



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: September 19, 2019

To: Humboldt County Zoning Administrator

From: John H. Ford, Director of Planning and Building Department

Subject: **Cahill Dairy Coastal Development Permit**  
Record/Case Number: PLN-2019-15495  
Assessor Parcel Number: 106-011-004  
439 Fulmor Road, Ferndale area

Table of Contents	Page
Agenda Item Transmittal Form	2
Executive Summary	3
Draft Zoning Administrator Resolution	4
Maps	
Location Map	5
Zoning Map	6
Assessor Parcel Map	7
Aerial Map	8
Topo Map	9
Project Proposal Map	10
Attachments	
Attachment 1: Recommended Conditions of Approval	12
Attachment 2: Staff Analysis of Required Findings	13
Attachment 3: Applicant's Evidence Supporting the Findings	17
Attachment 4: Referral Agency Comments	18

Please contact Joshua Dorris, Planner II, at 268-3779 if you have any questions about the scheduled public hearing item.

## ADMINISTRATIVE ITEM TRANSMITTAL

Hearing Date	Subject	CONTACT
September 19, 2019	Coastal Development Permit	Joshua Dorris

**Project Description:** A Coastal Development Permit (CDP) application to facilitate construction of one (1) pole barn on a working dairy farm. The 15,725 square foot (85' x 185') barn would be placed over an existing uncovered shaving lot with the purpose of improving the quality of both stormwater runoff and soil health. Presently, stormwater that falls onto the shaving lot mixes with shavings and animal waste, and then drains onto adjacent pasture. The roof of the proposed barn would intercept the stormwater before it falls onto the shaving lot, essentially acting as a filter, prior to conveying clean water to the pasture. Minimal ground disturbance would be required. No vegetation removal would occur. No utilities would be provided to the barn.

**Project Location:** The project is located in Humboldt County, in the Ferndale area, on the east side of Fulmor Road, approximately 0.3 miles north from the intersection of Goble Lane and Fulmore Road, on the property known as 439 Fulmor Road.

**Present Plan Designations:** Agriculture Exclusive/Prime and Non-prime Lands (AE), Eel River Area Plan (ERAP), Density: 20 to 60 acres per dwelling unit, Slope Stability: Relatively Stable (0)

**Present Zoning:** AE-60/F,R,T: Agriculture Exclusive-Minimum lot size 60.0 acres (AE-60), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R), Transitional Agricultural Lands (T)

**Record/Case Number:** PLN-2019-15495-CDP

**Assessor's Parcel Number:** 106-011-004

**Applicant**

Cahill Dairy  
1837 Home Ave.  
Ferndale, CA 95540

**Owner**

Christopher Cahill  
1837 Home Ave.  
Ferndale, CA 95540

**Agent**

None

**Environmental Review:** Exempt per Section 15311 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines

**Major Issues:** None

**State Appeal Status:** Project is appealable to the California Coastal Commission

## CAHILL DAIRY COASTAL DEVELOPMENT PERMIT

Case Number: PLN-2019-15495

Assessor Parcel Numbers: 106-011-004

### Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda;
2. Call for public testimony regarding the agenda item;
3. If no one requests discussion take the following action:

*Find the project exempt from environmental review pursuant to Section 15311 of the State CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit, based on evidence in the staff report, and adopt the Resolution approving the Cahill Dairy project subject to the recommended conditions.*

**Executive Summary:** The applicant is seeking a Coastal Development Permit to construct a pole barn on a working dairy farm. The 15,725 square foot (85' x 185') barn would be placed over an existing uncovered shaving lot with the purpose of improving the quality of both stormwater runoff and soil health. Presently, stormwater that falls onto the shaving lot mixes with shavings and animal waste, and then drains onto adjacent pasture. The roof of the proposed barn would intercept the stormwater before it falls onto the shaving lot, essentially acting as a filter, prior to conveying clean water to the pasture.

The property is planned and zoned Agricultural Exclusive (AE). The pole barn is accessory to the dairy operation. All activities would occur with the developed portion of the site. Minimal ground disturbance would be required, and no vegetation removal would occur. No utilities would be provided to the barn.

