

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908



RECORD PACKET COPY

Th 7a

Filed: June 9, 2003
49th Day: Waived
Staff: Tiffany S. Tauber
Staff Report: July 18, 2003
Hearing Date: August 7, 2003
Commission Action:

STAFF REPORT: APPEALNO SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Humboldt

DECISION: Approval with Conditions

APPEAL NO.: A-1-HUM-03-37

APPLICANT: Jack & Judy Penrod

PROJECT LOCATION: 3003 Table Bluff Road, Loleta, Humboldt County,
(APN 308-081-20)

PROJECT DESCRIPTION: Establishment of a wedding/event venue on a parcel
zoned for agriculture to be in operation 10 to 12
weekends per year, allowing up to 90 vehicles
parked on-site, and minor grading for development
of a parking area and ADA compliant walkways for
wheelchair access.

APPELLANTS: James E. & Marion J. Shelton

However, it is not entirely clear that the zoning regulations would allow the wedding use to be categorized as either an Agriculture-Related Recreation use, a temporary event, or an accessory use. Therefore, the County found that because it is unclear whether the wedding venue use would qualify under the County's regulations as either an agriculture-related recreational use, a temporary event, or an accessory use within the AE zone, the County applied the provisions of Section 311-4 of the Coastal Zoning Regulations. This section sets forth procedures for interpreting the regulations in situations where they are not clear and provides for a Special Permit to be processed to a decision for any proposed use where the application of the zoning regulations are unclear. The County processed a Special Permit for the wedding venue use in conjunction with the processing of the CDP that is the subject of this appeal.

The fact that the approved wedding venue use is not specifically listed as a principally permitted or conditionally permitted use in the Agriculture Exclusive Zoning District and was only approved by the County utilizing the provisions of Section 311-4 of the Zoning Code can be viewed as raising an issue of whether the approved use is consistent with the use provisions of the zoning code. However, in evaluating any such issue in light of the factors the Commission has used to guide previous decisions, even if an issue is raised, the issue is not substantial. The central point of the appellants' contention is that the approved wedding venue use would be incompatible with agricultural use of the area and is not consistent with the allowable uses in the Agriculture Exclusive Zoning District. However, the approved use would not require the development of non-agricultural buildings or improvements and the approved project would not result in a conversion of agricultural land. The approximately three-acre area that would be used for the event venue is the applicant's grass lawn and existing driveway area in front of the residence. This lawn area is associated with the existing single-family residence and would not be actively used for agriculture regardless of whether or not the site was used to conduct weddings or similar events. The use of this area for special events would not displace existing agricultural uses or preclude its use for agriculture in the future. The remaining eight acres of the property would continue to be used for the operation of a 'cut-your-own' Christmas tree farm, an existing agricultural use that would not be affected by the approved wedding/event venue use. Therefore, the Commission finds that the significance of the coastal agricultural resource affected by the decision is not great. Furthermore, as the approved development only involves a limited intermittent use of a site which does not involve the development of buildings or significant improvements, the extent and scope of the development as approved by the County is very limited. Moreover, as the development does not result in a conversion of agricultural land, the decision of whether to allow intermittent wedding events on a limited basis in the agricultural area raises only a local issue rather than an issue of regional or statewide concern.

For all of the above reasons, staff recommends the Commission find that the appeal raises no substantial issue of consistency with the certified LCP.

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.

2. Filing of Appeal

An appeal was filed by James and Marion Shelton (Exhibit No. 4). The appellants filed their appeal to the Commission in a timely manner on June 9, 2003 within 10 working days after receipt by the Commission of the notice of final local action on May 23, 2003 (Exhibit No. 3).

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

MOTION: I move that the Commission determine that Appeal No. A-1-HUM-03-037 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution to Find No Substantial Issue:

The Commission finds that Appeal No. A-1-HUM-03-037 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.

C. LOCAL GOVERNMENT ACTION

On March 20, 2003, the Humboldt County Planning Commission approved Coastal Development Permit No. CDP-02-15/SP-02-32 (Jack and Judy Penrod) with conditions. The Planning Commission's approval of the permit was appealed to the Board of Supervisors by the appellant and the appeal was denied by the Board of Supervisors at the hearing of May 6, 2003. The appellant testified against granting the permit at the Planning Commission and Board of Supervisors hearings.

The subject development was approved by the Humboldt County Board of Supervisors with several special conditions (Exhibit No. 4). The conditions include eight (8) conditions that must be satisfied prior to issuance of the building permit, and six (6) conditions that are on-going requirements and development restrictions that must continue to be satisfied for the life of the project.

The conditions that are most relevant to the contentions raised in the appeal are Condition Nos. 2, 3, 5, and 7 of the prior to issuance of the building permit conditions and Condition Nos. 1(a-j) and 6 of the on-going requirements and development restrictions. Condition No. 2 requires the applicant to execute a "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County" (Right to Farm Ordinance) prior to issuance of the building permit, and Condition No. 3 requires the applicant to execute a "Notice of Land Use Restriction" restricting the use of the Agriculture Exempt barn from being used for uses associated with the wedding/event venue. Condition No. 5 requires the applicant to demonstrate that the existing water supply can meet current County standards for water quality and quantity. Condition No. 7 requires the applicant to provide an adequate number of portable toilets for each event consistent with the standards of Division of Environmental Health.

