 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 the majority of the Commissioners present.

**Resolution to Approve 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 Appendix A.

**III. SPECIAL CONDITIONS:**

**1. Future Development Restriction**

This permit is only for the development described in Coastal Development Permit No. 1-08-034. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, development of a residence, further division of the subject property, or other changes in the density or intensity of use land, shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

**2. Deed Restriction**

**PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-08-001**, 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.

#### **IV. FINDINGS & DECLARATIONS:**

The Commission hereby finds and declares the following:

##### **A. Environmental Setting & Project Description**

The subject property is located on agricultural land in the Table Bluff area of Humboldt County, between Humboldt Bay and the Eel River Valley near Loleta, approximately 15 miles south of Eureka (Exhibit No. 1). Copenhagen Road bisects the subject property, with approximately 417 acres located to the west of the road and approximately 29 acres located to the east of the road (Exhibit Nos. 2 and 3). The western boundary of the property is bordered by McNulty Slough, and a portion of the southern boundary of the property is bordered by Hawks Slough. Both sloughs drain into the “North Bay” of the Eel River estuary. Smaller slough “fingers” bisect the western portion of the property. The property on the west side of the road is currently developed with two small barns, cattle corrals, and chutes. The majority of the property on the west side of the road constitutes grazed seasonal wetland habitat or other wetland habitat according to County resource maps. This portion of the property is used almost entirely year-round as grazing land for beef cattle. The eastern property boundary is located in the midst of hilly, grassland terrain. Two single family residences and a barn are located on the east side of the road. The undeveloped land east of the residences is used for occasional grazing and growing hay.

The proposed project area is bisected by the boundary between the retained coastal development permit jurisdiction of the Commission and the coastal development permit jurisdiction delegated to Humboldt County by the Commission through the County’s certified Local Coastal Program. The boundary roughly parallels Copenhagen Road approximately 200 feet west of the road, with the Commission’s jurisdiction to the west and the County’s to the east (see Exhibit No. 3).

The subject property has two different zoning designations under the County’s certified LCP (Exhibit No. 3). The portion of the property west of Copenhagen Road is zoned Agriculture Exclusive with a minimum lot size of 60 acres and Wetland, Flood, Riparian, and Transitional Agriculture Combining Zones (AE-60/W,F,R,T). The portion of the property east of Copenhagen Road is zoned Agriculture Exclusive with a minimum lot size of 160 acres and Transitional Agriculture, Archaeological Resources, and Wetland Combining Zones (AE-160/T,A,W)

The applicants propose to merge and resubdivide five parcels totaling 446.3 acres into four parcels, merging all of property lying on the west side of Copenhagen Road into a single 417.2 acre parcel and reconfiguring the 29.1 acres on east side of Copenhagen Road into three parcels so that the southern residence (currently on APN 308-141-10) would be on its own parcel, the barn and northern residence would be together on one parcel, and one parcel would be undeveloped (Exhibit No. 4). The stated purpose of the project is to correct the encroachment of an existing barn on parcel 2 onto parcel 3, follow more logical boundaries, and to facilitate placing the portion of the property lying

on the west side of Copenhagen Road into an Agricultural Preserve and Williamson Act contract.

Existing parcel 4 is an all wetland lot west of Copenhagen Road that borders a blue line watercourse. This parcel would be merged with the remainder of the property west of the road to facilitate placing the resulting 417-acre parcel into a Williamson Act contract. Existing development on the resulting parcel would consist of two small barns, cattle corrals, and chutes, all of which are located in upland areas adjacent to the road. As discussed above, most of the area west of the road, except for the developed area near the road, is shown as wetland habitat on County resource maps.

Existing parcel 1 on the east side of the road is an undeveloped, 3-foot-wide, L-shaped parcel, less than 1 acre in size that consists entirely of agricultural land and some wetland habitat. Resulting parcel 1 also would contain currently undeveloped land but would be 8.8 acres in size, shifted to the eastern extent of the property, consist of agricultural land, and would have only a small amount of wetland habitat (according to County resource maps).

The boundary lines of existing parcel 3, which is developed with a single family residence, currently bisect an existing barn that straddles existing parcels 2 and 3. The resulting lot line adjustment would place this barn on parcel 2, which also is developed with an existing single family residence. Thus, resulting parcels 2 and 3 both would be developed with existing houses, and parcel 2 also would have an existing barn.

Table 1 below summarizes the existing and proposed parcels on the subject property. See also Exhibit No. 4 for details.

**Table 1.** Summary of existing and proposed parcels on the subject property. See Exhibit No. 4 for details.

Parcel	Existing Acreage & Lot Location	Existing Development	Proposed Acreage & Lot Location	Resulting Development*
1	<1.0 acres East of road	undeveloped; irregular 3-foot-wide, L-shaped configuration; all or mostly wetland	~8.8 acres East of road	undeveloped
2	~317.1 acres Both sides road	2 barns and 1 house	~18.6 acres East of road	1 house & 1 barn; other barn will end up on parcel 4
3	~2.2 acres East of road	1 house & 1 barn; existing barn is bisected by parcel 2 and 3 boundary line	~1.7 acres East of road	1 house; lot line adjustment will put barn on parcel 2
4	~3.0 acres West of road	undeveloped; all or mostly wetland	~417.2 acres West of road	2 barns on upland area adjacent to road; entire parcel is to be placed in Agriculture Preserve & Williamson Act contract
5	~123 acres East of road	undeveloped	N/A	N/A
<b>Totals</b>	<b>~446.3 acres</b>		<b>~446.3 acres</b>	

\*Note: The project does not propose any new development other than the proposed merger and re-subdivision.

**B. Land Divisions Outside of Existing Developed Areas**

1. Applicable Coastal Act Policies & Standards

Coastal Act Section 30250 states, in applicable part, the following (emphasis added):

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

...

Section 30250(a) of the Coastal Act states in part that rural land divisions shall only be permitted where 50 percent of the usable parcels in the area have been developed, and the created parcels would be no smaller than the average size of surrounding parcels.

2. Consistency Analysis

The subject property is located outside of the urban boundary of Loleta and is therefore subject to the rural land division criteria of Section 30250(a) of the Coastal Act. To meet the criteria, the subject property must be located within an area where 50 percent or more of the usable parcels have been developed, and the newly created parcels must be no smaller than the average size of the surrounding parcels.

Taking the second test first, the Commission has normally taken “surrounding parcels” to include those within a quarter-mile radius. Consistent with the decision of a state court of appeal [Billings v. CCC (1980) 103 Cal.App.3rd 729], this radius may be modified where geographic or other features clearly distinguish some of the parcels within it from those surrounding the subject property. In this instance, a major distinguishing factor is the local zoning and land use of the surrounding area. All of the parcels within a quarter-mile radius of the subject site are designated and zoned Agriculture Exclusive (AE), though the parcels west of Copenhagen Road have a designated and zoned minimum parcel size of 60 acres and those east of the road have a minimum parcel size of 160 acres (see Exhibit No. 3). Additionally, a “neighborhood” of distinctly rural residential character has been developed along Copenhagen Road, primarily on the east side of the road, approximately one half mile north and south of the subject property. This rural residential area comprised of numerous relatively small parcels is of a very different character than the surrounding large, undeveloped, agricultural parcels. Therefore, the Commission finds that it is appropriate to examine the average parcel size for these two separate distinct areas and evaluate the proposed merger and resubdivision’s consistency with the average parcel size requirements of Section 30250 separately for each area. For proposed parcels 1, 2, and 3, the parcel size analysis compares those lots with the average parcel size of those existing lots within an approximate quarter-mile radius of the subject site that are east of Copenhagen Road, and for proposed parcel 4, the parcel size analysis compares the lot with the average parcel size of those existing lots within an approximate quarter-mile radius of the subject site that are west of Copenhagen Road.

