

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-___

Application Number PLN-2023-18107

Assessor's Parcel Numbers:

033-271-007, 033-271-009, 033-271-008, 033-271-004, 033-271-005, and 033-271-015

**RESOLUTION BY THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT CERTIFYING
COMPLIANCE CONDITIONALLY APPROVING EXTENSION AND MODIFICATION OF A PREVIOUSLY
APPROVED CONDITIONAL USE PERMIT (CUP-04-38)**

WHEREAS, NORTHERN NIGHTS MUSIC GROUP, LLC submitted an application and evidence in support of approving an extension and modification of a previously approved Conditional Use Permit authorizing two annual special events, a one-day event with 3,000 persons and a three or four-day event with 8,000 persons; and

WHEREAS, the extension request proposes that the term of the permit be renewed for five (5) years (through 2027); and

WHEREAS, the modification request proposes that the attendance limit for the three or four-day event be extended to 10,000 persons, and the one-day event be increased to 5,000 persons and be permitted to occur over the course of two days; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning and Building Department considered all the comments made by other departments and agencies and evaluated the application in light of the Humboldt County General Plan and Zoning Ordinance and formulated a recommendation supporting approval of the application; and

WHEREAS, the project requires a Extension and Modification of a Conditional Use Permit. In order to approve the Conditional Use Permit extension and modification the following findings must be made:

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
2. The proposed development is consistent with the purposes of the existing zone in which the site is located.
3. The proposed development is consistent with the applicable standards and requirements of the Zoning Ordinance.
4. The project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Now, **THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

1. FINDING: **Project Description:** Renewal and modification of a Conditional Use Permit to allow for two music festivals to be held annually in the Cooks Valley area. Both events feature live music, camping and various vendors, including cannabis-related concessions and consumption within discrete areas on the properties. The County Line Ranch and Cooks Valley Campground span both Humboldt and Mendocino Counties and will serve as the principal venue for all events. One event includes camping and parking at the County Line Ranch during a three or four-day, 8,000-person event, ordinarily held on the third weekend of July, known as the Northern Nights Music Festival. The applicant is seeking to expand this event to 10,000 persons. The second event includes entertainment, camping and parking provisions for an additional one-day, 3,000-person event ordinarily held on a weekend in either July or September. The applicant is seeking to expand this event to two (2) days and 5,000 persons.

EVIDENCE: a) Project File: PLN-2021-18107

2. FINDING: The proposed project is consistent with the County General Plan, Open Space Plan, and open Space Action Program

EVIDENCE: a) The project is consistent with the General Plan policies supporting commercial and economic development and providing services to both local and regional populations.

b) The property is host to a mixture of land use designations. Portions of the property associate with past surface mining activity are planned Industrial, Resource (IR) related while the remainder of the property is planned Timberland (T). All commercial timberland is situated on the east side of the property on the opposite side of the South Fork Eel River from the area where events occur.

c) Portions of the event footprint are located within the 100-year floodplain. The project involves temporary use of the area outside of the wet season for approximately 7 days per year. No permanent structures are proposed to be developed and the property remains available for agriculture use during the remainder of the year.

d) The project site has a "high" fire hazard rating according to the General Plan Flooding and Fire Hazard Map. The applicant is required to provide fire prevention and protection measures as identified in the *Plan of Operations*. A detailed emergency plan containing checklists and direct contact information will be finalized following consultation with fire, medical, and law enforcement personnel, who are contacted prior to each event.

e) The project involves the performance of amplified instrumental and vocal music. Exposure to attendees is voluntary and is not at severe levels. The orientation of the performance staging and speakers direct the amplified music away from the highway. Surrounding landforms (steep cliffs) serve to buffer and attenuate noise exposure off-site. Significant ambient noise levels pre-exist from traffic on Highway 101. The proposed modification to the permit includes increasing attendance of both events and increasing the duration of the one-day event to occur over a two-day period. Neither of these changes are expected to affect the established noise levels that are

customary to these events. The site has a history of hosting festival type events featuring live music. Since this creates the potential for nuisance to residents and surrounding landowners, the project includes a Condition designed to provide for facilitate communication between dedicated event staff and concerned local residents and landowners. An email/phone hotline will be established and advertised 2 weeks prior to the festival and monitored by dedicated staff before and during the event. The Condition also requires the applicant to take noise measurements at the property lines, and agree to implement adaptive measures to reduce, minimize, or resolve the issue(s) identified, including but not limited to: changes to speaker or stage positioning, amplification levels, or other measures to limit or control noise.

f) The solid waste and recycling component of the *Plan of Operations* contains detailed specifications for the collection, storage, and proper disposal of solid waste and recyclable materials.

g) The *Plan of Operations* contains detailed specifications for the layout of parking, camping, and other use areas adjacent to the South Fork Eel River. The event is structured and designed to avoid, prevent and/or intercept potential sources of water pollution before they enter the river. The Water component of the Plan identifies the water storage infrastructure used for the event. The County Line Ranch sources potable water from a well located on the eastern side of the property. The well water is pumped and stored into a series of tanks totaling approximately 110,000 which are located on the northwest side of the property. Water is then distributed across the property from this location. Non-potable water for dust control and fire protection is sourced from an existing pond on the Cooks Valley Campground property.

