

# Appeal of Special Use Permit No. PSP 19-019 Redwood Ranch Assemblages & Guest Ranch



Board of Supervisors  
February 25, 2020

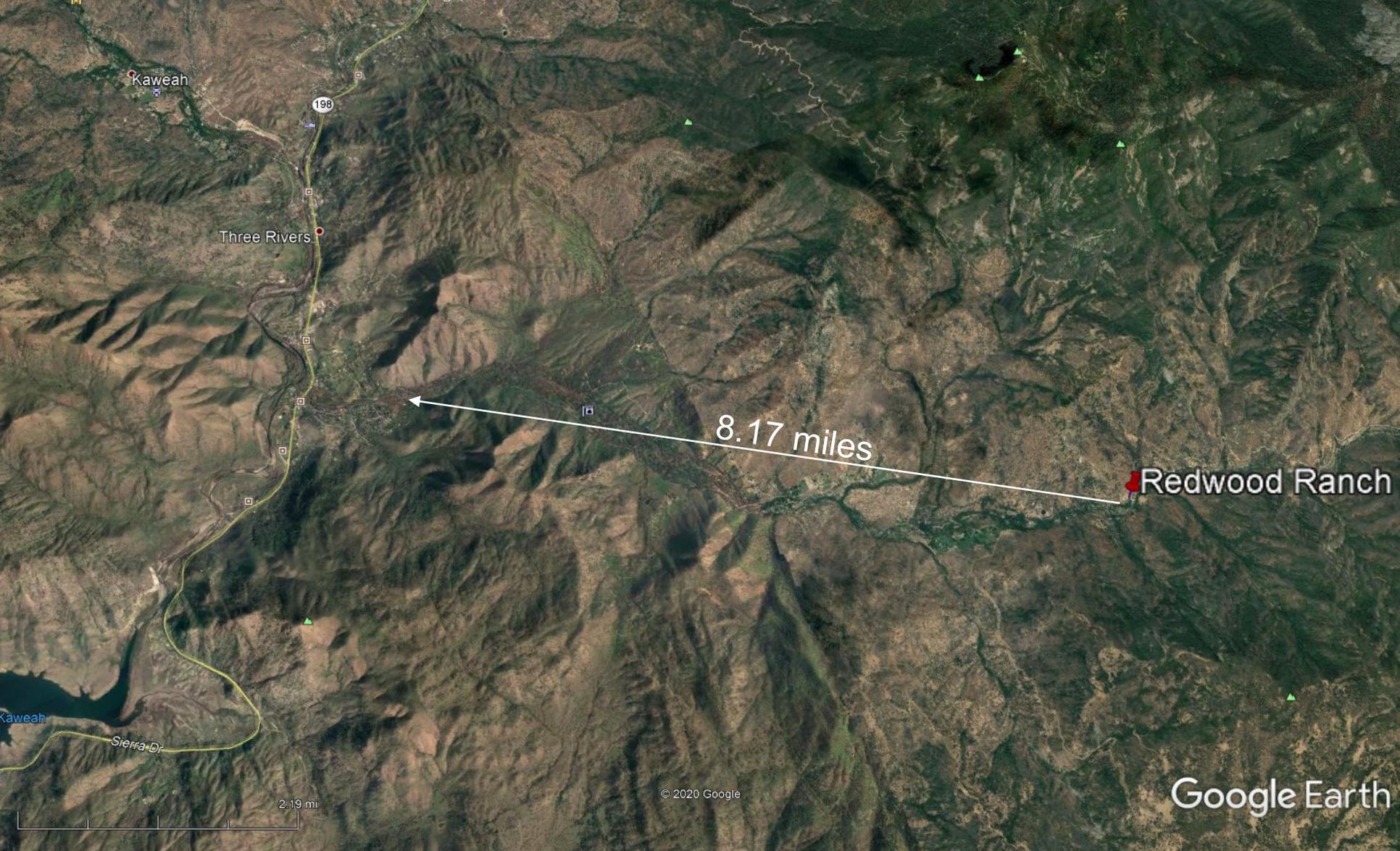
Presented by the  
Tulare County Resource Management Agency