The on-going conditions and development restrictions include Condition No. 1 which requires the wedding/event venue use to be conducted in accordance with the applicant's plan of operations and the following requirements:

- a. Maximum event capacity shall not exceed 200 persons.
- b. No winter operations are authorized (October 15 through April 15).
- c. No permanent signs advertising the site or event are authorized.
- d. Dust generation shall be minimized...
- e. The applicant shall provide trash receptacles and shall be responsible for cleanup and proper disposal of any litter created by each event.
- f. Amplification for music or speakers shall be limited to event hours (10 AM to 10 PM). All amplified music and speakers shall be directed away from the Shelton's residence (appellant) at 3107 Table Bluff Road.
- g. 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 day of the event. The location of any

E. SUBSTANTIAL ISSUE ANALYSIS

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

1. Appellant's Contentions That Are Not Valid Grounds for Appeal

The appellant raises one contention that is not valid grounds for appeal. As discussed below, the contention raised regarding the adequacy of the CEQA documentation and individual Supervisor's involvement in the permit process does not allege an inconsistency of the approved development with the policies and standards of the certified LCP and thus, is not a valid ground for appeal pursuant to Section 30603(b)(1) of the Coastal Act.

a. California Environmental Quality Act documentation is inadequate

The appellant contends that the CEQA review prepared for the project by the County was inadequate in that several issues, primarily noise and traffic impacts, were not adequately addressed. In addition, the appellant contends that the approval of the subject permit was inappropriately altered by the fact that a member of the Board of Supervisors is a close friend of the applicant, but did not recuse himself from the hearing.

The appellant does not cite a specific LCP policy that they feel the County's actions do not conform with in this regard. The concerns raised by the appellant do not allege an inconsistency of the local approval with the certified LCP, but rather, the appellant comments that the Mitigated Negative Declaration that was prepared and adopted by the County is insufficient to comply with CEQA and that the involvement of a particular County Supervisor during the permit process was inappropriate. Thus, because the contention does not allege an inconsistency of the local approval with the certified LCP, the Commission finds that this contention is not a valid ground for appeal.

2. Appellant's Contentions That Are Valid Grounds for Appeal

The other contention raised in the appeal does present valid grounds for appeal in that the appellant alleges that the local approval is inconsistent with policies of the certified LCP.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

water, sewage disposal, and roadways. The appellant contends that because there will be food, alcohol, and unrestricted amplified sound, the approved use is not compatible with the rural agricultural area. Additionally, the appellant notes that the area is very scenic and that there is a state and federal wildlife refuge within a mile or two of the project site. The appellant contends that the wedding/event use is more similar to uses allowed in a commercial or retail zone rather than those uses allowed in an agriculture zone.

LCP policies:

Coastal Zoning Ordinance Section 313-7.1 lists the designated principal permitted uses and conditionally permitted uses in the following chart as allowable uses within the Agriculture Exclusive Zoning District:

SEE TABLE 313-7.1 ON NEXT PAGE

Discussion: The subject site is designated in the Eel River Area Plan and zoned in the Coastal Zoning Ordinance as Agriculture Exclusive/Grazing with a 160-acre minimum parcel size (AEG/160). The appellant contends that the County's approval is inconsistent with the uses allowed in the AEG zone, as the wedding/event venue use is not listed as a principally permitted or conditionally permitted use in the zone. The appellant contends that the use is more similar to a commercial or retail use than any use allowed in the Agriculture Exclusive/Grazing zone, as none of the enumerated uses outlined by Zoning Section 313-7.1 allow for group assembly.

In its approval of the project, the County acknowledges that the proposed use is not explicitly enumerated as an allowable use in the AEG zone. However, the County noted that the wedding event venue use might be viewed either as an 'Agriculture-Related Recreation' use, as a 'temporary event,' and as a use accessory to the agricultural use of the site. In many respects, the wedding event use fits each of these categories of use. However, it is not entirely clear that the zoning regulations would allow the wedding use to be categorized as either an Agriculture-Related Recreation use, a temporary event, or an accessory use. "Agriculture-Related Recreation" is a conditionally permitted use in the AEG zone. The definition of Agriculture-Related Recreation includes "*recreational facilities developed in conjunction with agriculture, including hunting and duck camps, skiing and dude ranches, but not including such recreational activities as golf courses which require non-agricultural development.*" The wedding event use does not include significant non-agricultural development. However, Agriculture-Related Recreation may not fully encompass the proposed wedding/event venue use because the relation of the proposed use to agriculture is limited to the aesthetics of the setting. The County considered whether the use was "accessory" to the agricultural use of the site and noted that weddings and similar functions are becoming more commonly associated with agricultural settings such as wineries, where the rural agricultural area contributes the "atmosphere." However, there was no previous precedent for considering the wedding event use as an accessory use. Additionally, the County considered whether the proposed use could be considered a temporary event and found that the wedding venue use is generally consistent with the temporary use description. However, the repeat nature of the use, although limited to short, discrete events occurring on an annual basis, differs from the County's previous application of the temporary use classification to single, one-time events.

Therefore, the County found that because it is unclear whether the wedding venue use would qualify under the County's regulations as either an agriculture-related recreational use, a temporary event, or an accessory use within the AE zone, the County applied the provisions of Section 311-4 of the Coastal Zoning Regulations. This section sets forth procedures for interpreting the regulations in situations where they are not clear and provides for a Special Permit to be processed for any proposed use where the application of the zoning regulations are unclear.

venue use would not result in a significant increase in the amount of water utilized above the levels of water usage already occurring to support the residence and the tree-growing operation at the site.