The NWI maps identify a palustrine wetland (pasture) on the subject parcel. The development area is located approximately 120 feet from this feature within the Wetland Buffer, which requires that new development not degrade the wetland or detract from the natural resource value. Because the property is zoned Transitional Agricultural Land (T), no development setback from the wetland applies. The pole barn structure will have a beneficial effect on storm runoff quality as it will reduce the amount of rainfall that lands on the loafing/feeding area. The project will implement the applicant's manure management plan developed in concert with the Natural Resources Conservation Service (NRCS).

Based on the on-site inspection, a review of Planning Division reference sources, and comments received from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Lot Line Adjustment, Coastal Development Permit, and Special Permit.

**ALTERNATIVES:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Case Number PLN-2019-15495  
Assessor Parcel Number 106-011-004**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Cahill Dairy Coastal Development Permit.**

**WHEREAS**, Cahill Dairy submitted an application and evidence in support of approving a Coastal Development Permit for a pole barn structure; and

**WHEREAS**, the County Planning Division reviewed the submitted application and evidence and referred the application and evidence to reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the project is categorically exempt from environmental review pursuant to Section 15311, Class 11, Accessory Structures, of the California Environmental Quality Act (CEQA); and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Lot Line Adjustment and Coastal Development Permit (Case Number PLN-2019-15495); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on September 19, 2019.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Zoning Administrator that:

1. The application is categorically exempt from environmental review pursuant to Section 15311, Class 11 of the CEQA Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number PLN-2019-15495 based on the submitted evidence; and
3. Coastal Development Permit Case Number PLN-2019-15495 is approved as recommended and conditioned in Attachment 1.

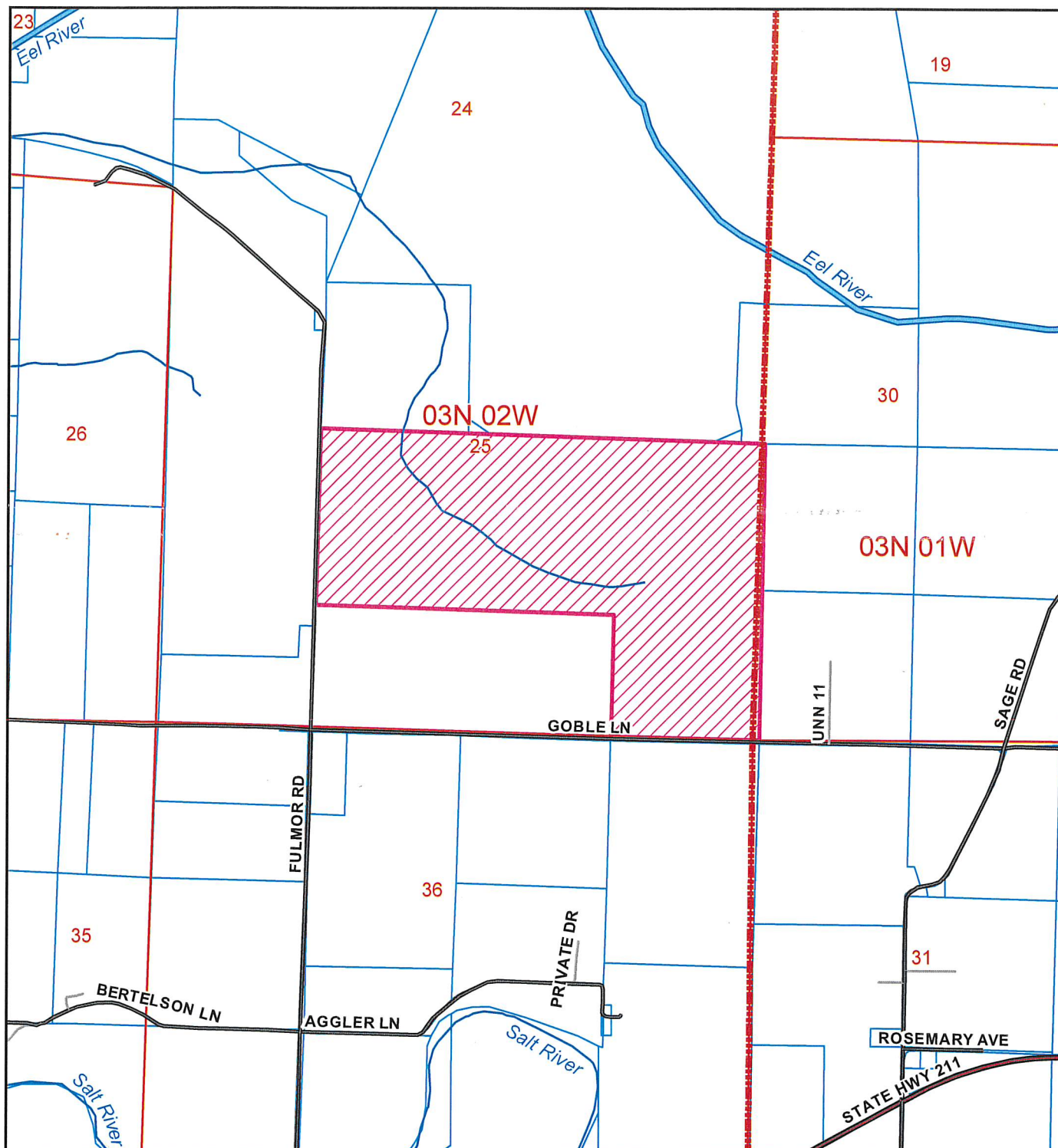
Adopted after review and consideration of all the evidence on September 19, 2019.

