



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: October 24, 2019

To: Humboldt County Zoning Administrator

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

Subject: **Rayl Dairy Coastal Development Permit**
Record/Case Number: PLN-2019-15595
Assessor Parcel Number: 100-301-007, 100-301-001, 100-301-002
35 Damon Lane, 54 Damon Lane, and 480 Meridian Road, Ferndale area

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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
October 24, 2019	Coastal Development Permit	Joshua Dorris

Project Description: A Coastal Development Permit application to facilitate construction of two (2) pole barns on a dairy farm that are intended to improve water quality and soil health. The barns would be located over existing uncovered concrete cow feeding areas and Barn "A" would be 7,500 square feet (SF) (30' x 250'), and Barn "B" would be 1,914 SF (12' x 87'), both with a maximum height of 20'. Posts would be utilized to support the roof structures and there would be no enclosed walls. Minimal ground disturbance would be required. No utilities would be provided. The design the barns was overseen by the Natural Resource Conservation Service (NRCS).

The property contains areas exhibiting wetland characteristics, which is confirmed by the 2017 National Wetland Inventory (NWI) Version 2 Mapping. However, according to the metadata published by the US Fish and Wildlife Service the NWI layer is intended to be used for regional and watershed data display and analysis, not for project level data analysis. Further, the standards for accuracy of the wetlands mapping used in the inventory presents no requirements for User's Accuracy (i.e., field-checks). Therefore, reliance solely on the NWI mapping is not advised. The 2017 NWI layer shows a palustrine emergent wetland which is continuously saturated (PEM1B) at the site. The site plan shows that the western portion of "Barn "A" would encroach ±25' into the emergent wetland. However, the barn would be located over presently disturbed hardscaped areas and would not negatively impact the wetland or its function.

Project Location: The proposed project is in the Ferndale area, on the south side of Damon Lane, approximately 1,000 feet south from the intersection of Meridian Road and Damon Lane, on the properties known as 35 Damon Lane, 54 Damon Lane, and 480 Meridian Road, and on the property known to be in the northeast quarter of the northwest quarter of Section 3 of Township 02 North, Range 02 West, Humboldt Base & Meridian.

Present Plan Designations: Agriculture Exclusive/Prime and Non-prime Lands (AE), Eel River Area Plan (ERAP)

Present Zoning: AE-60/F: Agriculture Exclusive-Minimum lot size 60.0 acres (AE-60), Flood Hazard Areas (F)

Case Number: PLN-15595-CDP

Assessor's Parcel Number: 100-301-007, 100-301-001, 100-301-002

Applicant
Rayl Dairy
Tom Rayl
408 Meridian Rd.
Ferndale, CA 95536

Owner
Same as applicant

Agent
DCI Builders
Dennis DelBiaggio
148 Port Kenyon Rd.
Ferndale, CA 95536

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

RAYL DAIRY COASTAL DEVELOPMENT PERMIT

Case Number: PLN-2019-15595

Assessor Parcel Numbers: 100-301-007 et al

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 Rayl Dairy project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Coastal Development Permit to construct two (2) pole barns on a dairy farm that are intended to improve water quality and soil health. The barns would be located over existing uncovered concrete cow feeding areas. Barn "A" would be 7,500 square feet (SF) (30' x 250'), and Barn "B" would be 1,914 SF (12' x 87'), both with a maximum height of 20'. Posts would be utilized to support the roof structures and there would be no enclosed walls. The design the barns was overseen by the Natural Resource Conservation Service (NRCS). The roof of the proposed barns would intercept the stormwater before it falls onto the feeding areas, 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 2017 National Wetland Inventory (NWI) maps identify those portions of the dairy which are not presently developed as a palustrine wetland (pasture). The ERAP Natural Resource Protection Maps do not identify this parcel as being Transitional Agricultural Land, which would indicate that the application of the wetland label to this parcel may be overgeneralized. This position is supported by the metadata published by the US Fish and Wildlife Service which describes the NWI layer as intended to be used for regional and watershed data display and analysis, not for project level data analysis. There will be no impacts to wetland resources because the pole barns will be erected over the existing developed concrete cow feeding areas. If anything, the project will have beneficial impacts on water quality and resource values as 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 Coastal Development 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-2019-15595
Assessor Parcel Number 100-301-007 et al**

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

WHEREAS, Rayl Dairy submitted an application and evidence in support of approving a Coastal Development Permit for two pole barn structures; 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 Coastal Development Permit (Case Number PLN-2019-15595); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on October 24, 2019.

