

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-**

**NORTH COAST HITCHING POST COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT
PROJECT NUMBER 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 THE NORTH COAST HITCHING POST COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT

WHEREAS, the owner submitted an application and evidence in support of approving the Coastal Development Permit and Special Permit request; 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, the Planning Division, the Lead Department pursuant to Section 202 of Resolution No. 77-29 of the Humboldt County Board of Supervisors, has determined that the project qualifies for use of the Class 1 and Class 4 exemptions found in Section 15301 (Existing Facilities) and 15304(e) (Minor Alterations to Land) of the CEQA Guidelines; and

WHEREAS, a public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the project; and

WHEREAS, on November 3, 2022 a public hearing was held before the Humboldt County Planning Commission during which the Planning Commission reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing; and

NOW, THEREFORE, be it resolved, determined, and ordered that the Planning Commission makes the following findings:

PROJECT DESCRIPTION

- 1. FINDING:** A Coastal Development Permit and Special Permit to authorize use of a property as a seasonal venue for special events (primarily weddings) between May and October. A maximum of 200 guests per event and 18 events per year are proposed. Events are mainly expected to occur during weekends (Friday through Sunday) and only occasionally on a weekday. During the day of an event, activity will begin no earlier than 10am and end no later than midnight. Events will be staged from an historic barn and grassy areas around the structure. A nearby small cottage will also be available for short-term rental both during and separately from events. Portable toilets will be used during events and on-site parking will be made available in several areas of mowed grass/pasture. Alcohol and food will be served during events. Food for events will be provided through mobile food trucks, catering with off-site prep, or on-site barbequing from an existing gravel area in back of the barn.

EVIDENCE: a) Project File: PLN-2022-17766

CEQA

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed subdivision is exempt from the provisions of CEQA per Section 15301 (Existing Facilities) and 15304(e) (Minor Alterations to Land) of Article 19 (Categorical Exemptions) of the CEQA Guidelines.

- EVIDENCE:**
- a) The Class 1 exemption covers the operation, permitting, repair, maintenance or minor alteration of existing public and private structures or topographical features involving negligible or no expansion of the former use. This includes interior and exterior alterations as well as the "addition of safety or health protection devices" or "navigational devices". Implementation of the project will involve permitting to allow dual-use of an existing barn for a new "assembly" occupancy. Minor improvements to interior and exterior features to comply with ADA and health & safety requirements are anticipated. Existing grassy areas and pasture will dual as parking areas during events and one or two existing driveway encroachments along Table Bluff Road will be paved to comply with requirements set by the Land Use Division of Public Works. Alteration of the site, ground disturbance, and new construction will be very limited.
 - b) The Class 4 exemption covers minor private alterations in the condition of the land, water or vegetation which do not involve removal of health, mature, (or) scenic trees. This includes "minor or temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.". The project proposes use of the property for a total of 18 events per year during a 6-month period (May and October). It is reasonable to view the use as "temporary" given the frequency and limited duration of the activity seeking a permit. No tree removal is proposed or required.
 - c) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply. However, none of these exceptions apply to the proposed project.

312-1.1.2 Legal Lot Requirement

- 3. FINDING:** The lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: The project parcel was lawfully created. The legal status of the parcel was investigated under an earlier Determination of Status conducted during review and approval of a Lot Line Adjustment, Coastal Development Permit, and Notice of Merger (CC-05-12, CDP-07-54, DS—05-25, LLA-07-26, and NOM-07-23). Certificates of Compliance were issued for all of the resulting parcels affected by the Lot Line Adjustment (2009-26558-5), including the subject parcel.

FINDINGS APPLICABLE TO ALL PERMITS

- 4. FINDING:** The proposed development is in conformance with the certified Local Coastal Plan.

EVIDENCE: a) §5.3 Agricultural Exclusive, 3.34 Agriculture – Eel River Area Plan (ERAP)

The property is planned Agriculture Exclusive, reflecting the existing land uses in the area. Ag Exclusive is intended for prime and non-prime agricultural lands for long-term productive agricultural use. Nonagricultural development must not impair agricultural viability or diminish the productivity of prime agricultural lands.