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

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John H. Ford,  
Zoning Administrator, Planning and Building Department






# LOCATION MAP

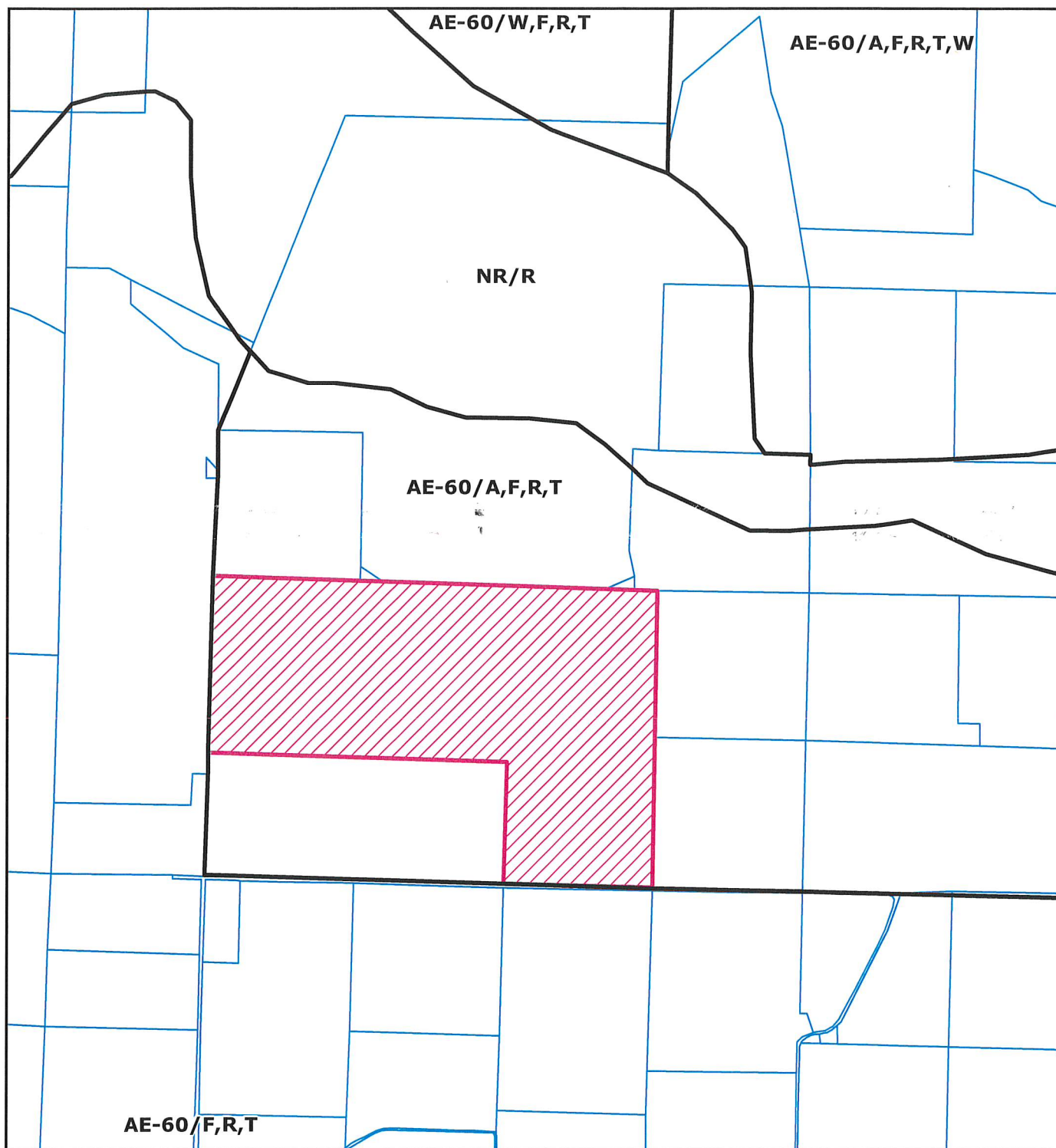
**PROPOSED CAHILL**  
**COASTAL DEVELOPMENT PERMIT**  
**FORTUNA AREA**  
**PLN-2019-15495**  
**APN: 106-011-004**  
**T03N R02W S25 HB&M (Fortuna)**