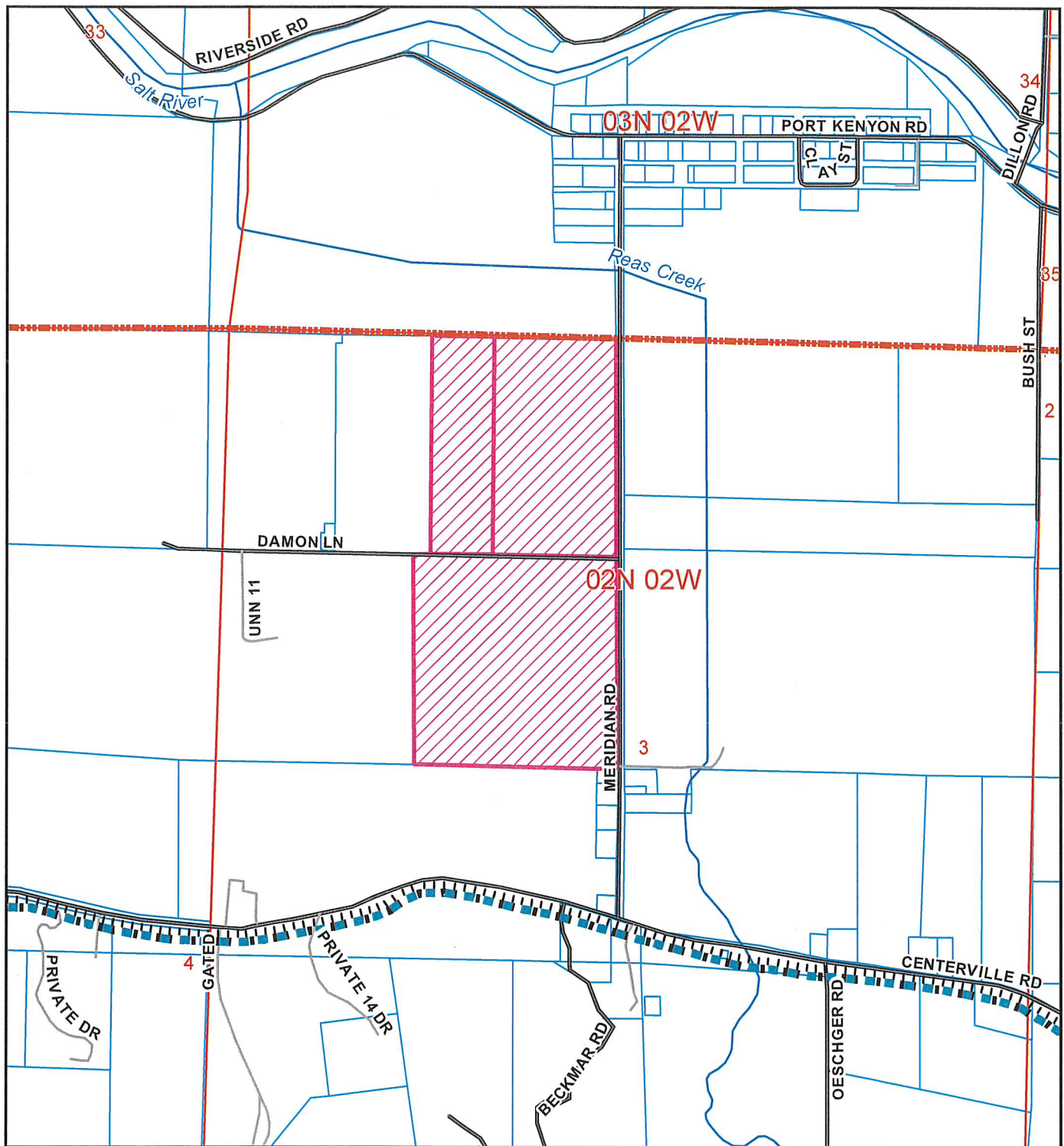
NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator that:

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-2019-15595 based on the submitted evidence; and
3. Coastal Development Permit Case Number PLN-2019-15595 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on October 24, 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.

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



LOCATION MAP

Project Area = 

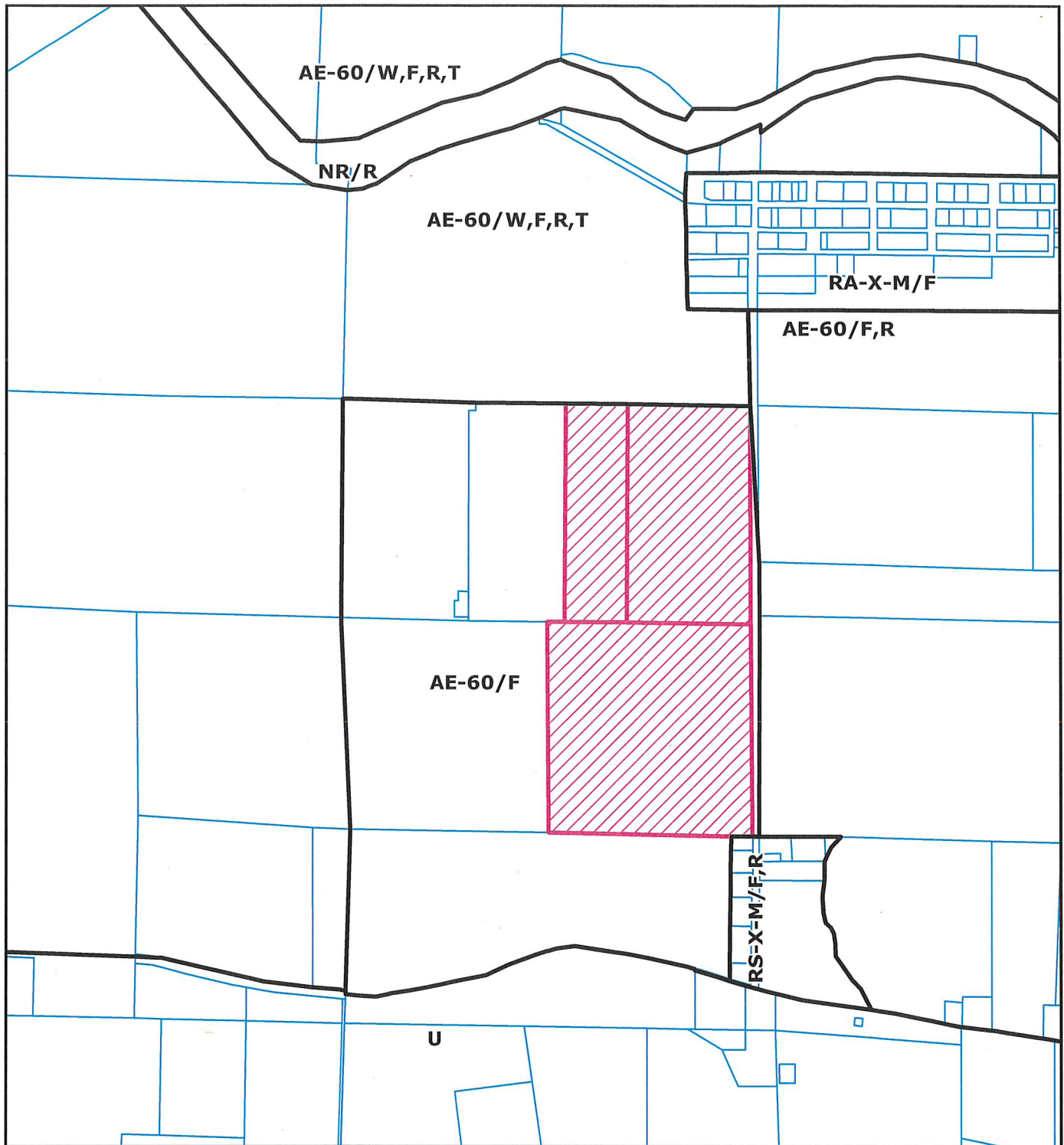
Coastal Zone Boundary 

**PROPOSED RAYL DAIRY
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA
PLN-2019-15595
APN: 100-301-007 et al
T02N R02W S03 HB&M (Ferndale)**

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.



0 500 1,000
Feet



ZONING MAP

**PROPOSED RAYL DAIRY
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA
PLN-2019-15595
APN: 100-301-007 et al
T02N R02W S03 HB&M (Ferndale)**

Project Area = 

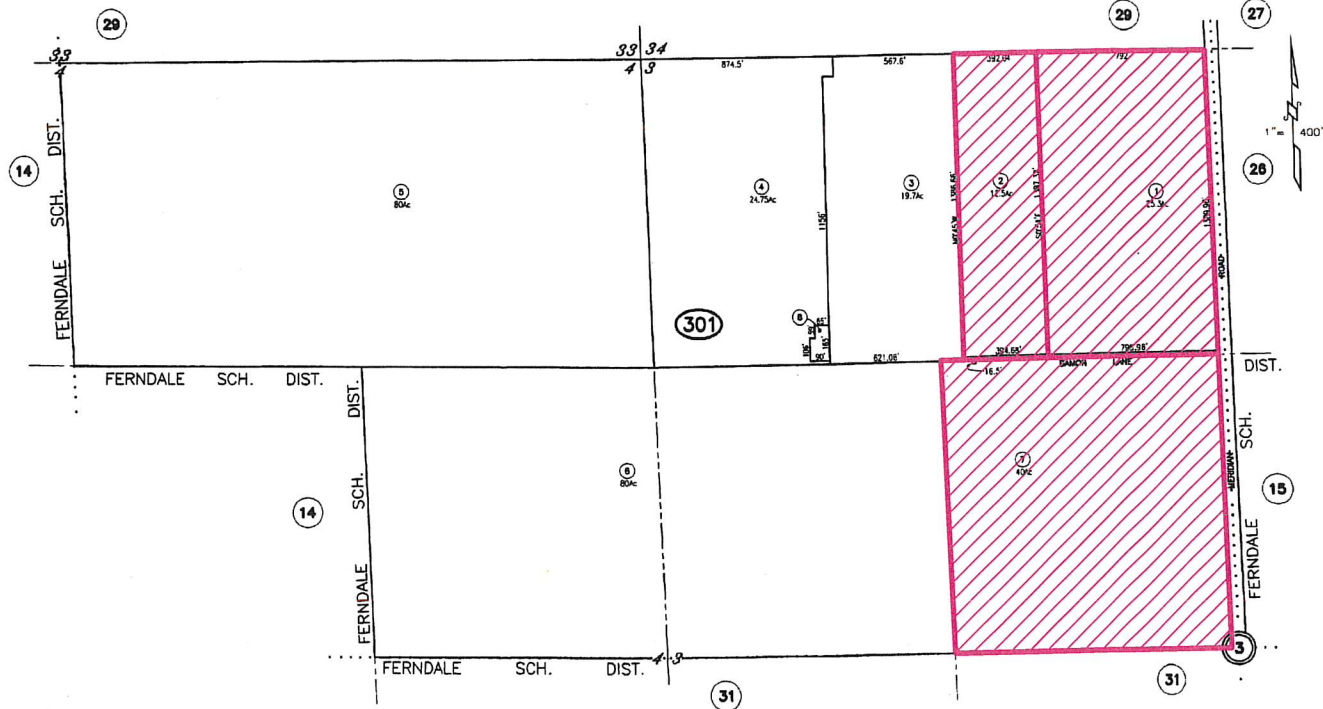
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 500 1,000
Feet

PTN SECS 3 & 4 T2N R2W H.B.& M.

