

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-106

**EXTENSION OF NORTH COAST HITCHING POST
COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT**

CASE NUMBERS PLN-2023-18783, PLN-2022-17766

ASSESSOR PARCEL NUMBER 308-131-033

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE
WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND
CONDITIONALLY APPROVING EXTENSION OF THE NORTH COAST
HITCHING POST COASTAL DEVELOPMENT PERMIT AND CONDITIONAL
USE PERMIT**

WHEREAS, the owners submitted an application and evidence in support of approving the Coastal Development Permit and Conditional Use Permit Extension; and

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

WHEREAS, a timely request for an extension was made by the applicant on October 23, 2023; and

WHEREAS, the Planning Commission Resolution for the original approval (Resolution #22-121) includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit and Conditional Use Permit Extension (Case Number: PLN-2023-18783 / Attachment 1A; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 30, 2023.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. FINDING:

Project Description: Extension of a previously approved Coastal Development Permit and Conditional Use Permit (PLN-2022-17766) authorizing use of a property as a seasonal venue for special events (primarily weddings) between May and October. The extension is being requested to allow the permittee additional time to complete Conditions of Approval for the project, including securing a building permit for upgrades to the property to comply with the Americans with Disabilities Act (ADA) and to ensure the structural integrity of a barn used during events.

EVIDENCE: a) Project File: PLN-2023-18783 & PLN-2022-17766

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been met.

EVIDENCE: a) During prior approval of the permits on November 3, 2022, the Humboldt County Planning Commission determined the project was exempt from environmental review pursuant to section 15301 and 15304(e) of the State CEQA Guidelines. No changes to the project are proposed and there have been no changes to the applicable regulations and standards governing the proposal. Furthermore, the applicant states that conditions at the property have not changed since the original approval. For these reasons, further environmental review is not required.

3. FINDING:

The development has not changed from that for which the permit or variance was granted.

EVIDENCE: a) The owner's project description states that no changes to the original permit have been proposed. An extension is necessary to grant the owner more time to complete the requirements of the Conditions of Approval.

4. FINDING:

The findings made when the permit or variance was granted can still be made.

EVIDENCE: a) There have been no changes to the applicable regulations. Therefore the findings made when the permit was granted can still be made.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Adopts the findings set forth in this resolution; and
2. Conditionally approves the Coastal Development Permit and Conditional Use Permit extension (Record Number: PLN-2023-18783) based on the approved project description and site plan on file, and subject to the conditions of approval, both of which are included as attachments to this resolution and are incorporated by reference.

Adopted after review and consideration of all the evidence on **November 30, 2023**.

The motion was made by COMMISSIONER Thomas Mulder and second by COMMISSIONER Iver Skavdal and the following VOICE vote:

AYES: COMMISSIONERS: Thomas Mulder, Iver Skavdal, Peggy O'Neill,
Noah Levy, Sarah West, Lonyx Landry

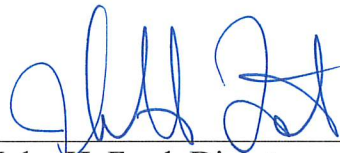
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Brian Mitchell

ABSTAIN: COMMISSIONERS:

DECISION: Motion Carries 6/0/1

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



John H. Ford, Director
Planning and Building Department

Conditions of Approval

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT ARE CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE FULFILLED BEFORE A BUILDING PERMIT MAY BE ISSUED OR USE INITIATED:

A. Conditions of Approval:

1. All development shall be in accordance with the approved plot plan and project description. Changes to the approved design not in conformance with Section 312-11, Minor Deviations will require a modification to the terms of this permit.
2. The owner(s) is/are responsible for demonstrating that the proposed development complies with applicable provisions of the Fire Safe Regulations, including but not limited to, setbacks for defensible space, driveway width and turnaround areas, siding & roofing materials, and required design features. To comply with the defensible space provisions the owner must secure and execute a fuel modification easement using applicable forms provided by the Department. Alternately, the owner may pursue securing approval of a Firesafe Exception to reduce the standard defensible space setback.
3. The owner(s) shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" Ordinance) as required by the HCC and available at the Planning Division.
4. The owner(s) shall work with the Building Division to determine whether all areas targeted for public assembly/use meet applicable requirements of the state and local building codes. The structural integrity and safety of the barn must be inspected and certified by a civil engineer or similarly qualified professional prior to public use.
5. All areas to be open for public access must meet all disability requirements per the ADA. Accessible routes of travel to activity areas must be constructed of pavement or concrete unless an alternative equivalent material or surface is authorized for use. Upon the termination of this permit, such walkways not essential to agricultural operations on the site shall be removed.
6. If required, the owner(s) shall secure a building permit for any items for which it is required, including but not limited to the change in occupancy of the barn and improvements to the site and facility for ADA accessibility or similar matters.
7. The operator(s) shall provide an adequate number of portable toilets for each event at a minimum of one portable toilet per fifty (50) attendees. All porta-potties shall come equipped with hand washing stations.
8. The applicant shall provide evidence demonstrating that all events will be compliant with the requirements from the Consumer Protection Division of Environmental Health, particularly those related to food service and preparation.
9. The applicant shall provide evidence demonstrating that all events will be compliant with the requirements from the Environmental Health Consumer Protection Program, particularly those related to food service and preparation.
10. To the satisfaction of the Fortuna Fire Protection District, the owner/applicant shall address and resolve all non-passing items and recommendations found in the Inspection Report

from Fortuna Fire Protection District, dated 7/15/2022 and prepared following inspection Lon Winburn. The inspection report is included herein as Exhibit C of Attachment 1.

