



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Hearing Date: November 7, 2019

To: John H. Ford, Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Subject: **Brodt Second Dwelling Unit**
Coastal Development Permit
Case Number CDP-18-024
Assessor's Parcel Number (APN) 106-111-004
Ferndale area

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Please contact Joshua Dorris, Planner, at 268-3779, or by email at jdorris@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

To: John H. Ford, Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Hearing Date	Subject	Contact
November 7, 2019	Coastal Development Permit	Joshua Dorris

Project: A Coastal Development Permit (CDP) application for a proposed second residence on lands designated and zoned Agricultural Exclusive. The proposal includes construction of an approximately three-thousand square foot (3,000 SF) residence, carport with two (2) parking spaces, two (2) uncovered parking spaces, a one-thousand five-hundred (1,500) SF shop, and a new onsite wastewater treatment system. The parcel is currently developed with a residence, barn, well, and onsite septic system. The proposed development is located approximately fifty feet (50') from edge of a National Wetland Inventory (NWI) mapped wetland.

Project Location: The project is located in Humboldt County, in the Ferndale area, at the terminus of Church Lane, approximately 0.5 miles south from the intersection of Grizzly Bluff Road and Church Lane, on the property known as 530 Church Lane.

Present Plan Designations: Agricultural Exclusive (AE), Eel River Area Plan (ERAP); Agriculture Grazing (AG), 2017 Humboldt County General Plan

Present Zoning: AE-60/F, R, T; U: Agriculture Exclusive-Minimum lot size 60-acres (AE-60)/Flood Hazard Area (F), Streams and Riparian Corridor Protection (R), Transitional Agricultural Lands (T)) (Coastal), Agriculture Exclusive 60-acre minimum parcel size (AE-60) (Inland)

Assessor's Parcel Number: 106-111-004

Applicant	Owner(s)	Agent
Brian and Merritt Brodt PO Box 1113 Ferndale, CA 95536	Same as owner	None

Environmental Review: Categorically Exempt pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15333 (Small Habitat Restoration Projects) of the CEQA Guidelines.

Major Issues: None.

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

BRODT COASTAL DEVELOPMENT PERMIT
Case No. CDP-18-024; APN 106-111-004

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 15303, New Construction or Conversion of Small Structures, and Section 15333, Small Habitat Restoration Projects, of the CEQA Guidelines, and make all of the required findings for approval of the Coastal Development Permit based on the evidence in the staff report, and adopt the Resolution approving the proposed Brodt Coastal Development Permit subject to the recommended conditions of approval.

Executive Summary: A Coastal Development Permit (CDP) is requested to allow for the development of a second residence on a working farm. The property is planned and zoned Agricultural Exclusive and is enrolled in the Williamson Act. The property is used primarily for grazing and hay production with income from agricultural production that exceeds the minimum gross income for a commercial farm. The proposal includes construction of an approximately three-thousand square foot (3,000 SF), twenty-foot (20') high, single-story residence, carport with two (2) parking spaces, two (2) uncovered parking spaces, a one-thousand five-hundred (1,500) SF and twenty-foot (20') tall shop, a new onsite wastewater treatment system, a two-thousand five-hundred (2,500) gallon emergency water storage tank, and a driveway. The approximately one-hundred-twenty two (122) acre parcel is currently in agricultural use and is developed with one farm house, a barn, out-buildings, a well and an onsite wastewater treatment system.

The subject property is located in both the the Coastal Zone and Inland Zoning areas of the County and the proposed SDU would be located in the Local Jurisdiction Area of the Coastal Zone. The parcel is agriculturally-zoned, and while single-family residential development is a principally permitted use with a Coastal Development Permit per Humboldt County Code Section 313-163.1.9.9, it is considered appealable to the Coastal Commission pursuant to Section 30603(a)(4) of the Coastal Act when proposed on lands within the Agriculture Exclusive Zone. The project is consistent with the agricultural protection policies in Section 3.34 of the ERAP because the second residence will be located in a rural area on a parcel in excess of 60 acres in size and will not convert prime agricultural land. The second residence may be considered a direct part of the agricultural operation as the project is conditioned to limit occupancy of the dwelling unit to the parent or children of the owner-operator. Further, the curtilage of the homesite is approximately 0.4% of the 122-acre parcel and will be accessed from an existing farm road so as to limit new ground disturbance. As such, there will be no significant diminishment of agricultural productivity for grazing or hay production.

The majority of the parcel contains farmed wetlands with areas of seasonably and permanently flooded wetlands that are considered environmentally sensitive habitat area (ESHA). The proposed project would not impact any of the permanent areas. A buffer area provides essential open space between the development and the ESHA and should be a minimum of fifty-feet (50') feet for seasonal wetlands. A buffer area is not itself a part of the ESHA, but a "buffer" or "screen" that protects the habitat area from adverse environmental impacts caused by the development. A buffer area should be established for each development adjacent to ESHA in order to either have beneficial effects or at least no significant impacts on the ESHA. The

width of a buffer area would vary depending upon the analysis. The proposed residence would be located on the upland area of the parcel approximately fifty-feet (50') from a seasonal seep (ESHA). The applicant (property owner), along with staff from County Planning and California Department of Fish and Wildlife (CDFW), completed a site inspection on March 2, 2019 to evaluate the wetland and the potential impacts of development to the ESHA. An existing ranch road in use since the 1960s that traverses the seep is proposed to be utilized as the driveway. The applicant was amenable to re-routing a portion of the ranch road southerly to entirely avoid the seep, and also to revegetation and enhancement of areas adjacent to the existing riparian areas on the property.

California Land Conservation Act

The subject parcel (APN 106-111-004) and adjacent parcel to the east (APN 106-1010-29) comprise the 122-acre Class "C" Brodt Agricultural Preserve (Williamson Act Contract) (Case No. AGP-11-02). The Humboldt County Agricultural Preserve Guidelines (Resolution 16-144) state that the majority of the land area of any property under contract must be devoted to agricultural pursuits consistent with the purpose of the preserve in which the property is located. The proposed development would have a curtilage of approximately one-half acre and is expected to have minimal impact on available forage for grazing and hay production.

Finally, a letter from owners and residents of Church Lane was received on October 24, 2019 requesting a re-evaluation of the use of the 30 foot right of way traditionally used to support dairy and farming activities of the Brodts and surrounding properties with respect to a pending proposal to support expansion of use of the subject property for non-agricultural uses (i.e., event venue). This concern is not directed at this second residence project but will be addressed as part of the permit application for a wedding and event venue which is currently pending and for which a separate public hearing is required.

Staff Recommendations: Following an on-site inspection, a review of Planning Division reference sources, and a review of comments 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: Three (3) alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and refer the application to 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 or; 3) the Zoning Administrator could deny approval of the requested permits if 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 CDP-18-024; Assessor's Parcel Number 106-111-004

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

WHEREAS, Merritt Brodt submitted an application and evidence in support of approving a Coastal Development Permit for construction of a second single-family residence and accessory structures; and

WHEREAS, the County Planning and Building Department has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is categorically exempt from environmental review pursuant to Section 15303(a), Class 3, New Construction, and Section 15333, Small Habitat Enhancement Projects, 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 No. CDP-18-024); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on November 7, 2019.

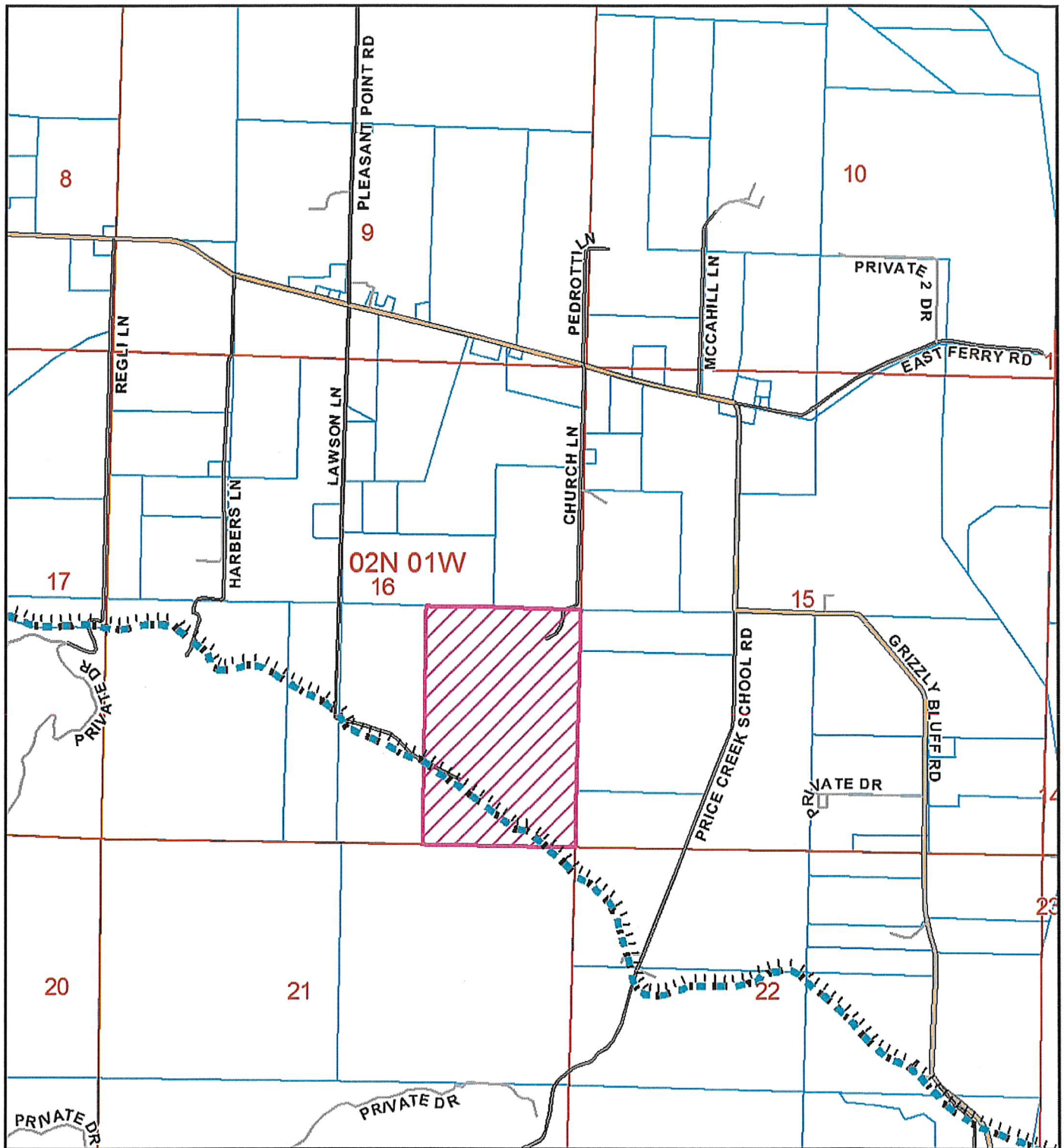
NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator that:

1. The Zoning Administrator finds that the application is categorically exempt from environmental review pursuant to Section 15303 and Section 15333, of the CEQA Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number CDP-18-024 are supported based on the submitted evidence; and
3. The Coastal Development Permit for Case Number CDP-18-024 is approved as recommended and conditioned in Attachment 1.


Adopted after review and consideration of all the evidence on November 7, 2019.

