

CALIFORNIA COASTAL COMMISSION

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original staff report

F10a

MEMORANDUM

Date: February 4, 2016

To: Commissioners and Interested Persons

From: Alison Dettmer, Deputy Director
Bob Merrill, District Manager
Cristin Kenyon, Coastal Planner

Subject: Addendum to Commission Meeting for Friday, February 12, 2016
North Coast District Item F10a, CDP Appeal A-1-DNC-15-0072 (Blake Alexandre,
Del Norte County)

This staff report addendum presents and responds to a public comment letter received from the appellant Friends of Del Norte in response to the January 22, 2016 staff report for the above-referenced appeal. The appellant's letter is attached to this addendum packet and shall be incorporated into the staff report as Exhibit 12. Staff understands that the appellant is not planning on being represented at the Commission meeting.

According to the one page comment letter, the Commission staff report has addressed the appellants concerns regarding wetland fill and pollution from animal waste, but the appellant is still concerned about the loss of agricultural soils that will result from the placement of the barn. As acknowledged by the appellant, the Del Norte LCP does not contain any enumerated LCP policies or standards that specifically require that agricultural soils removed by grading be conserved. The appellant believes, however, that the Del Norte County Planning Commission's decision is inconsistent with other portions of the Del Norte County General Plan. The Conservation Element of the Del Norte County General Plan includes a policy that states, "*The County shall continue to conserve prime agricultural soils by review of development which may cover-over or displace such soils (i.e. roads and accessory structures) and require redistribution of impacted soils for other agricultural uses as mitigation. The County shall encourage agricultural structures to be placed in a location that will have the least impact upon on-site agricultural activity*" (DNGP 1.G.4). This General Plan policy is not included in the certified LCP and none of the enumerated LCP policies discuss the preservation of soils. Therefore, the fact that the approved development does not contain a specific condition requiring that the soils removed by grading activities be stockpiled and retained upon the parcel does not raise a substantial issue of conformance with the certified LCP policies.

Even though the LCP does not specifically require conservation of prime agricultural soils, the barn is sited and designed to minimize impacts to these soils. As discussed in the staff report, approximately two-thirds of the barn will be sited on soils that have been used as an agricultural work yard for decades and are mostly covered with base material and gravel fill that was historically placed in this location. Approximately one-third of the building will encroach into pastureland, but given the flat topography of the site, the amount of grading necessary will be minimal. In addition, the approved plans for the pole barn do not include a paved floor so no prime agricultural soils will be buried under concrete. According to the applicant, the bare ground under the pole barn will be covered with crushed rock and rice hulls. This pervious surface will allow water to infiltrate the underlying soils and reduce soil compaction.

Staff continues to recommend that the Commission find that the appeal raises no substantial issue with respect to the grounds on which it was filed.



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**CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**

Friends of Del Norte *Committed to our environment since 1973*

A nonprofit, membership based conservation group

advocating sound environmental policies for our region. PO Box 229, Gasquet, CA 95543

ATT: California Coastal Commission, Feb. 1, 2016

Cristin Kenyon, Bob Merrill

Regarding: No substantial issue, Friends/Blake Alexandre appeal A-1-DNC-15-0072, Item F10A

We appreciate the substantial information about the project that staff has submitted, and the prompt and timely effort that staff has devoted, so that this project can move forward.

Staff has been out to field and tested negative for questionable wetland areas nearby, thus satisfying our concerns about wetland fill. Staff has provided information about the use of the project and important information about how animal waste is going to be managed, thus satisfying our concerns about pollution from animal waste. Staff has clarified that the nearby well is not for potable water.

All of the vital information that coastal staff has gathered remedies most of our concerns.

We are still concerned about the loss of agricultural soils that will result from the placement of the barn. Agricultural soils will be graded and layered over with gravel on approximately a third of the barn area. We find it unfortunate that Del Norte LCP policies fail to protect agricultural soils. We find a very strong basis within Del Norte County General Plan to protect these soils, and it is unfortunate and inconsistent that Del Norte County Planning Commission has failed to implement their own policies with regard to conservation of agricultural soils. We hope that future agricultural grading permits will not continue to allow degradation of agricultural soils, thus continuing the poor example that this case has presented.

Thank you, Eileen Cooper, vice president, FODN 707-465-8904

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F10a

Filed: 12/28/15
49th Day: 02/15/16
Staff: C. Kenyon-A
Staff Report: 01/22/16
Hearing Date: 02/12/16

STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE DETERMINATION

Appeal No.: **A-1-DNC-15-0072**

Applicant: **Blake Alexandre**

Appellants: Friends of Del Norte

Local Government: Del Norte County

Local Decision: Approval with Conditions

Location: 8250 Bailey Road, in the Smith River bottomlands of Del Norte County (APN 105-020-45).

Project Description: Construct a 7,920-square-foot agricultural pole barn.

Staff Recommendation: No Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the *de novo* phase of the hearing will occur at a future Commission meeting during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeal has been filed.

The approved project consists of the construction of a 7,920-square-foot chicken brooder barn on a 176.25-acre parcel located at 8250 Bailey Road, Del Norte County. Alexandre Kids LLC uses the subject parcel to produce organic, pastured eggs from laying hens that are housed in one-acre mobile coops rotated on pastures shared by dairy cows.

The appeal alleges that the County's findings and conditions of approval do not evidence how the impact of the approved development on the water quality of nearby surface and subsurface coastal waters is consistent with the policies of the certified LCP relating to the maintenance of water quality. The appeal also alleges that the barn is sited in or directly adjacent to wetland environmentally sensitive habitat area (ESHA), inconsistent with the ESHA protection policies of the LCP. Lastly, the appeal alleges that the approved placement of a barn on prime agricultural land without a condition that the underlying topsoil be removed and conserved is inconsistent with the agricultural resource protection policies of the LCP.

Staff believes that based on the local record, additional information provided by the applicant, a site visit with Department of Fish & Wildlife staff, and discussions with County and Regional Water Quality Control Board (RWQB) staff, there is a high degree of factual and legal support for the County's decision. Regarding the protection of water quality, the farm's operations are protective of water quality as the pastures and composting facilities for chicken and egg production are shared with Alexandre Dairy for cow milk production and these dairy pastures and facilities are currently subject to water quality plans and monitoring required by the Regional Board and U.S. EPA. In addition, the construction of the pole barn would facilitate the relocation of an existing brooding operation at its current capacity, rather than provide for an intensification of the existing operation. Thus, the approved pole barn would not result in significant new animal waste having new and different water quality impacts. Regarding the protection of wetland ESHA, site visits confirm the barn is not sited in or adjacent to ESHA. Regarding the protection of agricultural resources, there is no conversion of agricultural land to nonagricultural uses and the barn is sited and designed to avoid impacts to prime soils.

Therefore, staff recommends that the Commission find that the appeal raises no substantial issue regarding conformance of the approved development with the policies of the County's certified LCP and the public access policies of the Coastal Act.

The motion to adopt the staff recommendation of No Substantial Issue is found on [Page 4](#).

TABLE OF CONTENTS

I.	MOTION AND RESOLUTION	<u>4</u>
II.	FINDINGS AND DECLARATIONS	<u>4</u>
	A. APPEAL JURISDICTION AND PROCEDURES	<u>4</u>
	B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL	<u>5</u>
	C. PROJECT DESCRIPTION & SETTING	<u>5</u>
	D. APPELLANTS' CONTENTIONS	<u>7</u>
	E. ANALYSIS	<u>8</u>
	1. CONTENTION RELATED TO WATER QUALITY	<u>8</u>
	2. CONTENTION RELATED TO ESHA	<u>11</u>
	3. CONTENTION RELATED TO AGRICULTURAL RESOURCES	<u>12</u>
	F. CONCLUSION	<u>14</u>

APPENDICES

[Appendix A](#) – Commission's Appeal Jurisdiction over the Project

[Appendix B](#) – Substantive File Documents

[Appendix C](#) – Excerpts from the Del Norte County Certified LCP

EXHIBITS

[Exhibit 1](#) – Regional Location Map

[Exhibit 2](#) – Vicinity Map

[Exhibit 3](#) – Aerial Images

[Exhibit 4](#) – Parcel Map

[Exhibit 5](#) – Zoning Map

[Exhibit 6](#) – Site Map

[Exhibit 7](#) – Site Photos

[Exhibit 8](#) – Building Plans

[Exhibit 9](#) – Notice of Final Local Action and Findings for Approval of County CDP

[Exhibit 10](#) – Appeal by Friends of Del Norte

[Exhibit 11](#) – Applicant's Correspondence

I. MOTION AND RESOLUTION

Motion:

I move that the Commission determine and resolve that Appeal No. A-1-DNC-15-0072 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion by voting “Yes” as is recommended by staff will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution:

The Commission hereby finds that Appeal No. A-1-DNC-15-0072 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified LCP and/or the public access policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

A. APPEAL JURISDICTION AND PROCEDURES

Pursuant to Coastal Act Section 30603, Del Norte County’s approval is appealable to the Commission because the approved development is located between the sea and the first public road paralleling the sea. The grounds for an appeal are limited to an allegation that the approved development does not conform to the standards set forth in the certified Local Coastal Program (LCP) and, as the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue¹ exists with respect to the grounds on which the appeal has been filed. Even when the Commission chooses not to hear an appeal, an

¹ The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (a) the degree of factual and legal support for the local government’s decision; (b) the extent and scope of the development as approved or denied by the local government; (c) the significance of the coastal resources affected by the decision; (d) the precedential value of the local government’s decision for future interpretations of its LCP; and, (e) whether the appeal raises only local issues, or those of regional or statewide significance.

appellant nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5. Commission staff has analyzed the administrative record for the approved project, including the County's Local Action Notice for the development (**Exhibit 9**), the appellant's claims (**Exhibit 10**), and the relevant requirements of the Coastal Act and certified LCP ([Appendix C](#)). Staff is recommending that the Commission find that the appeal raises no substantial issue with respect to the grounds on which the appeal has been filed.

In this case, because the staff is recommending that the appeal raises no substantial issue, the Commission will hear arguments and vote on the substantial issue question. Generally, and at the discretion of the Chair, qualified persons will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellants and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

If the Commission determines that the appeal does raise a substantial issue, the Commission would continue the *de novo* portion of the appeal hearing to a subsequent meeting.

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

The Del Norte County Planning Commission approved CDP No. B33492C with conditions on December 2, 2015. The Coastal Commission's North Coast District Office received a pre-Notice of Final Local Action on the approved development on December 7, 2015 (**Exhibit 9**). The County's notice indicated that an appeal of the County's decision on the subject permit must be filed with the Clerk of the Board of Supervisors by December 14, 2015 for consideration by the Board. Since no local appeal was filed with the Board, Notice of Final Local Action was deemed filed on December 14, 2015 and the Commission's appeal period began on December 15, 2015 and ran for 10 working days, ending on December 29, 2015. On December 28, 2015, Friends of Del Norte timely filed an appeal of the County's decision to grant the permit (**Exhibit 10**).

C. PROJECT DESCRIPTION & SETTING

The development approved by the County involves the construction of a 7,920-square-foot pole barn for use as a chick brooder barn at 8250 Bailey Road in northwestern Del Norte County near the unincorporated community of Fort Dick. As approved by the County, the barn will be 44 feet wide, 180 feet long, and 17 feet high (**Exhibit 8**). The ground under the barn will be graded, and a crushed rock surface will be added and covered with rice hulls to provide moisture-absorbing material for the raising of chicks. The brooder barn will have both a roof and siding to maintain heat within the barn and provide protection from incremental weather.

The project is located on a 176.25-acre parcel along the southern flanks of the lower Smith River approximately 8 miles north of Crescent City and 8 miles south of the California-Oregon state border (**Exhibits 1-2**). The subject parcel, which spans both sides of Bailey Road, is comprised largely of pasture land but also includes a number of agricultural structures and two single-family residences (**Exhibits 4 & 6**). The approved barn is sited with three existing farm buildings on the west side of Bailey Road, with the two single-family residences located approximately 440 feet to the north and 680 feet to the northwest (**Exhibits 3**).

The Land Use Plan designations for the subject parcel are Agriculture Prime and Resource Conservation Area. The parcel is zoned AE (Agriculture Exclusive), RCA-1 (General Resource Conservation Area), RCA-2(r) (Designated Resource Conservation Area: Riparian Vegetation), and RCA-2(e) (Designated Resource Conservation Area: Estuary). The section of the parcel on which the pole barn is sited is zoned AE solely (**Exhibit 5**).

The Smith River main stem flows approximately 0.3 miles east of the location of the approved barn, separated from the barn by Bailey Road, a riparian corridor, a pasture, and a berm bordering the pasture. Bailey Road is a high point in the area causing runoff from the approved barn site to drain away from the river to the northwest into adjacent pastures. Eventually, the runoff flows into Yontocket Slough which empties into the Smith River further downstream. The barn is in an area subject to inundation by the 1% annual chance flood and potential sheet flows during flood events.

The subject parcel is currently owned by Alexandre Kids LLC (“Alexandre Kids”), an offshoot of Alexandre Dairy, for the production of pasture-raised eggs². Alexandre Dairy also uses the parcel for grazing of its dairy cows. Alexandre Kids purchases day-old chicks that spend their first 12-18 weeks inside a barn that is temperature and airflow controlled by overhead radiant pancake heaters and circulation fans. Once fully feathered, the adolescent birds (pullets) are moved to a stationary pole barn referred to as a “Transition Coop” that provides indoor and outdoor access for the pullets to learn to roost, utilize nest boxes, and forage outside. At approximately 24 to 26 weeks of ages, hens are moved from the transition coop to one of nine mobile coops that are enclosed in a one-acre electric fence or paddock (See **Exhibit 7** for a picture of the mobile coops). Each one-acre mobile coop is assigned a 15 to 18-acre pasture where the coop is rotated twice weekly to fresh grass. The Alexandre Kids egg ranch operates on approximately 185 acres at the egg ranch and an additional 100 acres owned by Alexandre Dairy. Alexandre Dairy owns and operates an additional 3,000 acres adjacent to the egg ranch. Alexandre Kids’ business is primarily wholesale, with over 70,000 organic eggs shipped weekly in California, Oregon, and Washington.

According to the farm manager (**Exhibit 11**), the approved pole barn will be used to raise the newborn chicks for their first 12-18 weeks. The barn will house approximately 7,500

² Alexandre Kids has been producing organically certified pastured eggs since 2005. In 2013, Alexandre Kids spun off of Alexandre Dairy to become an independent operation owned by Blake and Stephanie Alexandre and their family.

chicks at a time with a new group of chicks each quarter (~30,000 chicks per year). The barn will be supplied by well water but will not be connected to a septic system. Waste (the chicks' soiled rice hull bedding) will be removed from the barn once or twice a year when a group of chicks is rotated out of the barn, and will be composted along with the Alexandre Dairy manure solids and spread on the surrounding fields.

The current group of approximately 7,500 chicks is being housed in a converted calf barn on the adjacent Alexandre Dairy property off of Lower Lake Road (**Exhibit 3, pg. 2**). The County-approved new pole barn will allow Alexandre Kids to move the newborn chicks onto their own property and brood them directly adjacent to the rest of their egg production operations. The pole barn will be clustered with a barn used to store farm equipment, a barn used to inspect, wash, package, and refrigerate eggs prior to transport, and a pole barn used as a transition coop for pullets (See **Exhibit 7** for pictures of the existing farm buildings).

The subject parcel is located in the broad alluvial floodplain of the lower Smith River which is largely devoted to agriculture, primarily dairy and cattle ranchers. Adjacent parcels are large (from approximately 50 acres to over 200 acres) and used primarily for pasture. Permanent ponds and sloughs and threads of riparian vegetation are scattered throughout the area, along with remnant patches of mature coastal forest. Winter rains and flooding also create seasonal marshes and temporary wetlands in low pastures and grasslands.

The Smith River and surrounding farmed wetlands support a vast array of wildlife. The Smith River and its tributaries are ranked among the most significant anadromous fisheries in Northern California, and the Smith River estuary south to Point St. George is located on the Pacific Flyway and is identified as one of the most ornithologically significant coastal areas in the state, providing nesting and wintering habitat for a wide variety of waterfowl and marsh birds.³ Among the fish and wildlife found on the Alexandre Dairy and Alexandre Kids properties are bald eagles (*Haliaeetus leucocephalus*), Aleutian cackling geese (*Branta hutchinsii leucopareia*), Roosevelt elk, Northern red-legged frogs (*Rana aurora*), and coho salmon (*Oncorhynchus kisutch*).

The Smith River bottomlands are bordered to the south by the coastal lagoon complex of Lake Earl and Lake Tolowa, to the west by sand dunes (Tolowa Dunes State Park), and to the east by the forested foothills of the coast range. The Coastal Zone in this area extends some 3½ miles inland from the shoreline.

D. APPELLANT'S CONTENTIONS

The appellant (Friends of Del Norte) raises three main contentions. First, the appellant alleges that the County's findings and conditions of approval lack sufficient factual evidence regarding the impact of the approved development on the water quality of nearby surface and subsurface coastal waters and the approved development's consistency with the policies of the certified LCP relating to the maintenance of water

³ National Audubon Society Important Bird Areas: <http://netapp.audubon.org/IBA/Site/42>

quality. Second, the appellant alleges that the barn is sited in or directly adjacent to wetland environmentally sensitive habitat area (ESHA) and the County's findings and conditions of approval fail to address the project's impacts on wetland ESHA, inconsistent with the ESHA protection policies of the LCP. Third, the appellant alleges that the approved placement of a barn on prime agricultural land without a condition that the underlying topsoil be removed and conserved is inconsistent with the agricultural resource protection policies of the LCP (See [Appendix C](#) for relevant LCP policies).

As set forth in Section 30603 of the Coastal Act, after certification of its LCP, an appeal of a local government-issued CDP is limited to allegations made on the grounds that the approved development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

As discussed below, the Commission finds that all of the contentions raised by the appellant are valid grounds for appeal, but none raise a substantial issue of conformance of the approved development with the policies of the certified LCP or the public access policies of the Coastal Act. The three contentions are discussed separately below. The relevant policies are shown in [Appendix C](#).

E. ANALYSIS OF APPELLANT'S CONTENTIONS

Whether the Approved Development Is Consistent with Water Quality Protection Policies of the Certified LCP

The appellant claims that the County's findings and conditions of approval fail to adequately address the potential water quality impacts of the approved development inconsistent with the water quality protection policies of the certified LCP.

