

**July 13, 2022**

**To: Humboldt County Board of Supervisors**

**Regarding: Appeals in protest of Planning Commission's decision to authorize modification of previously approved Conditional Use Permit.**

**PLN-2022-17791 and previously PLN-2019-15519**

**RE: HCFA Conditional Use Permit Modification**

The letter I received regarding the public hearing slated for July 19, 2022, asked I use the agenda item number, but there is no number I can find as of this writing. I hope you will find the appropriate file/place for this public comment to be listed.

Please confirm receipt.

My name is Janet Carney, I am a resident of Ferndale and I live near the Fairgrounds.

I have sent in my comments to the Planning Department twice previously. I now submit my comments with the hope that the Supervisors will be more thorough in going over the issues connected to motorcycle racing at the Humboldt County Fairgrounds.

The previously submitted sound report from Whitchurch Engineering fell short of an actual noise study. Once the 99 decibel issue was submitted for a revised permit, again the Whitchurch information was extrapolated from the first flawed report.

When I bought my home 18 years ago, the annual Humboldt County Fair was a disclosure – and I accepted that. The new proposal to host motorcycle racing will affect the value of my property, and necessitate new disclosures.

I was at home when an unannounced motorcycle race was held in 2017. Having a verbal conversation in my yard was impossible. I was forced to move inside, and once I did, it was still unbelievably loud.

The rude disregard for my concerns has frankly been insulting. One of the Planning Department members actually stated to just “go inside and turn up the music”.

There is a legal process in place for new loud events in a residential area. To date, the CEQA that IS required by law has not been done. Before the Supervisors vote on this conditional use permit, they should have accurate and factual information on which to base their decisions..

I suggest the Supervisors go inside and get to work.

Submitted by:

Janet Carney

847 Van Ness Avenue, Ferndale CA 95536

James R Stretch  
POB 1163  
Ferndale, CA 95536

July 12, 2022

Honorable Virginia Bass, Chair  
Humboldt County Board of Supervisors  
825th Street  
Eureka, CA 95501

Subject: Support of Friends of Ferndale Appeal of Planning Commission's  
May 19, 2022 Approval of Supplemental Mitigated Declaration to  
HCFA Conditional Use Permit Allowing Motorcycle Racing at Fairgrounds

Chair Person Bass and Members of the Board:

The technical issues related to a motorcycle racing use permit in a residential neighborhood, through CEQA with a mitigated declaration, will be addressed by others, but there is something else seriously wrong about the process and objectivity through the Planning Department and Planning Commission that was unexpected and calls in to question the propriety of the approved use permit before you.

But first, It has been widely rumored that Supervisor Rex Bohn has been personally involved in private discussions with the Humboldt County Fair Board in the planning for racing at the Fairgrounds as far back as 2017 & 2018; back when racing events at the Fairgrounds were conducted without legal use permits. As such, he has earned, at the very least, the appearance of a personal and vested interest in this matter which now comes before him on appeal.

Accordingly, if the rumors are true, it cannot be believed that Supervisor Bohn can be unbiased and act without prejudice in deciding this appeal. Therefore, unless totally denied by him, the Board should ask Supervisor Bohn to step down, to recuse himself from any discussion, comment or vote on this appeal.

Given the push from the top, it is no wonder that subordinate staff sometimes pick up the strong telegraphed preferences and to some degree lean in that direction as they process a permit. For example, during the May 19, 2022 public hearing it was included in the written staff report and their visual presentation that there is a history of motor racing at the fairgrounds, suggesting that racing there is a precedent and thus, the current use permit for motorcycle races simply continues a use. A more reasonable view is that the last automobile race there in 1947 is irrelevant to the present proposal and should not have been mentioned. What was the intended purpose of staff trying to establish a motor racing precedent?

The visual presentation by staff during their report also included an aerial view of the race track and adjoining residential neighborhood, but it was not a contemporary 3-D view of the area that one expected. It was a 50-year aerial (1972) showing vacant land where today there are about 20 more residences. It just so happens that residences in the neighborhood of a proposed motorcycle race track are critically relevant. What was the intended purpose of misrepresenting the potential conflict of land uses?

Likewise, Planning Commissioners during the May 19, 2022 initial hearing showed a clear prejudice for the applicant through their comments. For example, a Commissioner stated that if one lives near the fairgrounds, they have to expect racing activities. Well, actually, residents near the fairgrounds expect horse racing, not motorcycle racing.