With regard to the appellants' contention that the approved use would adversely affect wildlife areas, the appellant notes that state and federal wildlife refuges and a bird sanctuary are located within a mile or two of the project site. The Humboldt Bay National Wildlife Refuge is located approximately three miles from the site and the Department of Fish and Game Eel River Wildlife area is located approximately two miles from the site. However, the appellant does not expand on this issue in the appeal or provide any evidence that the project as approved by the County would adversely impact the resources of these areas. The County's approval of the project included conditions that set forth operation restrictions that limit the season, number, size, and duration of events in a manner that would minimize potential conflicts with neighboring agricultural uses. These restrictions would also ensure that any impacts associated with the event venue such as increased disturbance from noise and gatherings of people would not extend to the habitat areas referred to by the appellant which are located a significant distance from the site.

With regard to the appellants' concern about the impact of the approved use on roads, the appellant notes that the roads are rural in nature, are seldom maintained, and are narrow and one way in some places. The approved project would temporarily increase the level of traffic on the area roadways during a scheduled event. However, the temporary increase in traffic volumes would not be incompatible with the continuance of agricultural uses of the surrounding area. The approved project involves the improvement of an area at the site to provide parking for up to 90 cars in an area that currently provides parking for visitors to the applicant's Christmas tree farm. Guests of the events would not park along the road and therefore, would not interfere with agricultural uses of the roads such as tractor or cattle crossings. The County further found that the temporary increase in traffic on the roadways during summer weekend events is similar to the intensity of use associated with the existing 'cut-your-own' Christmas tree farm that operates at the site from Thanksgiving to Christmas.

Finally, with regard to the appellants' concern that the approved event venue use would adversely affect scenic resources, the appellant does not specify how the project would affect the views in a manner that would be incompatible with the rural agricultural nature of the area. Although the site provides spectacular vistas of the ocean and surrounding agricultural area, the site is not designated as a coastal scenic or coastal view area in the County's LCP and is therefore not subject to the application of policies protecting highly scenic areas. The project would not involve the construction of any permanent development that would block existing ocean views or otherwise change the viewscape of the area. As the wedding/event venue is largely dependent on the area for providing the scenery and ambiance for the gatherings, there is great incentive on the part of the applicants to ensure that the area remain well maintained and visually pleasing. The

EXHIBITS:

1. Regional Location
2. Vicinity Map
3. Humboldt County Notice of Final Action
4. Appeal

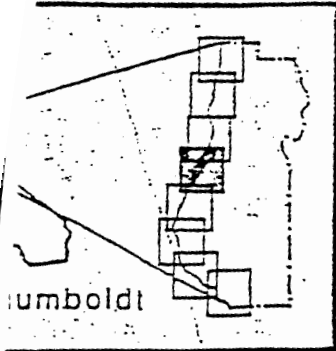
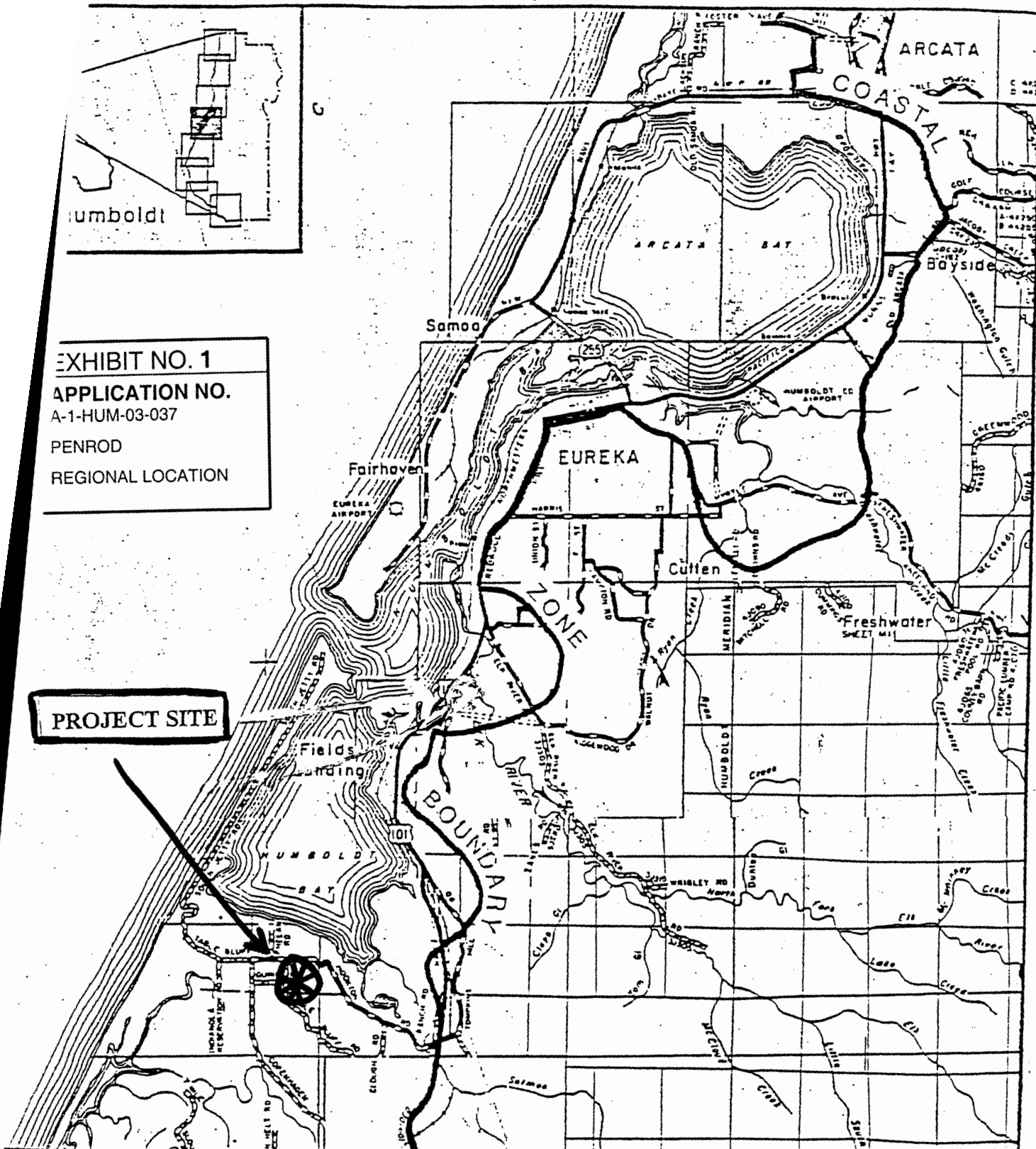