The County's land use plan's (LUP) chapter titled "Marine and Water Resources" (hereafter "MWR"), Section VI (General Policies), includes policies requiring the maintenance and where feasible enhancement of the existing quality of all marine and water resources; and the maintenance of all surface and subsurface waters at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters [MWR Section VI-C(1,3)]. Furthermore, the same LUP section includes a policy specifically requiring that wastes from agricultural and other uses not impair or contribute significantly to a cumulative impairment of water quality to the extent of causing a public health hazard or adversely impacting the biological productivity of coastal waters [MWR Section VI-C(4)].

The appellant claims that the approved development could have water quality impacts on an adjacent leach field, nearby wells, and wetlands scattered throughout the area, and that the County's findings and conditions of approval do not consider potential water quality impacts or include any grading or drainage plan. The appellant points out that while the County staff report does mention that the approved pole barn will be used to raise chickens, the report does not describe or evaluate how any change in intensity of use may affect water quality. Furthermore, the appellant contends that the County findings do not discuss or condition how animal waste generated in the barn will be handled or how the

site will be graded to avoid overwhelming the adjacent septic system, pooling of polluted water, and pollution of nearby wells.

One important fact not obvious in the local record is that the construction of the pole barn will result in the relocation of an existing brooding operation at its current capacity, rather than provide for an intensification of the existing operation. According to the applicant (See **Exhibit 11**), Alexandre Kids purchases day old baby chicks that are raised indoors under radiant heat for their first 12-18 weeks before being moved to an indoor transition coop and then outdoor mobile coops. Currently the baby chicks are being housed in a converted calf barn on the adjacent Alexandre Dairy property off of Lower Lake Road. The County-approved new pole barn will allow Alexandre Kids to move the newborn chicks onto their own property and brood them directly adjacent to the rest of their egg production operations. According to the applicant (See **Exhibit 11**), approximately 7,500 replacement hens are currently being raised at a time in the converted calf barn, and approximately the same number will be raised at a time in the new pole barn. The approved development will therefore not result in an intensification of use of the parcel or in significant new animal waste that could have new and different water quality impacts.

Further, the existing farm operations are protective of water quality. According to the applicant (See **Exhibit 11**), Alexandre Kids has nine flocks of laying hens in mobile chicken coops that are moved twice a week around the 185-acre farm on pastures shared with dairy cows. The chickens peck at cow patties to extract fly larvae and in the process help distribute manure around the fields, fertilizing the soil and reducing the fly population. After the coops are rotated, the one acre of pasture that was just grazed is left unoccupied for approximately one month to allow the grass to regrow. Predators are controlled with the help of livestock guard dogs that stay with the flock and by the dairy cows which whom the hens share pasture.

The eggs generated by Alexandre Kids are certified organic by the United States Department of Agriculture (USDA); organic eggs are produced by laying hens that have an organic diet with no prohibited synthetic inputs such as pesticides and antibiotics that could impair water quality. The eggs generated by the farm are also pastured eggs. There are no federal regulations governing use of the terms “pastured,” “free range” or “cage-free” on egg cartons; however, the Cornucopia Institute⁴ has developed an organic egg scorecard rating certified organic brands based on criteria such as legal and legitimate outdoor access, humane animal care, and adherence to organic principles, such as farm diversity and nutrient cycling (ranking organic eggs on a scale of 1 to 5). Alexandre Kids has earned a top tier ranking on the scorecard for among other criteria, farming in a way that builds soil fertility, maintains ecological balance, promotes biodiversity, reduces dependence on off-farm inputs, and recycles nutrients.

The Alexandre Dairy and grazing/crop land are enrolled under the North Coast Regional Water Quality Control Board’s “Conditional Waiver of Waste Discharge Requirements for Existing Dairies, Order No. R1-2012-0003.” This waiver requires a water quality

⁴ <http://www.cornucopia.org/organic-egg-scorecard/>

plan, water quality monitoring, inspections, and annual reports. Groundwater and surface water have been sampled the past three years since the Conditional Waiver commenced and results are submitted to the Regional Water Board annually for review. Although there is no current equivalent waiver for the chicken operation, the laying hens graze pastures shared with Alexandre Dairy's cows. The chicken pastures are therefore covered under the waiver and taken into account in the water quality plan, monitoring, inspections, and annual reports prepared for conformance with the Regional Water Quality Control Board's Conditional Waiver for the existing dairy operation.

Waste from the chicken operation, including the soiled rice hull bedding from the chick barn, is added to Alexandre Dairy's waste which is regulated under a Comprehensive Nutrient Management Plan (CNMP) required by the U.S. Environmental Protection Agency and the North Coast Regional Water Quality Control Board for the Alexandre Dairy and their grazing/crop land.⁵ The CNMP was written by a Technical Service Provider and was approved by the USDA Natural Resources Conservation Service. The dairy collects waste generated by the cows and puts it through a manure separator to separate solids from liquids; liquids are then pumped to a holding lagoon and eventually spread on fields, while solids are composted with fish waste and spread on fields once or twice per year. The soiled rice hull bedding from the County-approved chick barn will be removed by bobcat once or twice a year when a group of chicks is rotated out of the barn and composted off of Lower Lake Road with the Alexandre Dairy manure solids. When the composting is complete, the compost material will be distributed on grazing/crop land as fertilizer at agronomic rates. These rates must be consistent with the dairy's CNMP. Last year, approximately 4,700 tons of compost were generated, the vast majority from the dairy cows, and spread in a thin layer on about 20% of the 2,500 acres of the Alexandre's pastureland.

Despite the fact that the new barn will not significantly change the existing capacity of the chicken operation and the existing chicken operation is protective of water quality, the siting, design, and construction of the new pole barn structure itself could potentially have an impact on water quality. The appellant questions the siting of the barn near wells, a septic system, and wetlands that lead to the Smith River. The Alexandre Kids farm is located on rich agricultural land in the coastal flood plain of the lower Smith River. The farm contains riparian and estuary habitat of the Smith River as well as seasonal wetlands and permanent ponds in low pastures. The barn has been sited in an existing work yard adjacent to Bailey Road away from farmed wetlands in a flat area that will require minimum grading. The barn is located just 0.3 miles west of the Smith River main stem, but Bailey Road, riparian vegetation, a pasture, and a large berm separate the barn from the river, and water from the work yard flows northwest away from the river. The closest well that is approximately 200 feet away from the barn is a nonpotable irrigation well, while the potable well used by the nearby residences is located in a pasture over 1,000 feet away from the barn site. The barn will be supplied by water but will not be connected to the septic system. The roof, metal siding, and crushed rock and rice hull covered

⁵ Dairy farms with over 700 mature dairy cows are required to maintain a Comprehensive Nutrient Management Plan.

ground of the barn will contain waste generated inside the barn preventing the waste from becoming entrained in runoff.

Based on interviews with, and additional information submitted by, the farm manager, a visit to the site on January 13, 2016, and discussions with County, Regional Water Quality Control Board, and California Department of Fish & Wildlife staff, the degree of factual and legal support for the County's decision is high. The approved barn would facilitate the relocation of an existing brooding operation at its current capacity rather than provide for an intensification of the existing operation. Therefore, the approved development would not result in significant new animal waste having new and different water quality impacts. Further, the existing operation shares pastures and composting facilities with the Alexandre Dairy which are currently subject to the water quality management requirements of the Regional Board waiver and the regulation of farm waste under the CNMP required by EPA and the Regional Board. The Commission therefore finds that the appeal raises no substantial issue with regard to the approved project's consistency with the water quality protection policies of the certified LCP.

Whether the Approved Development Is Consistent with the ESHA Protection Policies of the Certified LCP

The appellant alleges that the barn may be sited in or directly adjacent to wetland environmentally sensitive habitat area (ESHA) and the County's findings and conditions of approval fail to address the project's impacts on ESHA, inconsistent with the ESHA protection policies of the LCP.

The certified LCP identifies wetlands as a biologically sensitive habitat type [MWR IV(Sensitive Habitat Types)-C], and requires that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas [MWR Sections VI(General Policies)-C(6)]. In addition, the LCP requires that development in areas adjacent to environmentally sensitive habitat areas 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 [MWR Sections VI-C(6) and VII-D(Wetlands), Part 4(f)]. While the LCP allows for certain agricultural uses in wetland ESHA such as grazing and pastoral activities, a barn or other structure is not an allowable use in wetland ESHA [LU I-D(6); LR III-C(9)].

The County staff report does not discuss the presence of wetland ESHA in the project vicinity, and the October 2015 Initial Study and Proposed Negative Declaration prepared for the project concludes that no impacts are anticipated. The Biological Resources section of the environmental document states:

Riparian vegetation and estuary conditions are present on the project parcel. However, no significant impacts to these areas are expect to occur as they lie between approximately 800'-1,600' east of the proposed project, and are separated from the project area by a public road and an agricultural field. The proposed building is located east of an area zoned

General Resource Conservation Area (RCA-1). RCA-1 zoned areas may contain sensitive environmental habitat however a field review of the location of the proposed structure demonstrated that no such habitat exists in or immediately adjacent to the project therefore no impact is anticipated.

The County-approved pole barn site is within an existing work yard clustered with three existing farm buildings and miscellaneous farm equipment including tractors and silos. Approximately two-thirds of the pole barn will be located on disturbed ground in the active work yard, while the northern third of the building will encroach into pastureland that is less disturbed.

As mentioned in the Initial Study and Proposed Negative Declaration for the project, a field review was conducted by the County's Environmental Review Committee on October 9, 2015 including members of the County's Building Inspection Division, Environmental Health Division, Engineering Surveying Division, and Planning Division, and no ESHA was detected in or adjacent to the project footprint. To assess whether the appellants' observation that standing water pools on or directly adjacent to the identified pole barn location indicates that the approved barn will be constructed in a wetland, Coastal Commission and California Department of Fish and Wildlife staff accompanied County Planning staff on a follow-up site visit on January 13, 2016. Heavy rain was occurring during the site visit and puddles were present on and adjacent to the pole barn site. However, shovel samples excavated from the site indicated that the underlying soil was not saturated. In addition, soil hues did not indicate hydric soils and no hydrophytic vegetation was present in the project vicinity. Lower lying areas with standing water could be seen in the adjacent pastureland over 100 feet away, but as discussed in the previous section on water quality, the development is not expected to impact these surrounding wet areas. Thus, the degree of factual and legal support for the County's decision is high given that no wetland indicators were detected in or adjacent to the project site. Therefore, the Commission finds that the appeal raises no substantial issue with regard to the approved project's consistency with the wetland ESHA protection policies of the certified LCP.

Whether the Approved Development Is Consistent with the Agricultural Resources Protection Policies of the Certified LCP

The subject development is located on a parcel designated Agriculture Prime and Resource Conservation Area, in an area of the parcel zoned AE (Agriculture Exclusive). The intent of the Agriculture Prime land use designation is to identify areas which are comprised of contiguous ownership of 20 acres or more of lands actively used for the production of agriculture.

The appellant contends that, as approved by the County, the placement of a barn on prime agricultural land without a condition that the underlying topsoil be removed and conserved is inconsistent with the agricultural resource protection policies of the LCP. In regards to this contention, the appellant states:

The County has consistently been careful to include a standard condition to conserve soil for all Coastal Development permits that have grading of prime agricultural soils or land, especially for Agricultural Exclusive areas, such as this project location. This omission constitutes a precedent setting inconsistency of LCP policy, a notable break with performance standards and practices for Del Norte Coastal Zone. For at least the past 25 years of environmental review, soil conservation conditions have been required so that before construction, the rich top soil be removed and conserved by placing such soil upon productive upland areas of the farm, thus maintaining agricultural productivity. It has taken thousands of years for the rich flood plain of the Smith River to accumulate and develop these prime ag soils. With current manmade levees now restricting Smith River floods, such soils are not being naturally renewed. Let us not compound the problem by compacting them or burying them under concrete.

The standard condition referenced by the appellant that has been used by the County in the past to condition projects that involve grading of prime agricultural land states:

All soils removed during grading activities shall be stockpiled and retained upon the parcel.

However, no LCP policy or standard specifically requires that soils removed by grading be retained on the same parcel. The Conservation Element of the Del Norte County General Plan includes a policy that states, “*The County shall continue to conserve prime agricultural soils by review of development which may cover-over or displace such soils (i.e. roads and accessory structures) and require redistribution of impacted soils for other agricultural uses as mitigation. The County shall encourage agricultural structures to be placed in a location that will have the least impact upon on-site agricultural activity*” (DNGP 1.G.4). This General Plan policy is not included in the certified LCP and none of the enumerated LCP policies discuss the preservation of soils. Therefore, the fact that the approved development does not contain a specific condition requiring that the soils removed by grading activities be stockpiled and retained upon the parcel does not raise a substantial issue of conformance with the certified LCP policies.

The certified LCP does include a number of agricultural resource protection policies that incorporate provisions of Section 30241 and 30242 of the Coastal Act, that restrict the conversion of lands designated for prime agricultural use, require that land uses adjacent to agricultural lands not adversely impact the economic productivity of the agricultural land, and that priority be given to land uses which are least likely to conflict with agricultural productivity [LR Section III-D(1,4)].

As stated above, the County-approved pole barn will be used in conjunction with an existing agricultural operation. Raising chicks is an agricultural use and therefore would not convert agricultural lands to non-agricultural uses. The waste generated within the barn will be used to make compost to fertilize the surrounding pastureland, and the birds raised in the barn will eventually graze on the pastureland and produce eggs in support of

the agricultural operation. Currently the newborn chicks are being housed in a converted calf barn on the adjacent Alexandre Dairy property off of Lower Lake Road (See **Exhibit 3, pg. 2**). The construction of the barn will allow the baby chicks to be housed on site directly adjacent to the rest of the egg production operations, improving the efficiency of the existing operation and thus strengthening agricultural productivity.

Furthermore, the County-approved barn is clustered with existing farm buildings and equipment in a work yard directly adjacent to Bailey Road. This location on the periphery of the pastureland next to existing development minimizes encroachment into grazing areas. Moreover, approximately two-thirds of the barn will be sited on soils that have been used as an agricultural work yard for decades and are mostly covered with base material and gravel fill that was historically placed in this location. Approximately one-third of the building will encroach into pastureland, but given the flat topography of the site, the amount of grading necessary will be minimal. Finally, the approved plans for the pole barn do not include a paved floor so no prime agricultural soils will be buried under concrete. According to the applicant, the bare ground under the pole barn will be covered with crushed rock and rice hulls. This pervious surface will allow water to infiltrate the underlying soils and reduce soil compaction.

Therefore, the degree of factual and legal support for the County's decision is high. There is no conversion of agricultural land to nonagricultural uses, the productivity of farmland will be strengthened, and the barn is sited (in an existing work yard clustered with other agricultural buildings) and designed (with no floor and minimal grading) to avoid impacts to prime soils. The Commission therefore finds that the appeal raises no substantial issue with regard to the approved project's consistency with the agricultural resource protection policies of the certified LCP.

F. CONCLUSION

For the reasons stated above, the Commission finds that there is factual and legal evidence in the record to support the County's approval of a CDP. The Commission therefore finds that the appeal raises no substantial issue with respect to the grounds on which it was filed.

APPENDIX A

COMMISSION’S APPEAL JURISDICTION OVER THE PROJECT

On December 2, 2015 the Del Norte County Planning Commission approved Coastal Development Permit No. B33492C with conditions for the construction of 7,920-square-foot barn at 8250 Bailey Road, Del Norte County.

After certification of Local Coastal Programs (LCPs), Section 30603 of the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (CDPs). Section 30603 states that an action taken by a local government on a CDP application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the “principal permitted use” under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified LCP and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The approved barn is located between Fred D Haight Drive and the ocean in a location where the *Post LCP Certification Permit and Appeal Jurisdiction Map* for the area adopted by the Commission in November of 1986 designates Fred D Haight Drive as the first public road paralleling the sea. Therefore, as the approved development is located between the first public road paralleling the sea and the Pacific Ocean, the development is appealable to the Commission pursuant to Section 30603(a)(1) of the Coastal Act.

On December 7, 2015, the Commission’s North Coast District office received a Notice of Action from The County stating that the County Planning Commission had approved CDP No. B33492C with conditions on December 2, 2015 (**Exhibit 9**). The County’s notice indicated that an appeal of the County’s decision on the subject permit must be filed with the Clerk of the Board of Supervisors by December 14, 2015 for consideration by the Board. Since no local appeal was filed with the Board, the Commission’s appeal period began on December 15, 2015 and ran for 10 working days, ending on December 29, 2015. On December 28, 2015, the Commission received an appeal of the County’s decision from Friends of Del Norte (**Exhibit 10**).

APPENDIX B
SUBSTANTIVE FILE DOCUMENTS

Del Norte County certified local coastal program (LCP)

Appeal File No. A-1-DNC-15-0072, including local record for Del Norte County Coastal
Development Permit No. B33492C

APPENDIX C
EXCERPTS FROM THE DEL NORTE COUNTY CERTIFIED LCP
(Emphasis added)

**I. Relevant Land Use Plan (LUP) Text and Policies Related to
Agricultural Resource Protection**

LUP “Land Resources” chapter, Section II (Agriculture) in part states as follows:

Agricultural land may be defined as land utilized for the purpose of producing a commercial agricultural commodity.

- A. General Distribution: *The principle agricultural land uses in coastal Del Norte County lie on the Smith River floodplain and adjacent terrace areas. Within this region are located the County’s major dairy operations and ornamental flower farms.*

... ..

- G. Designating Agricultural Land. *The Coastal Act requires that “the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas’ agricultural economy...”. Criteria for designating prime agricultural lands in Del Norte County will be developed in this section.*

... ..

2. LCP Standards: *After a thorough examination of agricultural lands uses and productivity in Del Norte County it has been determined that prime agricultural lands may best be defined by agricultural units within the most productive areas of the County.*

... ..

- c. Prime Agricultural Land: *Prime agricultural land in Del Norte County is defined as lands as designated upon the final land use plan map and that meet both the following criteria:*

- a. *Land of high agricultural value*

1. *Lands “actively used”* for the production of nursery crops, pasture crops, dairy products and/or livestock, OR;*
2. *Lands which qualify for rating 80 through 100 in the Storie Index.*

- b. *A minimum of 20 acres in contiguous ownership.*

**NOTE: Lands may be considered “actively used” even though they lie idle or in another crop for up to ten years.*

LUP “Land Resources” chapter, Section III (General Policies for Agriculture Lands) in part states as follows:

... ..