Of the 23 parcels included in the parcel size study area for the subject resulting parcels east of Copenhagen Road (resulting parcel 1 would be 8.8 acres, resulting parcel 2 would be 18.6 acres, and resulting parcel 3 would be 1.7 acres), the arithmetic mean of these parcels is 16 acres, the median parcel size (the value falling in the middle of the range) is 8.5 acres, and the mode (the value which occurs most frequently) is  $\leq 1.5$  acres ( $n = 8$ ). Of the nine parcels included in the parcel size study area for the subject resulting parcel west of Copenhagen Road, the mean of these parcels is 108 acres, the median parcel size is 90 acres, and the mode is not applicable in this case (since there is no value that occurs more frequently than any other). Proposed parcel 4 will be 417 acres in size, which is far above both the mean and median parcel size in the study area.

Table 2 below summarizes the parcel size analysis, and Exhibit No. 5 shows the parcel analysis study areas.

**Table 2.** Analysis of surrounding parcel sizes for proposed parcels 1, 2, and 3 east of Copenhagen Road and for proposed parcel 4 west of Copenhagen Road. See Exhibit No. 5 for maps of the parcel analysis study areas.

Label (Exhibit 5)	Parcel No.	Approx. Acreage	Developed (Yes or No)	Notes
<b>PARCEL SIZE ANALYSIS FOR PROPOSED PARCELS 1, 2, &amp; 3</b>				
A	308-091-006	1	Yes	Parcels A thru X were used in the parcel analysis for the proposed 18.6-acre, 8.8-acre, and 1.7-acre parcels east of Copenhagen Road. The analysis includes all parcels within a ¼- to ½-mile radius of the subject property east of Copenhagen Road, which are mostly rural residentially developed lots of a distinctly different character than the large, undeveloped, agricultural parcels west of the road.
B	308-121-006	0.5	Yes	
C	308-081-002	52	Yes	
D	308-131-024	0.3	Yes	
E	308-131-022	8.5	Yes	
F	308-131-023	39	No	
G	308-131-002	55	Yes	
H	308-131-006	0.5	Yes	
I	308-131-003	21	Yes	
J	308-131-008	21	No	
K	308-131-010	13	Yes	
L	308-131-016	24.5	Yes	
M	308-121-028	1	Yes	
N	308-131-027	20	Yes	
O	308-131-017	19	Yes	
P	308-131-018	2.5	No	
Q	308-141-010	2	Yes	
R	308-141-014	0.1	No	
S	308-141-017	1.5	Yes	
T	308-141-018	62	Yes	
U	308-221-001	160	Yes	
V	309-151-001	14.5	Yes	
W	308-221-002	1.5	No	
X	309-011-002	8	No	
<b>Mean = 16 (n = 23, excluding outlier U); Median = 8.5; Mode = ≤1.5 (n = 8)</b>				
<b>PARCEL SIZE ANALYSIS FOR PROPOSED PARCEL 4</b>				
1	308-121-005	77	Yes	Parcels 1 thru 9 were used in the parcel analysis for the proposed 417-acre parcel west of Copenhagen Road. The analysis includes all parcels within a ¼-mile radius of the subject property west of the road to McNulty Slough, which are mostly large, undeveloped agricultural lots of a distinctly different character than the majority of the rural residentially developed lots along & mostly east of the road.
2	308-121-002	84	No	
3	308-121-003	90	Yes	
4	308-121-007 308-111-003	133.5	Yes	
5	308-141-013	115	Yes	
6	308-141-020	51	Yes	
7	310-011-002	141	No	
8	308-151-002 310-011-001	66.5	No	
9	310-021-002 310-033-002	212	No	
<b>Mean = 108 (n = 9); Median = 90; Mode = N/A</b>				

The court in Billings concluded that the Commission should identify the “typical” or “representative” parcel size. Where the presence of several large parcels would skew the average, the median parcel size and mode provide a better picture of the typical parcel size in the area. This is the case for the parcel size analysis for the resulting parcels east of Copenhagen Road (proposed parcels 1, 2, and 3). In this instance, due to the presence of several large parcels, including one 160-acre parcel and three other parcels greater than 40 acres in size, the arithmetic mean of surrounding parcels (16 acres) is larger than the smallest of the parcels proposed to be created (1.7 acres). However, these outlier parcels, particularly the 160-acre parcel, are substantially larger than the majority of the 24 parcels in the study area, thereby skewing the average significantly. Due to the high skewness and standard deviation, the Commission finds it is appropriate to look at the median and mode parcel sizes rather than the arithmetic mean to provide a better representation of the typical parcel size in this area.

In this case both the median parcel size (8.5 acres) and the mode of surrounding parcels (eight are less than 1.5 acres in size) are smaller than the proposed parcels of 18.6 acres (proposed parcel 2) and 8.8 acres (proposed parcel 1). Proposed parcel 3 will be smaller than the median parcel size but larger than the mode.

Creation of resubdivided parcel 3 is needed to move a boundary between parcels 2 and 3 that currently bisects an existing barn so that the entire barn will be on a single parcel (on proposed parcel 2). Even though the 1.7-acre parcel will be smaller than both the mean and median parcel sizes calculated in Table 2 above, the overall merger and resubdivision is consistent with the rural land division criteria of Section 30250 because the resubdivision will (1) decrease the number of existing lots, (2) decrease the number of undeveloped lots, (3), will not increase the development potential of resultant parcel 3 over existing parcel 3, (4) will not result in a loss of agricultural productivity or open space, and (5) will benefit agricultural production. Both existing parcel 3 and proposed parcel 3 are relatively small and are located in the same area of the subject property; essentially only the western boundary of existing parcel 3 is proposed to be adjusted, with an eastward shift to result in the existing barn being located on parcel 2. Additionally, both existing and proposed parcel 3 are already developed with a single family residence, and the proposed project will not affect the development potential of either parcel 3 or parcel 2. Furthermore, locating the barn on a single parcel will eliminate potential future disputes over the ownership and use of the barn, thereby simplifying its use for agricultural production. Finally, the overall resubdivision will benefit agriculture by consolidating the most productive farmland west of Copenhagen Road into one large more economically viable agricultural parcel.

Therefore, the Commission finds that the proposed parcel sizes of the four lots to be created by the merger and resubdivision are consistent with the rural land division criteria of Section 30250(a) of the Coastal Act.

The other test of the rural land division criteria of Section 30250(a) is whether 50 percent or more of the surrounding parcels are developed. In the case of the parcel size analysis for the resulting parcels east of Copenhagen Road (proposed parcels 1, 2, and 3), 18 of

the 24 surrounding parcels in the study area, or 75 percent, are developed. In the case of the parcel size analysis for the resulting parcel west of Copenhagen Road (proposed parcel 4), five of the nine surrounding parcels in the study area, or 56 percent, are developed. Therefore, the proposed land division meets the developed parcel criteria, as over 50 percent of the surrounding parcels are developed.

On the basis of the above analysis, the Commission finds that the proposed merger and resubdivision is consistent with the rural land division criteria of Section 30250(a) of the Coastal Act.

### **C. Locating & Planning New Development**

#### **1. Applicable Coastal Act Policies & Standards**

Coastal Act Section 30250 states, in applicable part, the following (emphasis added):

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

...

Section 30250(a) of the Coastal Act states in part 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.

