



COUNTY OF HUMBOLDT

For the meeting of: 9/4/2025

File #: 25-1072

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Heavenly Rooted Estate Special Permit for Short Term Rental
Assessor Parcel Numbers (APN) 312-071-050
Record No.: PLN-2024-18884
Glendale area

A Special Permit for a short-term rental located in an Agricultural General zone on a parcel between 2.5 and 10 acres not operated as a farm-stay, and a Special Permit to exceed the Neighborhood Concentration 20% density limit for short-term rentals on an access road. The parcel is approximately 4 acres in size and is currently developed with a single-family residence, accessory structures, and recreational areas such as a basketball court and bocce ball court. A maximum occupancy of 14 is proposed for gatherings. The parcel is served with on-site water and an on-site wastewater treatment system, and power is supplied by PG&E. Parking is provided in multiple locations including adjacent to the residence, two locations along the driveway, and adjacent to the basketball court.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Attachment 1), which does the following:
 - a. Finds the Planning Commission has determined the project is exempt from further environmental review pursuant to Section 15301 of the State CEQA Guidelines; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Heavenly Rooted Estate Special Permits as recommended by staff, subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project site is located in the Glendale area, on the north side of Hilltop Lane,

approximately 500 feet northeast of the intersection of Glendale Drive and Hilltop Lane, on the property known as 95 Hilltop Lane.

Present General Plan Land Use Designation: Residential Estates (RE2.5-5), Density: (Cluster) Range is 2.5 to 5 acres per unit; Residential Low Density (RL), Density: Range is 1 to 8 units per acre; Blue Lake Community Planning Area (BCPA), 2017 General Plan, Slope Stability: High Instability (3)

Present Zoning: Agriculture General (AG); Unclassified (U)

Environmental Review: The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15301 (Existing Facilities) of the CEQA Guidelines.

State Appeal: The proposed project is NOT appealable to the California Coastal Commission.

Major Concerns: History of light and noise complaints.

Monitoring Required:

None.

Executive Summary: A Special Permit for a short-term rental located in an Agricultural General zone on a parcel between 2.5 and 10 acres not operated as a farm-stay, and a Special Permit to exceed the Neighborhood Concentration 20% density limit for short-term rentals on an access road. The parcel is approximately 4 acres in size and is currently developed with a single-family residence, accessory structures, and recreational areas such as a basketball court and bocce ball court. The parcel is served with on-site water and an on-site wastewater treatment system, and power is supplied by PG&E. Parking is provided in multiple locations including adjacent to the residence, two locations along the driveway, and adjacent to the basketball court.

Special Permits do not necessarily require a public hearing or referral to the Planning Commission. This application is being brought to the Planning Commission primarily as it is following a series of neighborhood complaints.

Code Enforcement History: On July 11, 2023, Code Enforcement staff received complaint that a short-term rental had been operating at the subject property without permits. On August 8, 2023, Code Enforcement staff received an additional complaint that the individuals on that property had been disturbing the peace and making noise at all hours of the night. On September 7, 2023, Code Enforcement received notification that Heavenly Rooted Estate advertises itself as an event venue on the subject property at HeavenlyRootedEstate.com and when the property owner was contacted on September 8th, they stated that the property is rented to an event planner who is responsible for any potential events.

On September 13, 2023, Code Enforcement informed the property owner by phone that a Conditional Use Permit would be required to host for-profit events and weddings and after substantial communication with the property owner and continued use of the property for events, a Notice of Violation and Notice to Abate was posted on the property on July 24, 2024. The County continued to receive complaints of large wedding events with substantial noise from amplified speakers and yelling after midnight. After additional discussions with county staff the property owner agreed to cease holding special events and the code enforcement case was ultimately closed on November 13, 2024.

Planning Applications: On October 18, 2023, the applicant had an Application Assistance meeting to discuss the path forward regarding a Conditional Use Permit for a special event venue and the application was accepted for processing on January 25, 2024.

On January 31, 2024, a Notice of Application was mailed to all property owners within 1,000 feet of the parcel in order to notify them of the application and to request public input. The County received 26 responses, which are summarized below in the section entitled Public Comments and Concerns.