B. *Present Local Policies: The conservation element of the Del Norte County General Plan established the following as important goals in the maintenance of agricultural land:*

1. *Conserve soil resources to provide a continuing base for agricultural productivity and the County's economy.*
2. *Reserve in agriculture those soils capable of producing a wide variety of valuable crops.*
3. *Minimize disruption of viable agricultural areas.*

... ..

C. *LCP Policies: Del Norte County fully acknowledges the need to conserve its valuable agricultural resources. The following policies are established in order to maintain agricultural productivity in the Coastal Zone:*

1. *If a parcel is designated for prime agricultural use, conversion to non-agricultural use shall not be permitted except where allowed in Section 30241 of the Coastal Act.*

... ..

4. *Conversion of land designated for agricultural use shall be made only when agricultural use is no longer feasible and shall be subject to Coastal Act priorities for coastal land uses (e.g., recreation, coastal dependent industries).*

... ..

6. *Land uses adjacent to agricultural lands shall not adversely impact the economic productivity of the agricultural land. Priority should be given to land uses which are least likely to conflict with agricultural productivity.*

... ..

9. *Agricultural uses such as grazing and pastoral activities and the raising and harvesting of crops are deemed to be a principle use within Farmed Wetlands. Maintenance activities auxiliary to the above agricultural uses are therefore allowable use including drainage related to crop rotation. Such areas are subject to the other policies of the County's Certified Land Use Plan.*

... ..

II. Relevant LUP Text and Policies Related to the Protection of Water Quality

LUP "Marine and Water Resources" chapter, Section III (Water Resources), Part C (Water Quality) in part states as follows:

... ..

2. *Water Quality Impairment: Water quality is reduced by permitting wastes or degraded water to enter a source area. Impairment of water quality may result from any of the following: sewage discharge; industrial wastes; agricultural wastes; and seawater intrusion.*

... ..

- c. Agricultural Wastes: *Agricultural and silvicultural industries occasionally utilize various amounts of pesticide, herbicide or fertilizer compounds. Impairment of water quality, especially through cumulative effects, may result as surface runoff and irrigation return waters carry dissolved residuals from application areas to producing aquifers. To date, however, no serious problem has been determined in the County.*

... ..

LUP “Marine and Water Resources” chapter, Section VI (General Policies), Part C (LCP Policies) in part states as follows:

1. The County seeks to maintain and where feasible enhance the existing quality of all marine and water resources.

... ..

3. All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters.

4. Wastes from industrial, agricultural, domestic or other uses shall not impair or contribute significantly to a cumulative impairment of water quality to the extent of causing a public health hazard or adversely impacting the biological productivity of coastal waters.

... ..

6. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas 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.

... ..

III. Relevant LUP Text and Policies Related to the Protection of ESHA

LUP “Marine and Water Resources” chapter, Section IV (Sensitive Habitat Types) in part states as follows:

... ..

- C. Sensitive Habitat Types: *Several biologically sensitive habitat types, designated through the application of the above criteria, are found in the Coastal Zone of Del Norte County. These include: offshore rocks; intertidal areas; estuaries; wetlands; riparian vegetation systems; sea cliffs; and coastal sand dunes. A brief description of these sensitive habitat types is given below:*

... ..

4. Wetlands: Also termed marshes, swamps and bogs, wetlands in the coastal zone vary from brackish to freshwater and range from seasonally flooded swales to year round shallow lakes. Like estuaries, wetlands tend to be highly productive regions and are important habitats and feeding grounds for numerous wildlife species.
5. Riparian Vegetation Systems: The habitat type located along stream and river banks usually characterized by dense growth of trees and shrubs is termed riparian. Riparian systems are necessary to both the aquatic life and the quality of water courses and are important to a host of wildlife and birds.

... ..

D. Sensitive Habitats and Land Use: The designation of an area as a biologically sensitive habitat does not necessarily preclude its utilization. Planning issues concerning appropriate land uses within and adjacent to sensitive coastal habitats and criteria for designating compatible land uses will be developed in this section.

1. Planning Issues: Sensitive habitats are vulnerable to disturbance from human activities. Recreation, agriculture and development can threaten the integrity of sensitive habitats unless adequate protective measures are instituted. These issues are summarized as follows:

... ..

b. Agricultural Uses: In general, agricultural activities are consistent with and often complementary to wildlife habitat. Grazing lands, for example, are utilized by waterfowl as auxiliary feeding areas. Certain agricultural practices, however, have the potential for adversely affecting sensitive habitats. As an example, intensive agricultural activities on small parcels adjacent to riparian corridors can require the removal of vegetative cover and may alter or severely damage the habitat. The establishment of buffer zones may be necessary to separate such incompatible agricultural uses from sensitive habitats.

... ..

d. Incompatible Uses: Certain activities in or near sensitive habitats may be entirely non-conforming with the required protection and maintenance of the area's natural resources. Uses which significantly alter the productivity, water quality, or general hydrologic conditions (i.e., groundwater levels or surface drainage) of a designated habitat should be carefully examined and appropriately mitigated where necessary. Further consideration must be afforded to the maintenance of flora and fauna inhabiting or utilizing a sensitive habitat. [Emphasis in original.]

e. Priorities: In order to maintain the overall productivity and quality of biologically sensitive habitats, priority should be given to uses that are complementary to wildlife, such as grazing land that

serves as auxiliary feeding habitat or density requirements that provide some measure of habitat maintenance. Uses which complement the visual quality of the area surrounding sensitive habitats should also be given prime consideration.

- f. Buffer Zones: Natural vegetation buffer strips may be incorporated to protect areas from the possible impacts of adjacent land uses. These protective zones should be sufficient along water courses and around sensitive habitat areas to adequately minimize the potential impacts of adjacent land uses.*

2. Land Use Criteria: Standards for designating land uses in areas in and adjacent to sensitive habitats and criteria for acceptable levels of use are proposed below:

- a. Land uses and levels of use in and adjacent to sensitive habitats shall not adversely alter or contribute significantly to a cumulative alteration of the overall biological productivity of the area.*
- b. Land uses and levels of use in and adjacent to biologically sensitive habitats shall not adversely impact or contribute significantly to a cumulative impact on the viability of flora and fauna inhabiting or utilizing the area...*

LUP “Marine and Water Resources” chapter, Section VII (Specific Area Policies and Recommendations), Part D (Wetlands), Subpart 1 defines “Wetland” as follows:

- 1. Definition: "Wetland" means lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, bogs, and fens. The land use category will be Resource Conservation Area.*
Farmed wetlands shall be defined as wetland areas which are grazed, planted or cut for forage during parts of the year. The land use category will be Resources Conservation Area with existing agricultural uses being deemed a principal use.

LUP “Marine and Water Resources” chapter, Section VII (Specific Area Policies and Recommendations), Part D (Wetlands), Subpart 4 (Policies and Recommendations) states in part as follows:

-*
- d. Performance standards shall be developed and implemented which will guide development in and adjacent to wetlands, both natural and man-made, so as to allow utilization of land areas compatible with other policies while providing adequate protection of the subject wetland.*
-*
- f. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could*

significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce the above impacts around wetlands between the development and the edge of the wetland shall be a buffer of one-hundred feet in width. A buffer of less than one-hundred feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than one-hundred feet shall be done in cooperation with the California Department of Fish and Game and the County's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource...

- g. Due to the scale of the constraints maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over the boundary or location of an environmentally sensitive habitats area, the following may be requested of the applicant:

i.) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.

ii.) Vegetation map.

iii.) Soils map.

Review of this information shall be in cooperation with the Department of Fish and Game and the County's determination shall be based upon specific findings as to whether an area is or is not an environmentally sensitive habitat area based on land use plan criteria, definition, and criteria included in commission guidelines for wetland and other wet environmentally sensitive habitat areas as adopted February 4, 1981. The Department of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.

LUP “Marine and Water Resources” chapter, Section VII (Specific Area Policies and Recommendations), Part E (Riparian Vegetation), Subpart 4 (Policies and Recommendations) states in part as follows:

- a. *Riparian vegetation shall be maintained along streams, creeks and sloughs and other water courses within the Coastal Zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization*

... ..

IV. Relevant LUP Text and Policies Related to Allowable Uses in Land Use Categories

LUP “Land Use” chapter, Section I (Land Use Categories) states in part as follows:

... ..

C. Non-Urban Land Use Categories

1. Agricultural Prime - This category applies to acreages of prime farmland and agricultural uses which are comprised of contiguous ownership of 20 acres or more of lands actively used for the production of agriculture north of Morehead Road. Only structures directly related to agricultural production and single-family residences (one unit per specified minimum parcel) are permitted. Additional dwellings for resident farm labor may be allowed subject to a use permit securement. The intensive raising of animals for commercial purposes (feed lots) and animal husbandry services are also permitted as conditional uses. The minimum lot size for the purposes of divisions of land for sale, lease or financing shall be 40 acres.

... ..

- D. Resource Conservation Areas: Resource Conservation Areas (RCA) are areas mapped on the accompanying constraint maps as wetlands and farmed wetlands, riparian, estuaries, and coastal sand dunes. Development within these areas is subject to the policies of the certified land use plan. No single family residences or other structures shall be permitted within an RCA unless that would result in denial of substantially all reasonable use of the land...

... ..

The allowable uses within designated RCA's shall be limited to:

... ..

6. In Farmed Wetlands or agriculturally used parcels, agricultural operations are a principal use but such uses should maintain long-term habitat values and, where feasible, minimize short-term degradation.

V. Relevant Implementation Plan (IP) Standards Related to Agricultural Resource Protection

Chapter 21.08 of the coastal zoning regulations lists regulations pertaining to all Agricultural Exclusive (AE) districts, including in part as follows:

21.08.010 Intent--Applicability.

Because prime agricultural land is not a readily renewable resource, this district classification is intended to provide for the protection of agricultural land and uses against encroachment by other uses which may be in conflict therewith...

... ..

21.08.020 The principal permitted use.

The principal permitted agriculture exclusive use includes:

- A. All agricultural uses including horticulture, crop and tree farming, livestock farming and animal husbandry, including dairies, public and private stables, but excepting feed lots;
- B. Accessory buildings and uses including barns, stables, and other agricultural buildings;
- C. Greenhouses which are constructed with a perimeter foundation;

- D. A one-family residence with appurtenant uses including home occupations, guest lodging and appurtenant accessory structures. A manufactured home may be placed in lieu of a conventional residential unit;*
- E. Home enterprises which are agricultural in nature as outlined in subsections A and C of this section. (Ord. 99-002(part), 1999; Ord. 95-17 (part), 1995; Ord. 83-03 (part))*

21.08.030 Uses permitted with a use permit.

Uses permitted with a use permit shall be as follows:

- A. Feed lots for the intensive raising of animals for commercial purposes;*
- B. Hog farming;*
- C. Produce sales stands, providing that the majority of the produce sold or offered for sale is grown on the premises;*
- D. A mobilehome or a manufactured home in lieu of a conventional residential unit;*
- E. Farm quarters for farm labor employed full-time on the premises;*
- F. Animal husbandry services including veterinary clinics;*
- G. Greenhouses which are constructed with a slab or other foundation which will preclude the use of the underlying soil(s).*
- H. Home enterprises which are not agricultural in nature. (Ord. 99-002 (part), 1999; Ord. 95-06 §4 (part), 1995; Ord. 83-03 (part))*

... ..

Chapter 21.11 of the coastal zoning regulations (RCA1 General Resource Conservation Area District) states in part as follows:

21.11.010 Intent. *Resource conservation areas are those environmentally sensitive habitat areas which are identified by the General Plan Coastal Element as wetlands, farmed wetlands, riparian vegetation, estuary and coastal sand dunes. The general resource conservation area zone is intended to designate those resource conservation areas which require further data, particularly mapping, prior to new or additional development and to serve as a transition zone until such data is made available, reviewed and adopted by the county. Changes of zone from general resource conservation area to another classification are to be made subject to the requirements of Section 21.11.060 herein and only where such uses are in accord with the General Plan or adopted specific plan.*

... ..

21.11.020 Applicability.

This zone shall be applied to those parcels or portions of parcels adjacent to or within the resource conservation areas which are identified by the General Plan Coastal Element for which the requirements of Section 21.11.060 have not been met. (Ord. 83-03 (part))

21.11.030 The principal permitted use.

The principal permitted resource conservation area general use includes:

- A. Fish and wildlife management;*
- B. Nature study;*
- C. Hunting and fishing including development of duck blinds and similar minor facilities. (Ord. 83-03 (part))*

21.11.040 Uses permitted with a use permit.

Uses permitted with a use permit include:

- A. Wetland restoration per Section 21.11A.070. (Ord. 83-03 (part))*

... ..

VI. Relevant IP Standards Related to Grading

Chapter 14.05 of the coastal zoning regulations addresses grading, excavation and filling in part as follows:

... ..

14.05.040 Prohibited grading. *No grading shall be done or caused to be done:*

- A. That will endanger any public or private property, result in the deposit of debris on any public way or significantly affect any existing wetland, drainage or other resource conservation area unless the hazard is eliminated by construction of retaining structures, buttress fills, drainage devices, landscaping, vegetation buffers, or other means required as a condition of a building and grading permit or other entitlement;*
- B. On land subject to geologic or flood hazards to a degree that no amount of protective or corrective work can eliminate the hazards to the property endangered;*
- C. As on-site preparation preparatory to or in association with any development which requires a permit or other entitlement, including but not limited to coastal zone permits, tentative maps, use permits, reasoning's, building permits, mobile home installation permits and sewage disposal permits, until the permit or entitlement to which the grading relates is issued;*
- D. That does not comply with applicable grading standards, unless an engineered alternative is approved as a part of a valid building and grading permit. (Ord. 83-03 (part), 1983.)*

14.05.050 Exceptions from permit requirement. *All grading shall require the issuance of a building and grading permit pursuant to this title except that such permit shall not be required for the following:*

- A. Cultivation for the production of agricultural products including the rearing and management of livestock and the maintenance and repair of existing dikes, levees, drainage ditches and similar agricultural drainage systems pursuant to Title 20 and 21, DNCC;*

... ..

H. Within the California Coastal Zone, grading subordinate to a use established prior to 1976 or by a coastal permit (or equivalent) such as gardens, yards, landscaping, native wooded habitat maintenance and driveways where:

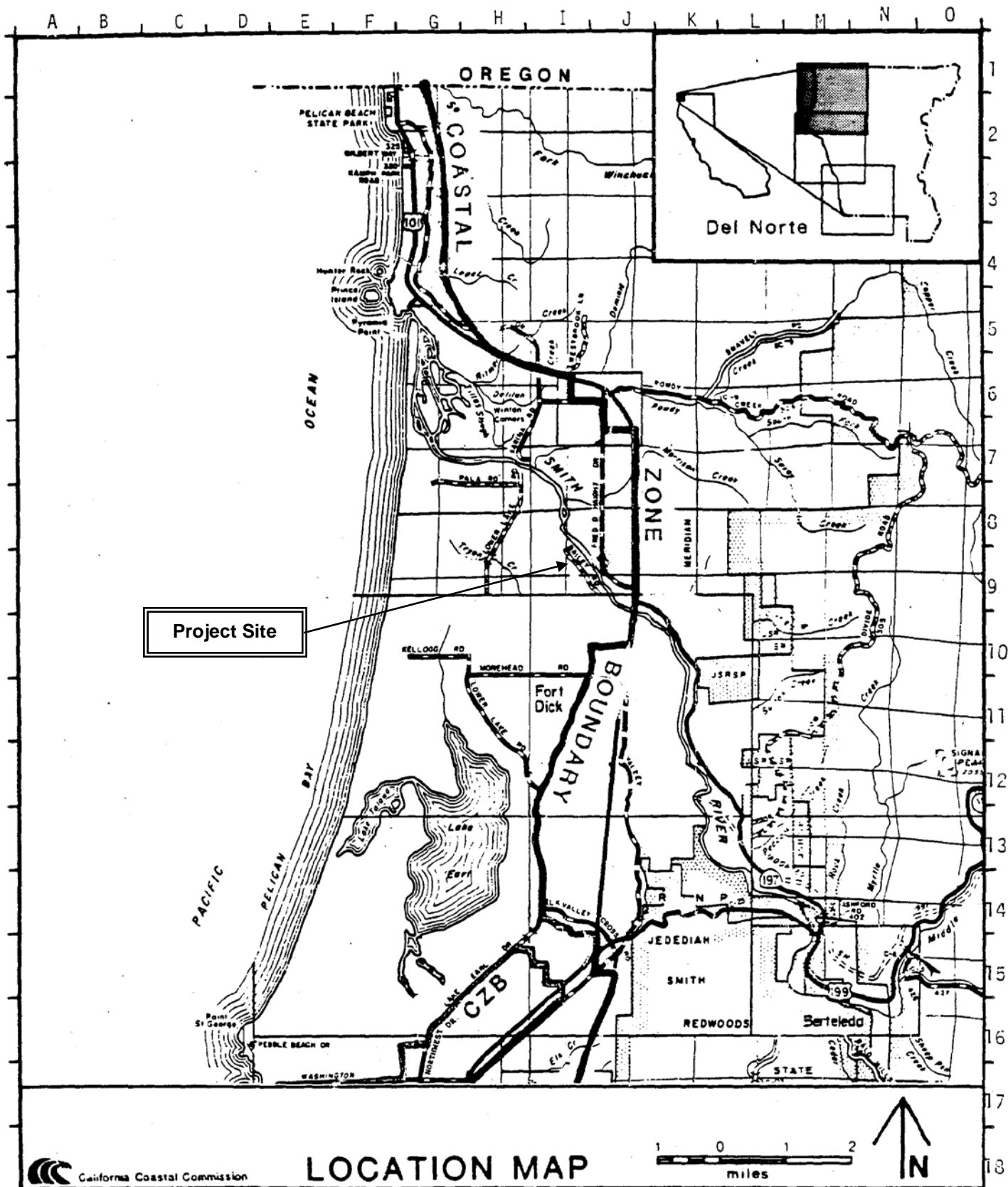
- 1. Cuts and/or fills do not exceed five and/or three feet respectively; and*
- 2. The subordinate use area does not conflict with the requirements of any RCA, W or C zoning district,*

... ..

No exemption shall apply to any grading that significantly effects any off-site drainage or that significantly effects the lateral support of or increases the stresses in or pressure upon any adjacent or contiguous property not owned by the owner of the land upon which such grading is performed.

No exemption provided in this section shall apply to any activity for which a permit or other entitlement for use is required to be issued by Del Norte County unless the application for that permit includes a grading plan for any grading related to the activity which has been found to be in conformance with the grading standards or an engineered alternative has been approved. (Ord. 86-04 § 1 (part), 1986; Ord. 83-03 (part), 1983.)