11. The recommended conditions in the Department of Public Works memo dated June 2, 2022, included herein as Exhibit B of Attachment 1, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
12. If water for handwashing, dishwashing, and/or drinking is provided by the owner or operator, the water source must follow potability requirements in accordance with the California Drinking Water Act.
13. Wastewater generated from dishwashing activities must be discharged to a permitted onsite treatment wastewater system (OWTS). Applicant must secure an OWTS permit and install an approved OWTS to support onsite warewashing activities. Alternatively, warewashing may be completed off-site at an approved commercial kitchen facility.
14. Applicant must demonstrate adequate reserve dispersal field area for existing onsite wastewater treatment system supporting the existing cottage.

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

1. Events shall be conducted consistent with the approved project Operations Plan and Description, applicable conditions of approval, **as well as the following limits:**
 - A maximum number of 18 events per year.
 - Maximum event capacity shall not exceed 200 persons.
 - No winter operations are authorized (May through October only).

Changes to the project, except for Minor Deviations per Section 312-11.1 of the Humboldt County Zoning Regulations, shall require modification of this permit.

2. The County roadway shall be cleaned of any tracked mud, soil, and debris after each event.
3. The applicant shall assure that vegetation adjacent to the roadway is maintained in a low, drivable condition during the duration of the event season, May through October. This maintenance may be coordinated with the other property owners using the roadway and, if necessary, the County Public Works Department.
4. Dust generation shall be minimized by watering and/or treatment will dust suppressants. Grass areas used for parking shall be mowed prior to each event and reseeded as necessary at the end of each season.
5. All parking must be located on the project site.
6. The parking area shall be aerated in November to ensure soils are not compacted.
7. No permanent signs advertising the site or event are authorized by this permit. Temporary signs to direct guests to the venue shall not exceed 2 ft by 2 ft in size and shall be placed and removed within one (1) day of the event. The location of any off-site signs shall be subject to the prior approval of the Planning Director under Section 313-87.3.2.5 of the Zoning Regulations.
8. All amplified music and speakers shall be directed inward from property lines. Noise level shall not exceed 60 dB at the property line and not be continuously or significantly heard on

neighboring properties. The volume shall be turned down promptly at 10:00 p.m. to ensure the preservation of total quiet on neighboring properties. Noise readings using a hand-held meter approved by the Planning Division shall be taken from north and south property lines during each event with amplified music. The results of each reading shall be logged and included in the Annual Monitoring Report, as well as any measures taken by the event operator to meet this standard.

9. The applicant shall provide adequate trash receptacles and shall be responsible for cleanup and proper disposal of any litter created by each event. Containers for disposal of recyclable or compostable items shall be provided.
10. Any exterior lighting associated with the event use shall be shielded and directed so as not to extend beyond the boundaries of the parcel and shall be limited to the actual event dates. Event lighting shall be turned off within 1-hour of the end of the event.
11. The applicant shall provide to all interested neighbors, a calendar schedule of events for the season. Notice shall be provided either verbally or in writing at least 72-hours prior to an event. At a minimum, notice shall be provided to all property owners and/or tenants within 300 feet of the parcel boundaries as well as those in homes on parcels abutting Table Bluff Road between Eel River Drive and the property (if the residence is located within 100 feet of the road). The notice shall include a contact number for the event operator, the days and times of each special event, the expected number of guests, as well as the days and times for set-up and clean up. Notice need not be provided if waived by the owner or occupant. This is to give interested parties a way to inform the applicants if they are experiencing disturbance due to the events. This contact information shall be provided prior to any event being held. The applicant shall work with the Planning Division to develop the distribution list and letter sent in order to satisfy this condition.
12. The use shall be conducted so as not to be detrimental to the public health, safety, or welfare, or a nuisance.
13. The applicant shall submit an annual monitoring report to the Planning Division for the first three (3) years of operation and no later than December 31st of each year, once the use is initiated. The report shall document event conformance with the Plan of Operations and the Conditions of Approval. The report shall contain (at minimum):
 - a list of all events held that year with dates and time for each event
 - a log of any complaints received and how the issue(s) were resolved.
 - The number of guests attending each event
 - sound readings from the north and south property lines

A post-approval monitoring fee deposit shall be paid at time of report submittal. The purpose of this reporting requirement is to permit County staff and the applicant to review the adequacy of the operational restrictions, and, if appropriate, suggest ways to better address any neighborhood issues that may arise following a full season of operation. The duration of the reporting requirement may be reduced or extended at the discretion of the Planning Director. Should the report disclose substantial and repeated noncompliance with the terms and conditions of this permit, the Planning Director shall set the matter before the Planning Commission to determine if a recommendation for permit revocation is warranted.

14. Representatives of each event will be required to sign a contract governing the use of the property during their event. Provisions of each contract include specific noise restrictions and reserve the owners' right to immediately cancel the event if noise is excessive, or the event becomes unruly in any manner. In the event of cancellation, all persons must leave the property within 30 minutes.

C. Informational Notes

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date") except if temporary events have occurred before such anniversary date. The period within which the temporary use must commence may be extended, as provided by Section 312-11.3 of the Humboldt County Code.