Another Commissioner incorrectly stated that if problems from racing develop with the community, the Conditional Use Permit (CUP) can be rescinded. Not really. As a general rule the CUP actually extends a property right to the owner which cannot be rescinded without cause. It runs with the land in perpetuity. If a permit is approved for a noisy use, you cannot rescind it for a noisy use. Why didn't Planning staff attempt to correct the Commissioner's misstatement, which is critical to understand for a Planning Commissioner?

Another Commissioner stated that she lives close to the Redwood Acres Fair (RAF) racetrack and that you just have to accept that people do other things that you may not like. The difference with her situation is that the RAF races had been an established use years before she moved there--not a similar or comparative situation in Ferndale.

Another Commissioner stated that the fair needs the revenue from motorcycle races. However, the Fair Association has been very careful not to make that claim and there is no information in the public record to support that conclusion. Furthermore, if it were true, it would not be a CEQA consideration.

And the last example, though there are several others in the public record at that hearing, a question was asked by the Chair of the Planning Commission as to "why are we here"? "Why is this an issue", i.e., why is the new use of motorcycle racing at the fairgrounds in a residential area an issue? Apparently, the gentleman either doesn't understand or believe in the principles of land use planning or CEQA requirements. If we take him at his word, he probably should be on the County Planning Commission!

The public record of the May 19, 2022 public hearing does not support the requirement of a fair and objective hearing on the merits of the issues or the environmental impacts of the proposed use. It clearly reflects an inclination, a preference or a prejudice by staff and the Planning Commission for a predetermined outcome and the circumvention of CEQA requirements. A video of the hearing is there to bear out this observation.

The staff's recommendation for the approval of the amended negative declaration was artfully balanced on a single line in the County General Plan that basically exempts noise in the community from regulation if it is of a "short duration", a nebulous term that can mean anything less than permanent. So, apparently motorcycle racing for 2 days from morning to night is not noise; it's a short duration. That apparently is the interpretation applied by the Planning Department in this case. Is that supposed to be the test as to whether CEQA applies to a proposed use?

I regret to say that the planning process and the initial hearing on the amended negative declaration to allow the motorcycle racing at the County fairgrounds, as a new use, was flawed, clearly showing an institutional bias against the community interests. It wasn't subtle. And, it also wasn't fair to the Humboldt County Fair Association in terms of receiving a fair hearing and consideration on their proposed use.

Please reject the institutional bias and meaningless terminology that allows the circumvention of CEQA, and uphold the appeal. With that done, I have no doubt that the community and the Fair Association can work

together to properly evaluate the proposed use and can find agreement on mitigations as appropriate. Uphold the appeal!

Respectfully submitted,

Jim R. Stretch

**From:** [Hayes, Kathy](#)  
**To:** [Ford, John](#); [Lippre, Suzanne](#); [Lazar, Steve](#); [Bass, Virginia](#); [Bohn, Rex](#); [Bushnell, Michelle](#); [Wilson, Mike](#); [Madrone, Steve](#)  
**Cc:** [Damico, Tracy](#); [Eberhardt, Brooke](#); [Turner, Nicole](#)  
**Subject:** FW: In support of motorcycle racing in Ferndale  
**Date:** Tuesday, July 12, 2022 7:49:51 AM  
**Attachments:** [image001.png](#)

---

FYI

*Kathy Hayes, Clerk of the Board*  
*County of Humboldt*  
**(707) 476-2396**  
[khayes@co.humboldt.ca.us](mailto:khayes@co.humboldt.ca.us)



---

**From:** Tim Christie <tcvintage87l@gmail.com>  
**Sent:** Monday, July 11, 2022 7:37 PM  
**To:** COB <COB@co.humboldt.ca.us>  
**Subject:** In support of motorcycle racing in Ferndale

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hello,

My name is Tim Christie and I wanted to provide a comment of support in regard to motorcycle racing in Ferndale. I would like my vote to be counted toward the restoring a reasonable sound limit that is equal to the limits within the American Motorcyclist Association guidelines. The PLN # is **PLN-2021-17561** (filed 12/29/2021). Thank you for hearing my comments in regard to supporting these events.