... ..



Approximate location
of approved barn

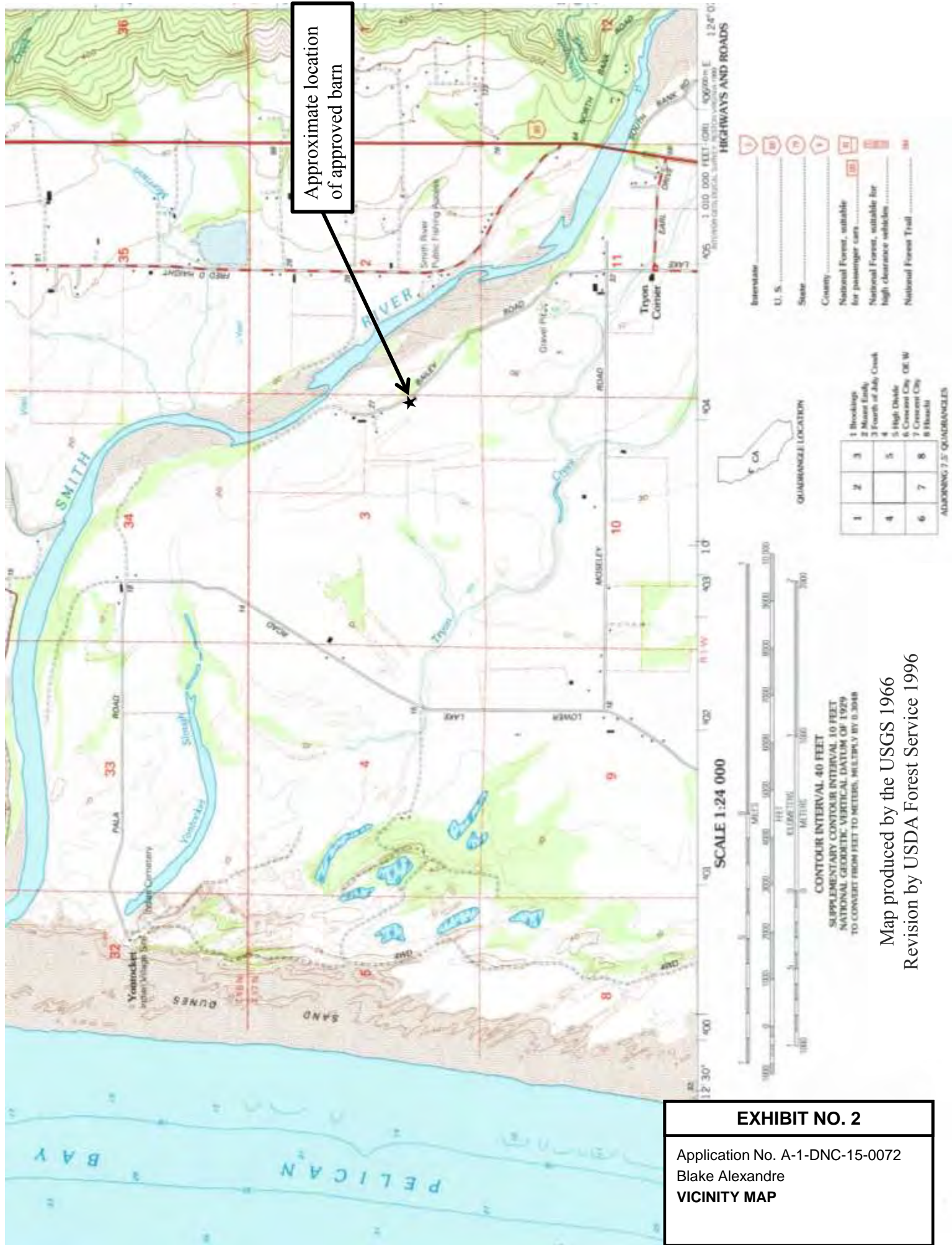


EXHIBIT NO. 2

Application No. A-1-DNC-15-0072
 Blake Alexandre
VICINITY MAP

Map produced by the USGS 1966
 Revision by USDA Forest Service 1996

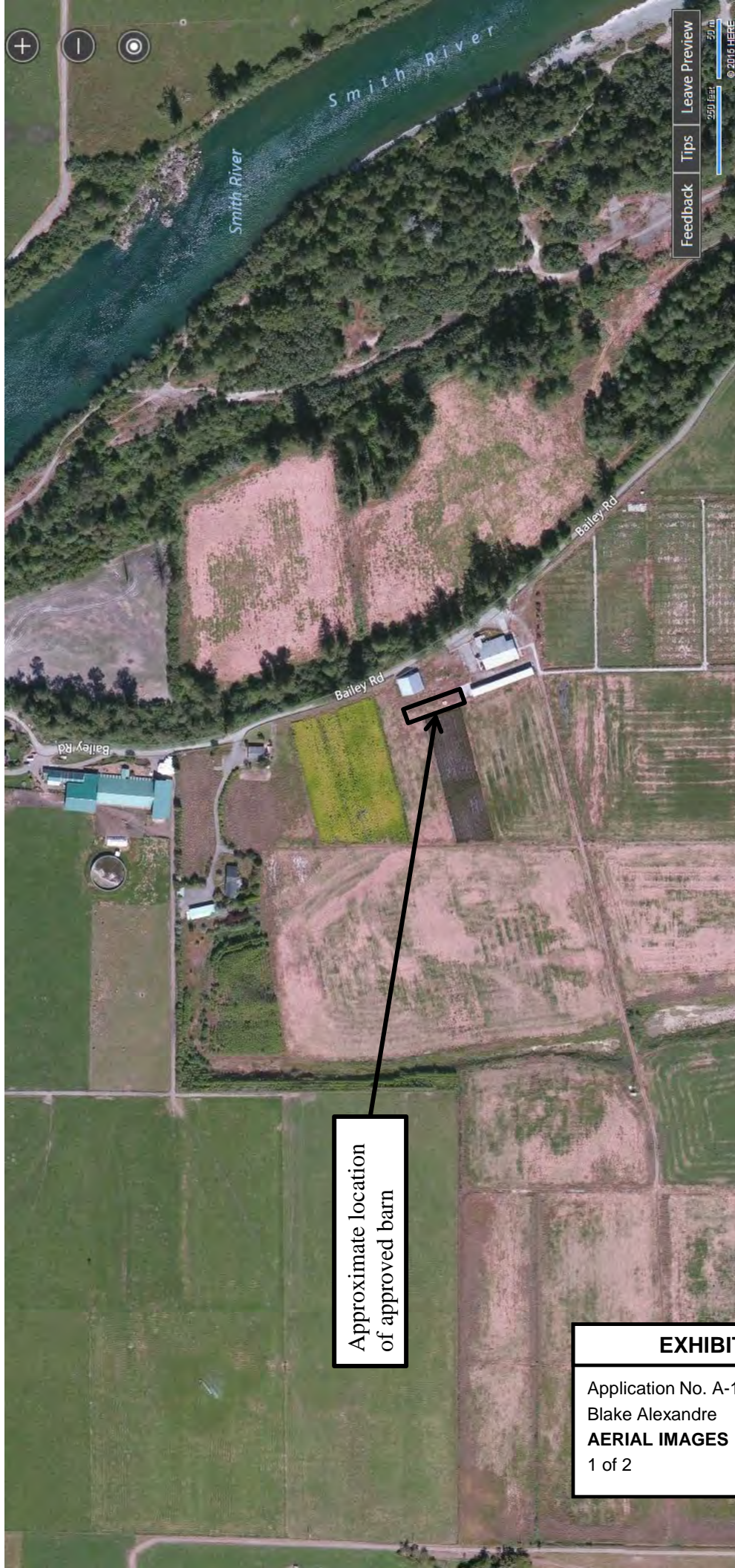


Image from Bing Maps

Approximate location
of approved barn

EXHIBIT NO. 3

Application No. A-1-DNC-15-0072

Blake Alexandre

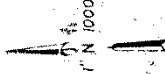
AERIAL IMAGES

1 of 2

Alexandre Dairy
facilities where chicks
are currently raised in
a converted calf barn.

Approximate location
of approved barn





922
034
0790
1100
1234
0645
0590

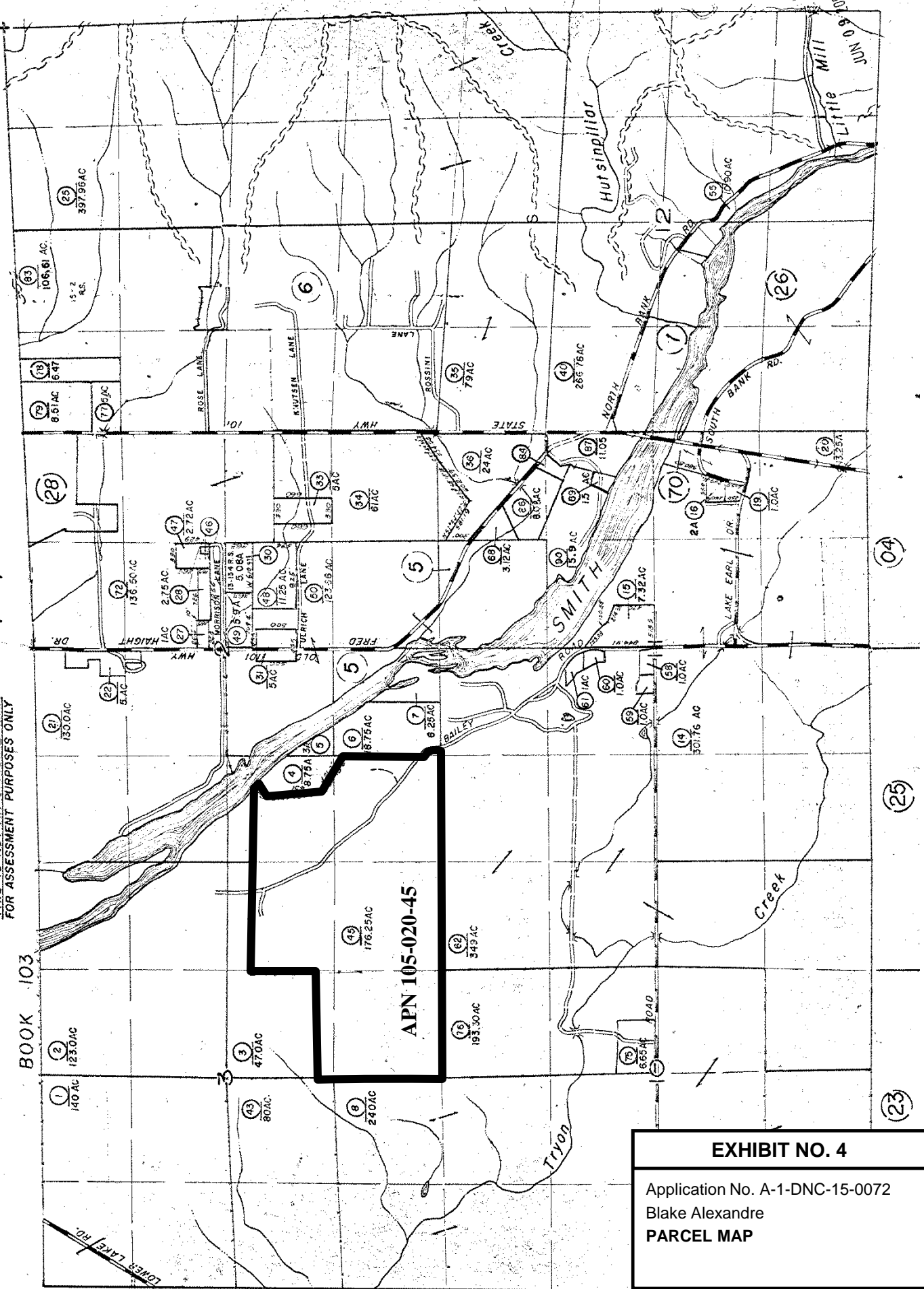
B O O K

122

T17N, RIW, H.B.&M.

THIS IS NOT AN OFFICIAL MAP
FOR ASSESSMENT PURPOSES ONLY

BOOK 103



APN 105-020-45

EXHIBIT NO. 4

Application No. A-1-DNC-15-0072
Blake Alexandre
PARCEL MAP

Alexandre Kids, LLC Plot Plan Map Sun Valley



Legend

- Property Line
- Well
- Septic
- Proposed Pole Barn

APN Numbers:
105-020-45
105-020-04

EXHIBIT NO. 6

Application No. A-1-DNC-15-0072
Blake Alexandre
SITE MAP



Picture taken from work area looking west into grazing fields. Mobile chicken coops can be seen in the background.



Picture taken from center of work area looking north towards the equipment storage barn. The County-approved pole barn will be located to the west (left) of the equipment barn.

EXHIBIT NO. 7

Application No. A-1-DNC-15-0072
Blake Alexandre
SITE PHOTOGRAPHS



Picture taken from center of the work area looking south towards the pullet transition coop and the barn where egg washing and refrigerated storage occurs.



Picture taken looking south towards the transition coop and egg barn. The County approved pole barn will be located in the area on the right side of the photo in line with the transition coop.

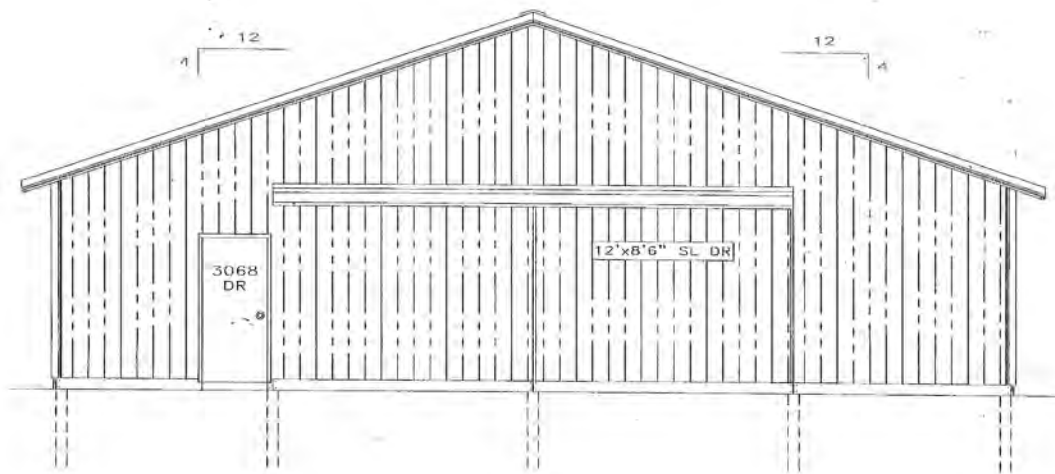
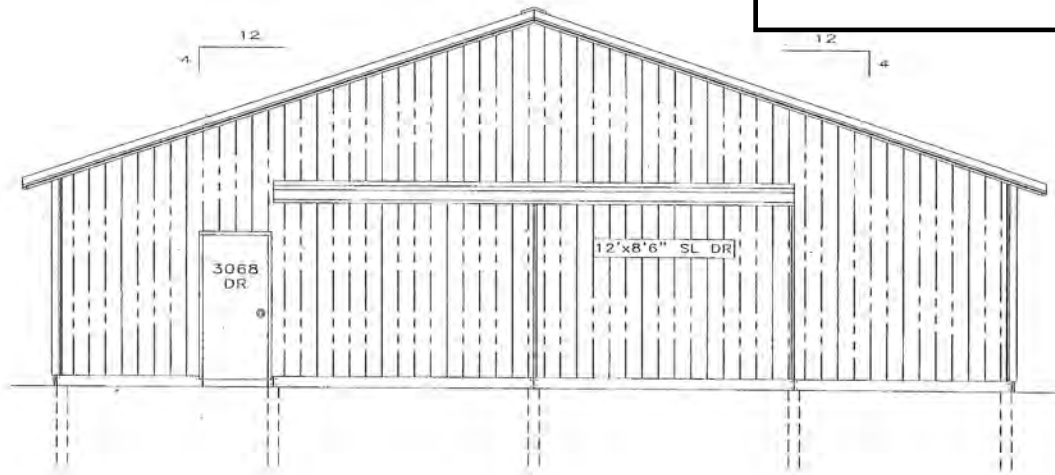
EXHIBIT NO. 8

Application No. A-1-DNC-15-0072

Blake Alexandre

BUILDING PLANS

1 of 2

**M & W BUILDING SUPPLY**
CUSTOM POLE BUILDINGS

44' WIDE x 180' LONG x 10' EAVE

ROOF LOAD: LIVE 25 PSF

DEAD LOAD: 3 PSF

WIND LOAD: 85 MPH EXP. C

SEISMIC ZONE: E

FOUNDATION PRESSURE: 1500 PSF

LAT. SOIL BEARING: 100 PSF

BUILDING DESIGN: 2013 C.B.C.

CLOSED BUILDING

ALEXANDRE FARMS
8371 LOWER LAKE RD.
CRESCENT CITY, CALIFORNIA

COUNTY: DEL NORTE

ENGINEER'S DESIGN RESPONSIBILITIES ARE LIMITED EXCLUSIVELY TO THOSE DOCUMENTS BEARING HIS SEAL AND SIGNATURE. ANY ALTERATIONS TO THESE DOCUMENTS OR THE PHYSICAL STRUCTURE BY ANY PERSONS OR AGENCY SHALL VOID SAID DOCUMENTS AND RELIEVE ENGINEER OF DESIGN RESPONSIBILITY, AND MAY CREATE LIABILITY ISSUE FOR THEMSELVES. DRAWINGS ARE FOR STRUCTURAL COMPLIANCE ONLY. THEY ARE NOT TO BE CONSIDERED AS HAVING BEEN PREPARED FOR BUILDING USE, OCCUPANCY AND/OR FIRE & LIFE-SAFETY REQUIREMENTS OR LOCAL CODES OR AGENCIES. SLAB & RAFTERS SHOWN FOR CONSTRAINT ONLY. DESIGN MIX, THICKNESS, C/P, & REINFORCEMENT BY OTHERS. THIS STRUCTURE HAS NOT BEEN DESIGNED FOR USE WITH INTERIOR FINISH MATERIALS SUBJECT TO DAMAGE OR FAILURE DUE TO LATERAL MOVEMENT.

