

**From:** [Arne Petersen](#)  
**To:** [Lazar, Steve](#); [Ford, John](#)  
**Subject:** Re: limitations of a conditional use permit  
**Date:** Wednesday, March 02, 2022 1:16:42 PM

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Mr. Lazar,

Common reasons for revoking a permit include:

- (a) That the use is detrimental to the public health, safety or welfare or is a nuisance;
- (b) That the conditional use permit was obtained by fraud;
- (c) That the use for which the permit was granted is not being exercised;
- (d) That the use for which the permit was granted has ceased or been suspended for twelve (12) months or more;
- (e) That the conditions of the improvements, if any, on a property for which a conditional use permit has been issued, are such that they can be used or altered as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person;
- (f) That the conditions of the conditional use permit are not being complied with.

What do I need to do to have this permit revoked?

-Arne R.W. Petersen

On Wed, Mar 2, 2022 at 12:07 PM Lazar, Steve <[SLazar@co.humboldt.ca.us](mailto:SLazar@co.humboldt.ca.us)> wrote:

Mr. Petersen-

Director Ford has asked me to assist with answering questions about “permit limitations” posed in your email yesterday.

- Below is a summary of the primary “limitations” of the permit. This information is derived from the conditions of approval and approved operations plan for the project. You can find this same information by reviewing the Conditions of Approval found on pgs. 24-30 of the attached Board Approval Resolution.

#### FLAT TRACK RACING

- A maximum of two (2) motorcycle events may be held each year. Each event shall occur within the course of a single day. An additional day of racing can be allowed if all the racing on that day is by electrical motorcycles, but in no case shall the total of motorcycle racing exceed 4 days per year.
- A noise test must be performed on all motorcycles before they may be allowed to be used in a race. Noise is measured 20 inches from the end of the exhaust

pipe. To be eligible for racing, noise from each bike must measure at or below 90 decibels.

- The 24-hour community noise equivalent level (CNEL) for motorcycle racing events is 63 decibels.
- Should racing be scheduled to occur on a windy day, water or other dust suppressants must be used to control the potential for dust escaping from the racetrack and fairgrounds.

## CONCERTS

- A maximum of five (5) concerts may be held each year. Each event shall occur within the course of a single day. Concerts cannot last longer than 2 consecutive days.
- During all concert events, a dense strawbale sound wall will be installed near the rear of the stage between the concert and Arlington Avenue. The sound wall shall be of sufficient thickness and height to insure it provides at least 20 decibels of noise attenuation.
- The 24-hour community noise equivalent level (CNEL) for concert events is 73 decibels.
- A sound engineer must be used during all concert events. The engineer is responsible for working with event staff to ensure that amplified music does not cause an exceedance of the CNEL noise limit.

## ALL EVENTS

- All events must be over by 10pm
- Lighting must be directed towards the ground and shielded to ensure no light spillage on adjacent parcels.
- A comprehensive traffic management plan must be prepared and submitted to the Land Use Division of Public Works for review and approval.

## MONITORING/REPORTING

- Each year by February 14<sup>th</sup>, a schedule of all events planned for that year must be provided to the Planning & Building Department.
- For five (5) years, HCFA must submit a monitoring report showing that events have been successfully operated in conformance with all mitigation measures, operational restrictions, and conditions of project approval. The report must include a listing of all events held, with dates, start/end times, number of tickets sold/attendance, parking areas utilized, and event-specific noise measurements. Photographs must be provided documenting compliance with light spillage restrictions.

- The permit has no expiration date, and is not appealable.

As you know, following approval of the Use Permit by the Planning Commission on September 17, 2020, a timely appeal was filed. The appeal was presented to the Board of Supervisors at their meeting on November 10, 2020. After considering the matter, the Board voted to deny the appeal and uphold the Planning Commission's approval of the permit. The Board's approval included provisions for allowing an additional day of motorcycle racing if exclusively featuring electrically powered motorcycles. There was also encouragement to provide a special all-electric race "class" during conventional moto events. Substitute mitigation measures were included in the Board resolution clarifying lighting performance standards and the allowed duration of each motorcycle event. The resolution is attached for your reference. Section 312-13.8 of County Code clarifies that any decision by the Board on an appeal is final. As Director Ford noted in his response yesterday, any decision made by the Planning Commission on the forthcoming permit modification request is eligible for appeal to the Board of Supervisors.

I hope this helps answer your questions.

**Steven Lazar**

Senior Planner

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**From:** Arne Petersen <[arwpetersen@gmail.com](mailto:arwpetersen@gmail.com)>

**Sent:** Tuesday, March 1, 2022 8:57 AM

**To:** Ford, John <[JFord@co.humboldt.ca.us](mailto:JFord@co.humboldt.ca.us)>

**Subject:** limitations of a conditional use permit

Mr. Ford,

What exactly are the limitations for the HCAF conditional use permit? What is the expiration date, appeal limitations, etc.?

| -Arne R.W. Petersen