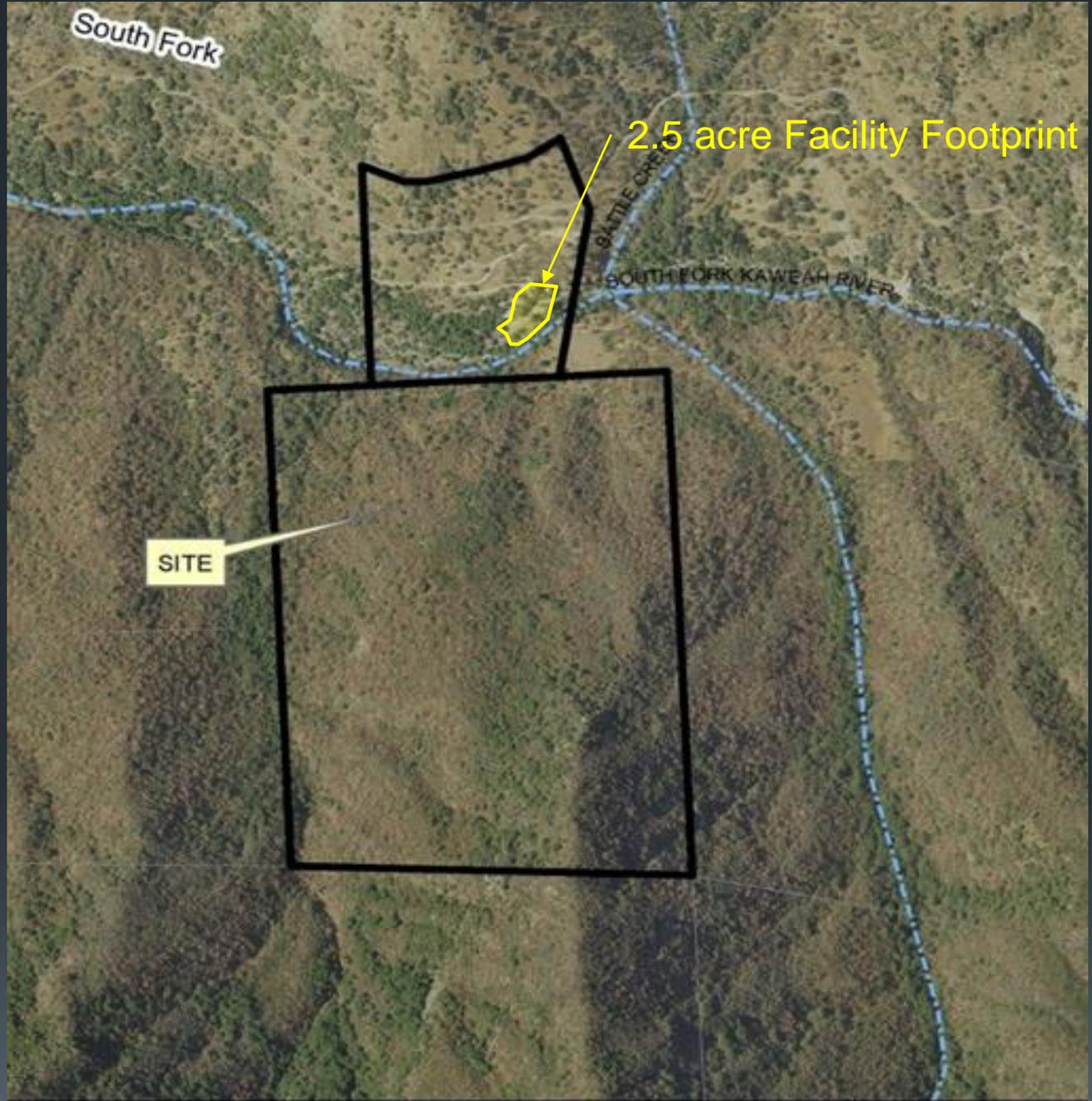
# Overview

- Property: Located at 48808 South Fork Drive, approximately eight miles east of Three Rivers, and outside the Three Rivers Urban Development Boundary. On 2.5 Acres of already constructed facilities on a 190 Acre Property.
- Request: Redwood Ranch Assemblages of People Use Permit for a Wedding Venue, a Guest Ranch, and a Private Campground.
- Contains a 2,184 square foot barn that was permitted and legally converted to a residence and is currently being used as a vacation rental (subject to the County's TOT tax). For the owner's non-commercial use, there are three 368 square foot cabins and two (2) single-family residences (1,125 & 800 square feet).
- PSP 19-019 under Planning Commission Resolution No. 9691 limits Redwood Ranch's "Assemblages of People" to twelve (12) weekend events per year and a maximum of 250 attendees. Two employees work on the site. A ranch manager is present on the site during events and available by phone. Events take place primarily on weekends between 10:00AM to 11:00PM. There are over 70 conditions that have been included for this project.
- Appellants are appealing on the application of the use within the Foothill Growth Management Plan, under the AF Zoning, and the Categorical Exemption under CEQA.