22175 S. HWY. 99E
CANBY, OREGON 97013
(503) 263-6953
(503) 266-7102 (FAX)

SCALE: NONE

RDO/RU: 8/12/15

KIT: MW1516



of 5

Handwritten signature and date: 8-19-15

11/15/15

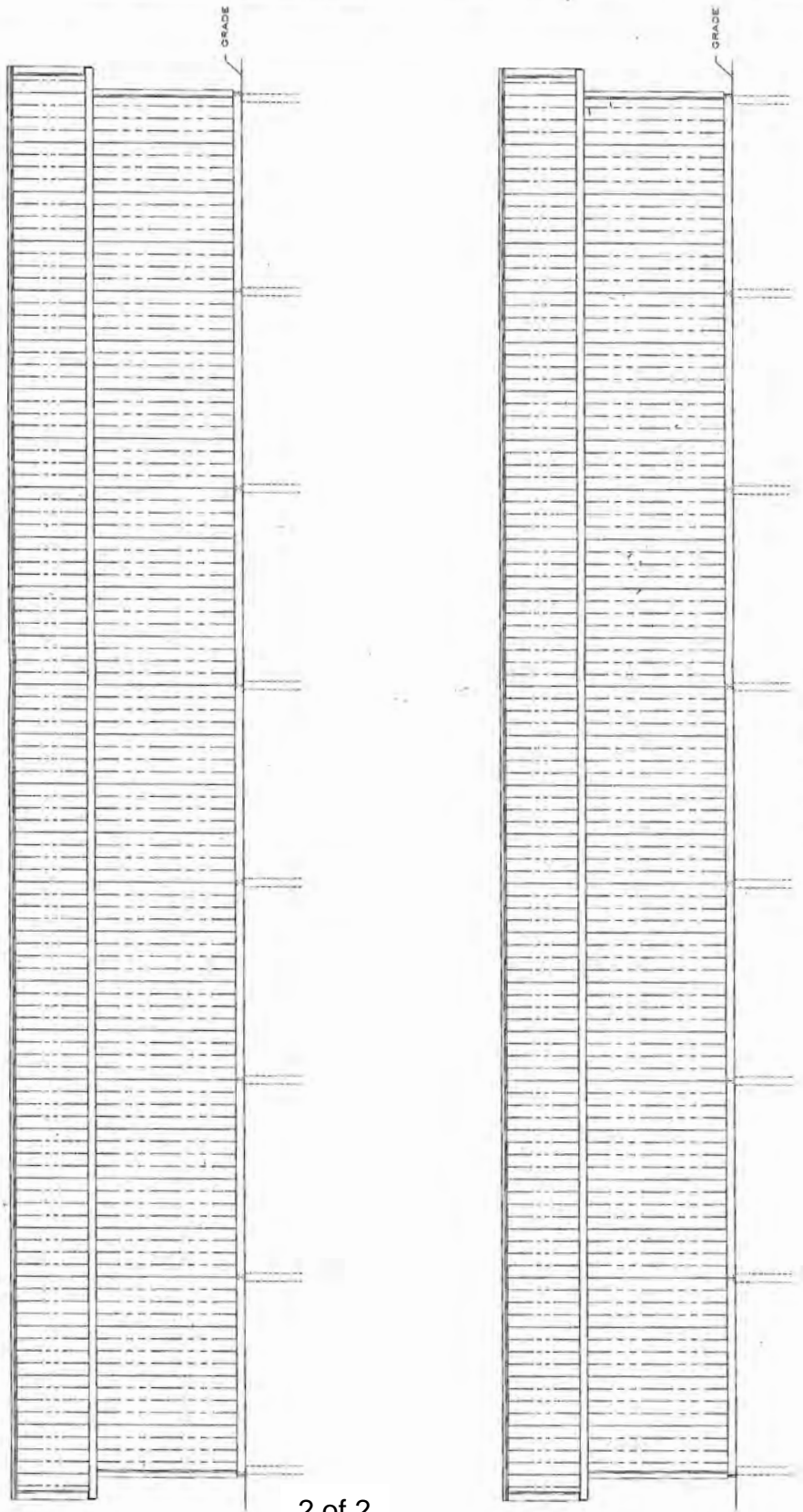


22175 S. HWY. 99B CANBY, OREGON 97013 (503) 263-6938 (FAX) (503) 263-7102 (FAX)	SCALE: NONE	RCD/RD 8/12/15	KIT MW15167
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ALEXANDRE FARMS
 8371 LOWER LAKE RD.
 CRESCENT CITY, CALIFORNIA
 (SHEET) 1 OF 5
 DCL, NORTH

ENGINEERS DESIGN RESPONSIBILITIES ARE LIMITED EXCLUSIVELY TO
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 AND/OR FIRE & LIFE-SAFETY REQUIREMENTS OF LOCAL CODES OR
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 44' WIDE X 180' LONG X 10' EAVE
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 SEISMIC ZONE: 2
 FOUNDATION PRESSURE: 1500 PSF
 LAT. SOIL BEARING: 100 PSF
 BUILDING DESIGN: 2013 C.B.C.
 CLOSED BUILDING



DEL NORTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
981 H STREET, SUITE 110
CRESCENT CITY, CA 95531

RECEIVED

DEC -7 2015

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

NOTICE OF ACTION

- I. Notice is hereby given that the **Planning Commission** of Del Norte County took the following action on **December 2, 2015** regarding the application for development listed below:

Action: ☒ Approved ☐ Denied ☐ Continued ☐ Recommended EIR
☐ Forwarded to Board of Supervisors

Application Number: B33492C

Project Description: Coastal Development Permit for a Pole Barn

Project Location: 8250 Bailey Road, Fort Dick

Assessor's Parcel Number: 105-020-45

Applicant: Blake Alexandre

Applicant's Mailing Address: 8371 Lower Lake Road, Crescent City, CA 95531

Agent's Name & Address: , ,

A copy of any conditions of approval and/or findings adopted as part of the above action is attached.

II. If Approved:

- ☒ This County permit or entitlement serves as a Coastal permit. No further action is required unless an appeal is filed in which case you will be notified.

This County permit or entitlement DOES NOT serve as a Coastal permit. Consult the Coastal Zone Permit procedure section of your NOTICE OF APPLICATION STATUS or the Planning Division of the Community Development Department if you have questions.

III. Notice is given that this project:

Is not appealable to the California Coastal Commission, however, a local appeal period does exist.

- ☒ Is appealable to the California Coastal Commission.

- ☒ Any appeal of the above decision must be filed with the Clerk of the Board of Supervisors by December 14, 2015 for consideration by the Board of Supervisors.

- ☒ Any action of the Board of Supervisors on this item may be appealed to the California Coastal Commission within 10 working days or 21 calendar days subject to the requirements of Chapter 21.52 DNCC and Coastal Regulations.

Must be forwarded to the California Coastal Commission for final action. You will be notified of its status by the Coastal Commission Office.

(Continued on the next page)

EXHIBIT NO. 9

APPLICATION NO.
A-1-DNC-15-0072

Blake Alexandre
NOTICE OF FINAL LOCAL ACTION -
1 of 36

Is not subject to Coastal Commission regulations, however, a local appeal process is available. Written appeals must be filed with the Clerk of the Board of Supervisors by N/A. Consideration will be by the Board of Supervisors.

Requests for deferment of road improvement standards or for modification of road improvement standards must be filed in writing with the Clerk of the Board of Supervisors by N/A, with a copy provided to the Secretary of the Planning Commission. Consideration will be by the Board of Supervisors.

Parcel map must be filed within 24 months of the date of approval.

N/A Record of Survey and new deeds must be filed within 24 months of the date of approval.

New deeds must be filed within 24 months of the date of approval.

EXTENSIONS – MAJOR & MINOR SUBDIVISIONS OR BOUNDARY ADJUSTMENTS – Maps (or Records of Survey/Deeds) must be filed within 12 months after the original date of expiration.

NOTICE – SECTION 1.40.070

The time within which review of this decision must be sought is governed by the California Code of Civil Procedure, Section 1094.6, and the Del Norte County Ordinance Code, Chapter 1.40. Any petition seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision was made; however, if within 10 days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to no later than the 30th day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

FISH AND GAME FILING FEES

Projects subject to CEQA are also subject to the following fees as required by the California Department of Fish and Wildlife:

Applicable Fee - ☒ Neg. Dec. (\$2,260.00) ☐ EIR (\$3119.75) ☐ Exempt

This fee is due and payable to the County Clerk's Office. The applicant or agent is responsible for paying the current Fish and Game fee, which is subject to change. If not paid within 5 working days of the date of action of the Planning Commission, your project may be invalid by law (PRC 21089(b)) and will be referred to Fish and Game's Department of Compliance and External Audits in the Clerk's monthly deposit and report to Fish and Game.

ATTENTION APPLICANT

As a subdivider or adjuster of property, this notice is to advise you that **all taxes** must be paid in full prior to the recordation of your map or deeds. If the map or deeds are filed **after December 16th**, you must pay all taxes due **PLUS NEXT YEAR'S TAXES** before the map or deeds can be recorded.

If you have any questions regarding the payment of taxes, call the Del Norte County Tax Collector's Office at (707) 464-7283.

BELOW ARE LISTED THE CONDITIONS OF APPROVAL FOR YOUR PROJECT. PLEASE BE AWARE THAT COMPLIANCE WITH THESE CONDITIONS, AS WELL AS ANY APPLICABLE COUNTY STANDARDS, IS YOUR RESPONSIBILITY AS THE APPLICANT. NEITHER THE PLANNING COMMISSION NOR ANY OTHER AGENCY OF THE COUNTY OF DEL NORTE WILL TAKE ANY ACTION TO COMPLY WITH THE CONDITIONS OR DO ANY OTHER WORK TO FINALIZE YOUR PROJECT. YOUR PROJECT WILL NOT BE FINALIZED UNTIL THESE CONDITIONS AND/OR STANDARDS HAVE BEEN MET. IF YOU HAVE ANY QUESTIONS REGARDING THE CONDITIONS AND/OR STANDARDS FOR YOUR PROJECT, YOU SHOULD CONTACT THE DEPARTMENT OR AGENCY WHICH REQUIRED THAT CONDITION AND/OR STANDARD

- 1) Issuance of the building permit shall be subject to final review and approval by the Building Inspection Division;
- 2) The project shall comply with the California Fire Code applicable at the time of complete application (September 10, 2015);
- 3) All construction shall comply with Section 14.16.027 and Section 14.16.028 of Del Norte County Code regarding the addressing and the posting of address numbers;
- 4) The placement of the pole barn shall be in accordance with the submitted plot plan and required setbacks; and
- 5) This entitlement is specifically conditioned on the applicant agreeing to indemnify and hold harmless the County of Del Norte, the Planning Commission of the County of Del Norte, the Board of Supervisors of the County of Del Norte, their officers, employees and agents against any and all claims arising out of the issuance of the entitlement and specifically against any expense arising from defending any legal action challenging the issuance of the entitlement, including but not limited to the value of time devoted to such defense by County officers, employees and agents and the amount of any judgment, including costs of suit and attorney fees, recovered against the County or any of its officers, employees or agent in such legal action. The County of Del Norte reserves the option to either undertake the defense of any such legal action or to tender such defense to the applicant. Should the County tender such defense to the applicant and the applicant fail or neglect to diligently defend such legal action, the County may consider such failure or neglect to be a material breach of this conditions and forthwith revoke this entitlement.

Nov. 30, 2015

Eileen Cooper
2644 Roy Ave
Crescent City, CA 95531

ATT: Del Norte Planning Dept. and Planning Commission,
CC: California Coastal Commission

Regarding: BLAKE ALEXANDRE – Coastal Development Permit for a Pole Barn –
B33492C –APN 105-020-45 located at 8250 Bailey Road, Fort Dick.

After inquiry at front desk on Wed. Nov. 25, 2015, "For what was the barn going to be used?", in other words, what is the use of the project, the Dept. did not have an answer. There are many agricultural uses that can incur significant water quality impacts, and not knowing the use gives other agencies insufficient information to make any determination about significant impacts. The Smith River main stem is sufficiently closeby to be of concern. And wetlands are scattered throughout the area.

Thank you,

Eileen Cooper, 707-465-8904

HANDED OUT BY STAFF
PLANNING COMMISSION
MEETING OF

Dec 2 2015

RECEIVED
DEC 01 2015
PLANNING
COUNTY OF DEL NORTE

RECEIVED

NOV 24 2015

PLANNING
COUNTY OF DEL NORTE

RECEIVED

NOV 20 2015

Per _____

AFFIDAVIT
REGARDING
DELIVERY OF NOTICES
BY APPLICANT

A copy of the enclosed (Notice of Intent to Issue Permit/Public Hearing Notice) shall be delivered by the applicant to each dwelling unit within 100 feet of the project boundary line on or before November 30, 2015. The applicant shall complete an affidavit attesting to (date 7-10 days)

the delivery and return it to the County within 3 days of delivering the notices. (SECS. 14.06.040(b), 16.10.22(c), 21.50A.040(b), 21.50B.040(b), 21.50C.040(b), 21.50D.030(b) DNCC).

~~Failure to comply with these requirements (may) result in the delay of an application or revocation of a permit for development.~~

AS AN APPLICANT, YOU MUST COMPLETE THE FOLLOWING affidavit as you deliver the attached notices to all dwelling units within 100 feet of the property line of the parcel (s) on which your project is proposed.

I, Charles Howard, applicant, or authorized agent of the applicant, for Alexandre-B33492C hereby attest that on the below stated date(s) I delivered the (project) required notices to the residential units described below.

Date of Delivery	Address*	Date of Delivery	Address*
<u>11/20/2015</u>	<u>1700 Bailey Rd</u>	_____	_____
<u>11/20/2015</u>	<u>8300 Bailey Rd</u>	_____	_____
<u>11/20/2015</u>	<u>8250 Bailey Rd</u>	_____	_____
<u>11/20/2015</u>	<u>8371 Lower Lake Rd</u>	_____	_____

(list additional on back of sheet)

I am further aware that any incomplete information or the failure to deliver the Notices by the specified date can result in the delay of my application or revocation of any permits which are issued.

11/20/2015
(date)


(Signed)

*If a number is not available as specifically as possible describe the residence (i.e., pink mobilehome west of 101 Smith Street, Turquoise house behind Jones Grocery, etc.)

Return the affidavit to the to: Del Norte County Community Development - Planning Department
981 H Street, Suite 110
Crescent City, CA
Phone 707-464-7254

This must be turned in within three days of the last delivery.

Agent: None

APP# B33492C

STAFF REPORT

APPLICANT: Blake Alexandre

APPLYING FOR: Coastal Development Permit for a Pole Barn

APN: 105-020-45

LOCATION: 8250 Bailey Road, Fort Dick

PARCEL(S)

SIZE: 176.25 acres
Buildings

EXISTING

USE: Agricultural

EXISTING

STRUCTURES: Various Ag.

PLANNING AREA: 2

GENERAL PLAN: Ag. Prime, RCA

ADJ. GEN. PLAN: Same

ZONING: Ae, RCA-1, RCA-2(R), RCA-2(E)

ADJ. ZONING: Same, RCA-2(FW)

1. PROCESSING CATEGORY: ☐ NON-COASTAL
☐ NON-APPEALABLE COASTAL

☒ APPEALABLE COASTAL
☐ PROJECT REVIEW APPEAL

2. FIELD REVIEW NOTES: DATE: September 4, 2015

☒ ENVIRONMENTAL HEALTH

☒ BUILDING INSP

☒ PLANNING

☒ ENGINEERING/SURVEYING

ACCESS: Bailey Road

ADJ. USES: Agriculture

TOPOGRAPHY: Flat

DRAINAGE: Surface

DATE OF COMPLETE APPLICATION: September 10, 2015

3. ERC RECOMMENDATION: Adopt Negative Declaration. Post public hearing notice. Approve with conditions.

4. STAFF RECOMMENDATION:

Blake Alexandre has submitted an application for a Coastal Development Permit (CDP) to construct a pole barn on a 176.25-acre parcel located at 8250 Bailey Road. The parcel is zoned AE (Agriculture Exclusive), RCA-1 (General Resource Conservation Area), RCA-2(r) (Designated Resource Conservation Area: Riparian Vegetation), and RCA-2(e) (Designated Resource Conservation Area: Estuary). The section on which the pole barn is proposed is zoned AE solely. The General Plan land use designation for the parcel is Agriculture Prime and Resource Conservation Area. The site is located within the appeals jurisdiction of the California Coastal Zone which requires securement of a local CDP prior to receiving authorization to proceed with the project. The project is subject to an environmental review pursuant to the California Environmental Quality Act (CEQA) due to the size of the project being over 2,500 square feet.

The parcel is currently used for agricultural purposes—poultry farming and pasture. The pole barn will be 44'x180' (7,920-square feet), 17-feet high, located near three existing large farm buildings, and used to raise chicks. The project parcel is also developed with two single-family residences located approximately 440-feet north and 680-feet northwest of the proposed pole barn.

CEQA Analysis

An Initial Study was prepared for the project and resulted in a determination that no potential for environmental impacts associated with the project will occur. A Negative Declaration was posted for the project and circulated to the State Clearinghouse for comments from responsible and trustee agencies.

During the Proposed Negative Declaration comment period, staff received comments via email from Coastal Commission staff requesting more analysis regarding the project's impact to visual resources, specifically to the activity of bird watching. To address these comments, staff evaluated the impact to visual resources as identified in the County's Local Coastal Program (LCP) generally and for impact to bird watching specifically. The LCP defines evaluation criteria and general visual resource areas:

Evaluation Criteria

1. Views of special interest to the general public
2. Visually distinctive scenes resulting from unique contrasts or diversity in landscape patterns
3. Views with special integrity or unimpaired conditions

General Visual Resource Areas

1. View of water bodies
2. Views of sensitive habitats and open space
3. View of expressive topographic features
4. View of special cultural features

The Smith River Bottomlands are identified as an area of important visual resources specifically for views of agricultural lands, uplands forests, and occasional vistas of the Smith River and ocean area. Of interest to this project, Moseley Road and Lower Lake Road are identified as view corridors providing views of agricultural and rural landscapes. Staff considered these designations in evaluating the proposed project against relevant LCP policies:

Policy 1: The County encourages the continuation of existing land uses, where appropriate, to maintain open views in highly scenic areas. The site is currently used for agricultural purposes, and the proposed pole barn is accessory to that use. The barn will not have an impact on view of the Smith River or the ocean (water bodies), or of the upland forests (expressive topographic features). The barn contributes to the view of the agricultural landscape (special cultural features). Impact to bird watching (sensitive habitats and open space) is discussed below.