Project Area = 

This map is intended for display purposes and  
 should not be used for precise measurement or  
 navigation. Data has not been completely checked  
 for accuracy.



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 Feet



# **ZONING MAP**

**PROPOSED CAHILL  
COASTAL DEVELOPMENT PERMIT  
FORTUNA AREA  
PLN-2019-15495  
APN: 106-011-004  
T03N R02W S25 HB&M (Fortuna)**

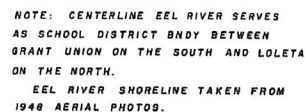
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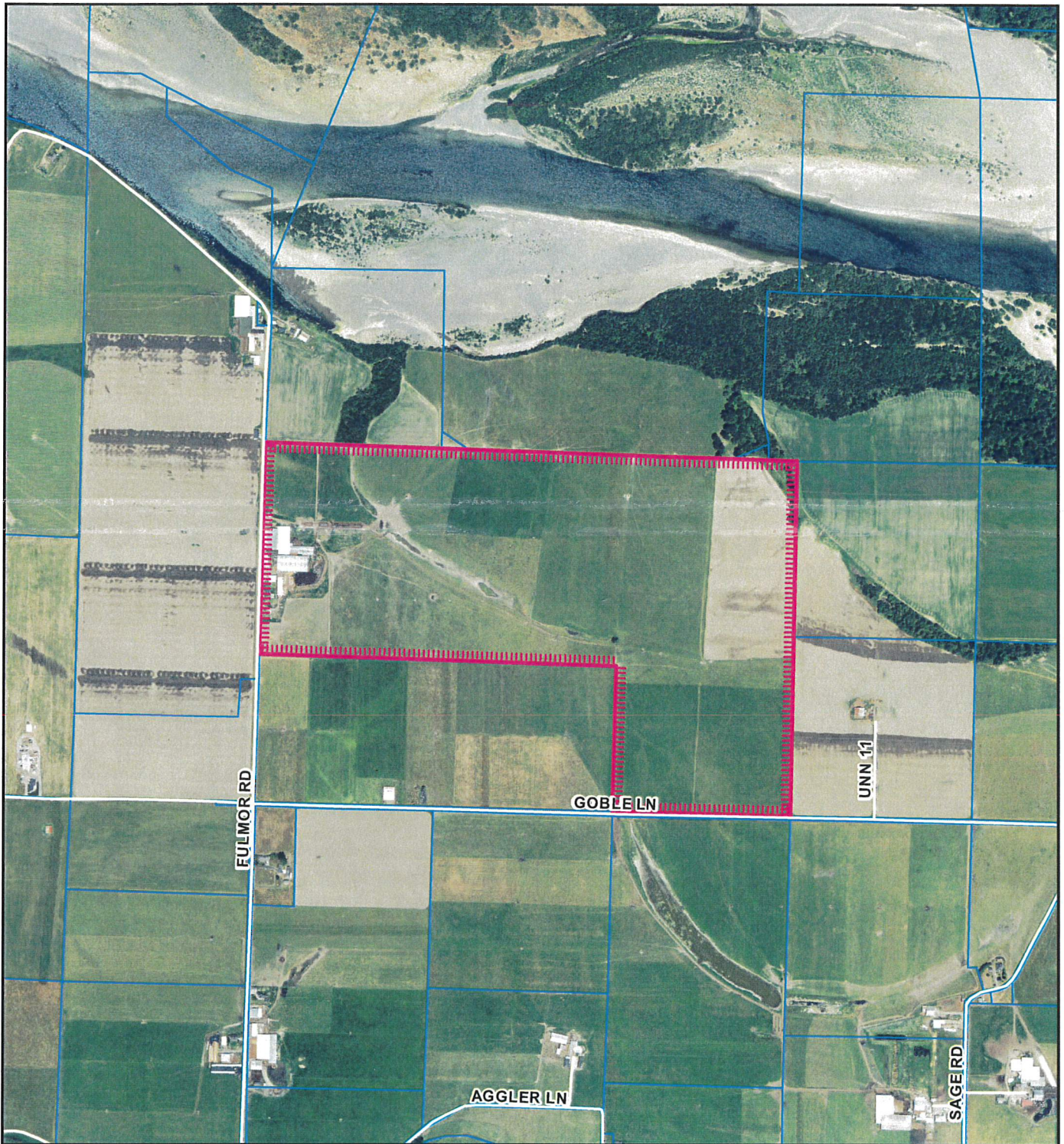
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T.C.A.  
REV. 1/17/58 MH