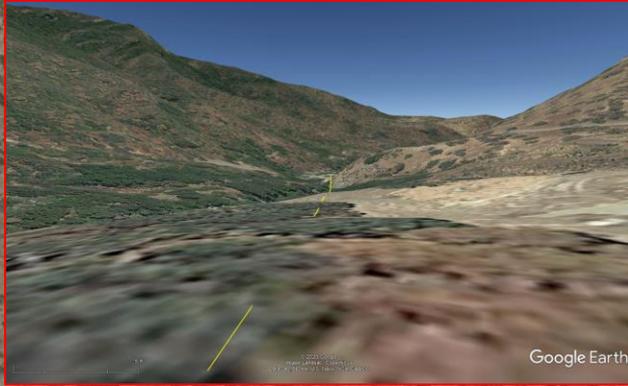
# Site Map



# Subject Parcel



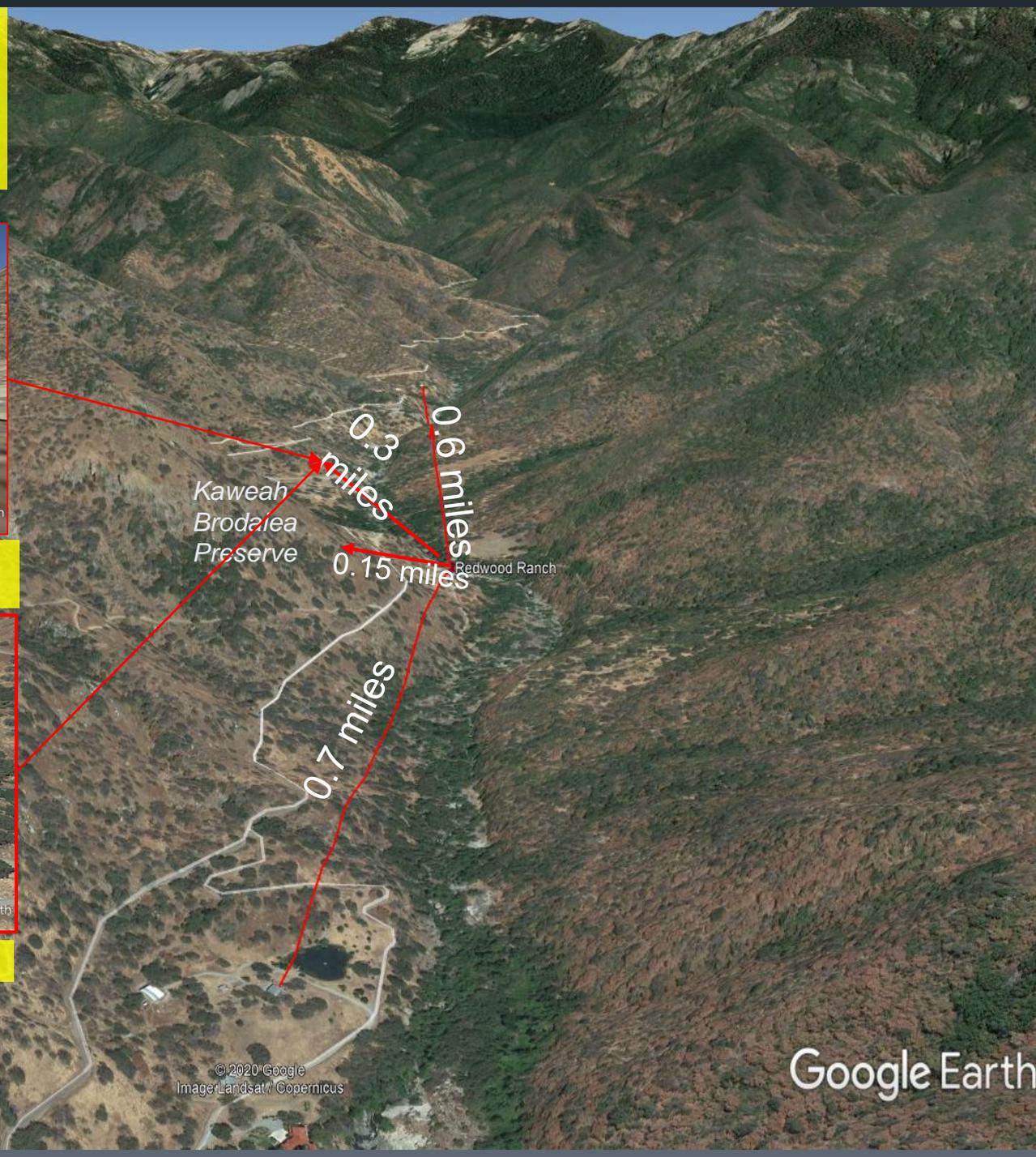
Assemblage Ordinance requires 300 foot buffers from property line in order to minimize impacts