Policy 2: Proposed development within established highly scenic areas shall be visually compatible with their scenic surroundings, by being reflective of the character of the existing land uses while conforming to the land use criteria. As set forth in the land use component and subsequent zoning ordinance. The proposed pole barn will be adjacent to existing barns of similar character. In fact, the agricultural character of the site is a defining characteristic of the designation as a visual resource area. The project is consistent with land use and zoning.

Policy 5.b: The alteration of natural landforms in highly scenic areas shall be minimized, where feasible, in construction projects by...concentrating development on relatively level areas over steep hillsides. Provisions to be considered include: clustering; density exchange, and open space dedication. The project site is flat, and no natural landforms will be significantly altered. The proposed pole barn will be clustered with other barns serving the agricultural use of the property.

Analysis of Impact to Bird Watching (Views of Sensitive Habitats and Open Space)

Coastal Commission staff provided a link to a website indicating the Alexandre Dairy area as important to bird watching (<http://hotspotbirding.com/hotspotdetail?r=L375293&days=30>). This website directs bird watchers to the Alexandre Dairy facilities located on Lower Lake Road. Staff is aware of the use of this area by bird watchers. In fact, the location staff has seen most used by bird watchers is located just south of the Lower Lake Road Alexandre Dairy facilities in an area where one can park off the road (Figure 2). A sign indicating the importance of the area to birds is posted at this location (Figure 3). From this location, the proposed site of the pole barn is mostly obscured by tall vegetation (Figure 4). Furthermore, if a clear view to the site were available, the distance of more than one mile makes the project area structures appear small on the horizon.

Staff also evaluated the visual impact of the proposed pole barn from other locations of potential use by bird watchers. The roads in the area—Lower Lake Road, Moseley Road, and Bailey Road—have narrow lanes and no shoulders. Other than the location discussed above, the only available areas to pull off the road are private roads and driveways. The view of the project site from the first driveway north of the Alexandre Dairy facilities on Lower Lake Road is entirely obscured by vegetation (Figure 5). From a driveway on Moseley Road, the project site is aligned with existing buildings resulting in no potential impact to views (Figure 6).

Only one potential area from where the proposed pole barn would block views was identified, and that is from Bailey Road immediately adjacent to the project area (Figure 7). However, this area would not be an ideal place from which to bird watch for existing reasons; a tall wire fence obstructs the view from the road and there is no place for a vehicle to pull off the road. Bailey Road is not identified in the LCP as a view corridor.

In a telephone conversation, Coastal Commission staff also expressed concerns that the reflectivity of the pole barn roof could be harmful to birds. Staff contacted CDFW regarding this concern. CDFW staff's reply was that this is not foreseen as an issue with this project.

A final concern expressed by Coastal Commission staff is that drainage may be impacted by the proposed barn. Staff contacted Regional Water Quality Control Board staff for comment. The reply was that there is no comment if there are no impacts to wetlands, streams, or creeks. No impacts to these features are anticipated by CDD staff.

Other than the comments from the Coastal Commission, which have been addressed above, no other comments were received. Staff recommends the Planning Commission adopt the findings and approve the project with the below listed conditions.

5. FINDINGS:

- 1) The project is consistent with the policies and standards of the General Plan and Title 21 Zoning;
- 2) The project is consistent with the Visual Resources policies of the Local Coastal Program;
- 3) An Initial Study has been conducted by the lead agency to evaluate the potential for adverse environmental impacts; and
- 4) A Negative Declaration has been prepared pursuant to the California Environmental Quality Act which the Planning Commission has considered in reviewing the project and making its decision.

6. CONDITIONS:

- 1) Issuance of the building permit shall be subject to final review and approval by the Building Inspection Division;
- 2) The project shall comply with the California Fire Code applicable at the time of complete application (September 10, 2015);
- 3) All construction shall comply with Section 14.16.027 and Section 14.16.028 of Del Norte County Code regarding the addressing and the posting of address numbers;
- 4) The placement of the pole barn shall be in accordance with the submitted plot plan and required setbacks; and
- 5) This entitlement is specifically conditioned on the applicant agreeing to indemnify and hold harmless the County of Del Norte, the Planning Commission of the County of Del Norte, the Board of Supervisors of the County of Del Norte, their officers, employees and agents against any and all claims arising out of the issuance of the entitlement and specifically against any expense arising from defending any legal action challenging the issuance of the entitlement, including but not limited to the value of time devoted to such defense by County officers, employees and agents and the amount of any judgment, including costs of suit and attorney fees, recovered against the County or any of its officers, employees or agent in such legal action. The County of Del Norte reserves the option to either undertake the defense of any such legal action or to tender such defense to the applicant. Should the County tender such defense to the applicant and the applicant fail or neglect to diligently defend such legal action, the County may consider such failure or neglect to be a material

breach of this conditions and forthwith revoke this entitlement.



Figure 1: Approximate site of proposed pole barn



Figure 2: Popular bird watching area



Figure 3: Sign at popular bird watching area

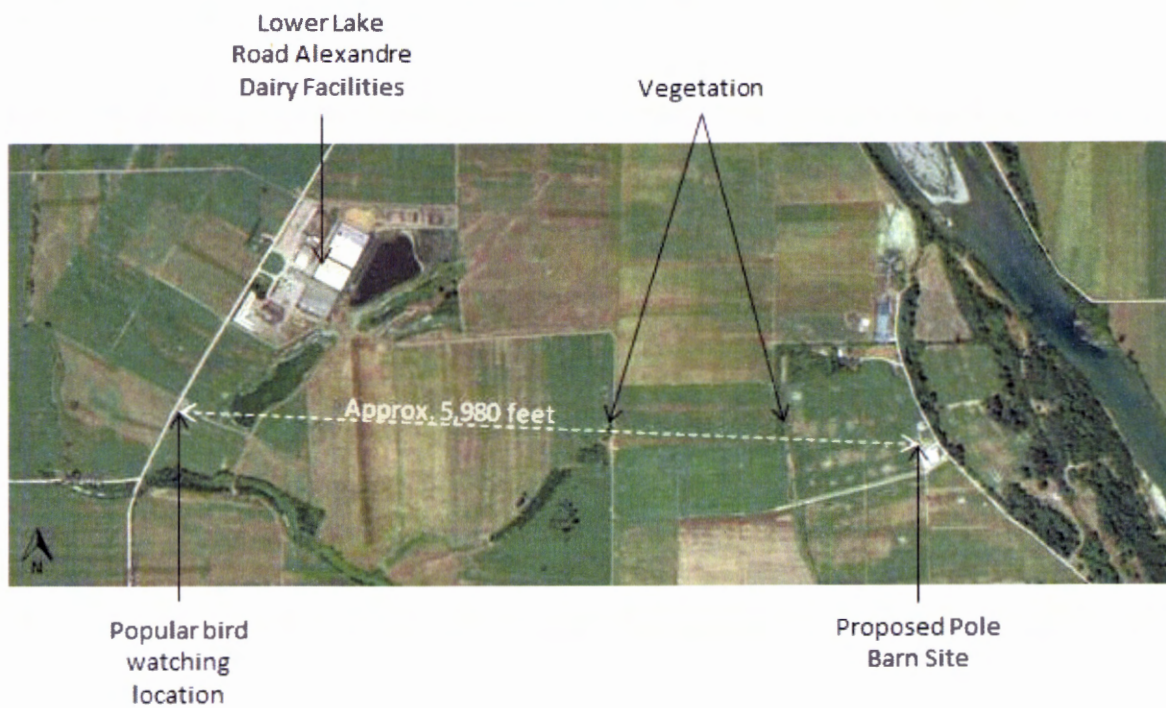
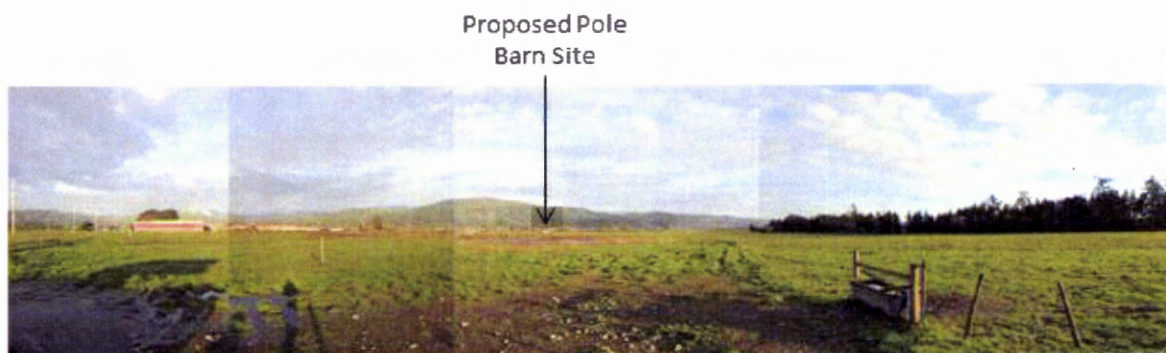


Figure 4: View of the project site from the popular bird watching area (top) and map of area (bottom)

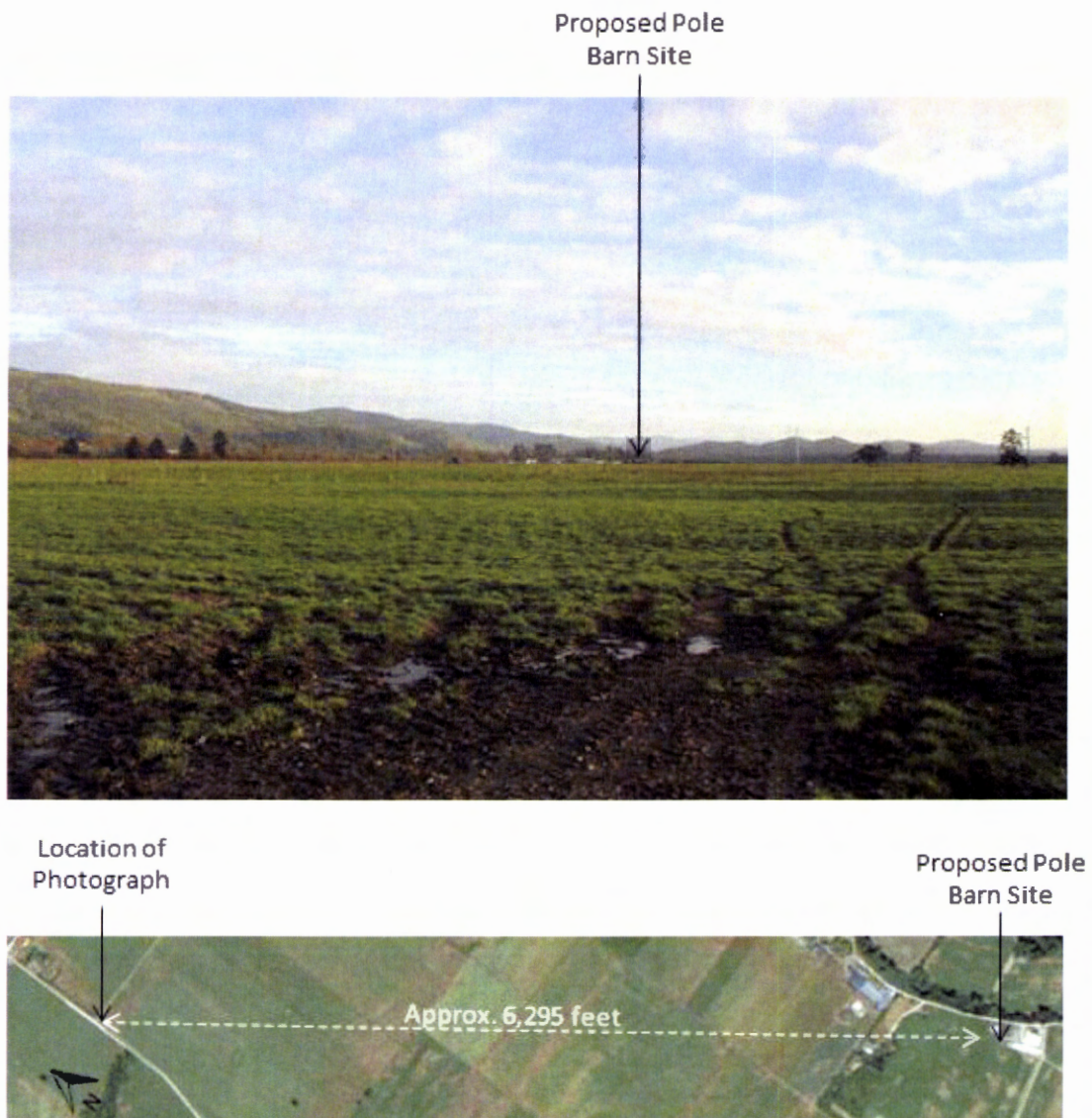


Figure 5: View of the project site from Lower Lake Road (top) and map of area (bottom)

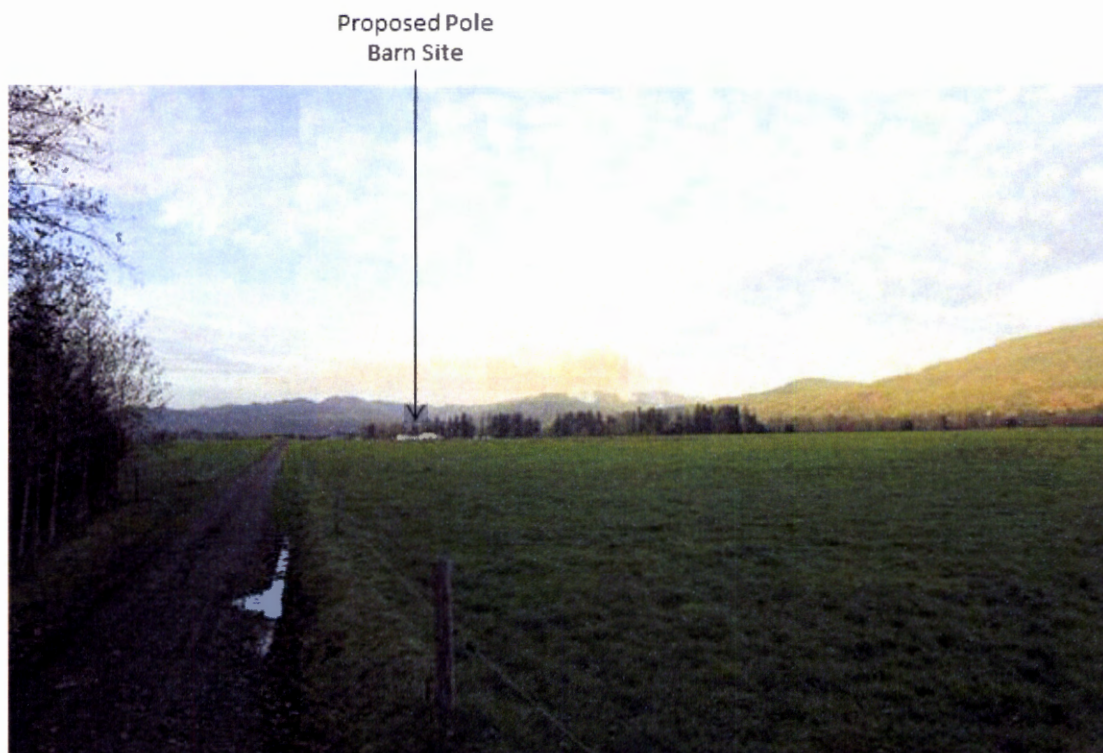


Figure 6: View of the project site from Moseley Road (top) and map of area (bottom)

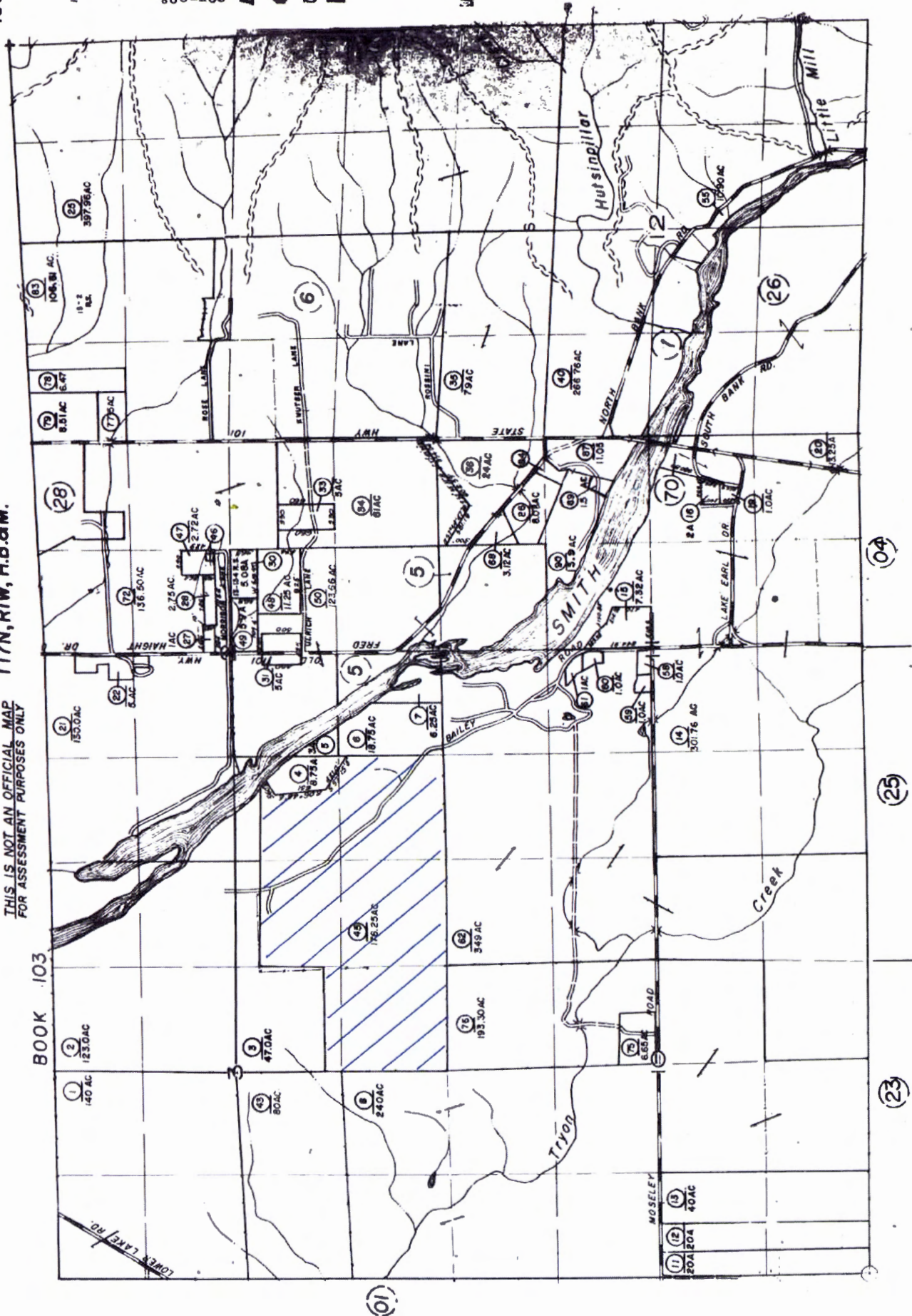


Figure 7: View from Bailey Road of the proposed pole barn site

T17N, R1W, H.B.&M.