**MAP NOT TO SCALE**





# **AERIAL MAP**

**PROPOSED CAHILL  
COASTAL DEVELOPMENT PERMIT  
FORTUNA AREA  
PLN-2019-15495  
APN: 106-011-004  
T03N R02W S25 HB&M (Fortuna)**

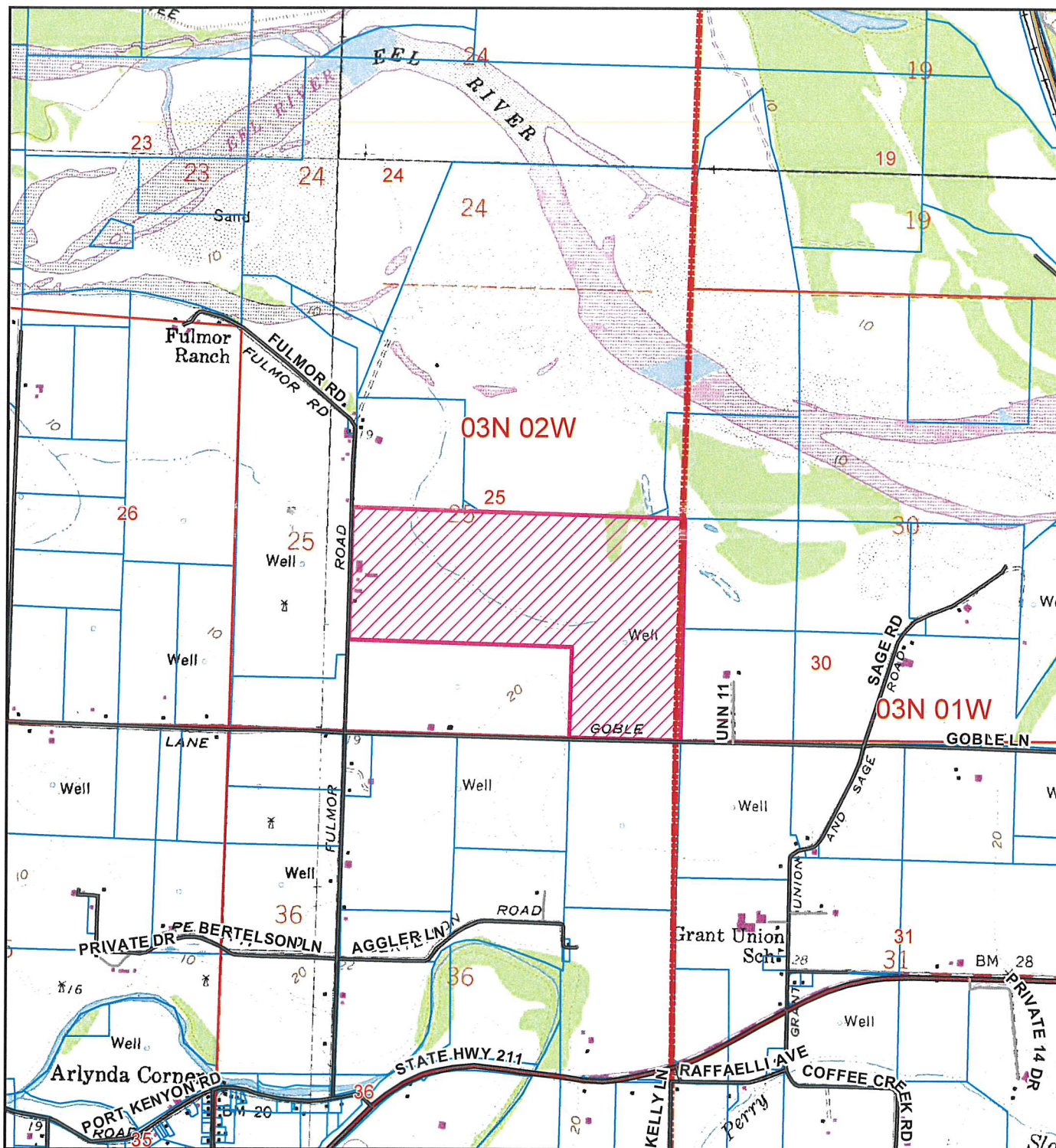
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# TOPO MAP