Nearest residence 0.3 miles looking back down canyon ground view



Nearest residence elevated view



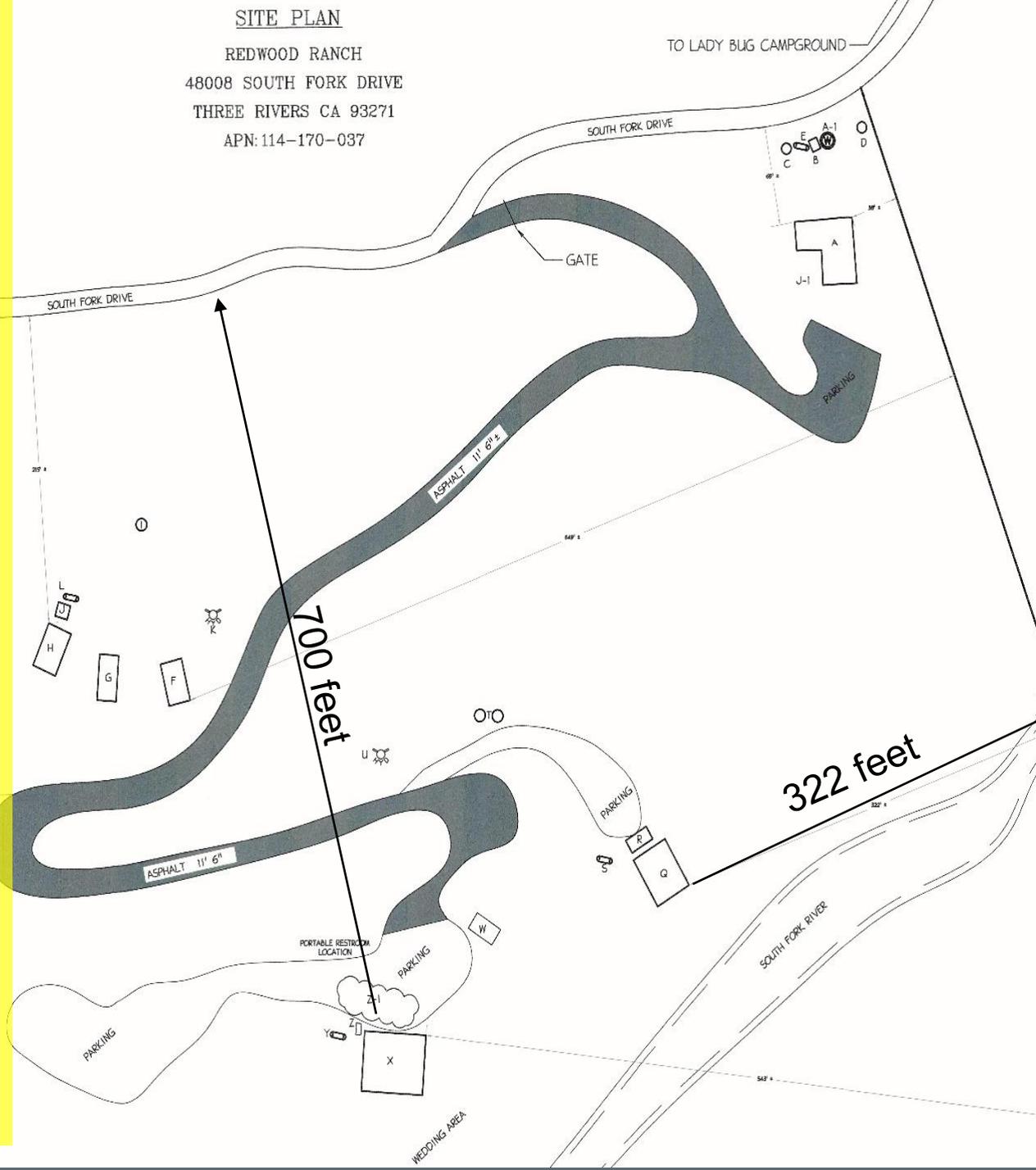
## Existing Facilities

- Domestic hard rock water well
- 5 fire suppression water storage tanks
- 2 fire hydrants
- A laundry room
- A shop building
- A storage building
- A hay storage barn
- 2 septic/leach line systems
- 2 propane tanks
- Parking areas for 35 vehicles or 50 if parking valets are hired
- Redwood Ranch has six guest rooms in one residence (“Barn House”) and up to 100 overnight guests (20 inside the Barn House and 80 campers.) Not being advertised as a public campground.
- Portable toilets for more than 25 overnight guests or assemblage attendees.

## SITE PLAN

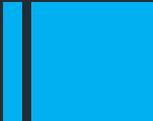
REDWOOD RANCH  
48008 SOUTH FORK DRIVE  
THREE RIVERS CA 93271  
APN: 114-170-037

TO LADY BUG CAMPGROUND



# Site Pictures

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# Site Photos



# Planning Commission Decision

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December 11, 2019 Planning Commission approved Redwood Ranch Use Permit, adding findings and conditions regarding:

- Limiting Noise to (60 dB(A)) at the property line.
- Avoiding any potential ground disturbance impacts by requiring camping in the parking area.
- Limiting events to between 10AM and 11 PM.
- Giving RMA a calendar of events for the year.
- Requiring posting of events to the neighbors and RMA 10 days prior to the event.
- Allowing RMA on site to inspect events as they occur.
- Requiring a Fire Department Safety and Evacuation Plan.
- Requiring cultural (if any ground disturbance) and biological surveys to be conducted before the first 2020 event.
- Finding that this permit is only for these 12 events and did not consider any additional events under this use permit.