#### **2. Consistency Analysis**

The proposed development is located in a rural area on land designated and zoned as Agriculture Exclusive (AE). Principal uses permitted on land zoned AE under the County's certified LCP include Single Family Residential (on lots 60 acres or greater in size, two single detached dwellings are permitted), General Agriculture, Timber Production, Cottage Industry, and Minor Utilities to serve these uses. The proposed merger and resubdivision is consistent with the AE zoning in that the proposed project will enhance the agricultural productivity of the property by (a) consolidating all of the most intensively used agricultural area (the area west of Copenhagen Road) into one large 417-acre parcel, and (b) resolving the ownership of the barn that straddles the current boundary between parcels 2 and 3. As mentioned above, a single family

residence is a principally permitted use under the AE designation and zoning, and a second single detached dwelling also is a principally permitted use for lots 60 acres or larger in size. Furthermore, a second agriculture residence may be allowed by a conditional use permit on lots smaller than 60 acres.

At this time there is no development proposed other than the merger and resubdivision of the five existing lots. Whether requiring a use permit or not, a single family residence is not considered the principal permitted use for purposes of appeal to the Commission pursuant to Sections 313-163.1.9.9 and 312-13.13.12.3 of the certified Coastal Zoning Regulations and Section 30603(a)(4) of the Coastal Act. Thus, any coastal development permit granted by the County for a residence on the subject property could be appealed to the Coastal Commission. Therefore, the County and the Commission on appeal will be able to review any future proposals for residential development on the parcels to ensure that such development does not adversely affect agricultural productivity.

The proposed resultant parcels will be provided adequate services to serve the uses facilitated by the proposed merger and resubdivision. Proposed parcels 2 and 3 already are developed with single family homes that are served by functioning septic and water (well) systems. As stated above, there are no current proposals to build residences on resultant parcels 1 and 4, and the applicants' intent is to use the resultant parcels for principally permitted agricultural uses (which do not necessarily require septic and water services). As discussed above, a major objective of the merger and resubdivision is to consolidate the intensely used agricultural lands west of Copenhagen Road into one large agricultural parcel to increase its efficiency for agricultural use. Resulting parcel 4 will be placed under Williamson Act contract and Class 3 Agricultural Preserve to reserve it in agricultural use. Resulting 417.2-acre parcel 4 west of the road also has sizable upland area near the road that could accommodate future development without encroachment into wetlands and wetland buffers. With respect to proposed parcel 1, the County, in its conditions of approval of the Lot Line Adjustment for the project, required the applicants to convey the residential development rights of this parcel to the County, with release from this conveyance to be obtained only at such time that site suitability for residential development has been demonstrated. If residential development is ever proposed on the site, the likelihood of finding suitable locations for on-site septic and water systems is high because (a) the proposed 8.8-acre parcel is relatively large compared to many much smaller residential parcels that manage to utilize on-site septic and water systems, and thus there is a greater likelihood of finding suitable locations for these systems, (b) the parcel is located on higher ground, and is thus more likely to include potential septic system locations that maintain the necessary depth of separation between leach fields and the groundwater table, and (c) the presence of other functioning septic systems and wells in the immediate vicinity (e.g., on existing parcels 2 and 3, among others) suggests that the chances for successfully locating suitable on-site septic and water systems are relatively high. Therefore, the Commission finds that the proposed merger and resubdivision is located in an area able to accommodate the land use and future development facilitated by the proposed merger and resubdivision.

As described in the Findings below, the proposed project will not have significant adverse impacts on coastal resources including agricultural resources, water quality, ESHA, flood hazards, public access, or archaeological resources. Therefore, the Commission finds that the proposed development is consistent with Coastal Act Section 30250(a) to the extent that it has adequate water and septic capability to accommodate it and it will not cause significant adverse effects, either individually or cumulatively, on coastal resources.

**D. Protection of Agricultural Lands**

1. Applicable Coastal Act Policies and Standards

Coastal Act Section 30241 states the following (emphasis added):

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

(a) *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

(b) *By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

(c) *By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.<sup>1</sup>*

(d) *By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

(e) *By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

(f) *By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Coastal Act Section 30242 states the following:

*All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

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<sup>1</sup> See Section IV-B and IV-C above.

## 2. Consistency Analysis

Coastal Act Sections 30240 and 30241 require the protection of prime agricultural lands<sup>2</sup> and sets limits on the conversion of all agricultural lands to non-agricultural uses. The subject property is zoned Agriculture Exclusive with a minimum parcel size of 160 acres for the portion of property east of Copenhagen Road and a minimum parcel size of 60 acres for the portion of the property west of Copenhagen Road. The entire project area also has a Transitional Agriculture Combining Zone (among others).

The subject property has been continually used for agricultural purposes for at least 50 years. The portion of the property on the west side of Copenhagen Road is used almost entirely year-around as grazing land for beef cattle. The undeveloped land east of the road and existing houses and barn is used for occasional grazing and growing hay. The existing soils map for the area (McLaughlin & Harradine 1965) indicates that the subject property contains Hookton soils (Hk5) east of Copenhagen Road and Bayside soils (Ba3) west of the road. Neither soil type meets the criteria for consideration as “prime agricultural land” based on land use capability classification or Storie Index Rating, and no evidence has been presented that any portions of the property have any of the other characteristics that would cause them to be considered prime agricultural lands under Section 51201(C) of the Government Code.

The proposed project would not result in a direct conversion of agricultural land or in the loss of any animal carrying capacity, since no development other than the merger and resubdivision of the five existing lots is proposed at this time, and the property will remain zoned under the certified LCP as Agriculture Exclusive.

Overall the proposed project will benefit agricultural resources consistent with Sections 30241 and 30242. First, the proposed project will merge existing parcel 4, which is undersized (3 acres) for the minimum zoning designation (60 acres) and not independently suitable for agricultural use, with the surrounding property west of the road to create a single 417-acre parcel. Likewise, existing parcel 1, which is a 3-foot-wide L-shaped parcel less than one acre in size, will be reconfigured and increased in size to 8.8 acres, making it better capable of supporting agricultural operations than the existing size and configuration of the parcel. Furthermore, the proposed merger will create a

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<sup>2</sup> Coastal Act Section defines “prime agricultural land” through incorporation-by-reference of paragraphs (1) through (4) of Section 51201(c) of the California Government Code. Prime agricultural land entails land with any of the follow characteristics: (1) a rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or (2) a rating 80 through 100 in the Storie Index Rating; or (3) the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or (4) the ability to normally yield in a commercial bearing period on an annual basis not less than two hundred dollars (\$200) per acre of unprocessed agricultural plant production of fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years.

single, large, 417-acre lot that is capable of supporting a productive agricultural use and is proposed to be placed in a Class C Agricultural Preserve and Williamson Act contract. The 417-acre resultant parcel would encompass all of the area of the subject property that is used year-round and most intensively for agricultural production. Although parcel 3 will be slightly reduced in size (by about a half acre), the proposed reduction of this already undersized parcel is intended to remedy encroachment of an existing barn on parcel 2 onto existing parcel 3. Thus, the amount of lot area to be reconfigured between parcels 2 and 3 consists primarily of existing agricultural development (barn), and both parcels already are developed with single family residences.

Under the County's certified LCP, land with an Agriculture Exclusive zoning designation (as is the subject property) includes, in applicable part, the following principally permitted uses: single family residential, second agriculture residence on a lot 60 acres or larger in size, general agriculture, cottage industry, and minor utilities to serve such uses. Any future development, as defined in Section 30106 of the Coastal Act, of these principally permitted uses or other uses would require additional coastal development permit authorization, except as provided in Section 30610 of the Coastal Act and the Commission's regulations. The certified coastal zoning regulations, as amended, state that the single family residential, second agriculture residence and cottage industry uses are not considered to be principally permitted uses for purposes of appeal to the Commission pursuant to Coastal Act Section 30603(a)(4). Thus, local approval of a coastal development permit for such future uses on the subject property that is within the County's permit jurisdiction (i.e., resultant parcels 1, 2, 3, and a small portion of parcel 4) would be appealable to the Commission. Therefore, both the County and the Commission on appeal will have the opportunity to review the impacts that any proposed new development would have on the agricultural use of the property and ensure that any development approved conforms with the agricultural protection policies of the certified LCP and Sections 30241 and 30242 of the Coastal Act.