I, John H. 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 entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John H. Ford
Zoning Administrator, Planning and Building Department



Coastal Zone Boundary 

Project Area = 

LOCATION MAP

**PROPOSED BRODT
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA**

CDP-18-024

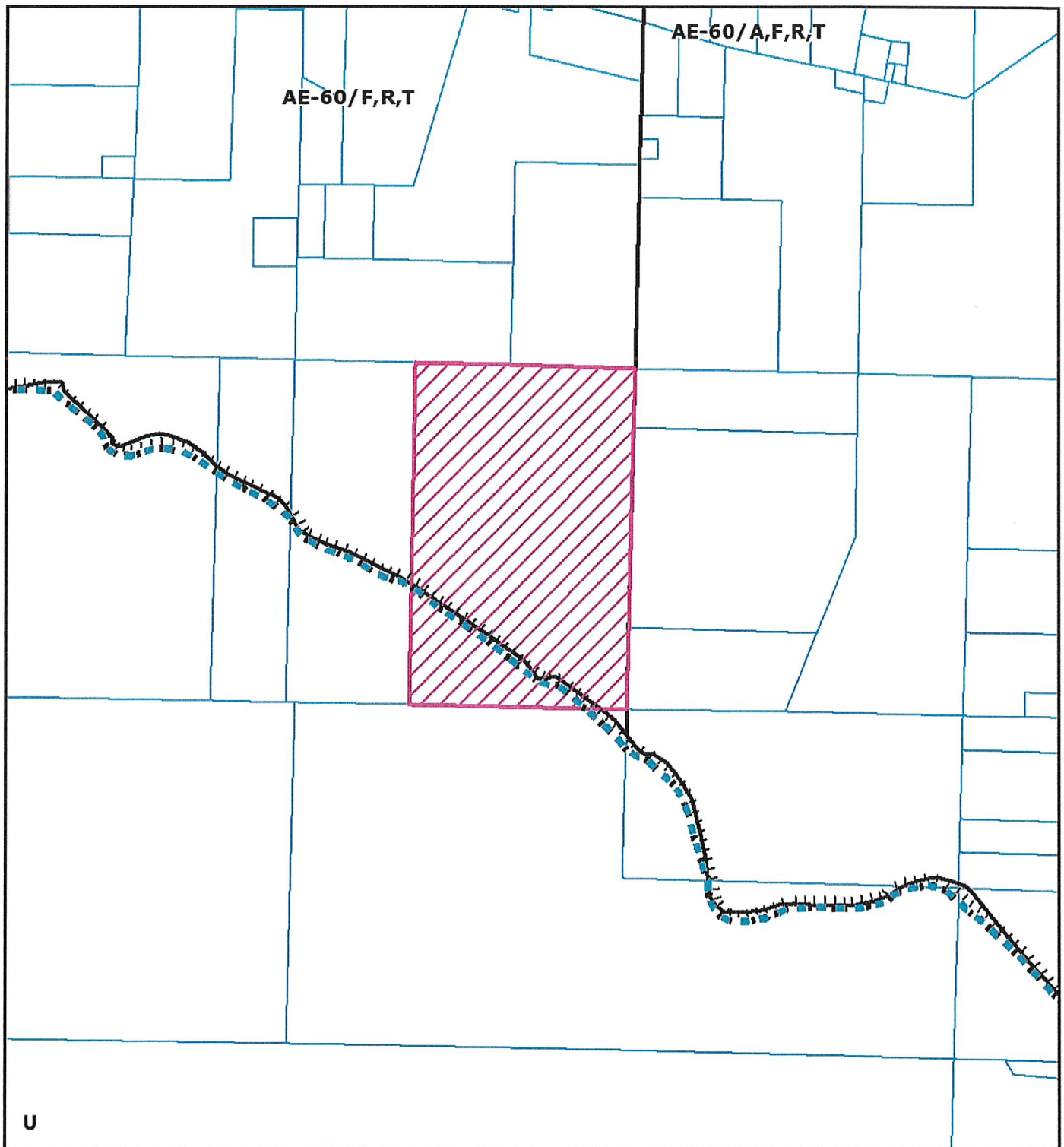
APN: 106-111-004

T02N R01W S16 HB&M (Fortuna)

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 0.25
Miles



Coastal Zone Boundary 

Project Area = 

ZONING MAP

**PROPOSED BRODT
COASTAL DEVELOPMENT PERMIT
FERNDAL AREA**

CDP-18-024

APN: 106-111-004

T02N R01W S16 HB&M (Fortuna)

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.

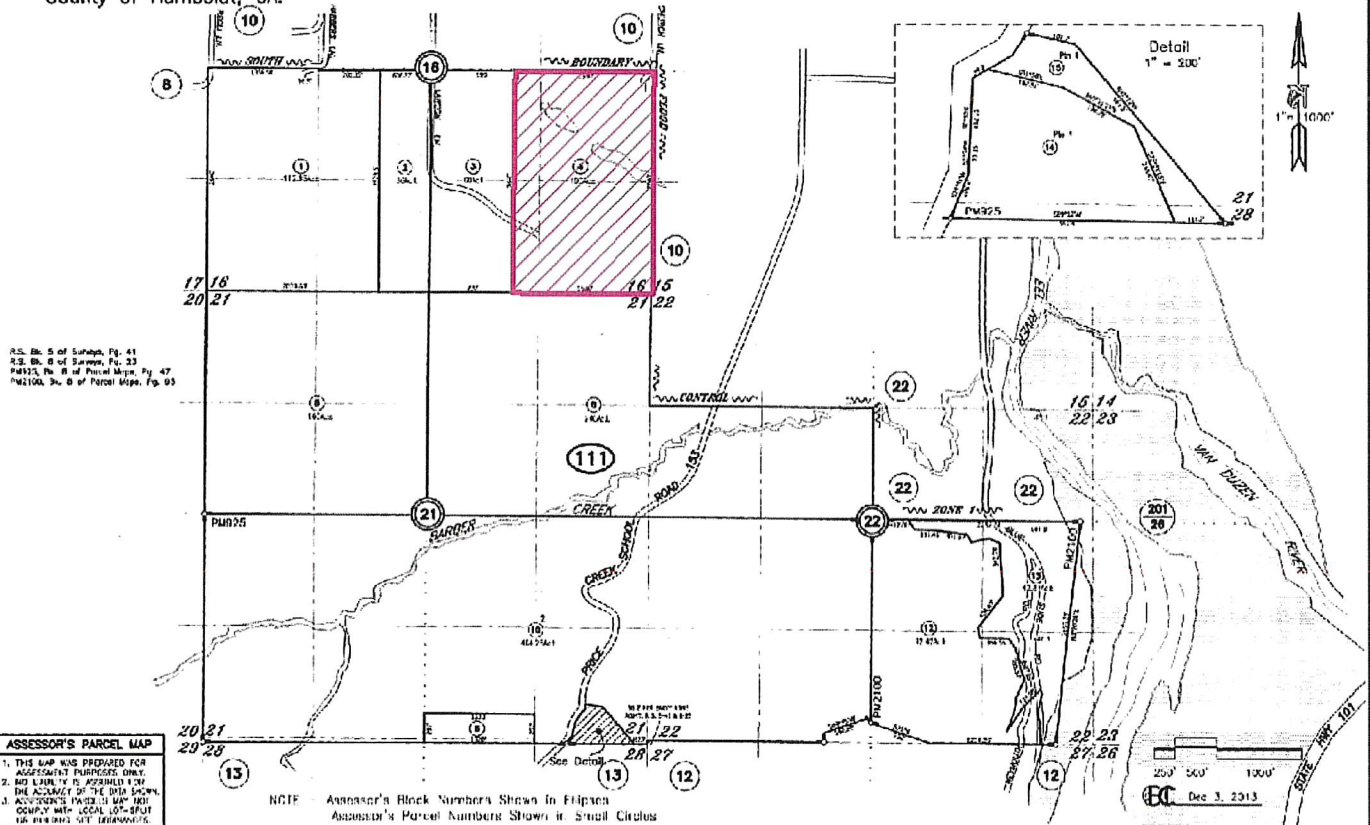


0  0.25 Miles

Assessor's Map Bk. 106, Pg. 11
County of Humboldt, CA.

POR SECS 16, 21 & 22, T2N R1W, H B & M

106-11



ASSESSOR PARCEL MAP

PROPOSED BRODT COASTAL DEVELOPMENT PERMIT FERNDALE AREA

CDP-18-024

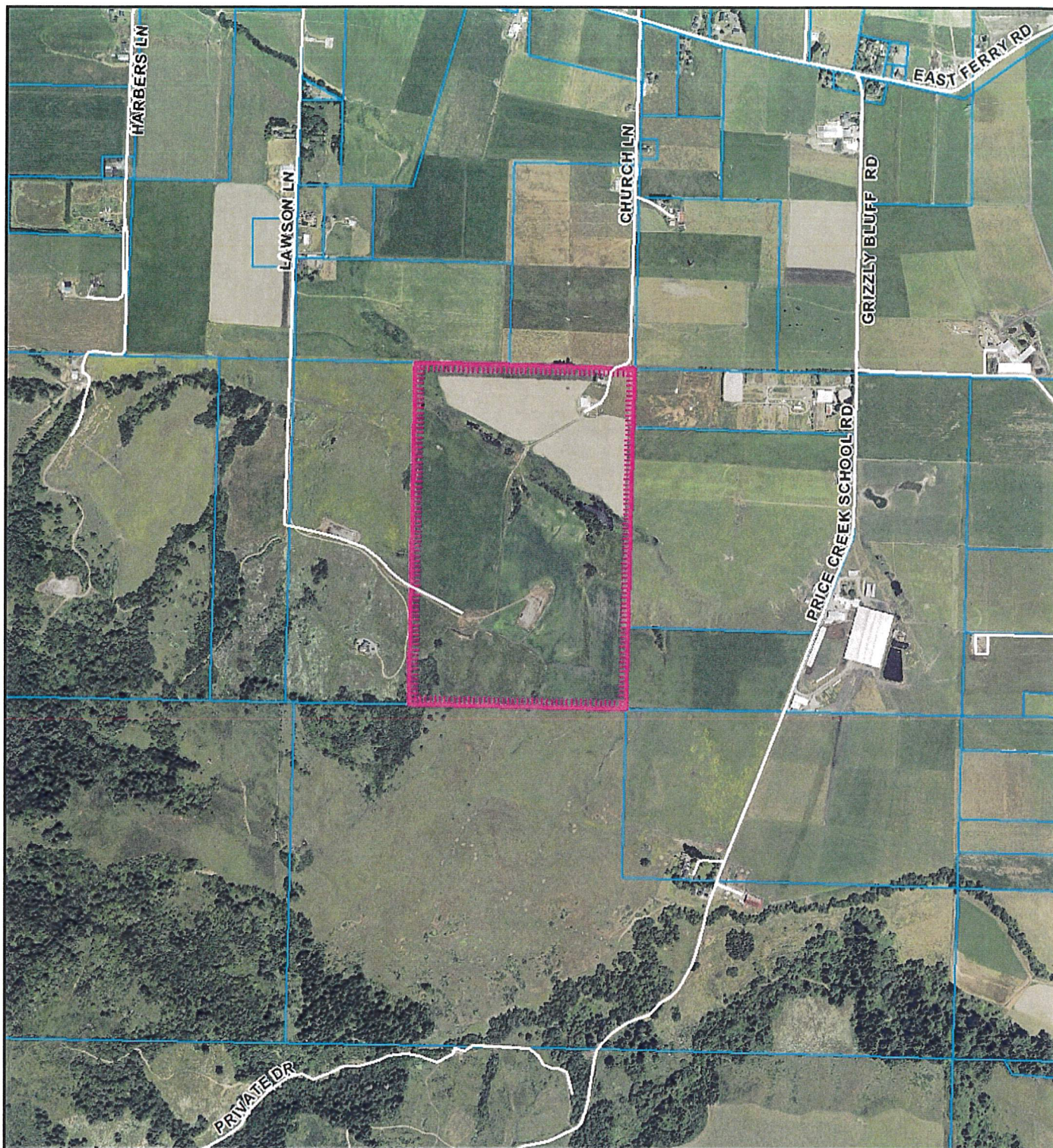
APN: 106-111-004

T02N R01W S16 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.