EXHIBIT NO. 1
APPLICATION NO.
A-1-HUM-03-037
PENROD
REGIONAL LOCATION

PROJECT SITE





PLANNING DIVISION
COMMUNITY DEVELOPMENT SERVICES

COUNTY OF HUMBOLDT

3015 H STREET

EUREKA, CALIF. 95501-4484

PHONE (707) 445-7541

RECEIVED

MAY 23 2003

Appealable Status: APPEALABLE

May 21, 2003

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION

Eureka Office

P.O. Box 4908

Eureka, CA 95502-4908

Subject: Coastal Development Permit
Notice of Action Taken

Contact: Alyson Hunter

Applicant: Jack & Judy Penrod

Address: 3003 Table Bluff Rd, Loleta, CA 95551

Case No.: CDP-02-15

File No.: APN 308-081-20

Following a noticed public hearing, the Humboldt County
Board of Supervisors approved the referenced application on May 6, 2003.

Sincerely,

Alyson Hunter, Planner II
Humboldt County Planning Division
Humboldt County Community Development Services

Attachments: Record of Action
Agenda Item Transmittal
Resolution
Conditions of Approval

EXHIBIT NO. 3

APPLICATION NO.

A-1-HUM-03-037

PENROD

NOTICE OF FINAL ACTION
(1 of 30)

REVISED (BY PLANNING COMMISSION) CONDITIONS OF APPROVAL
REVISED (BY BOARD OF SUPERVISORS, MAY 6, 2003)

**APPROVAL OF THE COASTAL DEVELOPMENT / SPECIAL PERMITS ARE CONDITIONED ON
THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE
THE BUILDING PERMIT MAY BE ISSUED:**

1. Applicant shall obtain an encroachment permit from Department of Public Works, Land Use Division for the driveway. The encroachment permit will require that the driveway's entrance onto the public road be paved and the driveway be improved to a 16' wide travelway. The entrance shall meet the visibility standards as per County Code.
2. Applicant 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.
3. Applicant shall execute and file with the Planning Division the *Notice of Land Use Restriction* regarding the use of the Ag. Exempt barn. Form available at the Planning Division.
4. Grading and Erosion control plans shall be submitted to the Building Division for their review and approval prior to the issuance of permits. Drainage from the grading shall not be concentrated and shall not be directed off the property without mitigation for down stream effects. Energy dissipaters should be required at the outlet of any proposed culvert.
5. Applicant shall demonstrate that the existing water supply can meet current County standards for water quantity and quality.
6. All areas to be open for public access must meet all handicap requirements per the ADA. Accessible route of travel to activity area is required to be pavement or concrete. Upon the termination of this permit, such walkways not essential to agricultural operations on the site shall be removed and the land restored to a natural condition.
7. Applicants shall provide an adequate number of portable toilets for each event depending on numbers of guests. Standards are available from the Division of Environmental Health. All porta-potties shall come equipped with hand washing stations.
8. The parking area shall be surfaced with angular hard rock to reduce potential soil erosion. Upon termination of this permit, this material shall be removed and the parking area restored to its natural condition. This condition shall be satisfied by the property owner. Termination of the use shall mean either the rescission of the CDP/SP by the County or abandonment of the use (i.e., "abandonment" shall mean discontinuance of special events at the venue for a period of 12 months or longer).

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

1. The use shall be conducted in accordance with the Plan of Operations date stamped October 28, 2002, and the following requirements:
 - a. Maximum event capacity shall not exceed 200 persons.
 - b. No winter operations are authorized (October 15 through April 15).
 - c. No permanent signs advertising the site or event are authorized by this permit.
 - d. Dust generation shall be minimized by watering and/or treatment with dust suppressants. Parking areas shall be graveled with coarse angular rock to prevent soil erosion.
 - e. The applicant shall provide adequate trash receptacles and shall be responsible for cleanup and proper disposal of any litter created by each event.

3430

4. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

5 of 30

General Plan Consistency:

The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in Chapters 2-4 of the Framework Plan (FP) and Eel River Area Community Plan (ERAP).

| Plan Section(s) | Summary of Applicable Goal, Policy, or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--------------------------------------|--|--|
| Agriculture Exclusive (AEG-160) ERAP | <p>Agriculture Exclusive / Grazing Lands: Allowable density = 1 dwelling unit per 160 acres as designated by the Eel River Area Plan.</p> <p>Purpose: to protect grazing lands for long-term productive grazing use.</p> <p>Permitted use: production of food, fiber, or plants, with residence as use incidental to this activity</p> <p>Conditional use: hog production, watershed management, management for fish and wildlife habitat, <u>recreation</u> (such as hunting camps and stables <u>except those requiring non-agricultural development</u>), utility transmission lines, farm labor housing, greenhouses, feedlots and similar livestock operations (<i>Emphasis added.</i>)</p> | <p>No new dwelling units are proposed. One single family residence currently exists on the 11 acre parcel.</p> <p>The wedding/event use is a type of quasi-public assembly / quasi-private "recreation" activity that is nonconflicting with general agricultural uses and which benefits from the agricultural setting. The wedding/event venue is nonconflicting in that it does not require the development of non-agricultural buildings or improvements and is similar in intensity to the on-going choose-and-cut Christmas Tree farm operation on the same property. A Plan of Operations which limits on the number, size and duration of events will minimize potential conflicts with neighboring agricultural uses resulting from traffic, water withdrawals, noise, trespass, etc.</p> |
| Geologic ERAP 3.39 | New construction shall be built to protect occupants from geologic hazards. | The property is in an area of low slope instability. |
| Flood Hazards ERAP 3.39 | All new development shall conform with the County Flood Insurance Program. | According to FIRM Map Panel 940, the parcel is in flood zone "C", areas of minimal flood hazard. A flood elevation certificate will not be a requirement. |