100-30

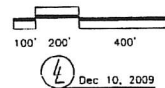


ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
 2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
 3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

RS, Bk 1A of surveys, Pg 2
 RS, Bk 65 of surveys, Pg 135

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk.100, Pg.30
 County of Humboldt, CA.



ASSESSOR PARCEL MAP

**PROPOSED RAYL DAIRY
 COASTAL DEVELOPMENT PERMIT
 FERNDALE AREA
 PLN-2019-15595**

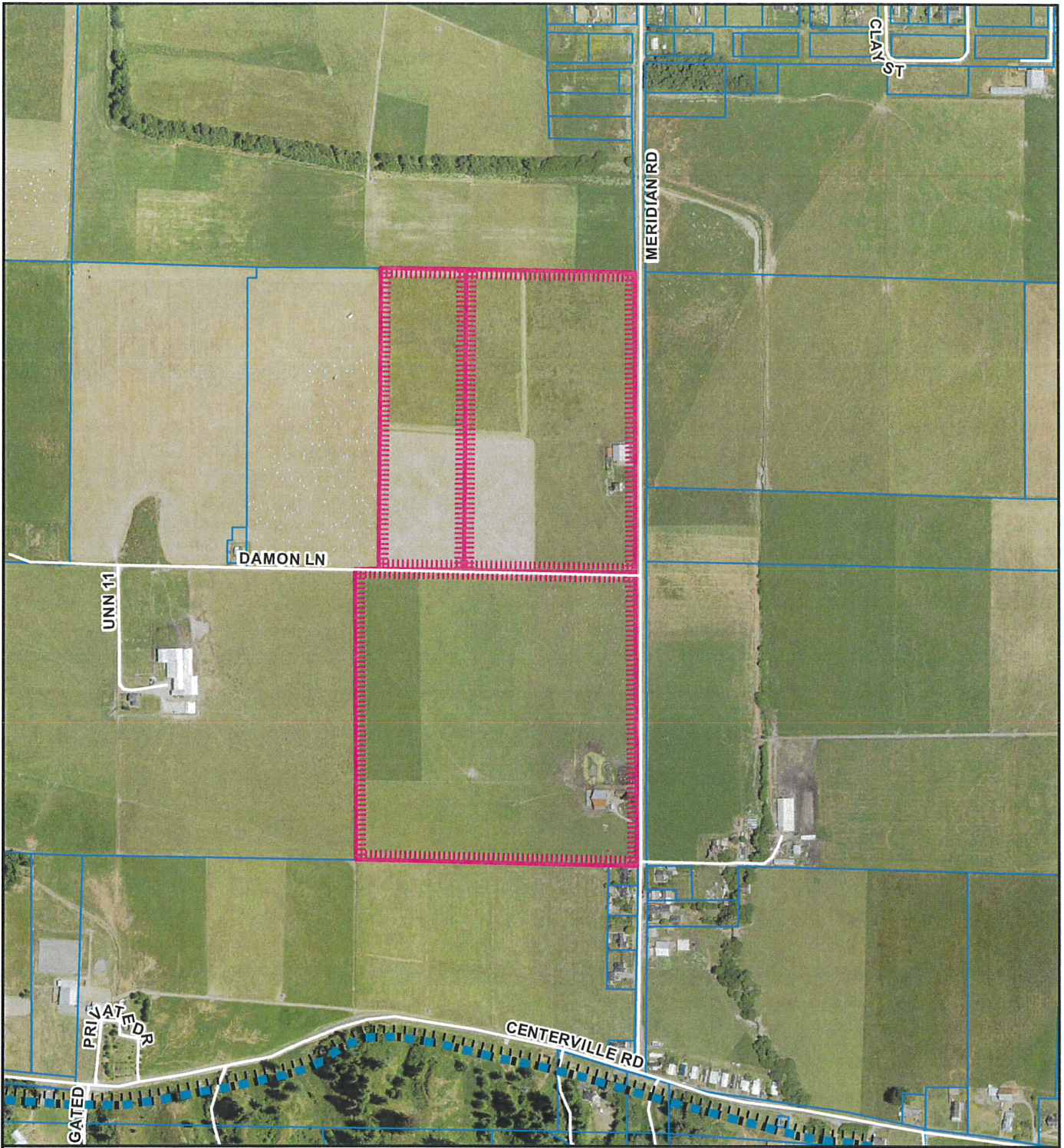
**APN: 100-301-007 et al
 T02N R02W S03 HB&M (Ferndale)**