MAP NOT TO SCALE



AERIAL MAP

**PROPOSED BRODT
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA
CDP-18-024
APN: 106-111-004
T02N R01W S16 HB&M (Fortuna)**

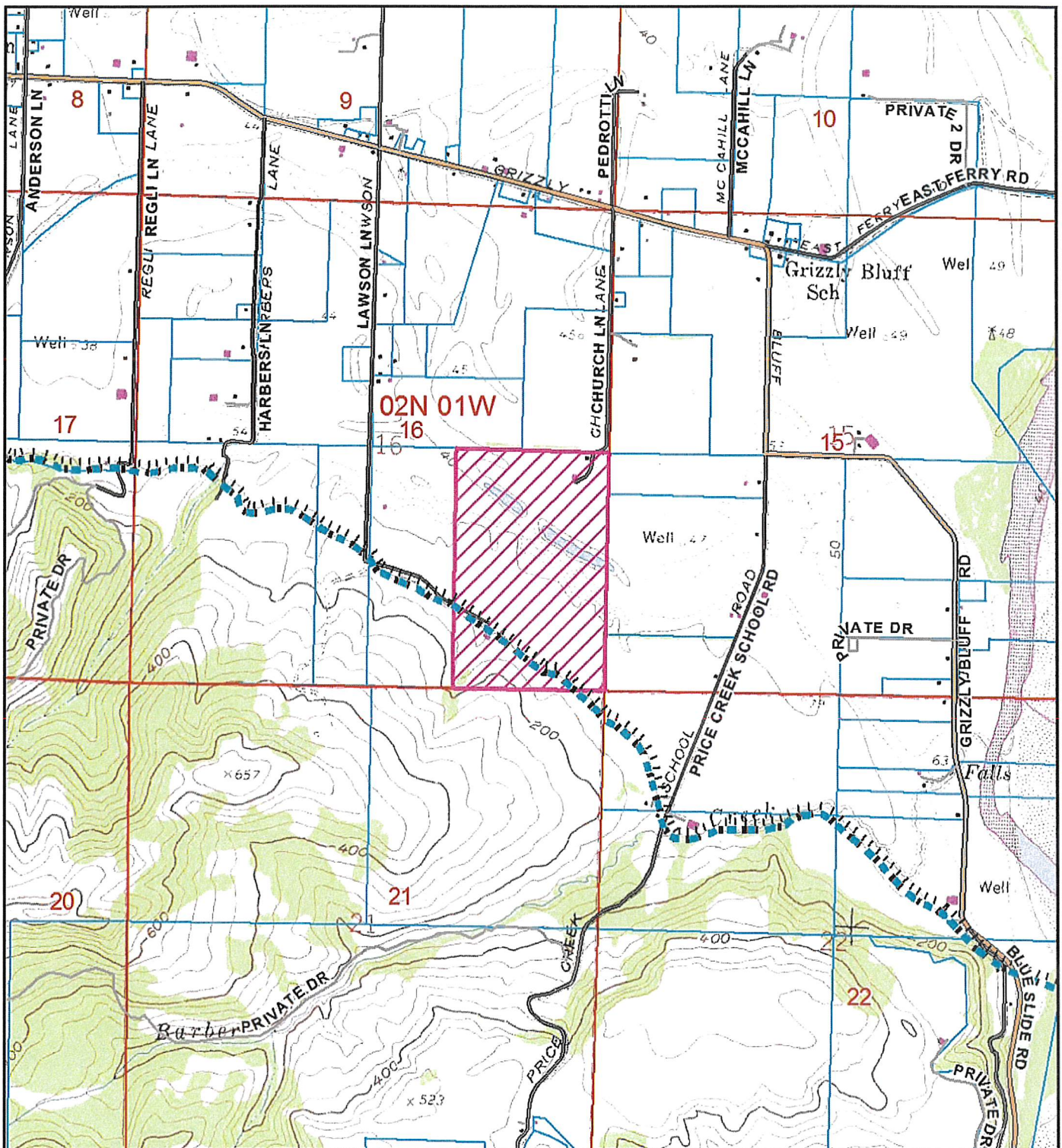
Project Area = 

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.




0 0.25 Miles





Coastal Zone Boundary 

Project Area = 

TOPO MAP

**PROPOSED BRODT
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA**

CDP-18-024

APN: 106-111-004

T02N R01W S16 HB&M (Fortuna)

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 0.25
Miles

OWNER/APPLICANT INFORMATION:

Brian & Merritt Brodt
4028 Grizzly Bluff Rd.
Ferndale, CA 95536

SITE INFORMATION:

530 Church Ln.
Ferndale, CA 95536

APN 106-111-004
Zoned AE-60/F,R,T,U
± 100 acres

Water: Well
Sewer: On Site Sewage Disposal System
Electricity: PG&E(New Service to be Installed)
Gas: Propane

Building Setbacks

Front - 20'
Rear - 30'
Sides - 30'

Project Cut and Fill Volumes

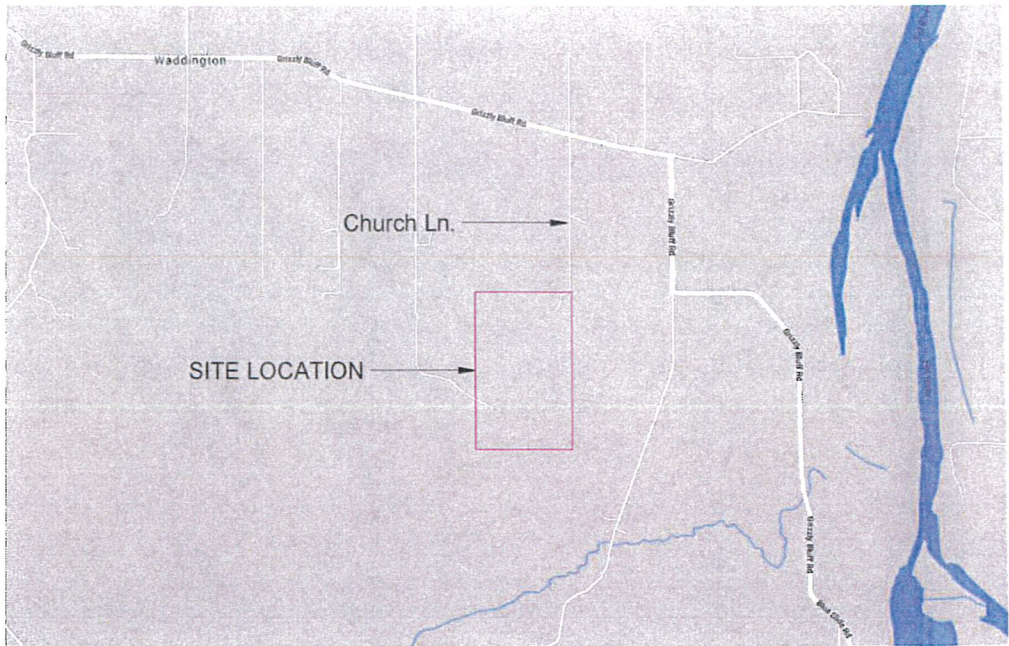
Cut: ±0 cubic yards
Fill: ±0 cubic yards

Project Purpose

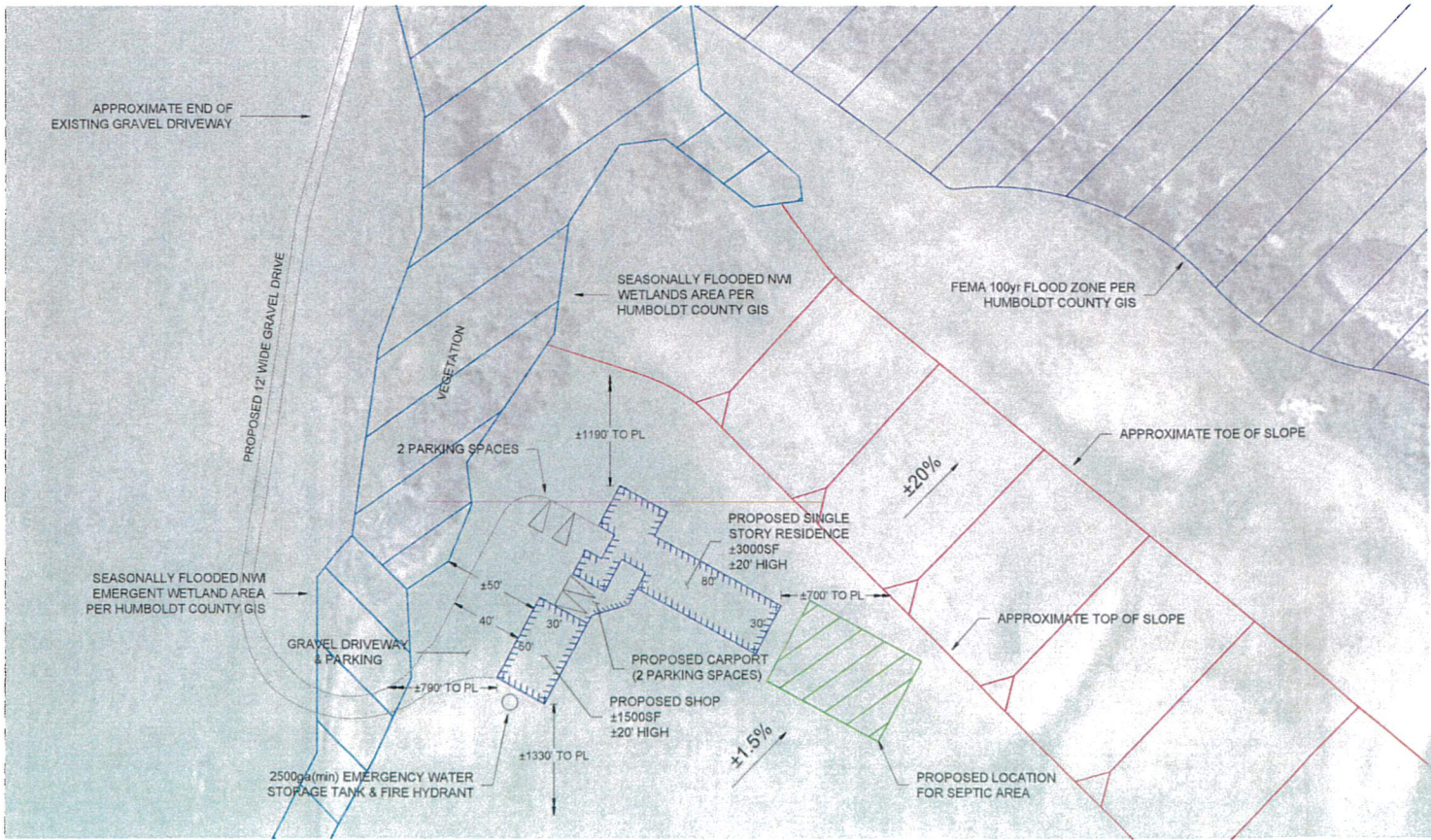
The Purpose of this Project is to Construct a New ±3000sf Residence & 1500sf Shop/Garage. The New Residence is to be Located Near the Middle of the Property on the Upper Bench above the 100yr Flood Zone.

Information shown hereon is derived from Humboldt County GIS, Humboldt County APN maps, aerial photo, and owner supplied information. No boundary survey was performed by Ontiveros & Associates.