To ensure that all future owners of the property are aware of the requirements of the Coastal Act that future development of the subject property will require additional coastal development permit authorization, the Commission attaches Special Condition Nos. 1 and 2. **Special Condition No. 1** informs the applicants and subsequent owners that a permit is required for all development as defined in Public Resource Code section 30106, including development of a residence, further division of the subject property, or other changes in the density or intensity of use land, except for development that is specifically exempted from the need for a Coastal Development by the provisions of Section 30610 of the Coastal Act and the Commission's regulations. **Special Condition No. 2** requires that the applicants record and execute a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. Special Condition No. 2 will also help assure that future owners are aware of these CDP requirements applicable to all future development.

The proposed project is consistent with the requirements of Sections 30241 and 30242 to protect prime agricultural lands and in particular the requirements of Section 3024(f) that

all divisions of prime agricultural lands not diminish the productivity of such lands, as none of the property involved has been identified as prime agricultural land based on the definition of Section 51201(C) of the Government Code (discussed above).

Thus, the Commission finds that the proposed project, as conditioned, (1) will not reduce the amount of prime agricultural land in agricultural production, and (2) will not result in the conversion of agricultural land to a nonagricultural use. Therefore, the proposed project is consistent with Sections 30241 and 30242 of the Coastal Act.

**E. Protection of Water Quality & Environmentally Sensitive Habitat Areas**

1. Coastal Act Policies

Coastal Act 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 for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30240 of the Coastal Act states:

*(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.*

*(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.*

Section 30231 of the Coastal Act protects the biological productivity and quality of coastal waters and wetlands by, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, maintaining natural vegetation buffer areas around riparian habitats, and minimizing alteration of natural streams. Section 30240 requires that environmentally sensitive habitat areas (ESHA) be protected against significant disruption of habitat values from adjacent development, and that only uses dependent on the resources of the ESHA be allowed within the ESHA.

2. Consistency Analysis

The subject project area is zoned as Agriculture Exclusive with, among others, a Wetland Combining zone as well as a Riparian Combining zone on in the property west of Copenhagen Road. Nearly the entire portion of the property west of the road, except for a strip of land adjacent to the road where the existing barns and associated agricultural structures are located, is shown as wetland habitat on the County's resource maps. Much of this area consists of grazed seasonal wetlands, but the property also contains riparian habitat and estuarine wetlands. The County's maps also show "streamside management areas" (100-foot buffer zones) around each of the blue line watercourses bisecting the portion of the property west of the road (see Exhibit No. 3).

Under the County's certified LCP, land with an Agriculture Exclusive zoning designation (as is the subject property) includes, in applicable part, the following principally permitted uses: single family residential, second agriculture residence on a lot 60 acres or larger in size, general agriculture, cottage industry, and minor utilities to serve such uses. However, the certified zoning code, as amended, states that the single family residential, second agriculture residence and cottage industry uses are not considered to be principally permitted uses for purposes of appeal to the Commission pursuant to Coastal Act Section 30603(a)(4). Thus, local approval of future such uses on the subject property that is within the County's permit jurisdiction (i.e., resultant parcels 1, 2, and 3) would be appealable to the Commission.

At this time there is no development proposed other than the merger and re-subdivision of the five lots. As the subject property is designated and zoned for agricultural use, currently being used for agriculture, and is proposed by the applicants to continue to be used for agriculture, the future use and enjoyment of the resubdivided property is not dependent on the development of single-family homes or other development. However, to the extent such future development is ever proposed or considered, the proposed lot reconfiguration would decrease the potential for future conflicts to arise between principally permitted uses (such as development of a single family residence) and encroachment into wetlands, riparian habitat or other ESHA, and/or prescribed habitat buffers. Existing parcels 1 and 4 in their present configurations consist mostly of stream and/or wetland habitats and habitat buffers, and future development of these lots in their existing configurations could adversely affect wetlands or ESHA, as sufficient room is unavailable to locate development outside of the wetlands and outside of needed wetland buffer areas. The proposed merger and re-subdivision will reconfigure the lots so that parcel 4 will be merged with the surrounding property west of the road to become a 417-acre agricultural parcel, and parcel 1 will be increased in size and reconfigured to move eastward to the more hilly portion of the property that supports additional upland habitats. Although no current wetland or ESHA survey for the proposed lot reconfiguration has been performed, the County resource maps show resultant 8.8-acre parcel 1 as having a relatively small and isolated wetland area, whereas existing less-than-1-acre parcel 1 is bisected by an unmapped wetland area.

Resulting parcels 2 and 3 both are developed with single family residences. Therefore, to the extent that additional residential development that might be proposed in the future is precluded by wetlands that are later discovered or other site constraints, the parcels

currently support economic uses. Resulting 417.2-acre parcel 4 west of the road also has sizable upland area near the road that could accommodate future development without encroachment into wetlands and wetland buffers. Parcel 5 will be deleted entirely.

Therefore, the Commission finds that the development, as proposed, is consistent with the water quality and ESHA protection policies of the Coastal Act because the proposed project does not adversely affect the biological productivity of coastal waters and wetlands and the resulting lot configuration would accommodate potential future development of the property in a manner that would allow for sufficient buffers to be established between such development and environmentally sensitive wetland habitats.

## **F. Flood Hazard**

The Coastal Act contains policies to assure that new development provides structural integrity, minimizes risks to life and property in areas of high geologic, flood, and fire hazards, and does not create or contribute to erosion.

### 1. Coastal Act Policy

Coastal Act 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.*

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

...

### 2. Consistency Analysis

The subject project area is zoned as Agriculture Exclusive with, among others, a Flood Combining zone for the portion of the project area west of Copenhagen Road. The majority of the subject property west of the road, except for the upland strip of land adjacent to the road, is within the FEMA 100-year flood zone.

Two of the existing parcels (existing parcels 1 and 4) are located on mostly wetland lots that could pose a flood hazard to future development on the lots (e.g., single family residences, which are principally permitted uses for the zone). The proposed project would reconfigure the existing parcels to rectify this potential flood hazard. Additionally, even if future residential development of the lots were not permitted, the flood hazard of the existing lots reduces the agricultural productivity of the small, undersized lots. As reconfigured, parcels 1 and 4 will be larger and less affected by flood hazards. Resulting parcel 4 is proposed to be increased in size from 3 acres to approximately 417 acres, with

two existing barns and associated agricultural structures. Parcel 1 (which is currently 1 acre in size) would be reconfigured away from the existing wetland area lining the northern edge of the subject property to approximately 8.8 acres of the eastern more hilly side of the property that supports upland habitats.

Therefore, the Commission finds that the project is consistent with Section 30253 in that the development, as proposed, minimizes risks to life and property in areas of high flood hazard.

## **G. Public Access**

### **1. Applicable Coastal Act Policies and Standards**

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. 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 in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety. In applying Sections 30211 and 30212, the Commission is 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 public access.

### **2. Consistency Analysis**

A 417-acre portion of the project site is located between the first public road (Copenhagen Road) and the sea. No existing public access to a beach or shoreline is available in the project area, which currently supports and will continue to support agricultural production. The proposed project does not involve any changes or additional restrictions to existing public access that would interfere with or reduce the amount of area public access and recreational opportunities. In addition, the reconfiguration of lots would not result in significant future increases in residential density that would increase demand for public access in the area.