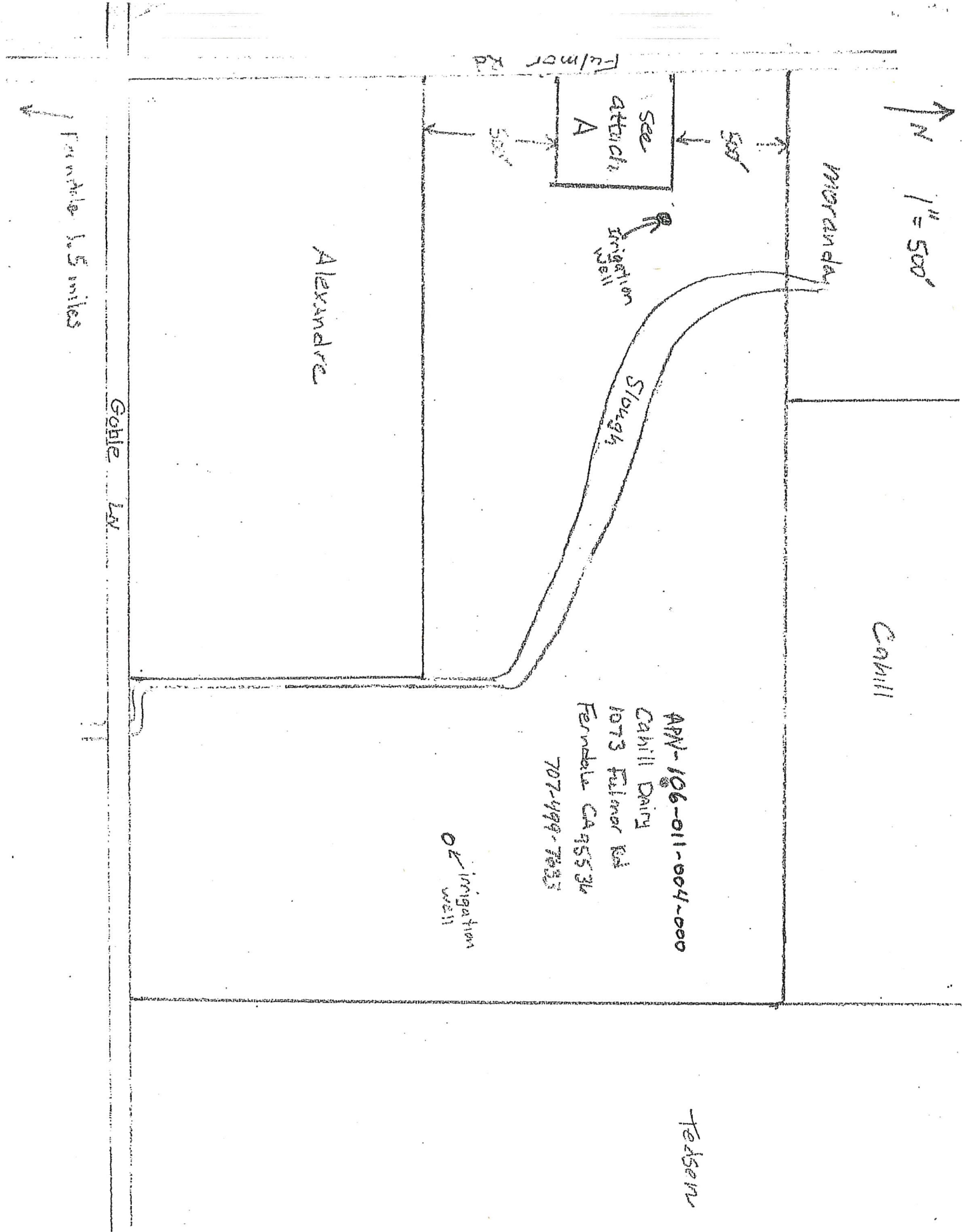
**PROPOSED CAHILL  
COASTAL DEVELOPMENT PERMIT  
FORTUNA AREA  
PLN-2019-15495  
APN: 106-011-004  
T03N R02W S25 HB&M (Fortuna)**