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.



MAP NOT TO SCALE



AERIAL MAP

Project Area = 

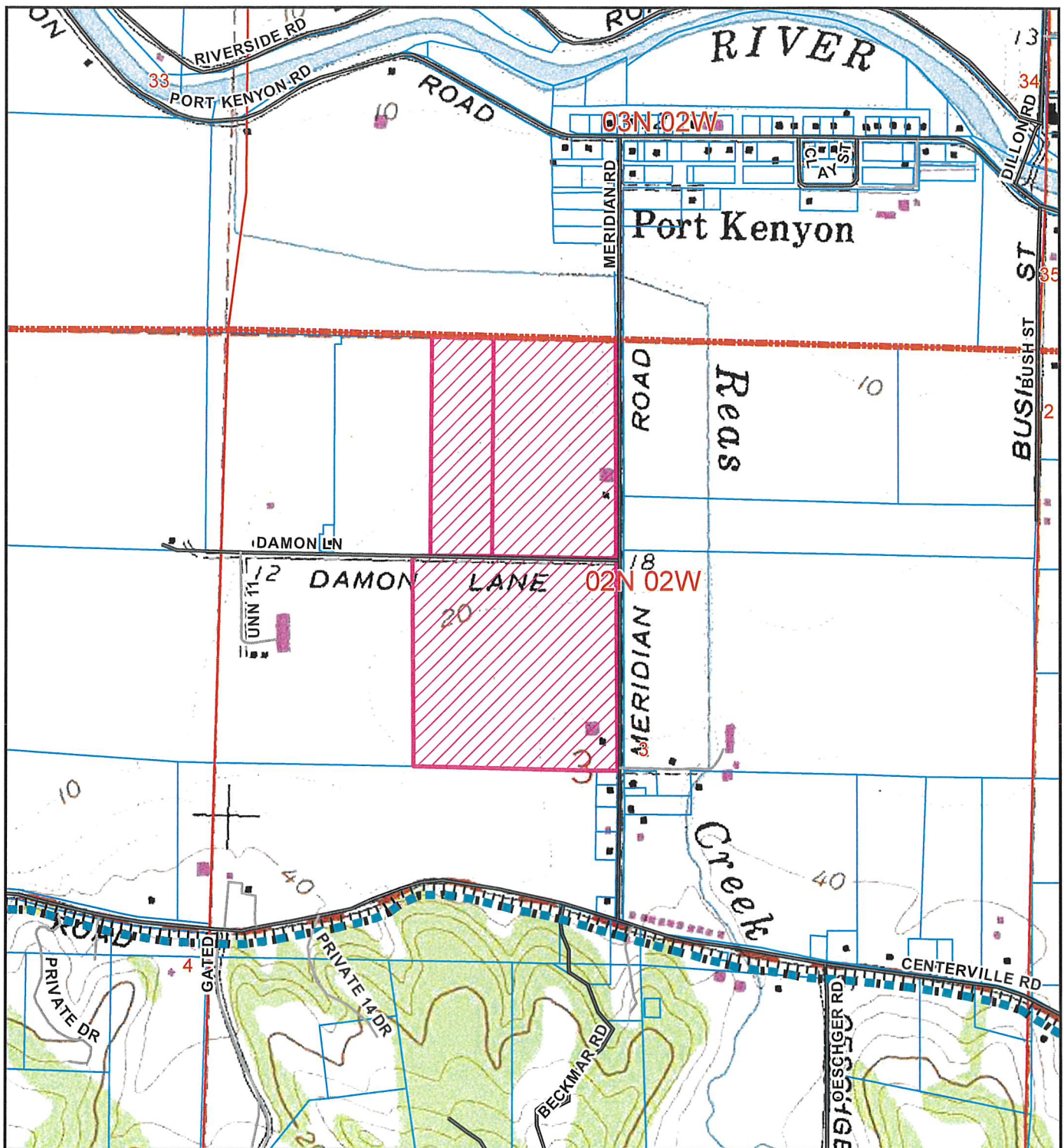
Coastal Zone Boundary 

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.

**PROPOSED RAYL DAIRY
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA
PLN-2019-15595
APN: 100-301-007 et al
T02N R02W S03 HB&M (Ferndale)**



0 250 500 750
 Feet



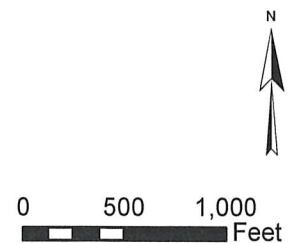
TOPO MAP

PROPOSED RAYL DAIRY
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA
PLN-2019-15595
APN: 100-301-007 et al
T02N R02W S03 HB&M (Ferndale)

Project Area = 

Coastal Zone Boundary 

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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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 Rayl Dairy site is currently developed with barns, outbuildings, feeding lots, manure storage area, and residential dwellings. The proposal includes two (2) pole barns to be placed over existing uncovered concrete feeding areas and would upgrade the manure storage and handling system. The dairy operation is consistent with the agricultural uses in the area and with the AE designation.
Hazards §3.39 (ERAP)	Minimize risks to life and property in areas of hazard.	The parcel is in an area of relative geologic stability and a low 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 ERAP Biological Resource Protection maps do not show any resources on this parcel. The NWI mapping shows that there is a palustrine wetland (pasture) on the subject parcel and the site plan shows the western portion of proposed Barn "A" encroaching ±25' into the wetland. However, the barn would be located over a presently disturbed hardscaped area and the intent of the proposal is to increase stormwater quality and soil health. There is no indication that it would disrupt the wetland habitat value or its function. There are no other ESHA identified within the project site.