Thank you  
Tim Christie

**From:** [Hayes, Kathy](#)  
**To:** [Ford, John](#); [Lippre, Suzanne](#); [Lazar, Steve](#); [Bass, Virginia](#); [Bohn, Rex](#); [Bushnell, Michelle](#); [Wilson, Mike](#); [Madrone, Steve](#)  
**Cc:** [Damico, Tracy](#); [Eberhardt, Brooke](#); [Turner, Nicole](#)  
**Subject:** FW: Agenda Item # PLN-2021-17561  
**Date:** Monday, July 11, 2022 3:05:58 PM  
**Attachments:** [image001.png](#)

---

FYI

*Kathy Hayes, Clerk of the Board*  
*County of Humboldt*  
*(707) 476-2396*  
[khayes@co.humboldt.ca.us](mailto:khayes@co.humboldt.ca.us)



---

**From:** Joe Tomich <[joetomich@gmail.com](mailto:joetomich@gmail.com)>  
**Sent:** Monday, July 11, 2022 3:03 PM  
**To:** COB <[COB@co.humboldt.ca.us](mailto:COB@co.humboldt.ca.us)>  
**Subject:** Agenda Item # PLN-2021-17561

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

I would like to comment on the motorcycle races at the Ferndale Fairgrounds. I personally think it would be a great benefit to the people of Humboldt County. I also believe that you would be able to see something that is totally exciting and fun.

Thank You

Joe Tomich

3838 Ian Ct.

Eureka, Ca. 95503.

**From:** [Hayes, Kathy](#)  
**To:** [Ford, John](#); [Lippre, Suzanne](#); [Bass, Virginia](#); [Bohn, Rex](#); [Bushnell, Michelle](#); [Wilson, Mike](#); [Madrone, Steve](#)  
**Cc:** [Damico, Tracy](#); [Eberhardt, Brooke](#); [Turner, Nicole](#)  
**Subject:** FW: Humboldt fair grounds appeal PLN-2022-17791  
**Date:** Thursday, July 7, 2022 4:39:12 PM

---

FYI

Kathy Hayes, Clerk of the Board  
County of Humboldt  
(707) 476-2396  
[khayes@co.humboldt.ca.us](mailto:khayes@co.humboldt.ca.us)

-----Original Message-----

From: Geoff W <[geoffwills33@yahoo.com](mailto:geoffwills33@yahoo.com)>  
Sent: Thursday, July 7, 2022 4:16 PM  
To: COB <[COB@co.humboldt.ca.us](mailto:COB@co.humboldt.ca.us)>; Lazar, Steve <[SLazar@co.humboldt.ca.us](mailto:SLazar@co.humboldt.ca.us)>  
Cc: Noah Samson <[visualconcepts707@gmail.com](mailto:visualconcepts707@gmail.com)>; Dale Warmuth <[dale@leons-carcare.com](mailto:dale@leons-carcare.com)>; Tim <[t5cents@gmail.com](mailto:t5cents@gmail.com)>; tyler shuler <[shulertyler06@gmail.com](mailto:shulertyler06@gmail.com)>; Mike Jones <[4jones10@gmail.com](mailto:4jones10@gmail.com)>; Ali Lurv <[ali.osgood@gmail.com](mailto:ali.osgood@gmail.com)>  
Subject: Humboldt fair grounds appeal PLN-2022-17791

Please add my name, Geoff Wills, and both my business Allpoints Advertising, Inc and Allpoints Outdoor, Inc as supporters of any public or private event at our county's fair grounds. Our board of supervisors should always make it a top priority to support actives that help stimulate the suffering economy of Humboldt County. To pander to the personal beliefs of a fraction of a percentage of our counties population, whom chose to buy homes or live next to an established and know public venue that on occasion produces noise, is not in the best interest of the majority of the people you were elected to represent. Thank you for your time.