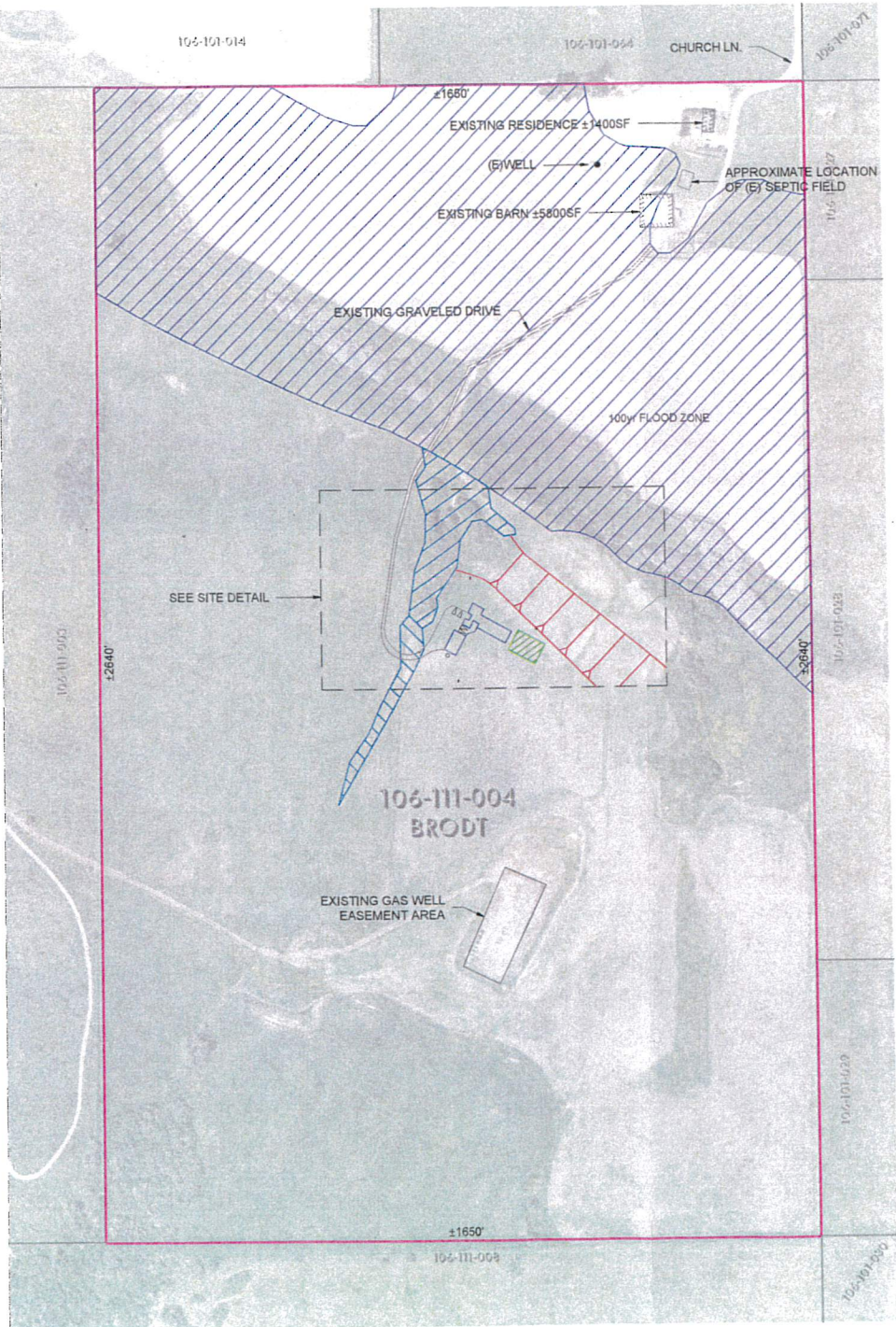
- No Trees to be Removed.
- No Known historical buildings or known archaeological or paleontological resources.



VICINITY MAP
NTS



SITE DETAIL PLAN
SCALE = 1" = 50'



SITE PLAN
SCALE = 1" = 200'

O&A

ONTIVEROS & ASSOCIATES
CONSULTING ENGINEERS AND SURVEYORS

404 N. Fortuna Blvd. • Fortuna, CA 95540
Phone (707) 725-7410 • Fax (707) 725-7411
Ontiveros.Assoc@aol.net



CONTRACTOR

PROJECT NAME

BRODT NEW
RESIDENCE

530 Church Ln.
Ferndale, CA 95536
APN: 106-111-004

SHEET TITLE

PRELIMINARY
SITE PLAN

PLOT INFORMATION

CAD DWG FILE: P118-015_BRODT - HOUSE/CIVIL/SITE PLAN.DWG
PLOT DATE: 5/31/2018 7:13 AM
SAVE DATE: 5/31/2018 7:06 AM

REVISIONS

MARK	DATE	DESCRIPTION

PROJECT NO: 18-035

DATE: 5/30/2018

DRAWN BY: BAO

CHK'D BY: BKO

SUBMITTAL STATUS

COASTAL DEVELOPMENT
PERMIT REVIEW

C1

SHEET 1

OF 1

ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit is conditioned upon the following terms and requirements which must be fulfilled before work is initiated or during project implementation:

1. Development shall be conducted consistent with the approved Project Description and Site Plan, as amended to reflect to recommendations in the report by Tributary Biological Consultants. Changes to the project shall require a permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.
2. Prior to certificate of occupancy or "final" is issued for the secondary dwelling unit (SDU) (accessory dwelling unit), the applicant shall record with the County of Humboldt Clerk-Recorder, a Notice of Restriction stating that the SDU will only be used by immediate family members (parent or children of the owner-operator). The building shall be used as accessory and appurtenant to the existing agricultural use and shall be for non-commercial use and not let or rented apart from the existing residence. A change in use to allow occupancy as farm labor housing would require the securing of a conditional use permit.
3. Vegetation maintenance in and near the ponds shall occur when ponds are dry or nearly dry during the fall season (September) to avoid impacts to northern red-legged frogs.
4. Vegetation or other waste shall be composted in already developed areas onsite or taken to a green waste facility, to avoid spreading non-native plants in sensitive habitats.
5. A revegetation and monitoring report shall be submitted for the riparian enhancement work to be performed in the ESHA setback in accordance with the recommendations in the report by Tributary Biological Consultants dated January 23, 2019. The monitoring report prepared by a qualified professional biologist shall be submitted to the Planning Department for three years following the completion of the vegetation planting and implementation of the erosion and sediment control measures.

On-going Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. The applicant is responsible for receiving all necessary permits and/or approvals from state and local agencies.

Informational Notes

1. 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 and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, will 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, groundstone 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

are Native American, the NAHC will 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 responsible for ensuring compliance with this condition.

2. This permit shall expire and become null and void at the expiration of one (1) year 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 commence 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 Humboldt County Code, Section 312-17.1 (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;
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;
5. 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; and
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) the project will not 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 in 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
<p>Land Use § 5.3 Agricultural Exclusive (ERAP)</p> <p>3.34 Agriculture</p>	<p>The purpose of the AE designation is to protect prime and non-prime agricultural land for long-term productive agricultural use.</p> <p>The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy.</p> <p>Conflicts between agriculture and urban uses shall be minimized by establishing stable boundaries separating urban and rural area; by limiting conversions of agricultural lands around the periphery of urban areas; by developing lands not suited for agriculture prior to the conversion of agricultural lands; by assuring that public service and facility expansion and nonagricultural development do not impair agricultural viability; by assuring that all divisions of agricultural lands shall not diminish the productivity of prime agricultural lands.</p> <p>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 of the Coastal Act.</p>	<p>The proposed project is the development of a secondary residential unit (SDU) supplemental to an existing agricultural operation. The parcel is currently developed with a single-family residence, dairy and appurtenant structures. The farm is a commercial grazing and hay production operation. The property is enrolled in the Williamson Act land conservation program.</p> <p>The property is located in the south east portion of the Eel River valley which is rural and not near to any urban areas.</p> <p>The site contains both prime and non-prime agricultural land. No conversion of prime agricultural land will occur as the proposed development will be located outside of mapped prime agricultural soils per the Natural Resources Conservation Service's land mapping program.</p> <p>The development on land designated agricultural must directly a part of the agricultural production of food and fiber on the parcel of a use permit is required. The ERAP defines a second residence on a parcel 60 acres or greater when occupied by the immediate family members to be a direct part of "agricultural production". The residence will be located on an approximately 122-acre parcel and will be subject to a Notice of Restriction which limits occupancy of the SDU to the parents or children of the owner-operator.</p> <p>The curtilage of the proposed second residence will occupy approximately one-half acre of the 122-acre parcel (0.4%) and will not significantly diminish the agricultural production of the farm operation. This portion of the site is used primarily for livestock grazing.</p>

<p>Land Use §5.3 Agricultural Exclusive (ERAP)</p> <p>3.34 Agriculture</p>	<p>Non-prime agricultural land may be converted to other land use only when the long-term economic infeasibility of continued agricultural operations is shown to exist; and no division or development shall be permitted which would lower the viability of continued agricultural operations on adjacent agricultural lands.</p> <p>On parcels of 60 acres or larger, a second house for parents or children of the owner-operator shall be considered part of the agricultural operation.</p> <p>Other uses compatible with agricultural operations include: management for watershed; management for fish and wildlife; recreational uses not requiring nonagricultural development; gas, electric, water or communications transmission facilities; farm labor housing and temporary labor camps of less than one-year duration.</p>	
<p>Housing §3.37 (ERAP)</p>	<p>New housing in the Coastal Zone shall be consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element.</p>	<p>One new house is proposed as part of the project. However, the he site was not included in the Housing Element and therefore it does not affect Housing Element density targets established in the Humboldt County Housing Element.</p>

<p>Hazards §3.39 (ERAP)</p>	<p>New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard.</p>	<p>The project site is located in an area with a Relatively Stable slope stability rating (B0). There would be no grading required to accommodate the project with no foreseeable adverse impacts.</p> <p>The associated Flood Insurance Rate Map (FIRM, Panel Number 06023C1220F) places the project site in Flood Zone X, areas determined to be outside of any special flood hazard area.</p> <p>The parcel is located within the Moderate Fire Hazard Severity area. The parcel is in both the SRA and LRA Ferndale Fire Protection District.</p>
<p>Archaeological and Paleontological Resources §3.129 (ERAP)</p>	<p>Protect cultural resources, including historic, archaeological, and scenic resources.</p>	<p>The Report was referred to the NWIC, THPOs of Bear River Band, and Wiyot Tribe. The THPOs recommended the inadvertent archaeological discovery protocol, which has been incorporated as a condition of project approval.</p>
<p>Visual Resource Protection §3.42 (ERAP)</p>	<p>Protect scenic and visual qualities of coastal areas as a public resource.</p>	<p>The subject parcel is not located in a designated coastal view or scenic area and is not visible from the coast or from public right-of-way. This area contains pastoral and agricultural settings. The proposed project would remain visually compatible with the agricultural character of the area.</p>

Plan Section

Biological Resources: §3.40 (ERAP)

Summary of Applicable Goal, Policy or Standard

§3.40 Protect designated sensitive and critical resource habitats.

PRC §30240 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. (PRC §30240(b)). The wetland buffer area is proposed to be reduced based upon the California Coastal Commission's publication *7 Evaluation Criteria for Establishing Buffer Areas*. Tributary Biological Consultants conducted a reduced buffer analysis and criteria to establish a proposed buffer adjacent to the ESHA.

§3.41(D) Wetland Buffer

1. No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value. Wetland Buffer Areas shall be defined as:

a. The area between the boundary of the wetland, as determined in Section 3.41B and the nearest paved road or the 40-foot contour line (as determined from the 7.5' USGS contour maps), whichever is the shortest distance.

c. Lands designated Transitional Agricultural lands shall be excluded from the wetland buffer.

2. New Development proposed within Wetland Buffer Areas shall include mitigation measures as identified below.

Evidence Which Supports Making the General Plan Conformance Finding

§3.40 The ERAP identifies sensitive biological resources on the parcel including both NWI mapped wetlands and mapped farmed wetlands. There are no other ESHA identified at the site according to the California Natural Diversity Database mapping. Within Transitional Agricultural lands planned Agriculture Exclusive traditional agricultural uses may continue but shall maintain long-term protection of wetland habitat.

Tributary Environmental Consultants performed a site evaluation on December 13, 2018. Aquatic, wetland and terrestrial resources that could potentially be impacted by the development were inventoried and assessed. A series of seven test pits were dug through the proposed construction site as well as the dripline of the ESHA. Soils in the construction areas were determined to be upland. A wetland delineation was performed. The closest ESHA is a seasonal seep and is approximately 50-feet from the building footprint. The proposed building is located in the mapped upland area of the parcel on a gentle slope.

A site inspection with Planning staff and the California Department of Fish and Wildlife (CDFW), determined that no adverse impacts to these resources are expected to result from the proposed project with the incorporation of mitigation measures.

The California Coastal Commission released a guidance document, *Seven Criteria for Establishing Buffer Areas between development and Environmentally Sensitive Habitat Areas* (ESHA). The guidance allows for a reduced buffer and a wetland evaluation was prepared by Tributary Biological Consultants. Please see the following sections for discussion of the evaluation.