Archaeological, Cultural and Paleontological Resources §3.391 (ERAP)	New development shall protect cultural, archeological and paleontological resources.	There are no mapped culturally significant sites in the proposed project areas. The inadvertent discovery protocol has been incorporated as a condition of approval.
Visual Resource Protection §3.42 (ERAP)	Protect scenic and visual qualities of coastal areas as a public resource.	The subject parcel is not located in a designated coastal view or scenic area. The area contains pastoral and agricultural settings and the proposed project would remain 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 enhances an existing dairy operation. The agricultural use is consistent with the zoning designation.
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 ±30 feet from the eastern side yard.
Max. Lot Coverage	None specified	Complies
Max. Bldg. Height	None specified	Complies
Combining Zones		
§313-21.1 F: Flood Hazard Areas	Minimize public and private losses due to flood or tsunami	Per FEMA FIRM Number 06023C1185F, the subject parcel is located outside of any special flood hazard area. The structures are for livestock and would not put people or habitable structures in danger of flood or tsunami hazard. Prior to issuance of building permits the applicant would need to demonstrate conformance with the County's Flood Damage Prevention Ordinance.

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
§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	CEQA Exemption Section 15311, Accessory Structures. The pole barn structures are 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 zoned Agricultural Exclusive, a resource production land use and zoning category that also allows for residential use as a principal use. This parcel was not included County's housing inventory.