The rental of space for weddings, birthday parties and similar gatherings is a use that is considered supplemental and temporary. The frequency and range of months targeted for events demonstrate that the use is limited and seasonal and will therefore not conflict with the agricultural operations. The restriction imposed through the operations plan and permit conditions place limits on the number, size, and duration of events minimizing potential conflicts with the primary use of the land, as well as neighboring agricultural uses resulting from traffic, noise, trespass, etc.

Measures will be taken to protect the agricultural potential of the parcel. The productivity of the pasture area will be maintained because the parking area will be irrigated and mowed on a regular basis during the event period and aerated in November to ensure soils are not compacted. Agricultural land will not be converted as the existing barn is being utilized and no improvements to other structures are proposed. The only improvement proposed is surfacing at the driveway encroachment(s) and to make the parking space(s) near the barn ADA accessible.

b) §3.41 Environmentally Sensitive Habitat - Designated habitats and natural resources shall be protected.

§30240(b) Development in areas adjacent to ESHA shall be sited and designed to prevent impacts that would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The majority of event activity will center around the existing barn which sits within a domesticated portion of the property tied to past and present agricultural uses. Parking will occur in areas of existing grass/pasture. The western boundaries of the property abut a slope-break associated with the uppermost extent of a forested gulch area host to mapped wetlands and ESHA. The event venue and majority of the parking areas are located between 150-500 feet from this feature. The westernmost parking area sits adjacent to the feature but is situated within a grass field that duals as grazed pasture. Review of the California Natural Diversity Database reveals that the property lies near the westernmost extent of the range of a local population of Siskiyou Checkerbloom. As no grading or land clearing is proposed and the plant responds well to grazing and mowing activity, impacts are not expected.

c) §3.42 Visual Resource Protection - New development shall protect special communities which have unique visual characteristics.

The property lies almost a mile south of the closest mapped coastal scenic view area. This area covers Table Bluff Road and Hookton Road north of the project site. Hills and other landform obstruct views to and from this area. The project would not result in any permanent changes to views along Table Bluff Road or from Copenhagen Road as no new structures or similar features are proposed.

5. FINDING: The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zone in which the site is located.

EVIDENCE: a) Special Events and Attractions include Circus(es), Carnival(s), Outdoor Event(s), or Similar Assemblage(s) of People and are authorized under the Temporary Use provisions of the Zoning Regulations which permit them with a Special Permit in all non-residential zones. The project proposes use of the property for a total of 18 events per year during a 6-month period (May and October). It is reasonable to view the use as "temporary" given the frequency and limited duration of the activity seeking a permit.

6. FINDING: The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) The proposal involves establishment of a venue for weddings and similar events. The operations plan and conditions of approval are designed to ensure that neighboring landowners and occupants are kept apprised of events and that the events are conducted at such a frequency and fashion so as to minimize the disturbance of nearby residents. Conditions of the project also require submittal of a monitoring report to the Department for a period of up to three (3) years. This will allow staff to verify the effectiveness of the conditions of approval and operation standards and restrictions, and allow for refinement and adaptive management as needed. It will also provide staff an opportunity to determine whether revocation is appropriate should violations of the permit conditions or operational commitments occur.

7. FINDING: The project does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) The parcel's General Plan land use designation and zoning (AE-160) allow residential development. Existing residential development on the property already exceeds the permitted density given the size of the parcel. The project will establish a temporary use to occur annually during a six (6) month period. It should therefore have little impact on compliance with Housing Element law as it will not interfere with existing residential use of the property and further residential development is not possible at this time.

DECISION

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

1. Adopt the findings set forth in this resolution; and

2. Approves the Special Permit and Coastal Development Permit (Record Number; PLN-2022-17766) based on the evidence referenced, described, and provided herein and as well as those materials found within the project record, subject to the attached conditions of approval.

Adopted after review and consideration of all of the evidence on **November 3, 2022.**

The motion was made by Commissioner _____
and Seconded by Commissioner _____

AYES:

NOES:

ABSTAIN:

ABSENT:

DECISION:

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