7930

2. ZONING COMPLIANCE and 3. DEVELOPMENT STANDARDS: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

| Zoning Standard | Comments on Compliance |
|--|---|
| <p>§313-7.1 AE Principally Permitted Uses</p> <p>General agriculture, single family residence, minor utilities, timber production. No new structures are proposed.</p> | <p>Planning Staff has had some difficulty in classifying the event venue relative to the zoning use types in the Agricultural Exclusive zone. The use could be viewed as a type of "agriculture-related recreation," however, this description does not fully encompass the use because the tie to agriculture is largely relegated to the setting. Alternatively, the use could be found to be "accessory" to the general agricultural use of the property; weddings and similar functions are becoming more commonly associated with agricultural settings—particularly wineries, where the rural agricultural area contributes the "atmosphere." Lastly, the Code provides for "temporary" uses involving a gathering of people for an "outdoor event" as a use permitted with a Special permit in all zones except for residential zones (Sec. 313-62.1, H.C.C.). While the wedding venue is more consistent with the temporary use description, the <i>repeat nature</i> of the use, albeit limited to short discrete events occurring on an annual basis, does not agree with the Department's previous application of the <i>temporary use</i> classification to single, one-time events. Because the Code is not clear in this regard, the Department is processing this request as a Special Permit pursuant to Section 311-4 of the Zoning Regulations, <u>Interpreting the Regulations if a Provision is Unclear</u>. It is the Department's position that the repeat nature of the temporary use should not preclude the Commission from granting a multi-year, multi-event permit under the "temporary use" provision, provided the effects of the venue are properly addressed to minimize conflicts with surrounding agricultural uses. See Section 4 below for discussion of mitigation measures.</p> |
| Min. Lot Size: 160 acres | Parcel is 11 acre in size. No subdivision is proposed. |
| Min. Lot Width: n/a | Frontage on Table Bluff Road is ± 1,256'. |
| Max. Density: 1 d.u./160 acres | One residence exists - no more are proposed. |
| Max. Lot Depth: n/a | Lot depth = 351' |
| <p>All yard setbacks subject to Fire Safe Ordinance = 30' setbacks from all property lines. All existing development meets or exceeds these setbacks. No new structures are permitted on the site. Parking areas will be developed outside the front yard setback.</p> | |
| Max. Ground Coverage: none specified < 1% | |
| <p>Max. Structural Height: None specified</p> | No new structures are proposed. |

9 of 30

4. **Public Health, Safety & Welfare and Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare, and will not adversely impact the environment.

| Code Section | Summary of Applicable Requirements | Evidence that Supports the Required Finding |
|--------------|--|--|
| §312-17.1 | The proposed development will not be detrimental to the public health, safety and welfare. | <p>All reviewing referral agencies have approved or conditionally approved the proposed development.</p> <p>Because this use encourages a large number of persons to assemble in an agricultural area used primarily for livestock grazing and rural homesites for weddings and similar events, the potential for conflict does exist. As noted, the plan of operations limits use and number of events to maintain the activity as subordinate to the residential and seasonal tree sales operation. In addition, staff is recommending the inclusion of other <i>operational restrictions</i> to lessen potential impacts from the use on neighboring properties. These measures include: 1) a "cap" on total event capacity of 200 persons; 2) limitation on winter activities; 3) restriction on permanent signs; 4) dust control and graveling of parking areas; 5) trash and litter cleanup; 6) controls on hours of amplification for music or speakers; 7) removal of temporary "directional" signage; and 8) general prohibition against creation of a nuisance. Finally, the project will be subject to an annual monitoring report requirement for the first three (3) years of operation. The purpose of this review is to allow County staff and the applicant to review the adequacy of the operational restrictions, and suggest ways, if any, to better address neighborhood issues that may arise following a full season of operation.</p> |
| CEQA | Review required per the State CEQA guidelines. | <p>As lead agency, the Planning Department prepared and noticed the Initial Study and Negative Declaration for review. The initial study evaluated the project for any adverse effects on fish and wildlife resources. Based on the information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect either individually or cumulatively, on fish and wildlife resources or the habitat upon which wildlife depends. The environmental document on file includes a detailed discussion of all relevant environmental issues. Staff has also determined that the project, as approved and conditioned, will not result in a change to any of the resources listed in subsections (A) thru (G) of Section 753.5(d) of the California Code of Regulations [Title 14, Chapter 4]. Therefore, staff is supportive of a <i>di minimis</i> finding regarding the waiver of environmental review fees subject to Section 711.4 of the Fish and Game Code. The Department will file a "Certificate of Fee Exemption" with the County Clerk pursuant to Section 753.5(c) of the California Code of Regulations. The \$25.00 document handling fee required by the statute will be paid by the applicant.</p> |