# Planning Commission Findings and Resolution

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- The events will not create car trips during peak hours that exceed County thresholds.
- A shuttle service is required for weddings with more than 100 invited guests, to reduce trips on South Fork Drive.
- The site is within the State Responsibility Area (SRA).
- Open wood-fueled fires are allowed only in a County-inspected fire pit in the center of a gravel parking lot, in months with low fire risks (November, December, January and February), and not during the CalFire-declared fire season, whichever is longer.
  - The County Fire Department advised Redwood Ranch on fire safety and emergency evacuation plans.
  - Existing and future septic systems are subject to the Local Agency Management Program (LAMP).

# General Plan, Zoning Consistency

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- Foothill Growth Management Plan (FGMP) –
  - The subject site is located outside any Urban Boundary and is subject to the Foothill Growth Management Plan (FGMP), where applicable, with a Land Use Designation of Foothill Agriculture.
  - To be clear, the Development Corridor guidelines were used for the creation of development corridors, not to regulate Use Permits in the FGMP.
  - The FGMP and General Plan allow a “Guest Ranch or Summer Camps” and an “Assemblage of People for Educational and Entertainment Purposes” with a conditionally approved Special Use Permit.
- Section 10.3 re: AF Zone states use permits allow “guest ranches”, as well as camping, lodging, and asphalt batch plants.
- Section 16.V.02 states “assemblage of people for... entertainment purposes in... the AF Zone, and other agricultural zones, shall include, but shall not be limited to, agri-tourism, company retreats and picnics, and special events or celebrations such as weddings...”

# General Plan Guest Ranch Definitions

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- Other GP policies: Economic Development Element Policy No. ED-5.4, shall support the development of visitor-serving attractions; ED-5.5, the development of recreational activities along the Kaweah River .
- Environmental Resources Management Element Policy ERM-5.9 encourages private interests to establish new commercial recreation opportunities, such as...destination resorts. Land Use Element Policy LU-4.4 Travel-Oriented Tourist Commercial Uses provides exceptions for resort or retreat-related developments.
- Section 10.3.D.8 “guest ranch or summer camp” are permitted “less intensive” uses. More intensive permitted uses are listed under Section D. Section 2 defines guest ranches as “buildings and premises offering recreational facilities for such pursuits as horseback riding, swimming, and hiking with living and dining accommodations”.
- County met its burden in addressing the Special Use Permits because Section 16 V has its own Board approved (Ordinance 3416) conditions that were added to this permit (in addition to Planning Commission conditions) requirements for General Plan and Zoning Consistency and for Health Safety & Welfare Considerations.

# California Environmental Quality Act

- 6.97 Peak AM Hour trips and 7.95 Peak PM Hour trips (which are below the 100 peak hour trip threshold under the County General Plan). Most trips take place on weekends before 10:00AM and after 10:00PM, which are not peak traffic hours. (A condition of approval required shuttle service for events with more than 100 invited guests, which greatly limits the peak vehicle trips per event.)
- The California Historical Resource Information System (CHRIS) records search 19-275 (dated July 23, 2019) results letter stated that there have been no previous cultural resource studies conducted within the project area and no recorded cultural resources.
- A California Department of Fish and Wildlife (CDFW) Kaweah Brodiaea Ecological Preserve is located north of the project site and beyond approximately 1,000 feet from the active area of the site. No additional construction is allowed by this use permit. Camping is relegated to parking area.