Project Area = 

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## ATTACHMENT 1

### CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit is conditioned upon the following terms and requirements which must be fulfilled before a Building Permit may be issued or use initiated.

1. The project shall be developed, operated and maintained as described in the Project Description, site plan, and as conditioned herein. Changes in the project other than Minor Deviations from the Plot Plan as provided in Humboldt County Code Sec. 312-11.1 shall require a modification of this permit.
2. Prior to issuance of building permits, the applicant shall demonstrate to the satisfaction of the Building Inspection Division, conformance with the County's Flood Damage Prevention Ordinance. This requires a flood elevation certificate prepared by a qualified professional, and additional flood hazard minimization design measures as may be necessary.
3. The project shall implement best management practices for erosion and sediment control as set forth in the Grading Ordinance.

### Informational Notes

1. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant upon file close out after the Zoning Administrator decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.
2. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

The applicant is ultimately responsible for ensuring compliance with this condition.

3. The applicant is responsible for receiving all necessary permits and/or approvals from other local, state and federal agencies.
4. This permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.



## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**1. General Plan Consistency.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Eel River Area Plan (ERAP).

Plan Section(s)	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §4.41 Agriculture Exclusive (ERAP)	The Agriculture Exclusive (AE) designation in the ERAP is intended for the preservation and continued use of historical agricultural operations.	The Cahill Dairy site is developed with barns, outbuildings, feeding lots, manure storage area, and residential dwellings. The existing dairy operation and proposed pole barn are consistent with the agricultural designation and uses in the area.
Hazards §3.39 (ERAP)	Minimize risks to life and property in areas of hazard.	The site is in an area of relative geologic stability and nil fire hazard rating. All reviewing referral agencies have recommended approval of the project.
Resource Protection §3.40 (ERAP)  Environmentally Sensitive Habitats §3.41 (ERAP)	Protect designated environmentally-sensitive and critical habitats.  Development in areas adjacent to ESHA shall be cited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.	The NWI maps a palustrine wetland (pasture) on the subject parcel and the development area is adjacent to it within the Wetland Buffer, which requires that development not degrade the wetland or detract from the natural resource value. The proposed project would improve stormwater runoff quality and soil health.  The proposed barn lies greater than 900' from the unnamed intermittent watercourse that traverses the site and then drains into the Eel River. There are no other ESHA mapped within the project site.
Archaeological, Cultural and Paleontological Resources §3.391 (ERAP)	New development shall protect cultural, archeological and paleontological resources.	There are no known culturally significant sites on the proposed site project site. Referrals to the THPOs received no responses. The inadvertent discovery protocol has been incorporated as a condition of project approval.
Visual Resource Protection §3.42 (ERAP)	Protect scenic and visual qualities of coastal areas as a public resource.	The subject parcel is located outside of a designated coastal view or scenic area. The area contains pastoral and agricultural settings and the proposed project would be visually compatible with the agricultural character of the area.