Therefore, the Commission finds that the proposed project would not have an adverse effect on public access and that the project as proposed is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

## **H. Protection of Archaeological Resources**

1. Coastal Act Policy

Coastal Act Section 30244 states:

*Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

2. Consistency Analysis

The portion of the property on the east side of Copenhagen Road has an Archaeological Resources Combining Zone under the County's certified LCP. The Wiyot Tribe historically occupied the coastal strip of Humboldt County from Little River on the north to the Bear River Mountains on the south. According to information in the County's approval of the project, no known archaeological sites occur on the subject property. The County referred the project to the North Coastal Information Center and the Wiyot Tribe, and they recommended approval of the project. Thus, there are no known archaeological or paleontological resources that occur on the subject property, and no ground-disturbing development is proposed at this time that could disturb archaeological or paleontological resources.

The proposed project will result in three lots east of the road (within the Archaeological Resources Combining Zone), two of which already are developed with single family homes. If future development of a home is proposed for parcel 1, or if additional homes are proposed on any of the three lots, at that time, if necessary, mitigation measures could be imposed in any coastal development permit approved for such residential development to ensure the protection of archaeological and paleontological resources. As discussed above, local approval of a single family residence on the property east of the road would be appealable to the Commission. Therefore, both the County and the Commission on appeal will have the opportunity to review the impacts any proposed new development would have on archaeological resources and ensure that any development approved conforms with the archaeological resources protection policies of the certified LCP and Section 30244 of the Coastal Act.

Therefore, the Commission finds that the proposed development is consistent with Section 30244 of the Coastal Act.

**I. California Environmental Quality Act**

The County of Humboldt acted as the lead agency for the project. The County determined the project to be categorically exempt per Section 15305(a) of the State CEQA Guidelines. The County approved a Lot Line Adjustment and Determination of Status for the project on October 22, 2007 (LLA-06-24/DS-06-32).

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of coastal development permit applications to be supported by a

finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements 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 any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The 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 specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may 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 to conform to CEQA.

**V. EXHIBITS:**

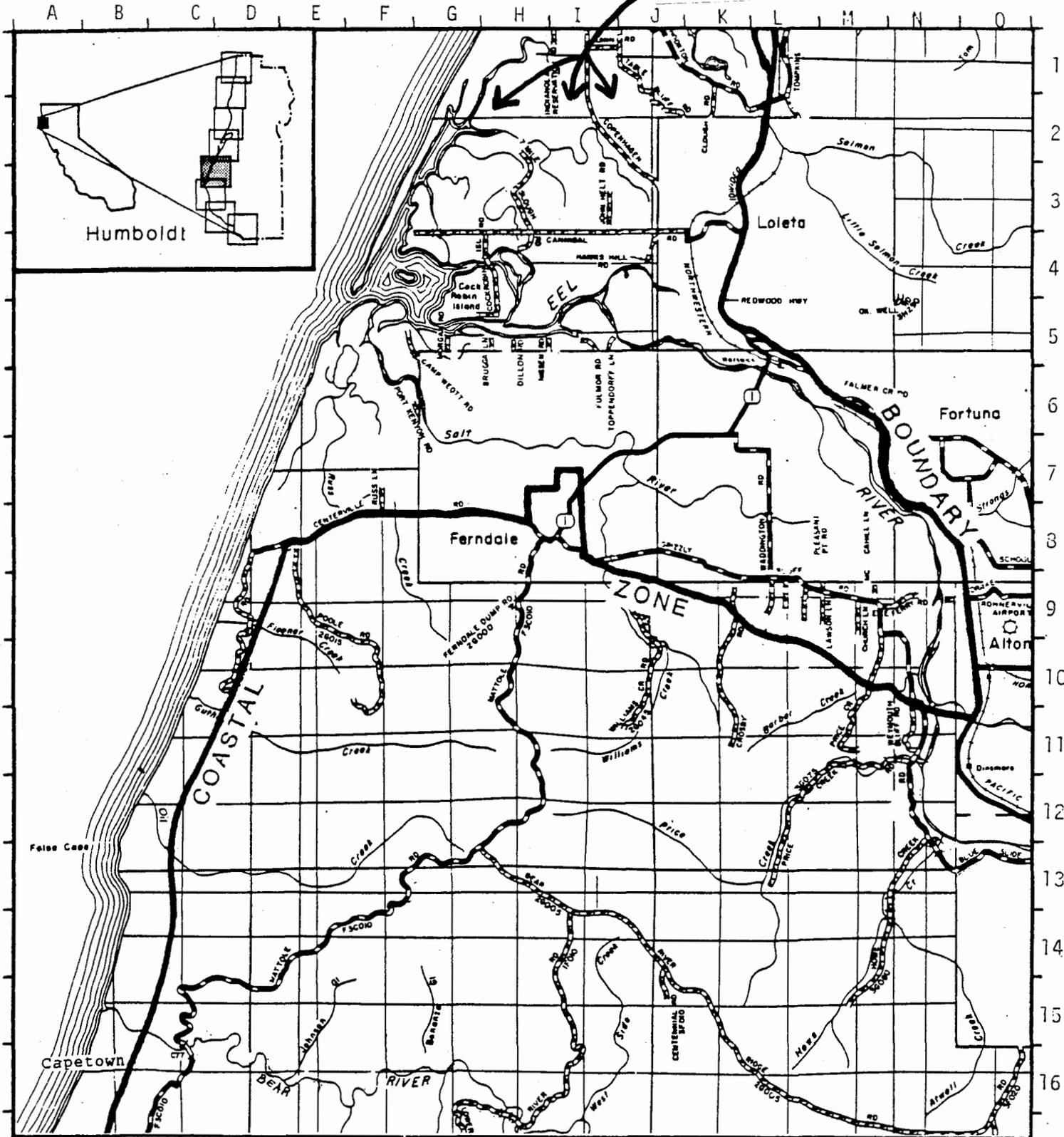
1. Regional Location Map
2. Vicinity Map
3. Parcel Map, Zoning, & Jurisdictional Boundary
4. Detail of Proposed Merger & Resubdivision
5. Parcel Size Analysis Study Area

## APPENDIX A

### STANDARD CONDITIONS

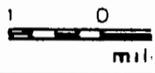
1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration.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