THIS IS NOT AN OFFICIAL MAP
FOR ASSESSMENT PURPOSES ONLY

BOOK 103



Alexandre Kids, LLC
Plot Plan Map
Sun Valley

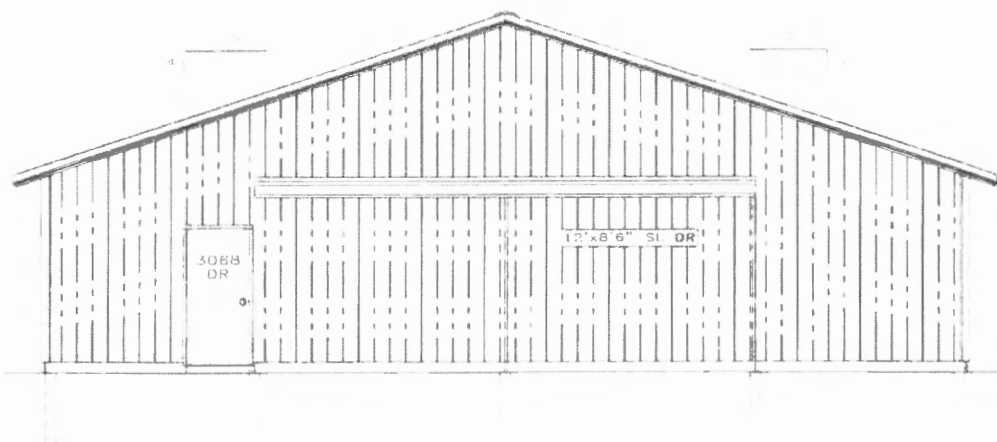


Legend

- Property Line
- Well
- Septic
- Proposed Pole Barn

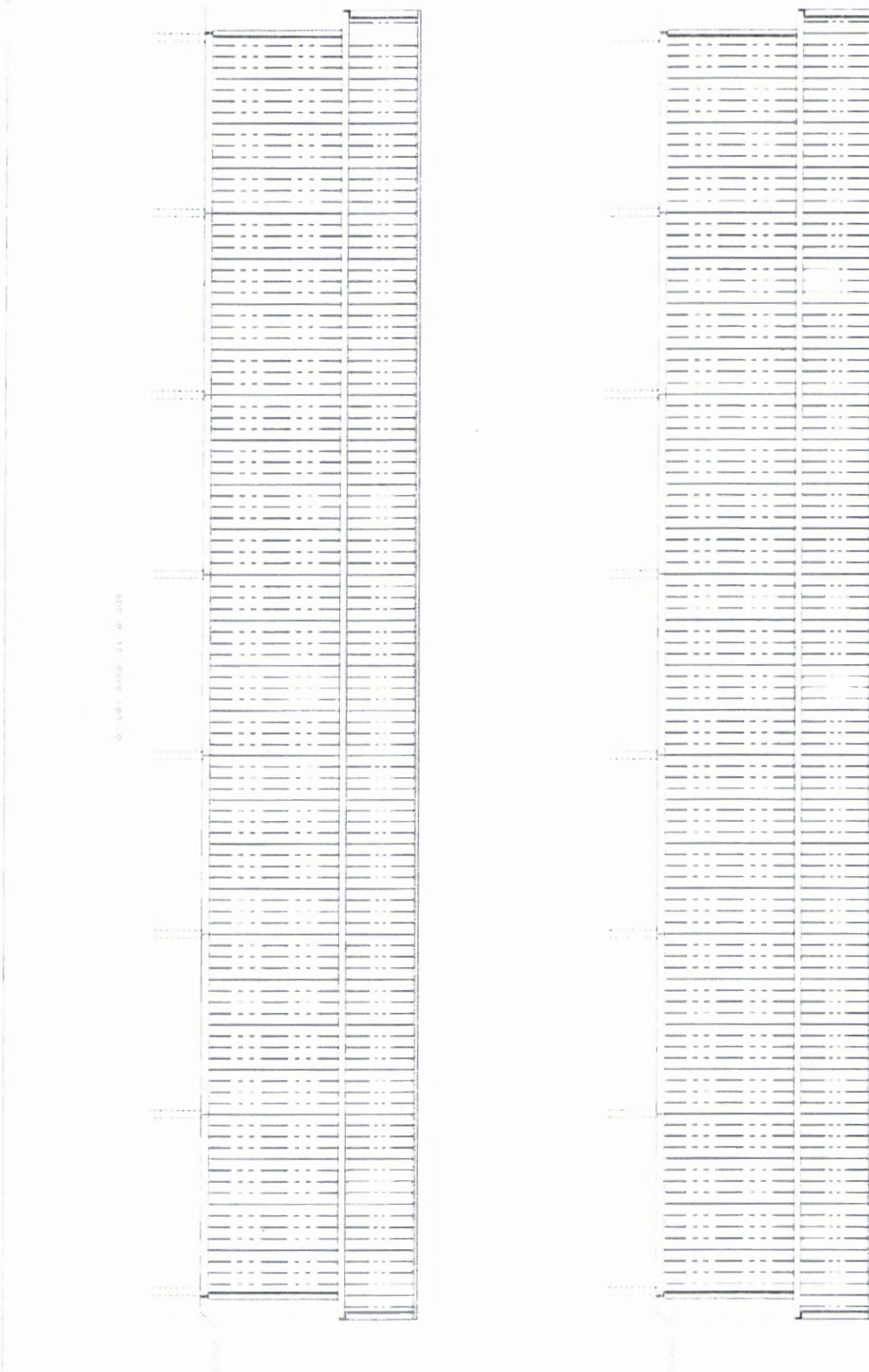
APN Numbers:
105-020-45
105-020-04

B33492



of 5

8-19-05



M & W BUILDING SUPPLY
CUSTOM POLE BUILDINGS

ALEXANDRE FARMS
8371 LOWER LAKE RD.
CRESCENT CITY, CALIFORNIA

22.75 E HWY 99E
CANBY, OREGON 97013
(503) 263-0953
(503) 266-7102 (FAX)



Handwritten signature and date: 12/9/15

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Blake Alexandre Pole Barn

Lead Agency: Del Norte County Community Development Department

Contact Person: Alexis Kelso

Mailing Address: 981 H Street, Suite 110

Phone: (707) 464-7254

City: Crescent City

Zip: 95531

County: Del Norte

Project Location: County: Del Norte

City/Nearest Community: Fort Dick

Cross Streets: Bailey Road/Moseley Road

Zip Code: 95531

Longitude/Latitude (degrees, minutes and seconds): 41 ° 53 ' 30 " N / 124 ° 09 ' 25 " W Total Acres: 176.25

Assessor's Parcel No.: 105-020-45

Section: 3

Twp.: 17N

Range: 1W

Base: HM

Within 2 Miles: State Hwy #: 101, 197

Waterways: Smith River

Airports: None

Railways: None

Schools: Redwood K-8

Document Type:

CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☒ Neg Dec (Prior SCH No.) ☐ Draft EIS ☐ Other:
☐ Mit Neg Dec Other: ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☒ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other:

Development Type:

☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☒ Commercial: Sq.ft. 7920 Acres _____ Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational: _____
☐ Recreational: _____
☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ MW
☐ Waste Treatment: Type _____ MGD
☐ Hazardous Waste: Type _____
☐ Other: _____

Project Issues Discussed in Document:

☐ Aesthetic/Visual ☐ Fiscal ☐ Recreation/Parks ☐ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality
☐ Air Quality ☐ Forest Land/Fire Hazard ☐ Septic Systems ☐ Water Supply/Groundwater
☐ Archeological/Historical ☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☐ Biological Resources ☐ Minerals ☐ Soil Erosion/Compaction/Grading ☐ Growth Inducement
☐ Coastal Zone ☐ Noise ☐ Solid Waste ☐ Land Use
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Cumulative Effects
☐ Economic/Jobs ☐ Public Services/Facilities ☐ Traffic/Circulation ☐ Other:

Present Land Use/Zoning/General Plan Designation:

Agriculture / Agriculture Exclusive, Resource Conservation Area / Agriculture Prime, Resource Conservation Area

Project Description: (please use a separate page if necessary)

The proposed pole barn will be located on a 176.25-acre parcel located at 8250 Bailey Road. The parcel is currently used for agricultural purposes—poultry farming and pasture. The pole barn will be 44'x180' (7,920 square feet), 17' high, and located near three existing farm buildings. The project parcel is also developed with two single-family residences located approximately 440' north and 680' northwest of the proposed pole barn.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # <u>1</u>
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input checked="" type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # <u>1</u>	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input checked="" type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other: _____
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date 10/22/15 Ending Date 11/23/15

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative: *aleuskeles* Date: 10/19/15

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Initial Study and Proposed Negative Declaration

Blake Alexandre Pole Barn

October 2015

Del Norte County Community Development Department
981 H Street, Suite 110
Crescent City, California 95531

www.co.del-norte.ca.us

Project Information Summary

1. **Project Title:** Blake Alexandre Pole Barn
2. **Lead Agency Name and Address:** County of Del Norte County
Community Development Department, Planning Division
981 H Street, Suite 110
Crescent City, CA 95531
3. **Contact Person and Phone Number:** Alexis Kelso
(707) 464-7254
4. **Project Location and APN:** 8250 Bailey Road
Fort Dick, CA 95531
APN 105-020-45
5. **Project Sponsor's Name and Address:** Blake Alexandre
8371 Lower Lake Road
Crescent City, CA 95531
Agent: None
Address
City, State, Zip
6. **County General Plan Land Use:** Agriculture Prime, Resource Conservation Area
7. **County Zoning:** Agriculture Exclusive, General Resource Conservation Area, Designated Resource Conservation Area (Riparian Vegetation), Designated Resource Conservation Area (Estuary).
8. **Description of Project:**
The proposed pole barn will be located on a 176.25-acre parcel located at 8250 Bailey Road. The parcel is currently used for agricultural purposes—poultry farming and pasture. The pole barn will be 44'x180' (7,920 square feet), 17' high, and located near three existing farm buildings. The project parcel is also developed with two single-family residences located approximately 440' north and 680' northwest of the proposed pole barn.
9. **Surrounding Land Uses and Settings:**
The project is located in an agricultural area. Adjacent parcels are large (approximately 50 to 200+ acres) and used for agricultural purposes (primarily pasture). The Smith River flows approximately 0.3 miles (1700') to the east.
10. **Required Approvals:**
Coastal Development Permit
Encroachment Permit
11. **Other Approval (Public Agencies):**
Del Norte County Building Inspection Division
Del Norte County Engineering and Surveying Division
California Coastal Commission

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology / Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Hydrology / Water Quality
<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

Determination

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	<i>I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.</i>
<input type="checkbox"/>	<i>I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.</i>
<input type="checkbox"/>	<i>I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</i>
<input type="checkbox"/>	<i>I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.</i>
<input type="checkbox"/>	<i>I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.</i>

Alexis Kelso
Signature

10/19/15
Date

Alexis Kelso, Planner
Printed Name and Title

Table of Contents

Project Information Summary.....	1
Environmental Factors Potentially Affected	2
Determination	2
1. Aesthetics	4
2. Agriculture and Forest Resources	4
3. Air Quality.....	4
4. Biological Resources.....	5
5. Cultural Resources.....	6
6. Geology and Soils	6
7. Greenhouse Gas Emissions	7
8. Hazards and Hazardous Materials.....	7
9. Hydrology and Water Quality.....	8
10. Land Use and Planning	8
11. Mineral Resources.....	9
12. Noise.....	9
13. Population and Housing	10
14. Public Services.....	10
15. Recreation	10
16. Transportation/Traffic.....	11
17. Utilities and Service Systems.....	11
18. Mandatory Findings of Significance	12

1. Aesthetics

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This project is in an agricultural area. There are only agricultural structures of similar height and size in the immediate vicinity. Based on the current development in the general area and the possible future development allowed for under the zoning, no aesthetic impacts are anticipated to occur.

2. Agriculture and Forest Resources

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project area is zoned for agriculture and the proposed project will be used for agricultural purposes.

3. Air Quality

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

applicable air quality plan?				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The construction of a pole barn is not expected to have any impact on air quality or objectionable odors. The existing adjacent uses and the proposed project are agricultural uses which may generate odors, but there are not substantial numbers of residents in the surrounding area.

4. Biological Resources

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Riparian vegetation and estuary conditions are present on the project parcel. However, no significant impacts to these areas are expected to occur as they lie between approximately 800'-1,600' east of the proposed project, and are separated from the project area by a public road and an agricultural field. The proposed building is located east of an area zoned General Resource Conservation Area (RCA-1). RCA-1 zoned areas may contain sensitive environmental habitat however a field review of the location of the proposed structure demonstrated that no such habitat exists in or immediately adjacent to the project therefore no impact is anticipated.

5. Cultural Resources

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There are no known historic or cultural resources in the project area. The lead agency has complied with subdivision (c) of Section 21080.3.1, and the California Native American tribe has failed to request consultation within 30 days.

6. Geology and Soils

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is located in an area with the potential for high ground shaking from an earthquake according to the California Emergency Management Agency. There are no other known seismic or geologic hazards in the project area. Per the Del Norte County Building Official, there are no known soils risks to building in the project area.

7. Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Construction activities may generate GHG emissions as a result of combustion of fossil fuels used in construction equipment. Use of a variety of construction materials could contribute indirectly the GHG emissions because of the emissions associated with their manufacture. The construction-related greenhouse gas emissions would be minor and short-term, and would not constitute a significant impact. The project once completed is not anticipated to have any impact on GHG emissions.

8. Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

adjacent to urbanized areas or where residences are intermixed with wildlands?

The project is not anticipated to involve transport or release of hazardous materials. The project is located more than 8 miles from the nearest airport. The project is located in an unzoned wildland fire hazard severity zone. Nearby zoned areas are identified as "moderate" fire hazard severity zones.

9. Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is located in an area identified as Zone AO (Depth 2 Feet) on FEMA's Flood Insurance Rate Map, and is subject to inundation by the 1% annual chance flood. The proposed pole barn will be placed in an area of potential sheet flows during flood events. However, the structure will not significantly impact the flood flow; sloping elevation will allow water to flow around the building and onto surrounding agricultural land. Potential damage to the building will be minimized through construction in compliance with the County's Flood Damage Prevention ordinance.

10. Land Use and Planning

Would the project:	Potentially	Less Than	Less Than	No Impact
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	Significant Impact	Significant Impact with Mitigation Incorporated	Significant Impact	
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is consistent with the County's General Plan and zoning land use regulations; no land use conflicts would arise from approval of the project.

11. Mineral Resources

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project has no effect on mineral resources.

12. Noise

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would not result in increases in noise other than the temporary construction-related noise. The project is more than 8 miles away from the public airport and there are no private airstrips in the vicinity of the project.

13. Population and Housing

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The construction of a pole barn will not induce population growth in the project area nor displace neither people nor housing.

14. Public Services

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project will not impact existing or planned government facilities.

15. Recreation

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				
--	--	--	--	--

The proposed project will have no impact on recreational facilities.

16. Transportation/Traffic

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or other highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project will have no impact on transportation facilities or circulation.

17. Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the providers existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project parcel is served by on-site well and sewage disposal system. The proposed project is not anticipated to significantly impact water supply or to generate solid waste.

18. Mandatory Findings of Significance

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66103] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 2.7. Public Hearings [65090 - 65096] (*Chapter 2.7 added by Stats. 1984, Ch. 1009, Sec. 2.*)

65090. (a) When a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall be published pursuant to Section 6061 in at least one newspaper of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least 10 days prior to the hearing in at least three public places within the jurisdiction of the local agency.

(b) The notice shall include the information specified in Section 65094.

(c) In addition to the notice required by this section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable.

(d) Whenever a local agency considers the adoption or amendment of policies or ordinances affecting drive-through facilities, the local agency shall incorporate, where necessary, notice procedures to the blind, aged, and disabled communities in order to facilitate their participation. The Legislature finds that access restrictions to commercial establishments affecting the blind, aged, or disabled is a critical statewide problem; therefore, this subdivision shall be applicable to charter cities.

(*Amended by Stats. 2000, Ch. 785, Sec. 1. Effective January 1, 2001.*)

65091. (a) When a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall be given in all of the following ways:

(1) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property as shown on the latest equalized assessment roll. Instead of using the assessment roll, the local agency may use records of the county assessor or tax collector if those records contain more recent information than the information contained on the assessment roll. Notice shall also be mailed to the owner's duly authorized agent, if any, and to the project applicant.

(2) When the Subdivision Map Act (Div. 2 (commencing with Section 66410)) requires notice of a public hearing to be given pursuant to this section, notice shall also be given to any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code.

(3) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

(4) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. In lieu of using the assessment roll, the local agency may use records of the county assessor or tax collector which contain more recent information than the assessment roll. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph or paragraph (1) is greater than 1,000, a local agency, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 days prior to the hearing.

(5) If the notice is mailed or delivered pursuant to paragraph (3), the notice shall also either be:

(A) Published pursuant to Section 6061 in at least one newspaper of general circulation within the local agency

which is conducting the proceeding at least 10 days prior to the hearing.

(B) Posted at least 10 days prior to the hearing in at least three public places within the boundaries of the local agency, including one public place in the area directly affected by the proceeding.

(b) The notice shall include the information specified in Section 65094.

(c) In addition to the notice required by this section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable.

(d) Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, the local agency shall incorporate, where necessary, notice procedures to the blind, aged, and disabled communities in order to facilitate their participation in any hearing on, or appeal of the denial of, a drive-through facility permit. The Legislature finds that access restrictions to commercial establishments affecting the blind, aged, or disabled, is a critical statewide problem; therefore, this subdivision shall be applicable to charter cities.

(Amended by Stats. 2006, Ch. 363, Sec. 1. Effective January 1, 2007.)