The proposed residence would be sited on the upland area of the parcel. The existing ranch road which traverses a seasonal seep (ESHA), is proposed to be used for the driveway, maintaining the existing road prism. During the site inspection with the County and CDFW, the applicant was amiable to rerouting the road southerly to entirely avoid the seep. The applicant was also agreeable to planting additional riparian vegetation in the wetland buffer area to mitigate potential impacts. These changes were incorporated into the project description.

7 Evaluation Criteria for Establishing Wetland Buffer Areas

1. Biological significance of adjacent lands.

The parcel is dominated by annual grassland, much of which is used for cattle grazing and production of cattle feed (hay). The development site is on soil not considered to be hydric. The proposed driveway is an existing ranch road that traverses a seasonal seep. The applicant agreed to reroute the road southerly to entirely avoid the seep. The applicant also proposed revegetation and enhancement areas adjacent to the existing riparian areas on the property. These measures would improve the biological significance at the site.

2. Sensitivity of species to disturbance.

No grading is proposed as part of the development. As noted above, the parcel is dominated by annual grassland. The applicant proposed revegetation and enhancement areas in riparian areas of the site. This has been incorporated as a condition of approval.

3. Susceptibility of parcel to erosion.

No grading is proposed as part of the development. The existing ranch road proposed to be used as the driveway would be improved with gravel surface which would reduce potential erosion of the road.

4. Use of natural topographic features to locate development.

Due to the site topography and prevailing high winds on the site, the proposed location was chosen.

5. Use of existing cultural features to locate buffer zones.

An existing ranch road is proposed to be used as the driveway and will be rerouted southerly to completely avoid the ESHA.

6. Lot configuration and location of existing development.

The subject parcel is approximately 100-acres. See 4 above for justification on the proposed location.

7. Type and scale of development proposed.

The proposed dwelling is approximately 3,000 square feet. It appears to be consistent with other dwellings in the area.

§3.41(D)(1)(a) The proposed location is near the 80-foot contour line and lies at approximately 75' as shown on the 7.5' USGS topographic map.

§3.41(D)(1)(c) The site is designated Transitional Agricultural lands. The project would meet the standard required for reduced setbacks.

§3.41(D)(2) Any reduction in setback shall still retain the maximum setback feasible, and may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the wetland's habitat values:

a. Not more than 25% of the lot surface shall be effectively impervious.

Less than 1% of the lot surface would be impervious.

b. The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50-year storm of 10-minute duration.

The release rate of storm water runoff to adjacent wetlands would not exceed the natural rate of storm water runoff for a 50-year storm event of 10-minute duration.

c. Stormwater outfalls, culverts, gutters, and the like, shall be dissipated, and where feasible, screened.

No stormwater outfalls, or culverts are proposed.

d. Septic systems or alternative waste disposal systems must meet standards of the Humboldt-Del Norte Health Department and the Regional Water Quality Control Board.

The proposed septic system would be required to meet current health and safety standards.

e. Areas disturbed during construction, grading, etc., within 200 feet of the boundary of the wetland, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.

No grading would be required to accommodate the development. The applicant is agreeable to planting of additional riparian vegetation as a mitigation measure.

f. Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, seeding or planting bare soil, diversion and, when feasible, avoidance of grading during the rainy season (November through April).

The above-referenced best management practices will be adhered to.

g. The County shall request the Department of Fish and Game to review plans for development within the Wetland Buffer

CDFW recommended conditional approval with mitigation measures incorporated to reduce negative impacts to sensitive resources. Based on CDFW recommendations, a Condition of Approval has been added to ensure that the existing buffer be enhanced with additional vegetation and maintained or increased when feasible. In addition, Best Management Practices will be implemented in order to prevent sediment runoff and erosion.

Finally, based on Statewide Interpretive Guidelines for Wetland Buffers, the width of the buffer is appropriate for the following reasons:

- Biological significance of adjacent lands: The wetlands on the parcel are part of a larger system of wetlands, transitional agricultural lands. The location of the proposed residence does not segment the wetlands, therefore enabling the maximum functional relationship with the surrounding area.
- Sensitivity of species to disturbance: No sensitive species are known to exist within the project area.
- Susceptibility of parcel to erosion: The project site is located in an area with a "Relatively Stable" slope stability rating. It is on a flat upland area and no grading is required. As such, the project is minimally susceptible to erosion.
- Use of natural topographic features to locate development: The project site is gently sloping and is located above the break in slope leading to the wetlands. No tree removal is required. The natural slope will serve to physically separate the wetland areas from

residential development.

- Use of existing cultural features to locate buffer zones: There is an obvious break in slope that separates the wetland area from residential development.
- Type and scale of proposed development: The proposed secondary residence is 3,000 square feet and consistent with other size residences in the area.

2. Zoning Compliance and 3. Development Standards: 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 Zoning Regulations

Code Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§313-7.1 Agriculture Exclusive (AE) §313-7.1	Principally Permitted Uses include general agricultural and single family residential Density: 60-acre minimum parcel size	The approximately 100-acre site contains an existing single-family dwelling and the proposed project is a second dwelling unit. The portions of the parcel that do not contain development are being used for open space.
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.
Yard Setbacks	Front - 20'; Sides - 30'; and Rear - 30'	Front - ±1,190'; Sides - W ±790', E ±700'; and Rear - ±1,330'
Max. Lot Coverage	None specified	Complies
Max. Bldg. Height	None specified	Complies
§313-125 Wetland Buffer Areas	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.	Transitional Agriculture Lands zoned AE are exempt from wetland buffer requirement HCC § 313-125.5.3 See discussion of reduction to 100 foot ESHA setback in Biological Resources: §3.40 (ERAP) above.
§312-39 Supplemental Coastal Resource Protection Impact Findings §312-39.12 Coastal Transitional Agricultural Land	39.12.1 There is no less environmentally damaging feasible alternative; 39.12.2 The best feasible mitigations are included; and 39.12.3 The functional capacity of the wetland will be maintained.	The access to the proposed building site will follow an existing ranch road so no new fill will be placed within transitional agricultural lands. Following construction, an erosion control mix will be used to stabilize soil. Fiber rolls and straw mulch will be used on slopes to further prevent erosion. Additionally, enhanced riparian plant will increase the capacity of the site to retain soil and reduce runoff. The biological value of the ESHA near the proposed building site will protected and enhanced by these mitigations.

Combining Zones		
§313-21.1 F: Flood Hazard Areas	To minimize public and private losses due to flood and tsunami conditions in certain areas of the County.	The associated Flood Insurance Rate Map (FIRM, Panel Number 06023C1220F) places the project site in Flood Zone X, areas determined to be outside of any special flood hazard area. The parcel located outside a tsunami evacuation zone.
§313-33.1 R: Stream and Riparian Corridors Protection	To provide for the maintenance, enhancement, and, where feasible, restoration of water resources by restricting development, and by minimizing adverse effects of run-of, interference with surface water flow, and alterations of natural streams, and by protecting riparian habitats.	The proposed building's roof would capture rainwater and then convey it to a pasture to the north. The clean water from the roof would improve water quality and soil health and would not alter natural streams, riparian habitats or overall drainage pattern of the site.
§313-35.1 T: Transitional Agriculture Lands	To permit agricultural use as a principal permitted use while providing that development in T lands is conducted in such a manner as to maintain long-term wetland habitat values and minimize short-term habitat degradation within these ESHA.	<p>The access to the proposed building site will follow an existing ranch road so no new fill will be placed within transitional agricultural lands.</p> <p>Following construction, an erosion control mix will be used to stabilize soil. Fiber rolls and straw mulch will be used on slopes to further prevent erosion. Additionally, enhanced riparian plant will increase the capacity of the site to retain soil and reduce runoff.</p> <p>The biological value of the ESHA near the proposed building site will protected and enhanced by these mitigations. See also discussion under Section 3.40, Biological Resources above.</p>

4. Public Health, Safety and Welfare; and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and 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	The proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	All reviewing agencies have recommended approval of the proposed project. The proposed project in fact may contribute to greater safety as the water delivery system will be improved to current standards.

CEQA Guidelines	Categorically exempt from State environmental review.	Class 1, Section 15303: New Construction or conversion of Small Structures. General Rule 15061(b)(3): Can be seen with certainty that there is no possibility that the activity may have significant effect on environment.
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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 shall not reduce or increase the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 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.	The proposed project will authorize the development of a second residence in support of an existing agricultural operation. The parcel was not included in the Housing Inventory used to determine compliance with Housing Element law.

ATTACHMENT 3
APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

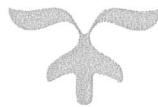
Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division.

- Application Form (in file)
- Project Description (in file)
- Plot Plan (attached)
- Wetland delineation and ESHA Buffer Reduction Analysis – Tributary Biological Consultants (attached)
- Sewage Disposal Evaluation – Ontiveros and Associates
- Map – Prime Agricultural Lands – NRCS Mapping Unit



BRODT RESIDENTIAL DEVELOPMENT,
FERNDAL, CA: HUMBOLDT COUNTY
APN #106-111-004

Reduced buffer analysis and criteria for
establishment of proposed buffer adjacent to
an Environmentally Sensitive Habitat Area



JANUARY 23, 2019
TRIBUTARY BIOLOGICAL CONSULTANTS
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i. Abbreviations

AGS: Annual Grassland

BMP's: Best Management Practices

CCC: California Coastal Commission

CDFW: California Department of Fish and Wildlife

CEQA: California Environmental Quality Act

CESA: California Endangered Species Act

CNDDDB: California Natural Diversity Database

CNPS: California Native Plant Society

CWA: Clean Water Act

CWHR: California Wildlife Habitat Relationship

ESHA: Environmentally Sensitive Habitat Area

FESA: Federal Endangered Species Act

LLR: Land Resource Region

MBTA: Migratory Bird Treaty Act

NCRWQCB: North Coast Regional Water Quality Control Board

NHD: National Hydrology Dataset

NRCS: Natural Resources Conservation Service

NWI: National Wetlands Inventory

SMA: Streamside Management Area

SSC: Species of Special Concern

TMDL: Total maximum daily load

USACE: US Army Corps of Engineers

WSS: Web Soil Survey

I. Summary of Findings

A new residential development is planned at 530 Church Lane, a 100-acre Agricultural parcel southeast of Ferndale, California (Humboldt County APN 106-111-004). The applicants for this project are the landowners, Brian and Merritt Brodt. This development occurs in the vicinity of an environmentally sensitive habitat area (ESHA) that is a one-parameter jurisdictional wetland. The purpose of this report is to use a Reduced Buffer Analysis in order to understand how the project might impact various aspects of the ESHA and how best to mitigate for these impacts.

The applicants propose to construct a home, shop, and associated parking area with a combined footprint of ~7,500 square feet, with an septic field located to the east of the construction site. The dwelling would be accessed via a 12-foot wide gravel road. The road currently runs from the existing residence, crosses a slightly higher area between two wetlands, and continues upslope parallel to the ESHA until it reaches a Class II watercourse crossing, where it ends (Figure 1). A crossing would need to be constructed to ford the watercourse, and the road would extend from this crossing until the proposed parking spaces, amounting to approximately 300 feet of new road. The proposed building site is adjacent to an ESHA; this ESHA is located closer than the 100 feet from the building site proposed by the applicants. Due to the site topography and prevailing high winds on this site, the applicants would like to place their development within the 100-foot buffer required by the California Coastal Commission. They feel that if the building site is placed 100 feet or more from the ESHA, it will be subject to high winds, making it unsuitable for a residence.

A setback that is less than 100 feet in the coastal zone requires a reduced buffer analysis using the Seven-Point Protocol set forth by the CCC. Tributary Biological Consultants were contracted by the applicants to provide biological recommendations to this proposed development. An inventory of habitats and species onsite was conducted to assess potential impacts of the proposed development. A reduced buffer analysis is enumerated in the Methods

Figure 1. Site Plan with features of Brodt property.