Separately, on April 24, 2024, the applicant applied for an administrative permit for a short-term rental, however the proposed rental is within the Agriculture General (AG) zone and does not meet the farm stay requirements that are applicable in resource zones. Additionally, the property is in an area subject to Humboldt County Code (HCC) section 314- 60.05.10.6, Neighborhood Quality and Public Nuisance, which stipulates a density limit requiring that “rentals shall not exceed twenty percent (20%) of the dwellings on the access road”. The proposed short-term rental would be the second on Hilltop Ln, which currently serves as access for nine residential units. Approval of the proposed short-term rental would exceed this standard. Exceptions to the density and farm stay standards may be sought with a Special Permit. Due to the connection of the short-term rental to the special event proposal, the Special Permits were being processed concurrently with the Conditional Use Permit, however the applicant has since abandoned the Conditional Use Permit for special events and is proceeding only with the Special Permits for the short-term rental.

Density Limits: The parcel is within a Community Plan Area and less than ten acres in area, and the proposed short-term rental is within 1,000 feet of the nearest neighboring residence. As the proposed short-term rental meets these criteria it is subject to the requirements of HCC section 314-60.05.10.6, Neighborhood Quality and Public Nuisance. This section requires, in part, that short-term rentals not exceed twenty percent (20%) of the dwellings on the access road. While approval of the proposed short-term rental would result in short term rentals accounting for approximately 22% of dwellings on the access road, the property has historically been utilized for short term use and would represent an approximately 2% increase beyond the allowed density. The small increase in density coupled with the applicant no longer pursuing a permit for temporary special events on the property indicates the impacts to the neighborhood will likely be negligible. Unique restrictions have been included in the recommended conditions of approval to address site specific noise and light concerns relating to the history of complaints. Conditions include removing or rendering inoperable the

PA/outdoor speaker system, a timed gate lock on the basketball/tennis court to limit access to daylight hours and rendering the light system for the basketball/tennis court inaccessible to guests, installing signs notifying guests of restrictions, and a site visit by County staff to confirm completion of these requirements prior to commencing operation of the short-term rental.

Farm Stay Requirements: The proposed-short term rental is within the Agriculture General (AG) zone and does not meet the farm stay requirements that are applicable in resource zones. These requirements include a commercial agricultural operation, that the farm tenant or property owner reside on site, and educational activities or experiences in which tenants will participate in as an immersive encounter with agricultural living. While there are no agricultural operations on the property, the intent of the farm stay provisions of the short-term rental ordinance is to preserve agricultural working lands. Per the applicant there are no commercial agricultural operations on the property or in the neighborhood. The properties on Hilltop Lane are designated as Residential Estates (RE) in the Humboldt County General Plan, which does allow for general agricultural uses; however, the RE land use designation is used for lands adjacent to urban areas and is intended as a transition from urban development to rural lands. Additionally, lands adjacent to the property on the north and west are designated Residential Low Density (RL). The RL land use designation does not allow general agriculture as an allowed use. Due to the lack of commercial agricultural operations in the vicinity, the designation of the properties in the neighborhood as transitional from rural to urban development, and abutting lands that do not allow general agriculture, excepting this short-term rental from farms stay requirements is not anticipated to conflict with, or otherwise have any quantifiable impact on, agricultural working lands.

Public Comments and Concerns: Between February 1, 2024 and July 16, 2024, Planning Staff received 26 public comments from 18 members of the public. Some commenters submitted multiple comments specifically to ensure their comments on the event venue were considered when assessing the short-term rental application. Of those comments, one had no issues with the noise levels of the venue and stated that the music is always turned off or down by 10 pm and considers the venue proposal to be an added benefit for the community. One other commenter is in favor of the project occurring but has concerns that they believe warrant changes or conditions to the project.

One of the commenters submitted a petition with signatures from 58 people in 36 different households objecting to approval of a Conditional Use Permit for the event venue at 95 Hilltop Lane. Of those 58 signatures, 12 signers also submitted public comment. Of those 36 households, four were from addresses further than 2,000 feet from the venue. The subject parcel is bordered by six parcels. Of those six parcels, the occupants of two households signed the petition, the property owner of the unoccupied adjacent property signed the petition, and three of the households adjacent to the property did not sign the petition. Comments and concerns raised in the correspondence were mostly related to the proposed special event venue which is no longer part of this requested action. These comments (Attachment 5) are summarized below:

- **Noise:** Amplified music from an extremely loud PA system, revelrous shouting. Both are heard late into the night. Multiple commenters also reference the noise from Kern Construction and Steve Morris Recycling throughout the week as an acceptable annoyance, but desire respite from such noise on the weekends.
- **Whether conditions would be followed if approved:** Comments cite the past behavior of ongoing events.
- **Fire Danger:** Ability of emergency response vehicles to traverse the steep access road, discarded cigarettes.
- **Consumption of alcohol and traffic safety:** Some commenters expressed concerns about drunk driving and vehicular accidents after events. Review of the Transportation Injury Mapping System (TIMS) does not appear to show a pattern of increased reported traffic impacts in the area. TIMS displays data from the Statewide Integrated Traffic Records System (SWITRS) which consists of data collected by the California Highway Safety Patrol (CHP), namely all crashes reported to CHP by local and governmental agencies. Between January 1, 2012, and March 31, 2024, there were five reported incidents on Glendale Drive between Liscom Hill Road and State Highway 299. Of those incidents, only one was near Hilltop Lane. This incident was a rear end with a parked vehicle and is reported to have alcohol involved, but it occurred in December 2015. The most recent incident was on September 23, 2023, at the intersection of Glendale Drive and Liscom Hill Road. This impact was a collision with a fixed object and similar collisions occurred at the same intersection in 2012 and 2015. Two of those three collisions are reported to have had alcohol involved. The final incident reported to TIMS occurred in December 2012 between Greenhill Lane and the ramps onto and off of State Highway 299. This incident was a broadside vehicle crash with another vehicle and is also reported to have had alcohol involved. There is no evidence available that would indicate an increase in accidents due to alcohol use since the applicant moved and venue operations began in 2022.
- **Traffic Congestion:** Concern that the size of the events will result in and has resulted in significant traffic congestion both on the access road and the surrounding area. Comments also note that multiple vehicles have gotten stuck on the steep access road in the past and are concerned that more will in the future.
- **Parking:** Only 40 parking spaces for the maximum proposed capacity of 120 people. Concern that parking on the access road will impact the shallow water and utility lines on Hilltop Lane. According to Public Works, there is no space for on-street parking on Hilltop Lane, therefore no offsite parking can be permitted.
- **Bus for Overflow Parking:** One commenter asserts busses had brought people to the property from where they had parked at Blue Lake Casino.
- **Bright Lights:** Complaints of bright lights disturbing neighbors. Photos from HeavenlyRootedEstate.com of the basketball court on the property showed lighting that may have the potential to leave the property; this sports lighting may not be in compliance with

International Dark Sky standards.

- **Restrooms:** Concern regarding the capacity of the septic system, but the Plan of Operations states that all events will utilize portable restrooms. The Division of Environmental Health approved of the project referral on March 27, 2024.
- **Requested Limitations:** General requests for limitations on time, capacity, and noise levels.
- **Non-local ownership:** The applicant lives out-of-state in Pennsylvania. Comments include concerns such as inability to oversee the operation without being local and how profit from the venue would not remain in Humboldt County's economy.

The majority of the concerns raised have been addressed by the applicant abandoning their pursuit of a Conditional Use Permit (CUP), as the proposed maximum occupancy for events has been reduced from 120 guests under the CUP to 14 guests under the short-term rental. The terms of the permit require a noise limit of 65 decibels from 8 a.m. to 10 p.m. and 60 decibels from 10 p.m. to 8 a.m., a limit on maximum overnight occupancy of seven people, and gatherings are only allowed during the hours of 8 a.m. to 10 p.m. with a maximum occupancy of 14. These requirements are expected to limit impacts related to noise, traffic, parking, fire safe access, and septic system constraints. Additional conditions of approval are recommended, including removing or rendering inoperable the PA/outdoor speaker system, a timed gate lock on the basketball/tennis court to limit access to daylight hours and rendering the light system for the basketball/tennis court inaccessible to guests, installing signs notifying guests of restrictions, and a site visit by County staff to confirm completion of these requirements prior to commencing operation of the short-term rental. Conditions also require installation of an outdoor noise monitoring device if one or more noise complaints are received. If ongoing activity violates any requirement or condition of the permit, the permit may be suspended by the Planning Director without prior notice or hearing.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval.
2. The Planning Commission could deny the application if unable to make all the required findings of approval.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Operations Plan
 - C. Site Plan

2. Applicant's Evidence in Support of the Required Findings
3. Referral Agency Comments and Recommendations
4. Public Comments

Applicant:

Heavenly Rooted Estate LLC
Danielle Weems
24 Fox Ridge Dr.
Malvern PA, 19355

Owner: Same as above

Agent: N/A

Please contact Michael Holtermann, Planner, at mholtermann@co.humboldt.ca.us or 707-268-3737 if you have questions about this item.