# Californian Environmental Quality Act

The Planning Commission found the Project will not have a significant effect on the environment, as an existing Assemblages and Guest Ranch facility, and has been determined to be categorically exempt because:

- The activity will have no increase to the existing CEQA baseline, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations, Section 15301, Class 1, Existing Facility.
- The project description is accurate, and no new construction is being proposed.
- There is no piece-mealing and there are no future, additional events suggested as part of the Project because a previously proposed “Variance” has been withdrawn. As such, it is not considered part of the proposed Project.
- There are no cumulative impacts, as another project in the area does not create a cumulative effect by itself and just because it exists, and any surrounding activities do not exceed any CEQA thresholds of significance. Hence, the Project qualifies for a Class 1 Categorical Exemption.
- The Project will not result in significant impacts, and will not require additional public services or mitigation measures.
- There are more than 70 conditions of approval that would apply to this Project that would avoid, minimize, or eliminate potential impacts below thresholds of significance and most have been just because of the neighbors’ concerns.

# Response to Appellants

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## I. Land Use and Zoning Consistency:

A. General Plan: PC has consistently followed Board's guidance in approving assemblages under Ord. No. 3416 throughout the County. The Board found the ordinance consistent with AF Zoning and the General Plan-FGMP, when adopted in 2010.

a) Board only made considerations for RVLP and not FGMP (i.e. they wanted these types of events in the foothills). Section 10.3 and Section 16.V. allow both Guest Ranches and Assemblages in the AF Zone with approved use permits.

B. Zoning: General Plan "Policy 4.B.2" was a policy to require noise studies and noise parameters for CNEL (or 24 hour noise averaging studies) for large scale projects i.e. new freeways, airports, industrial facility. The Assemblage Ordinance's 65 dB(A) at property lines itself was a form of implementation of the General Plan Policy.

C. Use Permit: Meets minimum acreage of 40 acre minimum. Project occupies 2.5 acres of the 190-acre property.

D. Enforcement Policies: RMA consistently enforces its ordinances where it sees a violation of the law that results in harm to health and safety. No conclusive evidence of harm, as Fire Inspectors and Sheriff did not document any violations.

# Response to Appellants

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## D. Consistent Enforcement Policies

- a) Per County Ordinance No. 3493, the Planning Director has the discretion to immediately abate a violation that creates an immediate danger to the health and safety of persons or property. However, the Fire Department has inspected the site and the Sheriff's Office has been called to the Redwood Ranch no less than six (6) times since 2018 and has not verified or documented a single violation.
- b) The evidence provided consists of no expert evidence (an attorney is not an expert in regards to noise or traffic) and their evidence consists of mostly downloaded individuals' / users of the facility's Facebook posts.
- c) Under the temporary permit (PSP 19-065 [AA]) for Redwood Ranch that County staff has been monitoring, the site has not been found to be in violation of any of its conditions.
- d) With monitoring and compliance plan for subject Redwood Ranch, with a calendar and ten days notice plus RMA inspections at events, the adequacy of performance of the conditions can be monitored for their sufficiency.

# Response to Appellants

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## II. False Claims or Prejudicial Error in the PC Findings

(A). Staff has met previously with Fire Inspector John Meyer of the Tulare County Fire Department and discussed this project and corroborated Mr. Cannarozzi's conversation with Mr. Meyer.

- a) This conversation is memorialized in Findings #41 and 42 and Condition of Approval (COA) #23 of the PC Resolution.
- b) Fire Department recommendations are typically standard and are part of the record as COAs #19-27 in the Resolution.
- c) The Fire Department recognizes that the subject site is in the State Responsibility area and a Very High Fire Severity Zone as Finding #41 and COA #24.
- d) The COAs includes annual Fire Department inspections under COA #19.
- e) This is not considered a "development" under the Local Hazard Mitigation Plan (LHMP). The Levels 1-4 under the FGMP response times were for Development Corridor creation and are irrelevant and inapplicable to this Use Permit.

(B) The record reflects that there are findings in the staff report and resolution that show enough substantial evidence of the conversion metrics, zoning standards and rectification of the disparity between the resolution / the ordinance, and the notes reflect Mr. Meyer's field observations to justify allowing up to 250 people, even if the note only stated 150. The Fire Department did not require limiting the project.

