

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 25-____**

**Application Number PLN-2024-19010
Assessor's Parcel Numbers: 033-271-007, 053-020-011**

**RESOLUTION BY THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT
CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND
CONDITIONALLY APPROVING THE 501T3 CONDITIONAL USE PERMIT (PLN-2024-19010)**

WHEREAS, TAKE 3 PRESENTS submitted an application and evidence in support of approving a Conditional Use Permit authorizing one (1) annual special event, a private campout with theater, immersive art, amplified and non-amplified music, and other similar activities occurring over a (4) four-day period; and

WHEREAS, it is proposed that the term of the permit be effective for five (5) years beginning in 2026 (through 2030), and be eligible for renewal indefinitely; and

WHEREAS, the request proposes that the attendance limit for the event be 3,000 attendees (including staff, volunteers, contractors, vendors, and artists); 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 Humboldt County Planning Commission held a duly-noticed public hearing on April 17, 2025, and reviewed, considered, and discussed the application for the Conditional Use Permit, and reviewed and considered all evidence and testimony presented at the hearing.

WHEREAS, a Mitigated Negative Declaration was adopted in 2023 during renewal and modification of several Use Permits authorizing events on the property; and

WHEREAS, an Addendum to the previously adopted Mitigated Negative Declaration has been prepared for the current proposal and documents why the proposed additions and

changes to the earlier project are minor in nature and do not involve or introduce new significant environmental effects nor require revisions to the earlier MND nor introduce potentially new significant effects or result in worsening of significant effects previously examined; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on September 19, 2024, and reviewed, considered, and discussed the application for the Conditional Use Permit, and reviewed and considered all evidence and testimony presented at the hearing.

WHEREAS, the project requires a Conditional Use Permit. In order to approve the Conditional Use Permit 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:** A Conditional Use Permit is requested to allow annual operation of a special event at the property known as County Line Ranch (formerly Dimmick Ranch). The proposed event involves a private campout with theater, immersive art, amplified and non-amplified music, and other similar activities occurring over a 4-day period. Attendance is expected not to exceed 3000 persons (including staff, volunteers, contractors,

vendors, and artists) and it is anticipated that the event will occur each year in June. Conditional Use Permits previously approved by the Planning Commission already allow use of the County Line Ranch property between May and October for parking, camping, and live music from four (4) annual events held by the Northern Nights Music Group and Mateel Community Center, with no two events occurring concurrently. Events in recent years have included the Northern Nights Music Festival, Reggae on the River, and the Summer Arts and Music Festival. If approved, the newest CUP would allow annual operation of a fifth event at the property for a 5-year period (2026-2030).

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the previous environmental documents that were previously prepared, approved, considered, and certified, during approval and modifications to prior permit requests (CUP-15-91, CUP-24-97, CUP-04-38, and CUP-12-017, PLN-2023-18107 & 18108) including:

- The Initial EIR and MND (SCH #1992-033035)
- 1st and 2nd Supplemental EIR's (SCH #1992-033035)
- 3rd Supplemental EIR (SCH #2012082108)
- Eight (8) Addendums prepared during prior permit modifications
- The most recent IS/MND (SCH #2023040570) adopted on 5/18/2023

The Humboldt County Planning Commission has also considered an Addendum to the most recent Initial Study and Mitigated Negative Declaration which has been prepared in conjunction with the current requests to conduct an additional annual event from the site under a separate Conditional Use Permit (PLN-2024-19010)

EVIDENCE:

- a) The Conditional Use Permit is discretionary in nature and constitutes a "project" subject to compliance with the California Environmental Quality Act ("CEQA"). Substantial evidence supports the conclusion that there will be no significant adverse

effects on the environment, based upon the Lead Agency's independent judgment and analysis.

- b) An Addendum to the most recent Initial Study and Mitigated Negative Declaration (IS/MND) has been prepared in association with the current request, in compliance with CEQA. The project includes a variety of operational commitments, restrictions, and mitigation measures designed to ensure that all potential impacts will either be avoided or reduced to less than significant levels, as documented in the Addendum. Based on the whole of the record there is no substantial evidence that the project will have a significant impact on the environment and the Mitigated Negative Declaration and Addendum reflects the county's independent judgement and analysis.

3. 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 4 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 theatrical performance and amplified and non-amplified 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 proposal involves adding one additional annual event to the site. This change is not expected to exceed established noise levels that are customary to other events at the site. The site has a history of hosting festival type events featuring live music. Since noise 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* details pack it in / pack it out protocols and a contingency plan for dealing with any leftover solid waste requiring disposal.
- 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 (currently totaling approximately 112,000 gallons) located in the northwest corner of the property. Water is then distributed across the property from this location. Non-potable water for dust control and fire protection is available 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(s). Total expected water usage for by County Line Ranch events is approximately 121,600 gallons, approximately 37,600 gallons of this is tied to the event currently being considered. A Condition of Approval has been included which requires that between 20,000-40,000 gallons of additional potable water storage be installed on the CLR property before the additional event may occur. This will ensure sufficient water is stored to serve all annual events at the site.

- 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 biological mitigation measures be applied to the proposed new event. 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. A suite of mitigation measures from the adopted Mitigated Negative Declaration 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 during special events for over 20 years, and with the Northern Nights Music Festival since 2013.

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

- EVIDENCE:**
- a) The proposed Use permit requests authorization to allow an additional annual 3000-person event to occur from the property. The site is already authorized for up to 4 events per year under permits granted to the Northern Nights Music Group and Mateel Community Center. Collectively, it is not expected that the temporary use of the site for a total of 5 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. Events continue to be operated by the Mateel and Northern Nights groups pursuant to the existing Use Permits last approved by the Planning Commission in 2023, with relatively little incident. It is proposed that the currently requested Use Permit be approved for a 5-year period with the requirement that event monitoring and post-event annual reports be completed annually. Monitoring of 2024 events at the site was conducted by staff and the post event reports submitted by the applicants both confirm that the existing permits are being operated in a responsible fashion, consistent with the operational commitments made by the applicants as well as the required mitigation measures and

permit conditions of approval, with relatively little exception. Increasing the allowed number of event is appropriate given the nature and carrying capacity of the site and successful past performance by other groups operating from the site.

5. 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 3,000 attendees being proposed under the permit modification request, a total of approximately 1,500 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.

6. 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, most recent Mitigated Negative Declaration, and current Addendum that's been prepared 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 or result in an uncontrolled nuisance.

7. 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 approves the Conditional Use Permit for 501T3 subject to the conditions of approval attached hereto as Attachment A, and incorporated herein by reference.

Adopted after review and consideration of all the evidence on **April 17, 2025**.

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 H. 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 H. Ford, Director
Planning and Building Department