11 of 30

Draft Negative Declaration

1. Project title: Penrod Coastal Development / Special Permits.
2. Lead agency name and address: Planning Division, Community Development Services, 3015 H Street, Eureka, CA 95501-4484; Phone: (707) 445-7541; Fax: (707) 445-7446.
3. Contact person and phone number: Alyson Hunter, phone: 707-268-3731, fax: 707-445-7446, email: ahunter@co.humboldt.ca.us.
4. Project location: The project site is located in Humboldt County, in the Loleta area, on the west side of Table Bluff Road, at the southwest corner of the intersection of Table Bluff Road with Quinn Road, on the property known as 2900 Table Bluff Road.
5. Project sponsor's name and address:

APPLICANT/OWNER(S)

Jack & Judy Penrod
3003 Table Bluff Road
Loleta, CA 95551
707-476-1108

OWNER

same

AGENT

n/a

6. General plan designation: Agriculture Exclusive/Grazing (AEG 160); Eel River Area Plan. Density: 1 unit per 160 acres.
7. Zoning: Agriculture Exclusive + Archaeological Resources, Coastal Wetlands and Transitional Agriculture combining zones (AE-160/A,W,T).
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or on-site features necessary for its implementation. Attach additional sheets if necessary.): Coastal Development and Special Permits are required for the establishment of a wedding / event venue to be in operation 10 to 12 weekends per year. The event venue will allow up to 90 vehicles parked on-site. The hours of operation for the weddings/events will be 10:00 AM – 10:00 PM, Friday through Sunday only. The applicant will provide chairs, tables and portable toilet facilities; the event patrons will provide all food, beverages, decorations, etc. Minor grading for development of a parking area is proposed. No surfacing of the parking area is proposed. ADA complaint walkways for wheelchair access may be developed. However, no other permanent facilities are proposed. Sewage disposal for weddings/events will be provided by portable toilets and water by an on-site well. The parcel is 11 acres in size and has had an operational Christmas tree farm on the southern portion of the parcel for ± 18 years. The parcel is developed with a 2,257 sf residence with attached three car garage and a 2,400 sf Ag. Exempt barn.
9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The project site is within a rural, mostly agricultural area, surrounded to the south, west and east by parcels ± 40 acres or larger. The two parcels to the north are smaller, ± 5 acres. All the parcels are in some sort of agricultural production, mostly grazing. The applicant proposed to gain access off Table Bluff Road to the west. The County Land Use Division (LUD) has placed recommendations as conditions and development restrictions on the encroachment onto a public road.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) Building Inspection Division, Division of Environmental Health, MCSD

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.

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue identify:
 - a) The significant criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

15 of 30

| Potentially Significant | Potentially Significant Unless Mitigation Incorp. | Less Than Significant Impact | No Impact |
|----------------------------|---|------------------------------------|--------------|
|----------------------------|---|------------------------------------|--------------|

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | | | | |
| 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"/> |

5. CULTURAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |

6. GEOLOGY AND SOILS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) 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"/> |

17930

| | Potentially Significant | Potentially Significant Unless Mitigation Incorp. | Less Than Significant Impact | No Impact |
|---|----------------------------|---|-------------------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" 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"/> |
| 9. LAND USE AND PLANNING. Would the project: | | | | |
| 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 checked="" type="checkbox"/> | <input 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"/> |
| 10. MINERAL RESOURCES. Would the project: | | | | |
| 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"/> |
| 11. NOISE. Would the project result in: | | | | |
| 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

19 of 30

| | Potentially Significant | Potentially Significant Unless Mitigation Incorp. | Less Than Significant Impact | No Impact |
|--|----------------------------|---|-------------------------------------|-------------------------------------|
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. UTILITIES AND SERVICE SYSTEMS. Would the project: | | | | |
| 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 provider's 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 project's 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"/> |
| 17. MANDATORY FINDINGS OF SIGNIFICANCE. | | | | |
| 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 checked="" type="checkbox"/> | <input 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"/> |

Item 3: Air Quality *No Impact*

Finding: The project will **not** conflict with or obstruct implementation of the applicable air quality plan; nor violate any air quality standard or contribute substantially to an existing or projected air quality violation; nor result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors); nor expose sensitive receptors to substantial pollutant concentrations; nor create objectionable odors affecting a substantial number of people.

Discussion: According to the North Coast Air Quality Management District, all of the Humboldt County is in non-attainment of the State's PM-10 standard, but complies with all other State and Federal air quality standards. According to recent studies by the North Coast Air Quality Management District, the most significant contributors to PM-10 are residential wood burning stoves. There will be no burning of wood stoves or other products in relation to this project. No heavy equipment will be used beyond the minor grading for the driveway and parking lot; this will be temporary and may produce an insignificant amount of PM-10 (particulate matter of 10 microns in size), through the creation of diesel and gasoline exhaust. The guests of the events will create small amounts of particulate matter through the creation of car exhaust when they come and go during the 10-12 events per year. These events may last one weekend at a time and the parking lot will only accommodate a maximum of 90 vehicles. No large trucks or other heavy vehicular traffic is expected. More of these details are spelled out in the Plan of Operations. The use is not expected to create objectionable odors nor produce substantial pollutant concentrations. The guests and/or event coordinators will be responsible for bringing all their own food, utensils, decorations, lights, etc. Chairs and tables will be stored on-site in the owner's garage, not the Ag. Exempt barn (see conditions of approval). Given the above information, the Department finds no evidence that the project will result in a significant impact with respect to air quality.