530 Church Lane ArcGIS Web Map

Humboldt County Planning and Building Department

Highways and Roads	Private or Unclassified	Wetlands	Estuarine and Marine Wetland
Principal Arterials	Parcels		Riverine
Minor Arterials	NWI Wetlands		Lakes
Major Collectors	Freshwater Forested/Shrub wetland		Estuarine and Marine Deepwater
Minor Collectors	Freshwater Emergent Wetland		Other Freshwater Wetland
Local Roads	Freshwater Pond		

(Section III) that analyzes the feasibility of site placement as it relates to the ESHA. These combined methods informed the proposed buffers and associated mitigation measures for this project.

Biologists for Tributary Biological Consultants determined that the buffer between the ESHA and the proposed Brodt development can reasonably be reduced to 50 feet. The remaining 50 feet may be mitigated in the form of riparian enhancement compensating for the potential loss in habitat resulting from the development. The mitigation would be 2:1, meaning that for every 1 feet of buffer reduced, 2 feet of buffer would be enhanced elsewhere onsite. These mitigation measures may confer additional benefits such as increased wildlife habitat and windbreaks.

II. Site Conditions

1. Existing Conditions

a). Terrestrial

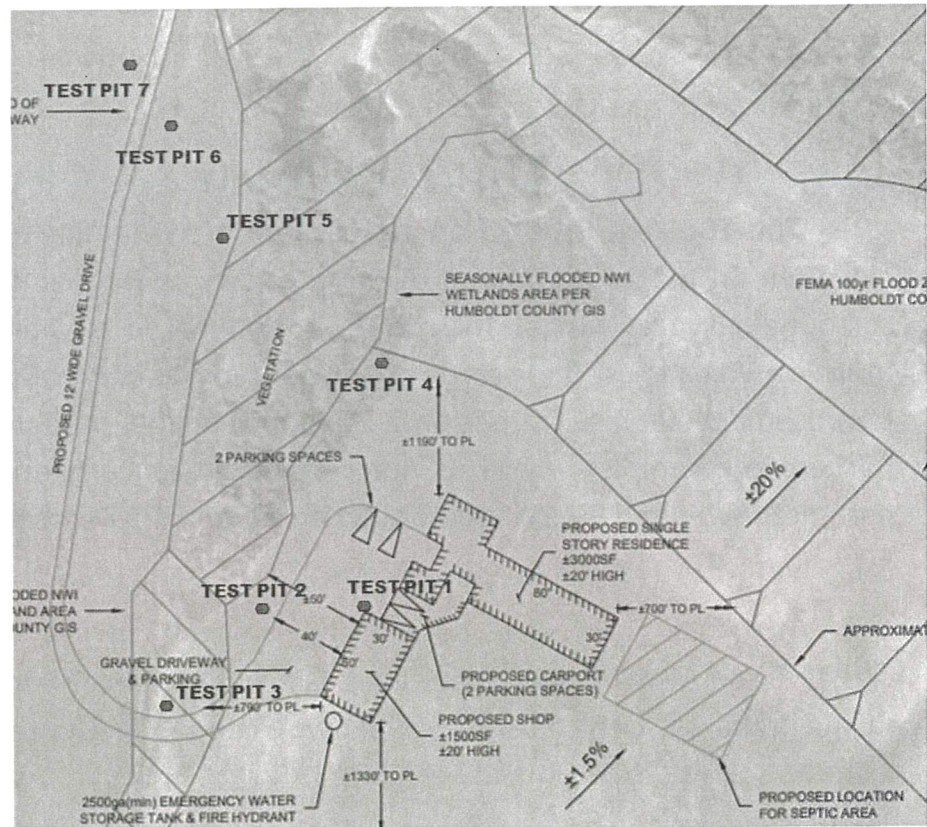
The 100-acre Brodt property is predominantly flat but begins to climb in elevation on the southern end of the property as the Eel River valley meets the surrounding coast range. The parcel is dominated by annual grassland (AGS), much of which is used for cattle grazing and production of cattle feed (hay). The proposed development site is on 2-5% slopes and its predominant soil type is the Barbercreek complex, which is not considered to be hydric. The adjacent one-parameter wetland ESHA is comprised of Darkprairie-Bearcat complex and has 15-50% slopes (NRCS 2018).

Test pits 1-5 were upland, loamy soils in the 10 YR Munsell soil classification. Test Pits 5-7 were increasingly hydric (corresponding in elevation), falling in the 2.5 YR Munsell classification. Figure xx shows test pit locations. Table 1 shows soil value/chroma at each pit.

Table 1. Test Pits and Munsell Soil Values/Chroma

	0-4"	5-10"	11" and >
Test Pit 1	10 YR 3/1	10 YR 3/2	--
Test Pit 2	10 YR 3/1	10 YR 3/2	--
Test Pit 3	10 YR 4/3	10 YR 4/1	10 YR 5/8
Test Pit 4	10 YR 3/1	10 YR 3/2	--
Test Pit 5	2.5 YR 3/1	2.5 YR 3/2	2.5 YR 5/2
Test Pit 6	2.5 YR 4/2	2.5 YR 3/2	2.5 YR 6/3
Test Pit 7	2.5 YR 3/2	2.5 YR 3/2	2.5 YR 4/1

Figure 2. Test Pit Locations



b). Hydrologic and Aquatic

The property has a complex of USACE jurisdictional wetlands (multi-parameter) to the north of the proposed development site that are hydrologically connected to the one-parameter ESHA. They extend beyond the property boundaries onto neighboring parcels and comprise about 10% of the total area of the property. They are dominated by emergent vegetation and bordered by arroyo willow (*Salix lasiolepis*). The amount of standing water appears to vary with season and precipitation.

c). Sensitive Species or Habitats

A Class II streamside management area (SMA) and associated riparian area runs north-south through the property. It is a NWI-mapped one-parameter wetland (parameter is vegetation) with its terminus in the mapped multi-parameter wetland to the north. The SMA is dominated by arroyo willow and other facultative and obligate plants (see Table 1 for complete list of plants onsite). The SMA slopes gently, ranging from 15-35%. The head of the class II is located at the current southern end of the access road.

2. Offsite Conditions

The parcel is located at the southern edge of the Eel River valley borders other agricultural parcels; these are predominantly producing cattle and cattle feed. The immediate area contains features with high habitat value. These include jurisdictional wetlands, riparian areas, and pockets of forest such as Sitka spruce, which is a CNDDB California habitat of special concern.

3. Development Effects

The proposed residential development is adjacent to a SMA (Streamside Management Area) that bisects the access route to the construction site. This SMA is directly upslope from and is hydrologically connected to a series of multiple-parameter wetland areas that have been previously mapped and are included in the NWI database of wetlands for Humboldt County. These areas must be protected by adequate buffers and by other applicable mitigation measures to prevent direct and indirect impacts to ESHA. This project and projects of this nature also have the potential to contribute towards cumulative effects in the greater Eel River Watershed. Section 30240 of the California Coastal Act states that

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

and

(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.

i). Direct Impacts

Examples of direct impacts potentially caused by this project could include take of sensitive species due to construction activity, habitat loss, or sudden inputs of sediment into waterways. Runoff from a residential development may impact habitat for amphibians, which are particularly sensitive to toxins or foreign substances in the environment and are also considered to be indicator species of ecosystem health (Pollet and Young 2000). Predation of native species by residential pets may be another potential impact.

ii). Indirect Impacts

Indirect impacts might include increased sedimentation or stormwater runoff into waterways over time due to increases in impervious surfaces. They may also include disruption of migration or dispersal pathways for certain species or increase in ambient noise over time that can have measurable effects on animals. Anthropogenic noise pollution is known to effect animals in a variety of ways, such as acoustic communication, nesting and breeding disruption, and elevation of stress levels (Francis et al. 2009). Similarly, increase in artificial lighting could cause disruption in movement, foraging, interspecific behavior, reproduction and rearing of young (Gaston et al. 2012).

iii). Cumulative Impacts

Cumulative Impacts are defined as “two or more individual effects which, when considered together, are considerable” and that account for “the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects” (CEQA Section 15355). The US EPA includes the Eel River on its list of California’s Impaired Waterways due to high sediment levels (US EPA 2001). Construction projects that impact tributaries of the Eel River have the potential degrade water quality at the watershed level.

III. Methods

A. Field Observation and Studies

A site visit to the Brodt site was conducted on 13 December, 2018 by Tributary biologists Iris Koski and Kelsey McDonald. Both have ample experience with wildlife and botanical identification as well as wetland delineations. Photos of the property from the site visit are included in Appendix A. Aquatic, wetland, and terrestrial resources that could potentially be impacted by the development were inventoried and assessed. Lists of both plants and birds observed onsite during the field visit are included in Tables 1 and 2. A series of seven test pits were dug throughout the proposed construction site as well as at the dripline of the ESHA on the property to ensure construction would not take place on hydric soils. Test pits were also dug at known wetland locations for purposes of comparison. The soils in the proposed construction site were upland and well-drained, with average hues of 10.5 YR, values of 3 and 4, and chroma 1, 2, and 3. The wetland delineation field form is included in Appendix D.

B. Reduced Buffer Analysis

California Coastal Commission (CCC) requires a minimum of 100 feet of setback of any new development from any ESHA or wetland area (one-parameter or greater). The purpose of this report is to apply a Reduced Buffer Analysis to this proposed development to greater understand how the project might impact various aspects of the ESHA and how best to mitigate for these impacts. The reduced buffer analysis is based upon seven criteria. These criteria are discussed in Section 7. Seven criteria were used to conduct a reduced buffer analysis on the Brodt parcel and are enumerated below. These criteria analyze the potential effects of the project with respect to a proposed 50-foot reduced buffer as an alternative to the standard 100-foot buffer.

1. Biological significance of adjacent lands.

Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. That is, functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance would depend upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding or resting). This determination requires the expertise of an ecologist, wildlife biologist, ornithologist, or botanist who is familiar with the particular type of habitat involved.

These buffer analysis determinations were made by Tributary biologists Iris Koski and Kelsey McDonald. Both have ample experience with wildlife and botanical identification as well as wetland delineations. Aquatic, wetland, and terrestrial resources that could potentially be impacted by the development were inventoried and assessed.

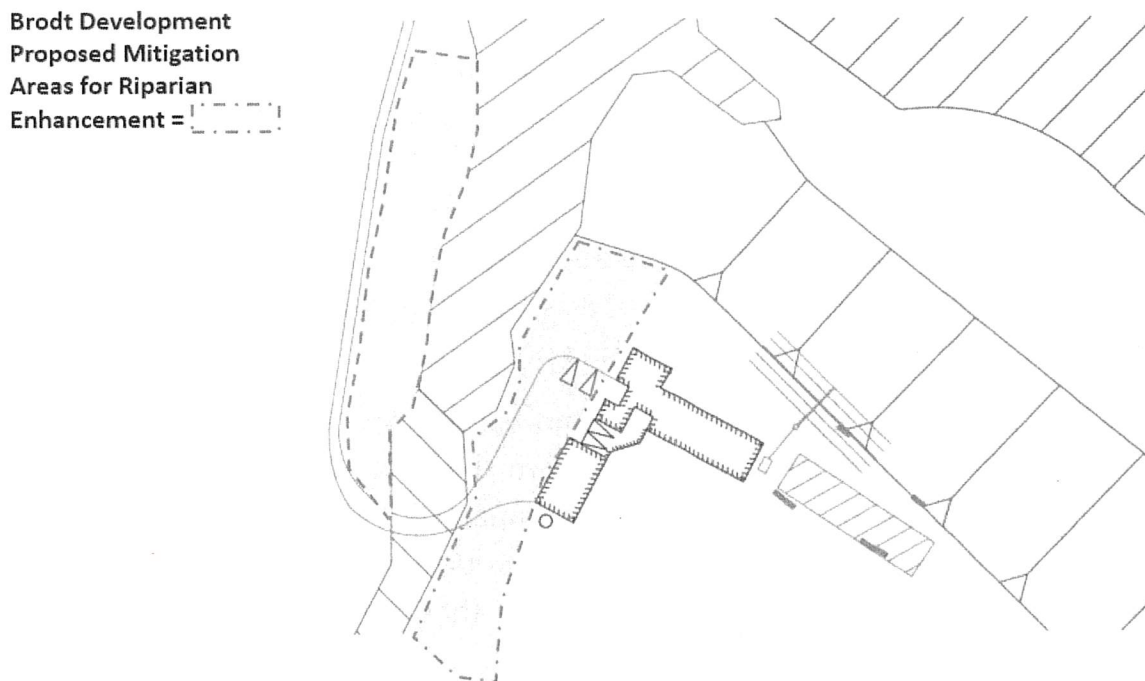
Functional relationships exist between the proposed development area, the SMA and surrounding habitats, however they vary in their degree of association. For example, animals such as birds that inhabit the riparian area within 100 feet of the proposed development area may also utilize the adjacent grasslands for foraging or other activities. However, most species tend to associate more strongly with one habitat or the other, and not both.