Geoff Wills  
Cell 714-655-0763  
Office 707-442-7781  
3408 Jacobs Ave Eureka, Ca 95501  
[geoffwills33@yahoo.com](mailto:geoffwills33@yahoo.com)

**From:** [Hayes, Kathy](#)  
**To:** [Ford, John](#); [Lippre, Suzanne](#); [Bass, Virginia](#); [Bohn, Rex](#); [Bushnell, Michelle](#); [Wilson, Mike](#); [Madrone, Steve](#)  
**Cc:** [Damico, Tracy](#); [Eberhardt, Brooke](#); [Turner, Nicole](#)  
**Subject:** FW: In support of motorcycle racing at Ferndale  
**Date:** Thursday, July 7, 2022 3:33:46 PM  
**Attachments:** [image001.png](#)

---

FYI

*Kathy Hayes, Clerk of the Board*  
*County of Humboldt*  
**(707) 476-2396**  
[khayes@co.humboldt.ca.us](mailto:khayes@co.humboldt.ca.us)



---

**From:** Zoe Rem <zoe.rem@gmail.com>  
**Sent:** Thursday, July 7, 2022 3:32 PM  
**To:** COB <COB@co.humboldt.ca.us>  
**Subject:** In support of motorcycle racing at Ferndale

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi,  
My name is Zoe Rem and I wanted to provide a voice of support for increasing the decibel limit to 99 and continuing to allow the 2 racing events at Ferndale.

I saw that I am supposed to include in my email my name and the agenda item numbers, but I'm not sure what the agenda item numbers are.

**This is the Record Number**

PLN-2021-17561 (filed 12/29/2021)

**Assessors Parcel Numbers**

030-071-001, 030-011-003, 030-021-003, 030-112-017, 030-112-020, 030-081-006, and 100-181-003

**Appeal Numbers**

PLN-2022-17791

**Conditional Use Permit**

PLN-2019-15519)

I hope this is enough information to count my vote towards keeping the motorcycle races and restoring a reasonable sound limit aligned with AMA guidelines.



Thank you  
Zoe

--

Zoe Rem

[zoerem.com](http://zoerem.com)

415.846.8663

**From:** Jim R. Stretch <[ferndalejim@hotmail.com](mailto:ferndalejim@hotmail.com)>

**Sent:** Thursday, July 14, 2022 7:28 PM

**To:** Hayes, Kathy <[KHayes@co.humboldt.ca.us](mailto:KHayes@co.humboldt.ca.us)>

**Cc:** Stephen Avis <[ferndale1057@gmail.com](mailto:ferndale1057@gmail.com)>; Jennifer Raymond <[vegicook@gmail.com](mailto:vegicook@gmail.com)>; Pat Lydon <[pmichaellydon@aol.com](mailto:pmichaellydon@aol.com)>; Janet C. <[bunny.janet@gmail.com](mailto:bunny.janet@gmail.com)>; Nicholas Ghirelli <[nghirelli@rwglaw.com](mailto:nghirelli@rwglaw.com)>; Michal C Moore <[mcm337@cornell.edu](mailto:mcm337@cornell.edu)>

**Subject:** Correction of typo in letter

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Ms. Hayes:

It has been brought to my attention that my letter of July 12, 2022, concerning the support of the appeal of the Planning Commissioner's May 19, 2022 approval of the mitigated negative declaration for a Conditional Use Permit for motorcycle racing at the Humboldt County Fairgrounds, dropped the word "not" on the second page, 6<sup>th</sup> paragraph, last sentence. It should have read, "If we take him at his word, he probably should not be on the County planning Commission".

I have corrected the letter and attached both pages for your convenience. Your courtesy in placing the (corrected) letter in the packet is greatly appreciated. Thank you,

Jim S.

Sent from [Mail](#) for Windows

James R Stretch  
POB 1163  
Ferndale, CA 95536

July 12, 2022

Honorable Virginia Bass, Chair  
Humboldt County Board of Supervisors  
825th Street  
Eureka, CA 95501

Subject: Support of Friends of Ferndale Appeal of Planning Commission's  
May 19, 2022 Approval of Supplemental Mitigated Declaration to  
HCFA Conditional Use Permit Allowing Motorcycle Racing at Fairgrounds

Chair Person Bass and Members of the Board:

The technical issues related to a motorcycle racing use permit in a residential neighborhood, through CEQA with a mitigated declaration, will be addressed by others, but there is something else seriously wrong about the process and objectivity through the Planning Department and Planning Commission that was unexpected and calls in to question the propriety of the approved use permit before you.

But first, It has been widely rumored that Supervisor Rex Bohn has been personally involved in private discussions with the Humboldt County Fair Board in the planning for racing at the Fairgrounds as far back as 2017 & 2018; back when racing events at the Fairgrounds were conducted without legal use permits. As such, he has earned, at the very least, the appearance of a personal and vested interest in this matter which now comes before him on appeal.