65092. (a) When a provision of this title requires notice of a public hearing to be given pursuant to Section 65090 or 65091, the notice shall also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for notice with either the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee which is reasonably related to the costs of providing this service and the local agency may require each request to be annually renewed.

(b) As used in this chapter, "person" includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.

(Amended by Stats. 2004, Ch. 905, Sec. 4. Effective January 1, 2005.)

65093. The failure of any person or entity to receive notice given pursuant to this title, or pursuant to the procedures established by a chartered city, shall not constitute grounds for any court to invalidate the actions of a local agency for which the notice was given.

(Added by Stats. 1984, Ch. 1009, Sec. 2.)

65094. As used in this title, "notice of a public hearing" means a notice that includes the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

(Added by Stats. 1984, Ch. 1009, Sec. 2.)

65095. Any public hearing conducted under this title may be continued from time to time.

(Added by Stats. 1984, Ch. 1009, Sec. 2.)

65096. (a) Notwithstanding any other provision of law, whenever a person applies to a city, including a charter city, county, or city and county, for a zoning variance, special use permit, conditional use permit, zoning ordinance amendment, general or specific plan amendment, or any entitlement for use which would permit all or any part of a cemetery to be used for other than cemetery purposes, the city, county, or city and county shall give notice pursuant to Sections 65091, 65092, 65093, and 65094.

(b) Those requesting notice shall be notified by the local agency at the address provided at the time of the request.

(c) Notwithstanding Section 65092, a local agency shall not require a request made pursuant to this section to be annually renewed.

(d) "Cemetery," as used in this section, has the same meaning as that word is defined in Section 8100 of the Health and Safety Code.

(Added by Stats. 1988, Ch. 1440, Sec. 1.)

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

1385 EIGHTH STREET, SUITE 130

ARCATA, CA 95521

VOICE (707) 826-8950 FAX (707) 826-8960

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Friends of Del Norte

Mailing Address: PO Box 229

City: Gasquet, CA

Zip Code: 95543

Phone: 707-465-8904

SECTION II. Decision Being Appealed

1. Name of local/port government:

Del Norte County

2. Brief description of development being appealed:

Construct new 7,920 sq. ft. pole barn

3. Development's location (street address, assessor's parcel no., cross street, etc.):

APN 105-020-45

8250 Bailey Rd., Fort Dick

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-1-DNC-15-0072

DATE FILED:

12/23/15

DISTRICT:

NORTH COAST

RECEIVED
DEC 28 2015
CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

RECEIVED
DEC 28 2015
CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

EXHIBIT NO. 10

APPLICATION NO.

A-1-DNC-15-0072

Blake Alexandre

APPEAL BY FRIENDS OF DEL NORTE

1 of 7

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision: Hearing: Dec. 2, 2015; Notice Dec. 14, 2015

7. Local government's file number (if any): B 33492C

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Blake Alexandre, 8371 Lower Lake Rd., Crescent City, CA 95531

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2) Eileen Cooper, 2644 Roy Ave, Crescent City, CA 95531

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.



Friends of Del Norte

Committed to our environment since 1973

***A nonprofit, membership based conservation group
advocating sound environmental policies for our region.
PO Box 229, Gasquet,***

Dec. 28, 2015

ATT: California Coastal Commission, North Coast District Office, Bob Merrill, Kasey Sirkin
Regarding: Appeal of BLAKE ALEXANDRE – Coastal Development Permit for a 7920 sq. ft. Pole Barn – B33492C –APN 105-020-45 located at 8250 Bailey Road, Fort Dick.

Careful attention and thorough review and conditioning of grading and development projects within the Coastal Zone has been the much appreciated standard practice. Please uphold these standards. We want to be clear that our issue is with the planning process and not with the Alexandre's desire for a new chicken barn. We appreciate their organic egg and dairy production and willingness to work to protect and even enhance wildlife habitat on their properties. The Planning Commission has over the years created problems for potential project developers by not upholding requirements for a successful project, for coastal zone planning. It is costly to correct engineering flaws after the fact. We hope that this appeal clarifies such requirements in a timely manner, such that this project may move forward.

Personal inquiry at the Del Norte County Planning Dept. front desk on Wed. Nov. 25, 2015 (the date that the staff report for the Del Norte Planning Commission hearing was due for submission), "For what was the barn going to be used?", in other words, what is the use of the project, the assigned Del Norte County planner did not have an answer. There are many agricultural uses that can incur significant water quality impacts, and not knowing the use or the intensity of use gives other agencies

insufficient information to make a determination about significant impacts, especially important Coastal considerations regarding water quality impacts. Comments were submitted by myself, Eileen Cooper, before the hearing date. Within the County staff report there is a discussion about the Coastal Commission staff raising concerns regarding the lack of information about grading. This concern goes unanswered:

A final concern expressed by Coastal Commission staff is that drainage may be impacted by the proposed barn. Staff contacted Regional Water Quality Control Board staff for comment. The reply was that there is no comment if there are no impacts to wetlands, streams, or creeks. No impacts to these features are anticipated by CDD staff.

As is plainly visible within staff report (page 10 picture, figure 7), standing water can be seen pooling on or directly adjacent to the identified pole barn location. Wetlands are scattered throughout the area, as this is a relatively flat but gently undulating flood plain. This area contains farmed wetlands. Although wetlands are permitted to be farmed as a compatible use, degradation or destruction of these farmed wetlands is inconsistent with LCP policy.

As depicted by the layout, or plot map of the Alexandre project, also shown within the staff report, an existing septic system is identified directly adjacent to the proposed pole barn site. It is troubling that there is absolutely no discussion or consideration of potential water quality impacts to the surrounding wet areas or septic system, or any grading plan or drainage plan.

As later identified by County staff (during the week of the local hearing), this almost 8,000 square foot pole barn is going to be used for chickens/poultry. Almost 8,000 square feet of pole barn can house a huge number of animals/chickens, and can produce a massive amount of animal waste. There is no discussion or plan for how this animal waste is going to be handled. It is irresponsible to allow permitting of such a large agricultural project without a grading plan of any sort, and without a carefully designed drainage plan, or waste treatment plan, to avoid overwhelming the adjacent septic system and avoiding pooling of polluted water, and pollution of a nearby well.

There are residences with wells located about 400 and 600 feet away, and there is a well approximately 200 feet away, as shown on the plot map. Without a drainage plan, contamination of wells from drainage of waste from such a large facility is a concern. There has been previous documentation from water quality tests of well contamination on the Alexandre farm from animal waste bacteria, although no one has gotten sick yet.

Although much of this floodplain is covered by typical pasture crops, a closer investigation reveals many telltale wetland markers throughout the low spots, pooling water in low spots and along natural drainage swales that lead to the Wild and Scenic Smith River or to Lake Earl/Tolowa sloughs (as shown on parcel map within staff report.) As stated in the staff report, the parcel contains wetlands and riparian areas (RCA zones), although the barn is located within an AE zone. Wetland pollution from pooling of contaminated water is a concern, as well as significantly impacting the adjacent septic system and well. These are potentially significant water quality impacts that would be in violation of Del Norte County LCP, which requires conditions to insure the maintenance of highest water quality standards, and the avoidance of agricultural pollution.

Also of concern is that this project has not been conditioned to conserve an important area of prime agricultural land and soil. The County has consistently been careful to include a standard condition to conserve soil for all Coastal Development permits that have grading of prime agricultural soils or land, especially for Agricultural Exclusive areas, such as this project location. This omission constitutes a precedent setting inconsistency of LCP policy, a notable break with performance standards and practices for Del Norte Coastal Zone. For at least the past 25 years of environmental review, soil conservation conditions have been required so that before construction, the rich top soil be removed and conserved by placing such soil upon productive upland areas of the farm, thus maintaining agricultural productivity. It has taken thousands of years for the rich flood plain of the Smith River to accumulate and develop these prime ag soils. With current manmade levees now restricting Smith River floods, such soils are not being naturally renewed. Let us not compound the problem by compacting them or burying them under concrete.

This project is inconsistent with the following LCP policies:

*LCP Policy, Land Resources, Agriculture II; and
General Policy for Agricultural Lands III:*

B. Present Local Policies: The conservation element of the Del Norte County General Plan established the following as important goals in the maintenance of agricultural lands:

- 1. Conserve soil resources to provide a continuing base for agricultural productivity and the County's economy.*
- 2. Reserve in agriculture those soils capable of producing a wide variety of valuable crops.*
- 3. Minimize disruption of viable agricultural areas.*

C. LCP Policies: Del Norte fully acknowledges the need to conserve its valuable agricultural resources. The following policies are established in order to maintain agricultural productivity in the Coastal Zone:

- 6. Land uses adjacent to agricultural lands shall not adversely impact the economic productivity of the agricultural land. Priority should be given to land uses which are least likely to conflict with agricultural productivity.*
- 9. Agricultural uses such as grazing and pastoral activities and the raising and harvesting of crops are deemed to be a principle use within Farmed Wetlands. Maintenance activities auxiliary to the above agricultural uses are therefore allowable uses including drainage related to crop rotation. Such areas are subject to the other policies of the county's Certified Land Use Plan.*

LCP Policy, Marine and Water Resources, VI. C:

- 1. The County seeks to maintain and where feasible enhance the existing quality of all marine and water resources.*
- 3. All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of the public health and the biological productivity of coastal waters.*
- 4. Wastes from industrial, agricultural, domestic or other uses shall not impair or contribute significantly to a cumulative impairment of water quality to the extent of causing a public health hazard or adversely impacting the biological productivity of coastal waters.*
- 6. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas 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.*

LCP Policy, Marine and Water Resources, VII.D: Wetlands, 4: Policies and Recommendations

d.) Performance standards shall be developed and implemented which will guide development in and adjacent to wetlands, both natural and man-made, so as to allow utilization of land areas compatible with other policies while providing adequate protection of the subject wetland.

f.) Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. ...

LCP Policy, Marine and Water Resources, VII. D. Wetlands:

- 4. g. Due to the scale of the constraints maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over boundary or location of an environmentally sensitive habitats area, the following may be requested of the applicant:*
 - i.) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.*
 - ii.) Vegetation map*
 - iii.) Soils map*

Review of this information shall be in cooperation with the Dept. of Fish and Game and the County's determination shall be based upon specific findings as to whether an area is or is not an environmentally sensitive habitat area based on land use plan criteria, definition, and criteria included in commission guidelines for wetland and other wet environmentally sensitive habitat areas as adopted February 4, 1981. The Dept. of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.

Thank you, **Eileen Cooper**

Eileen Cooper, vice president, on behalf of FODN, 707-465-8904

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Eileen Cooper, vice president Friends of Del Norte, on behalf of the board, 707-465-8904

Eileen Cooper

Signature of Appellant(s) or Authorized Agent

Date: Dec. 28, 2015

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby _____ Eileen Cooper
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Eileen Cooper

Eileen Cooper, vice president Friends of Del Norte

Signature of Appellant(s)

Date: Dec. 28, 2015

January 19, 2016

Cristin Kenyon
Coastal Program Analyst
California Coastal Commission
1385 8th St, Suite 130, Arcata, CA 95521

**Re: Alexandre Kids Proposed Pole Barn – DN County Grading Permit Number B33492C
– California Coastal Commission Appeal Number A-1-DNC-15-0072**

Dear Ms. Kenyon,

Alexandre Kids, LLC. ("Alexandre Kids") has been providing the finest organically certified pastured eggs since 2005. In 2013, Alexandre Kids spun off of Alexandre Dairy to operate as an independent operation. The business is primarily wholesale, with over 70,000 organic eggs shipped weekly in California, Oregon and Washington. Located in Crescent City, California Alexandre Kids is owned, managed and operated by Blake and Stephanie Alexandre, and their family, Joseph, Christian, Vanessa, Dalton and Savannah.

Our Farm story cannot be matched by any pastured egg producer. Our basic philosophy is to work with nature and not against it. For Alexandre Kids and Alexandre Dairy, it comes down to basic biology and the health of the land and response of the soils, vegetation and wildlife to how we operate. Alexandre Kids take special care to avoid areas of sensitive habitat, such as watercourses, wetlands and other features that support a diversity of wildlife and we go out of our way to work with both Federal and State agencies to enhance and improve those habitats through restoration, tree planting, and to assist with the recovery of the endangered species.

Our Farm story continues by adding a holistic management philosophy that integrates cattle with our hens, creating complex nutrient cycling and health for our livestock and pastures. You won't find this management style on any farms. Alexandre Kids strongly believe that these processes add value to the property, both intrinsically and monetarily, as conservation practices strengthen our ability to enhance feed production, sustain water supply and avoid costly mistakes that could undue years of soil productivity, environmental health and most importantly livestock productivity.

As you are aware, Alexandre Kids applied for a Coastal Development Permit with the Del Norte County Community Development Department in 2015 and received approval under Permit B33492C to construct a pole barn to support the Alexandre Kids egg business. The proposed pole barn would allow Alexandre Kids to comply with new standards under the California Shell Egg Food Safety Regulations ("SEFS") and centralize operations to the newly acquired egg ranch (APN 105-020-45).

It is our understanding that the processes and not necessarily the Pole Barn Project was appealed by the Friends of Del Norte; appeal number A-1-DNC-15-0072. Friends of Del Norte suggested that the County review process did not adequately describe the nature of the project nor protect water quality.

EXHIBIT NO. 11
APPLICATION NO.
A-1-DNC-15-0072
Blake Alexandre
APPLICANT'S CORRESPONDENCE
1 of 3

Although Alexandre Kids is frustrated by the delays that this appeal creates, we welcome the opportunity to demonstrate to the California Coastal Commission how water quality is protected and how this pole barn will serve the egg business by only shifting operations from Alexandre Dairy's Calf Barn to Alexandre Kids egg ranch.

The subject parcel (APN: 105-020-45) is currently owned by Alexandre Kids, LLC for the production of pasture-raised eggs. Alexandre Dairy also uses the parcel for grazing dairy cows when hens cannot graze the grass fast enough in the spring and summer. The development approved by the County involves the construction of a 7,920-square-foot pole barn for use as a chick brooder barn at 8250 Bailey Road in northwestern Del Norte County near the unincorporated community of Fort Dick. As approved by the County, the brooder barn will be 44 feet wide, 180 feet long, and 17-feet high. The ground under the barn will be graded, and a crushed rock surface will be added and covered with rice hulls to provide moisture absorbing bedding material for the raising of the chicks. The brooder barn will have both a roof and siding to both retain heat within the barn and provide protection from the incremental weather.

Under the Alexandre Kids organic model, we purchase day-old chicks that spend their first 12-18 weeks inside a barn which is temperature and airflow controlled by overhead radiant pancake heaters and circulation fans. When fully feathered and healthy (chicks now called pullets), pullets are moved to a stationary pole barn that we refer to as the "Transition Coop". The Transition Coop provides indoor and outdoor access. Within the Transition Coop pullets learn to roost, utilize nest boxes and forage outside within a protected environment while adjusting to the different weather patterns the North Coast has to offer. At approximately 24 to 26 weeks of age, hens are moved from the Transition Coop to one (1) of nine (9) mobile coops which is enclosed in a one acre electrified fence or paddock. Each one-acre mobile coop is assigned a 15 to 18 acre pasture at the egg ranch, where it is rotated twice weekly to fresh green grass. The Alexandre Kids egg ranch operates on approximately 185 acres in total at the egg ranch and an additional 100 acres owned by Alexandre Dairy. Of the 100 acres utilized by Alexandre Kids, Alexandre Dairy owns and operates on an additional 3,000 acres directly adjacent to the egg ranch.

Alexandre Kids raises replacement hens once every quarter. The proposed pole barn will house approximately 7,500 chicks which will be replaced by a new group once per quarter, for a total annual purchase of ~30,000 chicks per year. Under the model, chicks would only occupy the pole barn for 12 to 18 weeks dependent on physical condition and health. The barn will be supplied by well water but will not be connected to a septic system. Manure (the chicks' soiled rice hull bedding) will be removed from the barn once or twice a year when a group of chicks is rotated out of the barn, and will be composted along with the Alexandre Dairy manure solids and spread on the surrounding fields as compost as specified under the Dairy's Comprehensive Nutrient Management Plan and further permitted by the Dairy's Waiver of Waste Discharge issued by the North Coast Regional Water Quality Control Board (Permit Number CIWQS# 1A801980DN).

The current flock of approximately 7,500 chicks born on December 15, 2015 is being housed in a converted calf barn on the Alexandre Dairy property off of Lower Lake Road. The County-

approved new pole barn will allow Alexandre Kids to move the newborn chicks onto Parcel 105-020-45 and brood them directly adjacent to the rest of their egg production operations. The pole barn will be clustered with a barn used to store farm equipment, a barn used to inspect, wash, package, and refrigerate eggs prior to transport, and the Transition Coop. In order to be compliant with California Shell Egg Food Safety Regulations, Alexandre Kids must maintain a minimum floor space per laying hen (116 square inches per bird). The County-approved pole barn is sized to accommodate approximately 7,500 birds at a time (116 square inches per bird * 7,500 = 6,041 square feet; the barn has a 7,920 square feet).

As a pastured egg operation that demands a high retail premium, Alexandre Kids maintains several certifications which help to insure and promote continued market performance and transparency with our customers. Organic certification and compliance is conducted annually by CCOF to insure USDA Organic agriculture practices produces products using methods that preserve the environment and avoid most synthetic materials, such as pesticides and antibiotics. Alexandre Kids has been certified Organic since 2005 under the USDA national organic standard which describe how farmers grow crops and raise livestock and which materials we may use.

Congress described general organic principles in the Organic Foods Production Act, and the USDA defines specific organic standards. These standards cover the product from farm to table, including soil and water quality, pest control, livestock practices, and rules for food additives.

Under that standard organic farms must:

- Preserve natural resources and biodiversity
- Support animal health and welfare
- Provide access to the outdoors so that animals can exercise their natural behaviors
- Only use approved materials
- Do not use genetically modified ingredients
- Receive annual onsite inspections
- Separate organic food from non-organic food

Alexandre Kids will continue to operate under the above stated USDA National Organic Standards as they are requirements of our retailers such as Costco and Whole Foods Markets, who demand such certification for product placement. There is no incentive for Alexandre Kids to cut corners and risk our certifications, and it is important for the Coastal Commission to know that Alexandre Kids not only complies with these standards, we also believe in them.

If you have any further questions, or are in need of additional supporting documentation to respond to the Friends of Del Norte Appeal, please feel free email or call me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH', with a large, sweeping loop extending from the end of the signature.

Chris Howard