ATTACHMENT 3

APPLICANT'S EVIDENCE SUPPORTING THE FINDINGS

Application Form (On file)
Site Plan (Attached)
Building Plan and Elevations (Attached)
Deed (On file)



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 Los Angeles, CA 90024
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TOM RAYL

RAYL DAIRY
POLE BARN

54 Damon LN
 Ferndale, CA 95538
 APN: 100-301-007

POLE BARN DETAILS

MARK	DESCRIPTION	DATE

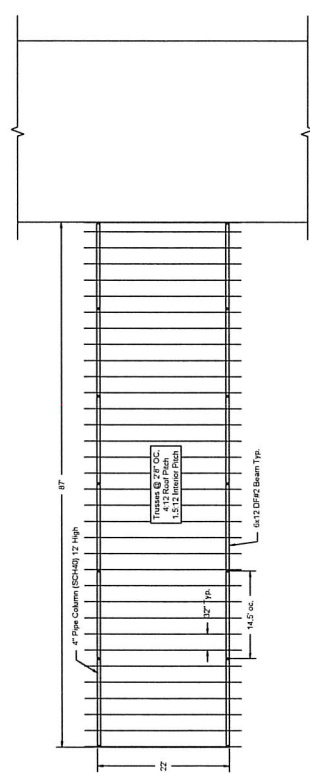
PLOT INFORMATION
 LOCATION: FERNDALE, CALIFORNIA
 DATE: 10/24/2019
 DRAWN BY: BRS
 CHECKED BY: BRS

SUBMITTAL STATUS
PERMIT SUBMITTAL

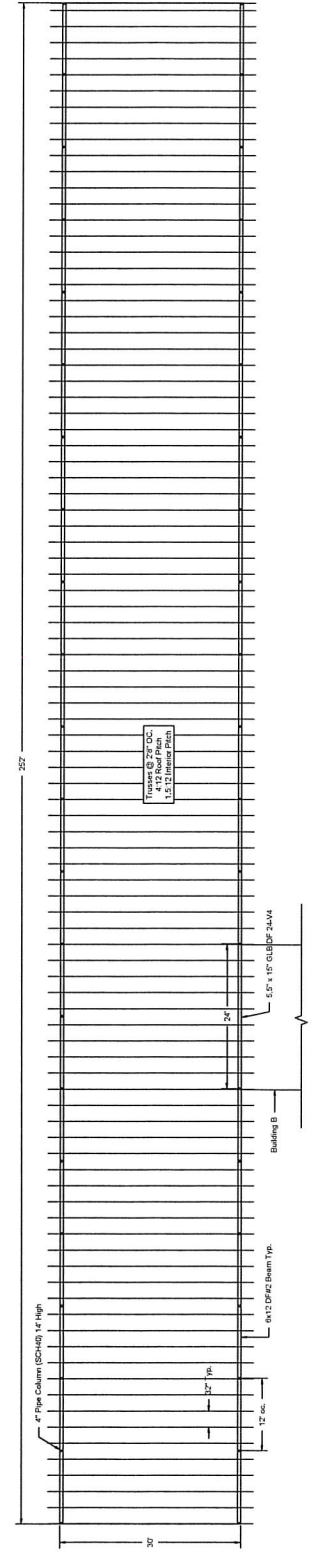
PROJECT NO: 15595
 DATE: 10/24/2019
 DRAWN BY: BRS
 CHECKED BY: BRS

C2

SHEET 2 OF 2



Small Pole Barn Detail - Bldg B
 Scale 1" = 10'



Large Pole Barn Detail - Bldg A
 Scale 1" = 10'

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

Referral Agency	Response	Recommendation
County Building Inspection Division	✓	Approval
County Public Works Land Use	✓	Other
County Environmental Health	✓	Approval
California Coastal Commission		
Bear River Band		
Wiyot Tribe		
NWIC	✓	Contact local tribe(s)
Riverside CSD		
Ferndale FPD		