**2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§313-7.1 Agriculture Exclusive (AE)	Principally Permitted Uses include general agricultural and appurtenant structures and uses	The proposed project is accessory and appurtenant to the existing dairy operation.
Min. Lot Size	60 acres	N/A no subdivision is proposed



Min. Lot Width	As determined during subdivision review and approval	N/A no subdivision is proposed
Max. Lot Depth	None specified	N/A no subdivision is proposed
Min. Yard Setbacks	Front: 20 feet Rear and Side: 30 feet	The minimum setback would be ±200 feet from the front (western) yard.
Max. Lot Coverage	None specified	Complies
Max. Bldg. Height	None specified	Complies
§313-125 Wetland Buffer Areas (WBA)  §313-125.5.3 AE zoning exempt from WBA	Ensure that development permitted in lands adjacent to coastal wetlands will not degrade the wetland and detract from its natural resource value...without significant impact.	The proposed project would be located over an existing disturbed area and improve stormwater quality discharging onto the site. Transitional Agriculture Lands zoned AE are exempt from wetland buffer requirement.
<b>Combining Zones</b>		
§313-21.1 <b>F:</b> Flood Hazard Areas	Minimize public and private losses due to flood or tsunami	FEMA mapping (FIRM Panel 060060 1105 C) places the subject parcel in Flood Zone AE (areas of 100-year flood). Prior to issuance of building permits the applicant would need to demonstrate conformance with the County's Flood Damage Prevention Ordinance.
§313-33.1 <b>R:</b> Stream and Riparian Corridors Protection	Protect sensitive and critical habitats.	The proposed project would improve water quality and soil health by intercepting and conveying rainwater away from a presently uncovered shaving lot.
§313-35.1 <b>T:</b> Transitional Agriculture Lands	Permit agricultural use as a principal permitted use while maintaining long-term wetland habitat values and minimize short-term habitat degradation within these ESHA.	There is a mapped wetland on the parcel and the proposed development site is located within the Wetland Buffer area. Pursuant to Section 3.41D.1c of the ERAP, transitional agricultural lands are excluded from the wetland buffer requirement.

**4. Public Health, Safety and Welfare; and 6. Environmental Impact.** The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
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§312-17.1.4 Coastal Development Permit Findings	Proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.	All reviewing referral agencies have recommended approval of the proposed development. The applicant has demonstrated compliance with all development standards. The project would improve air quality, water quality and soil health and therefore poses little risk to surrounding land uses.
§15311 and 15300.2 of CEQA	Categorically Exempt from environmental review pursuant to Section 15311, Accessory Structures	The proposed structure is accessory and appurtenant to the dairy operation. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the CEQA Guidelines apply to this project.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation.	The property is planned and zoned Agricultural Exclusive, a resource production zoning category that also allows for residential use as a principal use. This parcel was not included County's housing inventory, and therefore has no affect on housing.



### **ATTACHMENT 3**

#### **APPLICANT'S EVIDENCE SUPPORTING THE FINDINGS**

Application Form (On file)  
Site Plan (Attached)  
Deed (On file)

#### ATTACHMENT 4

##### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

Referral Agency	Response	Recommendation
County Agricultural Commissioner		
County Building Inspection Division	✓	Conditional Approval
County Public Works Land Use	✓	Approval
County Environmental Health	✓	Approval
California Coastal Commission		
California Dept. of Fish and Wildlife		
Regional Water Quality Control Board		
Bear River Band		
Wiyot Tribe		
NWIC	✓	Contact local tribe(s)