PROJECT  
LOCATION



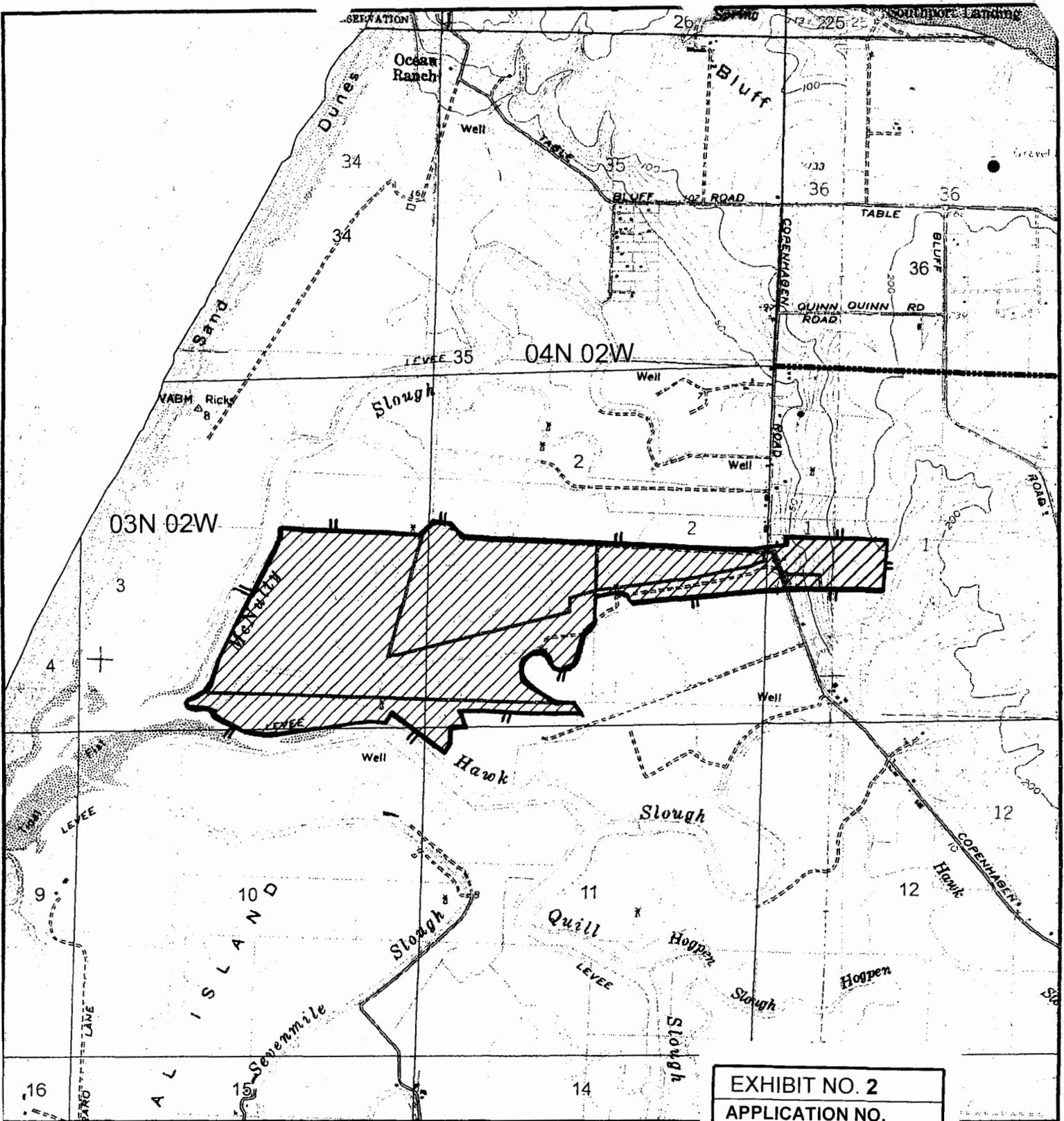
California Coastal Commission

LOCATION MAP



County of Humboldt

EXHIBIT NO. 1  
APPLICATION NO.  
1-08-001  
RUSS & WILBURN  
REGIONAL LOCATION MAP



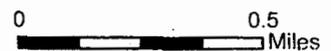
Project Site = 

**Russ CDP  
General Location Map**

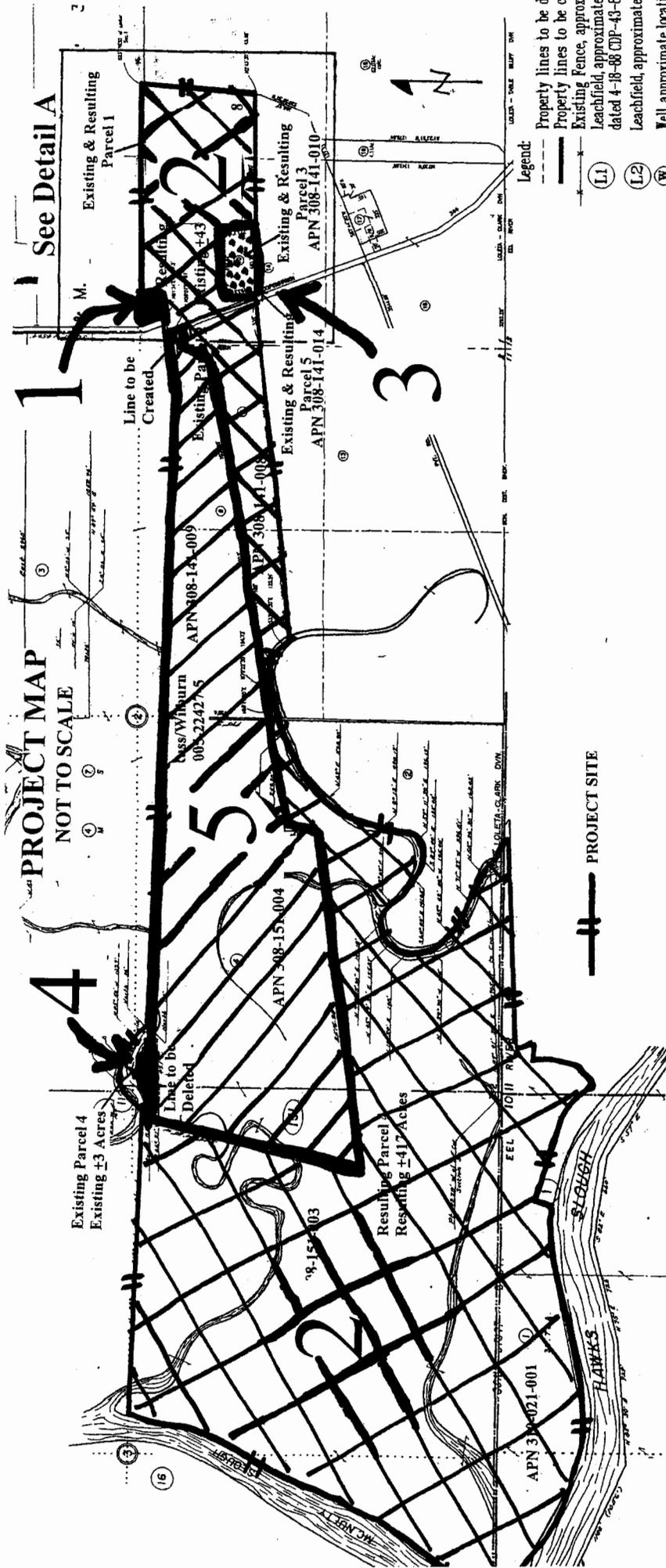
Sections 1, 2 & 3, T3N R2W H.M.  
Fields Landing USGS Quad.

**APN: 308-141-08 et al**

**EXHIBIT NO. 2**  
**APPLICATION NO.**  
1-08-001  
RUSS & WILBURN  
VICINITY MAP







## EXISTING PARCELS

- 1 = 1 acre (undeveloped)
- 2 = 317.1 acres (developed with 2 barns & 1 house)
- 3 = 2.2 acres (developed with 1 barn & 1 house)
- 4 = 3 acres (undeveloped; all wetland lot)
- 5 = 123 acres (undeveloped)



EXHIBIT NO. 4

APPLICATION NO.

1-08-001

RUSS & WILBURN

DETAIL OF PROPOSED  
MERGER & RESUBDIVISION  
(1 of 4)

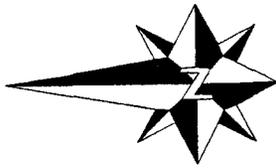
Dedication:

Parcel A is a proposed 20-foot wide private utilities over Parcel 2, for





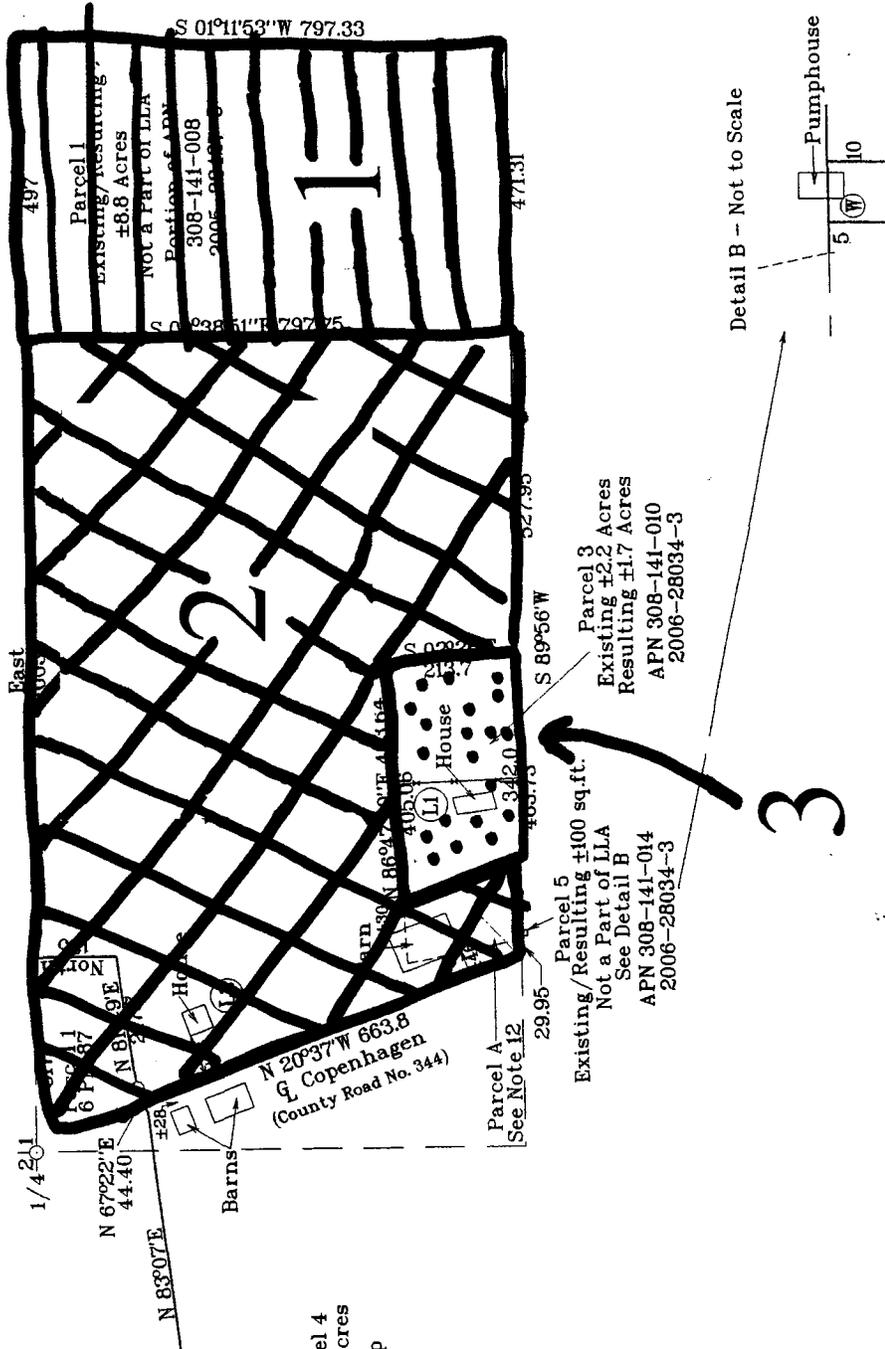
# DETAIL OF RESULTING LOTS ON EAST SIDE OF ROAD



Distances hereon are in feet,  
unless otherwise noted

Resulting Parcel 4  
Resulting ±417 Acres  
See Project Map

DETAIL A - SCALE 1"=200'



494

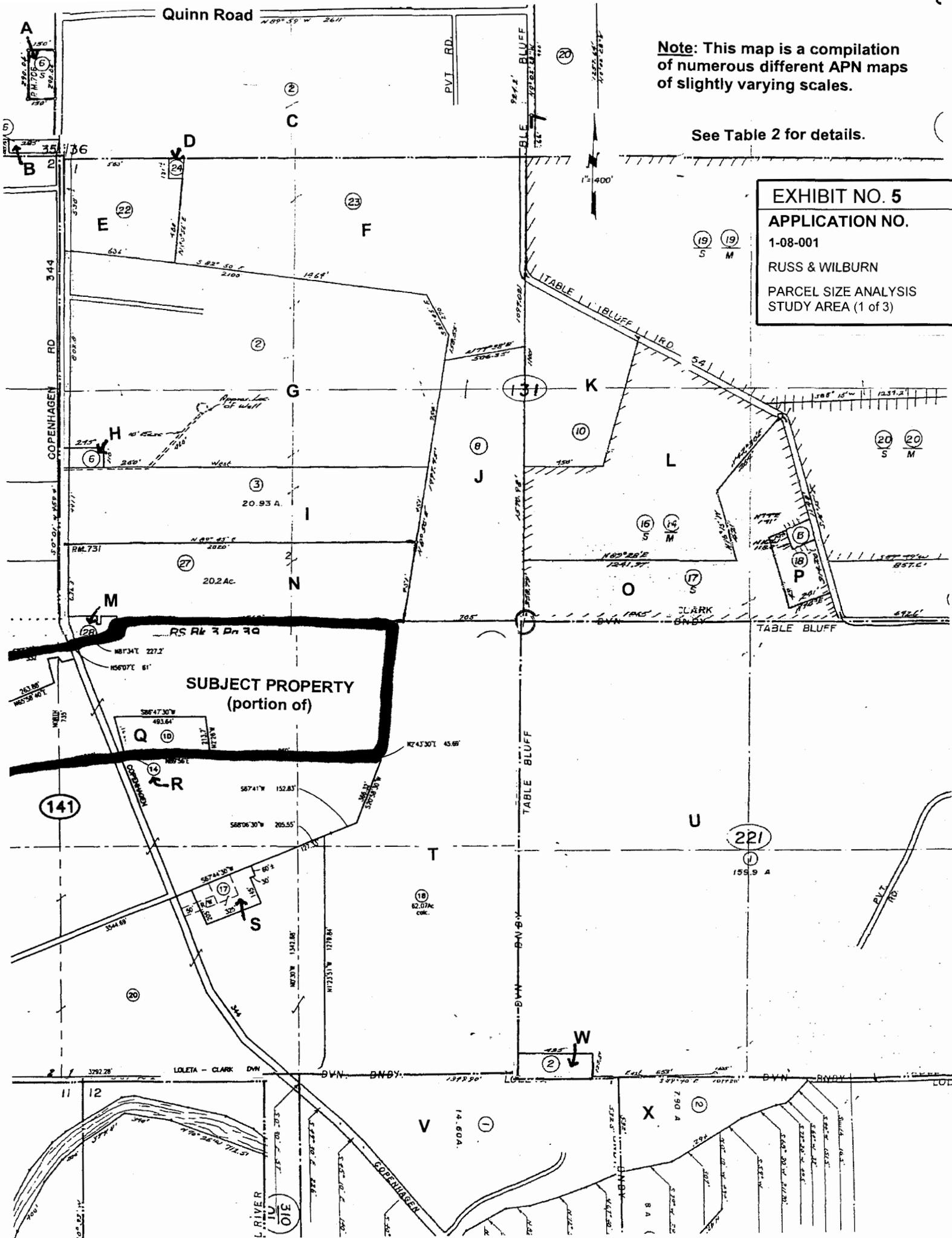
Quinn Road

N89°59'W 2611

Note: This map is a compilation of numerous different APN maps of slightly varying scales.

See Table 2 for details.