Item 4: Biological Resources *No Impact*

Finding: The project will **not** 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; nor 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; nor 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; nor 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; nor conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; nor conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Discussion: According to the ERAP Biological/Natural Resources map, there are no sensitive habitats on the project site or in the immediate vicinity. The Department of Fish and Game was notified of the proposal, and did not respond. Thus, this Department concludes that DFG did not identify any potential interference with the movement of resident wildlife or migratory fish. The Community Development Services Department is not aware of any tree preservation policy or ordinance or Natural Community Conservation Plan that exists for the area under review. Furthermore, there are no known or mapped wetlands within or outside the immediate parcel boundaries. The project site is not within an adopted or proposed habitat conservation plan, or other approved local, regional, or state habitat conservation plan. Based on the above, the Department finds that the project will not result in a significant environmental impact with respect to biological resources.

23430

Item 7: Hazards and Hazardous Materials *No Impact*

Finding: The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not 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; nor emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; nor 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; nor 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; nor 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; nor impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; nor expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Discussion: As mentioned above, the development of the special event venue, without any new structures, chemicals or toxic wastes, will not involve the use or storage of hazardous materials, is not anticipated to create or expose people to hazardous materials, nor impair implementation of or physically interfere with an adopted emergency response plan since one is not in existence for the subject area. The project site is not included on a list of hazardous material sites. The project site is outside the adopted area of concern for any public airports. The project site is not in the vicinity of a private airstrip that could potentially result in a safety hazard for employees at the facility. There is no evidence indicating that the project will impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan. According to the Framework Plan Fire Hazards map, the project site is located in a low fire hazard area. The Department of Forestry and Fire Protection (CDF&FP) had no recommendations regarding turnarounds or road widths. There is no evidence before the Department that the project would result in substantial adverse impacts with respect to exposure of people or property to a substantial hazard or hazardous materials.

Item 8: Hydrology and Water Quality *No Impact*

Finding: The project will not violate any water quality standards or waste discharge requirements; nor 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); nor 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; nor 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; nor otherwise substantially degrade water quality; nor 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; nor expose people or structures to a significant rate of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; nor 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; the project will not place people or structures in an area subject to inundation by seiche, tsunami, or mudflow.

Discussion: As described above, the project pertains to the development of a portion of an 11 acre rural property to be used for special events such as weddings, reunions, etc. A single-family residence, Ag. Exempt barn, and on-site water and sewage disposal systems are already developed. The applicants will provide verification of water quantity prior to the issuance of permits. Also, all attendees will use temporary portable toilets brought in for each occasion; the residence's restrooms (and SDS) will not be for public use. There is no evidence before the Department indicating that the project will violate water quality or

25 of 30

agencies; nor the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; nor result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; nor 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; nor 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.

Discussion: As no new construction is proposed, the project will not result in the exposure of persons to or generation of noise levels in excess of standards found in the general plan. The increase in ambient noise levels will be for a short time during events. The closest residence is nearly 300 feet away (north). Amplified music is restricted to the hours of 10 a.m. to 10 p.m. Limited construction of driveway access, grading and placement of rock for parking area, and walkways for ADA compliance are proposed. These activities are of short duration. Based on the above, and comments from reviewing agencies, the Department finds no evidence to indicate that the wedding event use will result any of the above-mentioned impacts regarding noise.

Items 11d): Noise *Less Than Significant Impact*

Finding: The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Discussion: There will be a temporary increase in the ambient noise levels in the vicinity of the project during the 10-12 events. As the events are "special occasions" including weddings and parties, amplified music, either live or prerecorded, can be expected. The hours of operation will be from 10:00 AM – 10:00 PM, Friday-Saturday nights and Sundays. The increase is not likely to be significant as the nearest house is $\pm 250'$ away. The minimal grading required for the driveway and parking area will only take a few days to complete. Any noise increases along these lines would be generated by the minor heavy equipment necessary for such development. This impact would be less than significant because such increases would only be short term, lasting only the length of time required to complete the work. There is no evidence that this construction activity or the events' noise will result in a significant adverse environmental impact with regard to temporarily increasing the ambient noise level in the project vicinity.

Item 12: Population and Housing *No Impact*

Finding: The project will not 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); nor displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; nor displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Discussion: No new houses or other structures are proposed at this time and, furthermore, the zoning requires at least 40 acres to develop another residence. The Department finds no evidence indicating that the project will directly or indirectly induce substantial population growth requiring the replacement housing. Based on the above, and comments from reviewing agencies, the Department finds no evidence indicating that the project will have an adverse impact on population and housing.

Item 13: Public Services *No Impact*

Finding: The project will not 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, police protection, schools, parks, other public facilities.

Discussion: All of the public service agencies have either recommended approval, conditional approval or had no comment. No issues were identified with regard to the provision, construction of, or maintenance of, public services. Based on the above, and comments from reviewing agencies, the Department finds no evidence indicating that the project will result in an adverse impact with regard to public services.

be served by a landfill with sufficient permitted capacity and the project will comply with federal, state and local statutes and regulations related to solid waste.

Discussion: No new wastewater requirements will be involved with this project with as portable toilets will be brought in for each event and no new on-site sewage disposal systems are proposed. The parcel is currently developed with a residence and an Ag. Exempt barn which utilize the existing on-site well water. Since the well water will be used by the event participants, the Dept. of Environmental Health has conditioned the project on verification of the well's quantity potential. The Public Works Department has required an encroachment permit for work within the road right of way and any potential impacts thereof. All solid waste materials from the events will be sent to the proper local landfill which meets all standards. This Department finds that, if these recommendations are followed, that any potential adverse impacts resulting from the installation and replacement of drainage facilities described in the drainage plan will be less than significant.