The SMA is a one-parameter wetland based upon vegetation. It is upslope of and hydrologically connected to the NWI-mapped multi-parameter wetlands to the north. Thus, impacts to the SMA have potential to also impact the multi-parameter wetlands. For this reason, considerable mitigation is proposed to ensure that these impacts are allayed.

In this case, Tributary Biological Consultants suggest mitigation that would enhance the existing riparian habitat on the site (Figure 2). About 50 feet of riparian vegetation would be planted on each side of the SMA, for a total buffer of 100 feet. Further vegetation planting is

suggested on the slope above the wetland area to the north of the proposed residence. These habitat enhancements would compensate for the loss of buffer on the side nearest the development and would confer multiple ecological benefits. By planting riparian species adjacent to the existing SMA, more habitat would be provided for species which depend upon riparian vegetation. These riparian species would provide additional visual, sound, and wind cover to the existing riparian area, which would enhance the core usable habitat and decrease the edge-to-interior ratio of the SMA. Appendix C includes a list of potential plants for riparian re-planting and an erosion control seed mix.

Figure 2. Recommended mitigation areas for riparian enhancement.



2. Sensitivity of species to disturbance.

The width of the buffer area should be based, in-part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination should be based on the following:

a). Nesting, feeding, breeding, resting or other habitat requirements of both resident and migratory fish and wildlife species.

CNDDDB (California Natural Diversity Database) and CNPS (California Native Plant Society) databases provide information about special species that are potentially impacted by this project. These species and the potential impacts are identified and discussed. CESA (California Endangered Species Act) requires consultation with CDFW to ensure that actions of the lead agency do not harm state-listed species or their habitats. In addition to species listed as threatened or endangered at state or federal levels, CDFW has developed a list of “Species of Special Concern” (SSC) that includes species whose populations, reproduction, or habitat may be declining. Some of the species with likelihood to be found on the Brodt parcel are selectively discussed below, although this is not a complete list.

The habitat is a moderately sloped class II watercourse and is not fish bearing. Amphibians such as the northern red-legged frog (*Rana aurora*) have potential to occur onsite. Streams, ponds, and wet areas on the parcel and in the surrounding area are habitat for the northern red-legged frog (Zeiner et al.) The project will avoid impacts to potential amphibian habitat. The potential impact with mitigation incorporated is less than significant. Any amphibians found during construction must be moved out of harm’s way if necessary, and a report documenting all individuals found submitted to CDFW.

The Federal Migratory Bird Treaty Act (MBTA) prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of Interior. Section 3503 prohibits the killing of birds or destruction of nests. Some SSC likely to occur onsite include yellow-breasted chat, Cooper’s hawk, white-tailed kite, and willow flycatcher (Shufford and Gardelli 2008; Sibley 2014). Vegetation removal and ground disturbance that occur within nesting bird season (1 February- 31 August) will require a biological

survey within two weeks of planned disturbance. If active nests are found, they will be given at least 100 feet of buffer until nests fledge or are no longer active. Snags, nests or cavities utilized by raptors, woodpeckers, and other should be monitored for activity and if found active no construction activity will occur within 200 feet during nesting bird season.

Sensitive natural communities, riparian habitat, and wetland vegetation are high in wildlife habitat value. Thus, any plans for development must account for these communities and mitigate all potential impacts to them. The immediate area proposed for development should be surveyed during peak inflorescence for special status plants. One plant survey has been conducted on the Brodt site during a December site visit. Another survey should be conducted in the spring when there is a greater likelihood of detecting special status plants.

b). An assessment of the short-term and long-term adaptability of various species to human disturbance.

The proposed development site is currently used to graze and to produce fodder for cattle. The grasslands are a combination of native and introduced annual grasses. The area is accessed frequently with a tractor, indicating that species that inhabit the area are already adapted to some level of disturbance. There is a significant proportion of non-native species on the development site; most of these are annual grasses that are used for grazing.

As the riparian vegetation installed for mitigation purposes matures, more extensive habitat will be created over time for species that associate with these vegetation alliances. The additional cover and protection conferred by these vegetation buffers will mean that human impacts lessen over time. The removal of invasive species as an initial stage of this project will improve the value of the habitat.

3. Susceptibility of parcel to erosion.

The width of the buffer area should be based, in part, on an assessment of the slope, soils, impervious surface coverage, run-off characteristics, and vegetative cover of the parcel, and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.

The site selected for development is essentially level. It occurs upslope of a jurisdictional wetland and is adjacent to an ESHA. Therefore, construction activities must be conducted in a manner that minimizes erosion into these sensitive areas. The project shall follow BMPs outlined by the North Coast Regional Water Quality Control Board (NCRWQB) set forth to prevent erosion, runoff, sedimentation, and other pollution.

Following construction, an erosion control seed mix will be applied to stabilize soil. Fiber rolls and straw mulch will be used on slopes to further prevent erosion. Enhanced riparian planting will increase the capacity of the site to retain soil and reduce runoff. A list of native plants for erosion control and riparian enhancement is included in Appendix C. A vegetated bioswale will be installed surrounding the parking area that is designed to capture stormwater and route it away from sensitive areas, minimizing impacts to ESHA from sediment or pollutants.

4. Use of natural topographic features to locate development.

Hills and bluffs adjacent to ESHAs should be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHAs.

The area planned for development is relatively level and is upslope of ESHA in consideration. Riparian plantings, vegetative windblocks and a bioswale will act as buffers to these areas from the residence. The site was selected for development because it is considerably less windy than in other areas of the property.

5. Use of existing cultural features to locate buffer zones.

Cultural features, (e.g., roads and dikes) should be used, where feasible, to buffer habitat areas. Where feasible, development should be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.

The project will be accessed by an existing road that will be extended by a few hundred feet to the proposed development area. The average distance away of existing cultural features from the ESHA is comparable to that proposed for the development. The proposed mitigation riparian enhancement below the road and above the SMA will buffer the ESHA from this road by stabilizing soil and increasing infiltration. Parking lot construction will be flanked by a vegetated bioswale and will provide a further buffer for sensitive habitat.

6. Lot configuration and location of existing development.

Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance will be required as a buffer area for any new development permitted. Where development is proposed in an area

which is largely undeveloped, the widest and most protective buffer area feasible should be required.

The proposed dwelling is in an undeveloped area of the property. The biological value of the ESHA near the proposed development site will be protected by the installation of a densely planted assemblage of native riparian species. The buffer will be 50 feet wide on the side nearest to the residence, with the same amount of buffer on the opposite side of the SMA, protecting the slope up to the existing road. This slope on the west side of the SMA is currently failing and in need of stabilization. These riparian habitat enhancements should provide adequate habitat for species that depend upon this habitat and should minimize erosion and runoff into the ESHA and associated wetland.

7. Type and scale of development proposed.

The type and scale of the proposed development will, to a large degree, determine the size of the buffer area necessary to protect the ESHA. For example, due to domestic pets, human use and vandalism, residential developments may not be as compatible as light industrial developments adjacent to wetlands and may therefore require wider buffer areas. However, such evaluations should be made on a case-by-case basis depending upon the resources involved and the type and density of development on adjacent lands.

The proposed project is a single-family dwelling and is considered to be a small-sized development. Impacts to the nearby ESHA from this development will be minimal, and additional measures will be taken to mitigate for disturbances. The road and parking lot that will be used to access this dwelling will be rocked and pervious, minimizing potential for stormwater and pollutant runoff.

C. Trustee and Other Agency Consultation

Humboldt County is the lead agency and was consulted in preparation of this report. Further consultation with CCC, CDFW, USACE, NCRWQCB, and other relevant agencies may be necessary.

D. Document and Report Review

A desktop analysis was conducted prior to the field visit using data from NWI (National Wetlands Inventory), the Humboldt County GIS portal, and the NRCS Web Soil Survey. Wetland delineation protocol from the USACE and their regional supplement for the Western mountains, valleys and coast field form was used. Information about sensitive species that may occur on the site was obtained from databases including CNDDB, IPAC, and CNPS.

E. Cumulative Biological and Watershed Effects

The North Coast (Region 1) ranks as the most-impaired in the state in key areas such as sediment and temperature (Water Resources Control Board 2018). There are many mechanisms of delivery of sediment into watersheds. Projects that have the potential to increase sedimentation into water bodies must therefore be mitigated. Best management practices and riparian revegetation efforts have been demonstrated to minimize inputs of sediment into rivers and watercourses.

IV. Results and Discussion

A. Plant Species Observed

Plant species observed on the Brodt development on the site visit are included below in Table 1. Further plant surveys may be necessary during peak inflorescence.

Table 1. Plant species observed on site visit

Scientific Name	Common Name	Date
<i>Salix lasiandra</i>	Pacific willow	12/13/2018
<i>Salix lasiolepis</i>	arroyo willow	12/13/2018
<i>Sambucus racemosa</i>	red elderberry	12/13/2018
<i>Rubus ursinus</i>	California blackberry	12/13/2018
<i>Rubus parviflorus</i>	thimbleberry	12/13/2018
<i>Rubus armeniacus</i>	Himalayan blackberry	12/13/2018
<i>Ilex aquifolium</i>	English holly	12/13/2018
<i>Rubus spectabilis</i>	salmonberry	12/13/2018
<i>Stachys mexicana</i>	Mexican hedgenettle	12/13/2018
<i>Dactylis glomerata</i>	orchard grass	12/13/2018
<i>Juncus patens</i>	spreading rush	12/13/2018
<i>Rumex crispus</i>	curly dock	12/13/2018
<i>Conium maculatum</i>	poison hemlock	12/13/2018
<i>Scrophularia californica</i>	California figwort	12/13/2018
<i>Polystichum munitum</i>	western swordfern	12/13/2018
<i>Equisetum telmateia</i>	giant horsetail	12/13/2018
<i>Ranunculus repens</i>	creeping buttercup	12/13/2018
<i>Athyrium filix-femina</i>	common ladyfern	12/13/2018
<i>Hedera helix</i>	English ivy	12/13/2018
<i>Urtica dioica</i>	stinging nettle	12/13/2018
<i>Solanum douglasii</i>	Douglas nightshade	12/13/2018
<i>Malva neglecta</i>	cheeseweed	12/13/2018
<i>Plantago lanceolata</i>	English plantain	12/13/2018
<i>Holcus lanatus</i>	common velvetgrass	12/13/2018
<i>Cirsium vulgare</i>	bull thistle	12/13/2018
<i>Silybum marianum</i>	milk thistle	12/13/2018
<i>Taraxacum officinale</i>	common dandelion	12/13/2018
<i>Sonchus asper</i>	prickly sow thistle	12/13/2018

<i>Festuca perennis</i>	perennial rye grass	12/13/2018
<i>Bellis perennis</i>	English daisy	12/13/2018

B. Other Species Observed directly or indirectly (e.g. nests, scats, tracks, etc.)

Bird species observed are included in Table 2. Further bird surveys may be necessary if vegetation clearing occurs during nesting bird season.

Table 2. Bird species observed on site visit on 12/13/2018.