**EXHIBIT NO. 5**  
**APPLICATION NO.**  
 1-08-001  
 RUSS & WILBURN  
 PARCEL SIZE ANALYSIS  
 STUDY AREA (1 of 3)



**SUBJECT PROPERTY**  
(portion of)

RS Rk 3 Pn 30

20.2 Ac

20.93 A.

221

155.9 A

18

62.07 Ac

1

14,604

2

790 A

8 A

141

20

11

12

310

11

12

11

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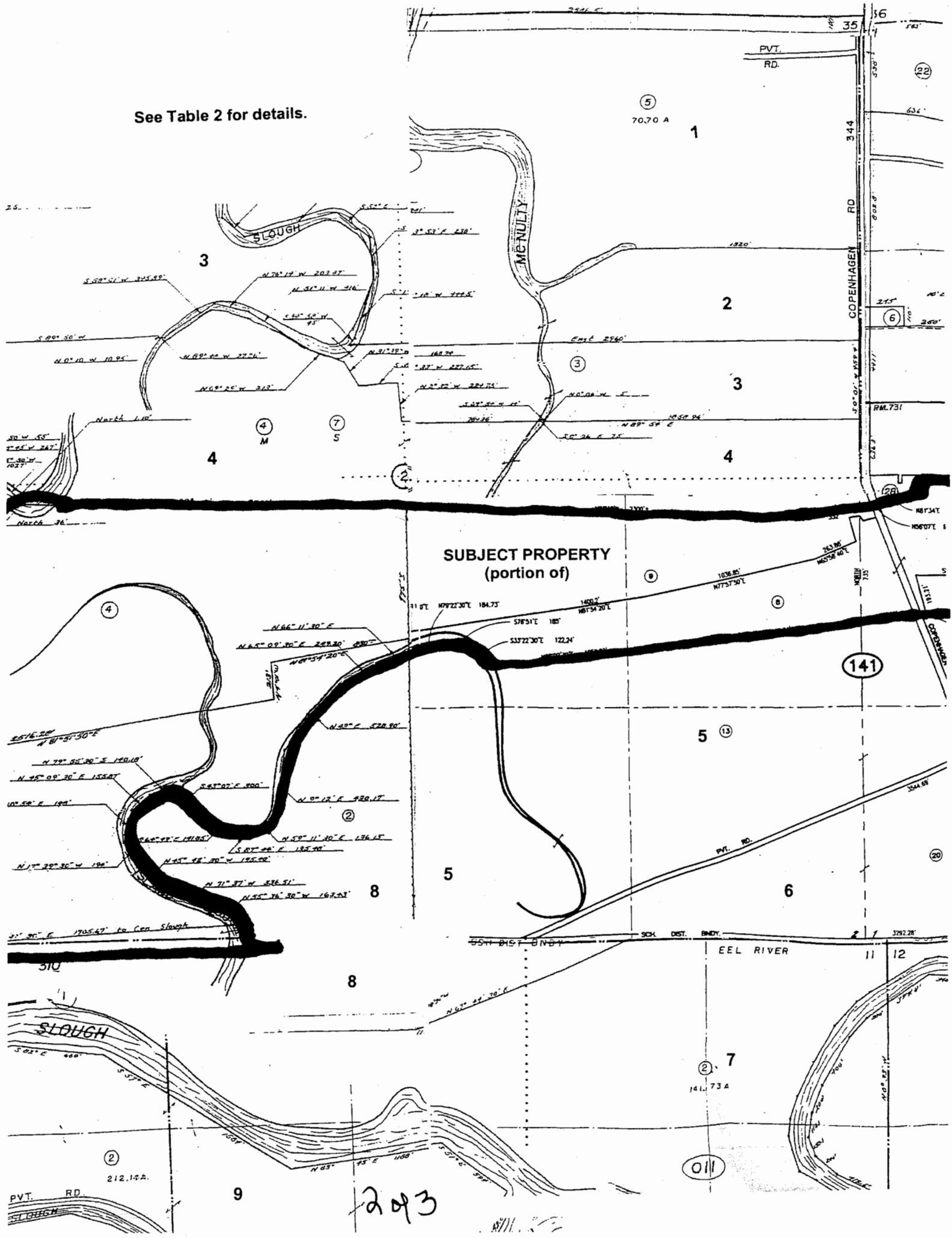
11

12

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See Table 2 for details.

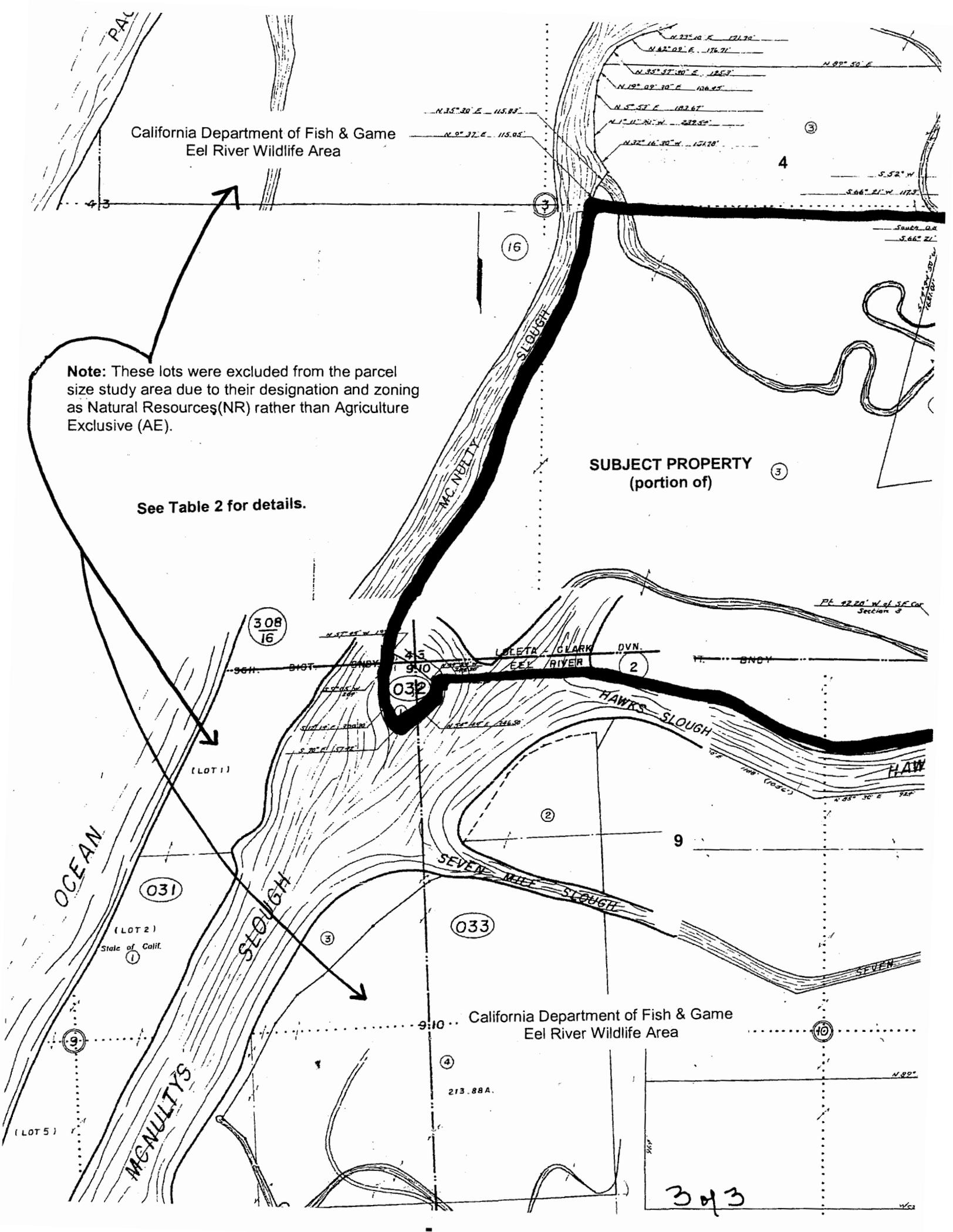


California Department of Fish & Game  
Eel River Wildlife Area

**SUBJECT PROPERTY**  
(portion of)

**Note:** These lots were excluded from the parcel size study area due to their designation and zoning as Natural Resources (NR) rather than Agriculture Exclusive (AE).

See Table 2 for details.



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