Accordingly, if the rumors are true, it cannot be believed that Supervisor Bohn can be unbiased and act without prejudice in deciding this appeal. Therefore, unless totally denied by him, the Board should ask Supervisor Bohn to step down, to recuse himself from any discussion, comment or vote on this appeal.

Given the push from the top, it is no wonder that subordinate staff sometimes pick up the strong telegraphed preferences and to some degree lean in that direction as they process a permit. For example, during the May 19, 2022 public hearing it was included in the written staff report and their visual presentation that there is a history of motor racing at the fairgrounds, suggesting that racing there is a precedent and thus, the current use permit for motorcycle races simply continues a use. A more reasonable view is that the last automobile race there in 1947 is irrelevant to the present proposal and should not have been mentioned. What was the intended purpose of staff trying to establish a motor racing precedent?

The visual presentation by staff during their report also included an aerial view of the race track and adjoining residential neighborhood, but it was not a contemporary 3-D view of the area that one expected. It was a 50-year aerial (1972) showing vacant land where today there are about 20 more residences. It just so happens

that residences in the neighborhood of a proposed motorcycle race track are critically relevant. What was the intended purpose of misrepresenting the potential conflict of land uses?

Likewise, Planning Commissioners during the May 19, 2022 initial hearing showed a clear prejudice for the applicant through their comments. For example, a Commissioner stated that if one lives near the fairgrounds, they have to expect racing activities. Well, actually, residents near the fairgrounds expect horse racing, not motorcycle racing.

Another Commissioner incorrectly stated that if problems from racing develop with the community, the Conditional Use Permit (CUP) can be rescinded. Not really. As a general rule the CUP actually extends a property right to the owner which cannot be rescinded without cause. It runs with the land in perpetuity. If a permit is approved for a noisy use, you cannot rescind it for a noisy use. Why didn't Planning staff attempt to correct the Commissioner's misstatement, which is critical to understand for a Planning Commissioner?

Another Commissioner stated that she lives close to the Redwood Acres Fair (RAF) racetrack and that you just have to accept that people do other things that you may not like. The difference with her situation is that the RAF races had been an established use years before she moved there--not a similar or comparative situation in Ferndale.

Another Commissioner stated that the fair needs the revenue from motorcycles races. However, the Fair Association has been very careful not to make that claim and there is no information in the public record to support that conclusion. Furthermore, if it were true, it would not be a CEQA consideration.

And the last example, though there are several others in the public record at that hearing, a question was asked by the Chair of the Planning Commission as to "why are we here"? "Why is this an issue", i.e., why is the new use of motorcycle racing at the fairgrounds in a residential area an issue? Apparently, the gentleman either doesn't understand or believe in the principles of land use planning or CEQA requirements. If we take him at his word, he probably should not be on the County Planning Commission!

The public record of the May 19, 2022 public hearing does not support the requirement of a fair and objective hearing on the merits of the issues or the environmental impacts of the proposed use. It clearly reflects an inclination, a preference or a prejudice by staff and the Planning Commission for a predetermined outcome and the circumvention of CEQA requirements. A video of the hearing is there to bear out this observation.

The staff's recommendation for the approval of the amended negative declaration was artfully balanced on a single line in the County General Plan that basically exempts noise in the community from regulation if it is of a "short duration", a nebulous term that can mean anything less than permanent. So, apparently motorcycle racing for 2 days from morning to night is not noise; it's a short duration. That apparently is the interpretation applied by the Planning Department in this case. Is that supposed to be the test as to whether CEQA applies to a proposed use?

I regret to say that the planning process and the initial hearing on the amended negative declaration to allow the motorcycle racing at the County fairgrounds, as a new use, was flawed, clearly showing an institutional bias against the community interests. It wasn't subtle. And, it also wasn't fair to the Humboldt County Fair Association in terms of receiving a fair hearing and consideration on their proposed use.

Please reject the institutional bias and meaningless terminology that allows the circumvention of CEQA, and uphold the appeal. With that done, I have no doubt that the community and the Fair Association can work together to properly evaluate the proposed use and can find agreement on mitigations as appropriate. Uphold the appeal!

Respectfully submitted,

Jim R. Stretch