Mitigation measures are included to offset event-related potable water use. These include reducing water demand on the Cooks Valley Campground property commensurate with event-related water use, and forbearance from use of the well at the County Line Ranch after September 1st, for the life of the permit. Total expected water usage for all events is approximately 448,000 gallons, approximately 250,000 gallons are tied to events being considered under this permit modification.

h) The subject parcel is located along the South Fork Eel River and adjacent to the Humboldt Redwoods State Park. A recent Initial Biological Assessment was conducted in January of this year. Site visits have been performed by the biological consultant, as well as staff from the planning and building department & CDFW. Much of the areas utilized for event infrastructure have a long history of use as such and are very domesticated with little chance of hosting rare plants or animals. Provided the event is conducted in accordance with the *Plan of Operations and required Mitigation Measures*, potentially significant impacts to sensitive habitats are not anticipated to occur as a result of this project. Conditions of approval require all the same mitigation measures be applied to the proposed events. Consultation with Fish & Wildlife has been performed and it was agreed that the changes proposed serve to lessen potential environmental effects since installation of the seasonal bridge is no longer required and parking of vehicles on the riverbar will not be occurring during this year's events. A suite of mitigation measures have been included in the Draft Mitigated Negative Declaration

and are designed to help protect biological resources from harm through survey, protection, and avoidance.

- i) During review of earlier events, both the Northwest Information Center and the Public Works Department - Natural Resources Division indicated that there was a low possibility of historical resources in the area, and did not recommend further study. The proposed modifications to the event do not involve expansion of the festival footprint nor do they increase the amount of ground disturbance expected to occur. The County Line Ranch has been used periodically throughout the years for parking associated with the Reggae on the River Festival during earlier configurations of the event.

3. FINDING: The proposed development is consistent with the purposes of the existing zoning district in which the site is located.

EVIDENCE: a) The proposed modification of the Use permit requests authorization to increase the attendance of both events and increase the duration of the one-day event to occur over a two-day period. These changes are being presented for consideration in concert with a separate proposal to allow a similar number of events at the site operated by a different applicant (the Mateel Community Center). Collectively, it is not expected that the temporary use of the site for a total of 4 events per year would conflict with or preclude other uses consistent with the purpose of the mixture of zones applied to the property (agriculture and timber production).

- b) Assemblages of persons and vehicles are allowed in any zone provided a Conditional Use Permit is secured and the use is consistent with the General Plan. The existing permit was previously renewed for 5 additional years, through the year 2022, with continued requirements for event monitoring and post-event annual reports. Monitoring conducted by staff during the 2022 event and the post event report submitted by the applicant both confirm that the permit is being operated in a responsible fashion, consistent with the operational commitments made by the applicant as well as the required mitigation measures and permit conditions of approval. Increasing the allowed attendance of both events and duration of the one-day event is appropriate given the nature of the site and the past performance by the applicant.

4. FINDING: The proposed development complies with the development standards and requirements of the Zoning Ordinance.

EVIDENCE: a) Past use of the CLR site has demonstrated that it is capable of accommodating parking of 2,500 vehicles. The 2022 post event report provided by the applicant show that of the 2,815 vehicles brought to the event, 1,573 vehicles were parked in Humboldt County. The event was attended by 6,587 persons, resulting in a ratio of 1 car for every 0.43 attendees. With a total of 10,000 attendees being proposed under the permit modification request, a total of approximately 4,273 would be required based on current patterns. VMT and GHG reduction mitigation measures will likely further reduce the projected amount of parking needed through incentivizing carpooling, increasing use of shuttles and bussing programs. Nevertheless, sufficient space is available for the projected number of vehicles that could appear under a "worst case scenario". The Cooks Valley Campground and southern portions of the County Line Ranch in Mendocino

County are able to accommodate a total of 3,144 vehicles, which is 1,371 more spaces than would likely be needed under the worst case scenario.

- b) Because the French's Camp site will no longer be used for events, approval of a Special Permit for installation of the seasonal flat-car bridge is no longer required. Parking of vehicles on the river bar will continue but does not result in permanent "development" subject to specialized permitting under the County Streamside Management Area and Wetlands Ordinance (SMAWO). Nevertheless, standard conditions of approval and mitigation measures prescribing vehicle and campsite setbacks from the wetted edge of the river will remain applicable and be subject to monitoring and enforcement under the permit terms and commitments made by the applicant. The California Department of Fish & Wildlife views these setbacks as acceptable, when coupled with inspection of vehicles for leaks and prohibition of leaking vehicles from parking on the riverbar.

5. FINDING: The project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) The submitted application contains evidence that the proposed project will not be detrimental to the public health, safety and welfare nor materially injurious to adjacent properties. All responding referral agencies have approved or conditionally approved the proposed project design. Additionally, the prior environmental impact reports and current Draft Mitigated Negative Declaration provide substantial evidence that all the potentially significant environmental impacts of the project are reduced to less than significant levels. The project as proposed and conditioned is consistent with the general plan and zoning regulations and has been mitigated so it will not cause significant environmental damage.

6. FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) The proposed project involves a site historically used for hosting the music festival and does not propose any new residences on the subject parcel. The festival site occurs on a property zoned AE and TPZ with a designated land use of T and IR. The parcel is not included in the Housing Inventory.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the requested extension and modification (PLN-2023-18107) to the previously approved Conditional Use Permit (CUP-04-38) for the Northern Nights Music Group, LLC subject to the conditions of approval attached hereto as Attachment A and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **May 18, 2023**.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department