Items 17a) and c): Mandatory Findings of Significance *No Impact*

Finding: The proposal will not 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; potential to achieve short-term, to the disadvantage of long-term, environmental goals; or environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Discussion: Potential project impacts have been mitigated during the planning stage of the proposal. The largest potential for impact would be from traffic and temporary or periodic noise. Consequently, the project was designed to preclude the major concerns regarding traffic, parking, access and transportation safety. There are no known mechanisms by which the project would substantially reduce the habitat of a fish or wildlife species or cause a fish or wildlife population to drop below self-sustaining levels because this Department's Biological Resources maps show no such habitat on or near the parcel. The CA Dept. of Fish & Game had no concerns with the project's possible impact on fish or wildlife. The project will not restrict or reduce the range or number of rare or endangered plants or animals. Important examples of California history or prehistory do not exist on the site.

No mitigation is required for the impact categories of habitat reduction, and restriction or reduction of range or number of range or endangered species.

The project will not:

- have the potential to achieve short-term to the disadvantage of long-term environmental goals; nor
- have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The project has been determined to be consistent with the long term goals of the general plan by virtue of consistency with the provisions of the general plan designation and zoning. The project represents a **compatible agricultural use** in the context of the general and/or community plans.

Items 17b): Mandatory Findings of Significance *Less Than Significant Impact*

Finding: The project may have less than significant impacts which 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);

Discussion: The proposed development does not include any short-term impacts that are to the detriment of long-term environmental goals. The project is designed, mitigated and conditioned with these long-term goals in mind. The proposed project is consistent with the general or community plan developed for the area.

29 of 30

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET • SUITE 200

EUREKA, CA 95501-1885

VOICE (707) 445-7822

FACSIMILE (707) 445-7877

MAILING ADDR.

P. O. BOX 4908

EUREKA, CA 95502-4908

GRAY DAVIS GOVERNOR



EXHIBIT NO. 4

APPLICATION NO.

A-1-HUM-03-037

PENROD

APPEAL (1 of 4)

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

JAMES E + MARION J SHELTON

107 BOYDEN LN

FORTUNA, CA 95540

707

725-6044

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port

government: HUMBOLDT COUNTY

2. Brief description of development being

appealed: WEDDING/PARTY SITE PERMIT FOR 12

3 DAY WEEKEND EVENTS FOR 200 PEOPLE + 90 CARS

3. Development's location (street address, assessor's parcel no., cross-

street, etc.: 3003 TABLE BLUFF RD.

4. Description of decision being appealed

a. Approval; no special conditions: _____

b. Approval with special conditions: ✓

c. Denial: _____

Note: For jurisdiction 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-HUM-03-037

DATE FILED: 6/9/03

DISTRICT: North Coast

RECEIVED
JUN 09 2003
CALIFORNIA
COASTAL COMMISSION

June 6, 2003

California Coastal Commission
P.O. Box 4908
Eureka, CA 95502-4908

Appeal Of Humboldt County Decision to grant a Permit to
Jack and Judy Penrod for commercial group assembly for weddings, reunions, parties and events
at 3003 Table Bluff Rd. in the Loleta area.
Case No. CDP -02-15/SP-02-32
File No. 308-081-20

Dear Sir or Madam

We are submitting this appeal on the following grounds.

1. We feel the Negative Declaration of Environmental Impact is tainted. The district Supervisor to help the Penrods get their permit put pressure on the Planning Director. He in turn instructed the planner to find ways to grant this permit. In the open board of supervisors meeting the supervisor stated that he was a close friend of the applicant but he didn't recuse himself. The applicant has also hired a member of the planning commission to work on the project. She did recuse herself at the planning hearing. There are many issues that I feel were downplayed in the environmental review, mainly traffic and noise. The roads in the area are rural in every aspect and are seldom maintained. They are narrow and in some places one way.

2. The project doesn't conform to the certified local coastal program. This area is zoned AE/G160 acres and comes under the Local Coastal Program. The regulations are very clear as to what the uses are in this area 313-7.1 (Attachment 1). There is nothing listed for a group assembly type venue as a commercial use either principally or conditionally. This also is not similar to any permitted use. A commercial party company will put on the events. There will be food, alcohol and unrestricted amplified sound. The permit will allow 200 people and parking for 90 cars. It will allow events 12 weekends a year in the summer months and each event will encompass Fri., Sat. and Sunday during the hours of 10:00 AM to 10:00 PM. This commercial venue is a bad idea for this area. The area lacks the necessary infrastructure to support this kind of use. There is no public water or sewer system and the response time for the sheriff is at least 45 minutes. I personally have never seen a wedding that everyone goes home sober. It was obvious at the board of supervisors meeting hearing our appeal that they had made up their mind in closed session.

The planning dept. has said that all agencies have conditionally approved the project. The health dept. requires that an onsite sewage disposal system be installed with a capacity that will meet the code for this many people. I was told by the health dept. that portable toilets would not be acceptable. The only restrooms onsite are in the ag exempt barn that can't be used by the public so there is no place to use an upgraded sewage system. The planning dept. is still saying that portable toilets will be used for the bride and groom to dress in and the guests to use. This makes me think that at some point they intend to use the ag exempt barn for the weddings.

The Planning Dept. has tried very hard to find a way to grant this permit. They say it is consistent with zoning and land use. I can't find a single regulation in the Local Coastal Program that permits this type of use. This type of use would come under Commercial Use Types 313-172.13 (Attachment 4) Retail services, which includes group assembly for entertainment or athletic events. This is not listed as a permitted use in the AE/G160 zone

They have suggested that it may be Agriculture Related Recreation. By no stretch of the imagination can I relate weddings and parties to agriculture.

3 of 4