# Response to Appellants

(A) Accurate project description is not what is in the application. CEQA requires that the CEQA document considered the whole of the project that was processed and approved by the PC. The Project is as accurately described in the Resolution as made by the conditions and findings by staff and the PC. The General Plan, 24 hour average, dB(A) or (CNEL) analysis is not required for an assemblage, as discussed above.

(B) The Project is whole if there are no outstanding parts. More than a mere thought is not a project. There are no future phases or subsequent approvals as part of the approval for PSP 19-019, as there is no application or staff processing of a potential future project being reviewed at this time.

(C) This is an existing facility (the “Existing Facility Rule Does Apply” - Section 15301 Exemption). There is no substantial evidence put in the record by appellant to contradict this fact. Without verification of proof of expertise or verification of any of any “unusual circumstances” received in testimony that were different from any other existing wedding venues in the County, or any expert evidence showing unusual impacts, the record shows the Existing Facilities Rule is not upset by the Unusual Circumstance Rule.

(D) There are no cumulative impacts from two use permits, as there is no evidence of any CEQA significant impacts being generated by the two projects. Just because there is a second project does not require a cumulative analysis.

# Response to Appellants

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## **(E) No Significant Adverse Impact because no “unusual circumstances”**

- a) The fire safety zone is consistent across the area for the existing uses and is not an unusual factor.
- b) The County has several Assemblages in Williamson Act lands. The subject property is still being used for animal husbandry. Again, not an unusual circumstance.
- c) The Environmental Health Division found the septic tanks compatible with the use, so this is not an unusual circumstance.
- d) There is, and there continues to be, no fair argument made by testimony from non-experts about potential fire and traffic safety without any facts associated with the testimony.
- e) Staff considers evidence as represented by CEQA’s Guidance. None of the CEQA resources thresholds of significance were even approached by this project, much less enough for anyone to raise a “fair argument.”
- f) Substantial evidence shall include “facts, reasonable assumptions predicated upon fact, and expert opinion supported by fact.”

## **(F) No Mitigation Required because no significant impacts**

Standard conditions avoid impacts. Added conditions or measures or non-standard conditions are compromises for the benefit of the Community and are not, nor should they be construed to be, mitigation measures

## Affirmative Statement of Due Process of Law, Not Abridging Constitutional Property Rights, Concurrence of the use of the Planning Commission's Police Powers, and Procedural Adequacy.

“The Board affirmatively states that the Project is compliant with the County’s General Plan. The Board states that the Board’s and Planning Commission’s Land Use Authority and Responsibilities were fully utilized and that both Tulare County Land Use Authority’s Discretionary Bodies found that staff carefully and methodically brought the Project into compliance, presented and analyzed the Project thoroughly. The Board states that the Project is in compliance with all of the General Plan and Zoning Code and Procedural policies, as stated in the Staff Report, Planning Commission Resolution, and this Board’s Findings. These include all policies under the (2012) Tulare County 2030 General Plan, the Special Use Permit for and Assemblage of Persons and Associated Guest Ranch for short term rental and on site venue camping, as provided in Sections 10.3 and 16.V. of said Ordinance No. 352, and as provided in Section 65905 of the Government Code of the State of California, and the Code Enforcement Procedures of Tulare County.”

## That the Board of Supervisors

- (1) Hold a Public Hearing at 9:30 a.m. or shortly thereafter.
- (2) Based on the findings set forth in “Exhibit A” the Board denies the appeal filed by Julianna Seligman, et al, and affirms the Planning Commission’s approval of Special Use Permit No. PSP 19-019 to allow an Assemblages of People for Educational and/or Entertainment Purposes and associated Guest Ranch on approximately 2.5 acres of a 190± acre parcel, requested by Redwood Ranch, located in the AF (Foothill Agricultural) Zone, at 48808 South Fork Drive, outside the Three Rivers Urban Development Boundary.