Scientific Name	Common Name	Date
<i>Agelaius phoeniceus</i>	red-winged blackbird	12/13/2018
<i>Elanus leucurus</i>	white-tailed kite	12/13/2018
<i>Buteo lineatus</i>	red-shouldered hawk	12/13/2018
<i>Buteo jamaicensis</i>	red-tailed hawk	12/13/2018
<i>Anas platyrhynchos</i>	mallard	12/13/2018
<i>Setophaga coronata</i>	yellow-rumped warbler	12/13/2018
<i>Turdus migratorius</i>	American robin	12/13/2018
<i>Calypte anna</i>	Ana's hummingbird	12/13/2018
<i>Corvus brachyrhynchos</i>	American crow	12/13/2018

C. Sensitive Species or Habitats in the Project Vicinity (listing)

The ESHA on this parcel is coastal riparian habitat.

D. Recommended Mitigation and Monitoring Measures

The reduced buffer may be mitigated with riparian enhancement at a 2:1 ratio. The suggested riparian enhancement areas are shown in Figure 2. Appendix C includes a list of potential plants for riparian re-planting and erosion control. A vegetated bioswale may also reduce stormwater runoff and increase infiltration, as well as provide habitat. BMP's will be used during and after the construction process. The class II crossing should be protected with a culvert or a rocked/vented ford.

V. Conclusion

This seven-point evaluation and associated mitigation measures were developed by qualified biologists with experience classifying sensitive habitats and species. The main element of the design will incorporate a riparian enhancement area that buffers the proposed residence, parking area, and road from the ESHA with native riparian vegetation. A vegetated bioswale between the development and the ESHA will provide additional stormwater drainage as well as habitat. Removal of debris and installation of rock armor in the class II ford will help restore the existing ESHA and reduce sedimentation. Road and parking lot areas should be constructed using porous material. These plans may need to be finalized by LID/storm-water specialists and/or an engineer. By implementing the above measures, the reduced buffer proposed in this report will have a mitigated negative declaration.

VI. References

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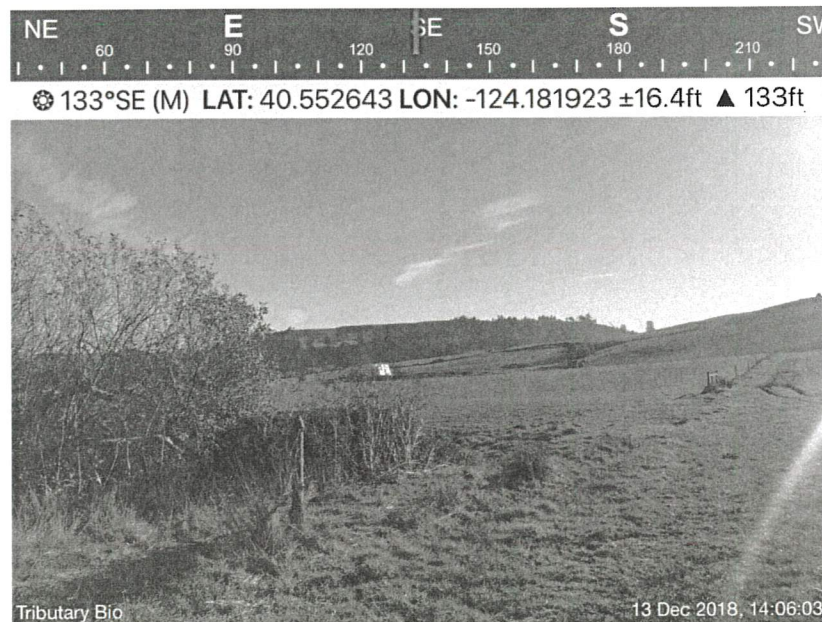
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Appendix A. Site Photos

Photo 1. Riparian area with arroyo willow in vicinity of development site.



Photo 2. Riparian area and proposed access to building site.

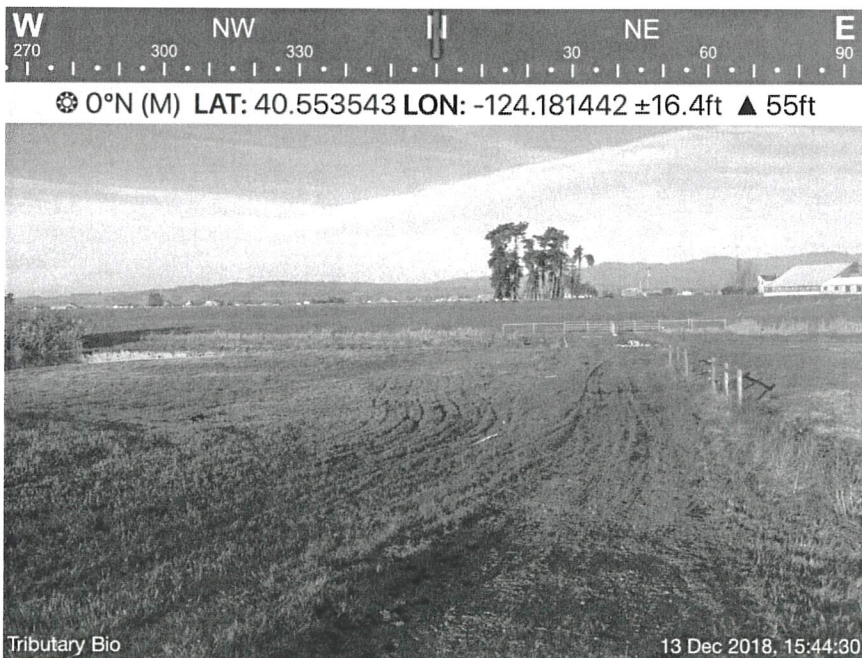


Appendix A. Site photos

Photo 3. Dripline of riparian area looking northeast to proposed development site.



Photo 4. Existing access road (between wetlands).



Appendix B. Wetland Determination Field Data Form

WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: Brodt
 Applicant/Owner: Brian & Mearl Brodt
 Investigation(s): Iris Kostel, Kelsey McDonald
 Landform (hillside, terrace, etc.): hillside
 Subregion (LRR): Northwest Forest & Coast
 Section, Township, Range: S16 T24N R14W
 State: WA
 Sampling Point: Pasture-1
 Sampling Date: 12/13/18
 City/County: Ferndale, Humboldt

Soil Map Unit Name: _____
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (if no, explain in Remarks.)
 Are Vegetation / Soil significantly disturbed? Yes ☒ No ☐ (if no, explain any answers in Remarks.)
 Are Vegetation / Soil or hydrology naturally problematic? Yes ☐ No ☒ (if needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.
 Hydrophytic Vegetation Present? Yes ☒ No ☐
 Hydric Soil Present? Yes ☒ No ☐
 Wetland Hydrology Present? Yes ☒ No ☐
 Remarks: Although the hydrophytic vegetation component is fulfilled because it is dominated by invasive facultative grass, the area is not likely naturally a wetland.

VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: _____)	Sapling/Shrub Stratum (Plot size: _____)	Herb Stratum (Plot size: _____)	% Bare Ground in Herb Stratum
1. <i>Sedum douglasii</i>	1. <i>Sedum douglasii</i>	1. <i>Sedum douglasii</i>	1. <i>Sedum douglasii</i>
2. <i>Plantago lanceolata</i>	2. <i>Plantago lanceolata</i>	2. <i>Plantago lanceolata</i>	2. <i>Plantago lanceolata</i>
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Hydrophytic Vegetation Present? Yes ☒ No ☐
 Hydric Soil Present? Yes ☒ No ☐
 Wetland Hydrology Present? Yes ☒ No ☐
 Remarks: Outside edge of PSS1 willow riparian characterized. Non-native, mowed pasture. Irrigated. Vegetation problematic because it has been irrigated & managed for pasture grazing.

Appendix D. Wetland Determination Field Data Form

Sampling Point: Pasture-1

SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4"	10YR 3/1	100	—	—	—	—	—	—
5-10"	10YR 3/2	99	—	—	—	—	—	—
5-10"	10YR 5/6	1	—	—	—	—	—	—

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Mucky Mineral (S1) <input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8)	Indicators for Problematic Hydric Soils³: <input type="checkbox"/> 2 cm Muck (A10) <input type="checkbox"/> Red Parent Material (TF2) <input type="checkbox"/> Very Shallow Dark Surface (TF12) <input type="checkbox"/> Other (Explain in Remarks)
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³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks: None.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required, check all that apply)

<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> Salt Crust (B11) <input type="checkbox"/> Aquatic Invertebrates (B13) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) <input type="checkbox"/> Other (Explain in Remarks)	Secondary Indicators (2 or more required) <input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) <input type="checkbox"/> Frost-Heave Hummocks (D7)
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Field Observations:

Surface Water Present?	Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>
Water Table Present?	Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
Saturation Present? (includes capillary fringe)	Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No hydrology indicators present.

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Appendix C.

Mitigation erosion control seed mix and riparian re-vegetation plant list

Erosion Control Seed Mix			
Scientific name	Common name	Mature height	Function
<i>Bromus carinatus</i>	California brome	24"	Soil stabilizing
<i>Elymus glaucus</i>	Blue wildrye	36"	Soil stabilizing
<i>Vulpia microstachys</i>	Three weeks fescue	18"	Soil stabilizing
<i>Trifolium willdenovii</i>	Tomcat clover	6"	Soil stabilizing, nitrogen fixing
<i>Danthonia californica</i>	California oatgrass	36"	Soil stabilizing
<i>Achillea millefolium</i>	Common yarrow	24"	Soil stabilizing
<i>Hordeum brachyantherum</i>	California meadowbarley	36"	Soil stabilizing
Herbaceous layer			
Scientific name	Common name	Mature height	Function
<i>Juncus patens</i>	Spreading rush	24"	Forage and filtration, soil stabilizing
<i>Bromus carinatus</i>	California brome	24"	Forage and filtration, soil stabilizing
<i>Mimulus cardinalis</i>	Scarlet monkeyflower	24"	Forage and filtration, soil stabilizing
<i>Juncus effuses</i>	Soft-stemmed rush	24"	Forage and filtration, soil stabilizing
Trees and Shrubs			
Scientific name	Common name	Mature height	Function
<i>Baccharis pilularis</i>	Coyote Bush	10'	Evergreen vegetation screen, bird habitat
<i>Myrica californica</i>	Wax myrtle	30'	Evergreen vegetation screen
<i>Salix lasiolepis</i>	Arroyo willow	20'	Deciduous shrub, forage, habitat, visual screen
<i>Picea sitchensis</i>	Sitka spruce	150'	Upland to moist, wildlife habitat, windbreak
<i>Rubus ursinus</i>	California blackberry	4'	Upland to moist, wildlife habitat, windbreak
<i>Picea sitchensis</i>	Sitka spruce	150'	Upland to moist, wildlife habitat, windbreak
<i>Rubus ursinus</i>	California blackberry	4'	Upland to moist, wildlife habitat, windbreak

ATTACHMENT 4
Referral Agency Comments and Recommendations

The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	On File
Building Inspection Division			
Environmental Health			
CDFW			
California Coastal Commission	✓	Conditional Approval	✓
CalFire	✓	No comment	✓
Public Works Land Use	✓	Approval	✓
NWIC	✓	Contact local tribe(s)	✓
Bear River Band			
Wiyot Tribe			
Ferndale FPD			

ATTACHMENT 5
Public Comment Received

ATTN: Joshua Dorris

RE: APN: 106-111-004

APPLICATION: #14156

OWNER: BRODT

CONCERN: ACCESS

Dear Joshua Dorris,

Regarding the above Parcel, please consider the following concerns of owners and residences on Church Lane in Ferndale California.

Access to the property is currently used through Church Lane which is less than 30 feet wide and supporting daily active agricultural activities of dairy and farming properties for over a century. It is somewhat paved with many pot holes in need of repair as well as pulverized and crushed gravel, creating dust which is documented to cause both human and livestock health issues.

We request a re-evaluation of this access due to the expansion and current use of the property which has an impact to the existing businesses and properties of Church Lane. The original access was Price Creek Road.

Thank You,

Owners and Residents of Church Lane